



**CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING**

Wednesday, July 15, 2020

Municipal Building, 103 Water St. Elephant Butte, NM 87935

Due to the current health risks associated with COVID-19 and orders from the New Mexico Governor's Office and the New Mexico Public Health Department, public attendance at this and future meetings of the City Council are temporarily suspended. Until the orders are lifted and in accordance with the guidance from the New Mexico Attorney General, the City will make its meetings open to the public through dialing into WebEx number: (408) 418-9388, Access Code: 126 124 0239, Password: CEB7152020! or going to www.cityofelephantbutte.com for information about accessing the meeting through your computer.

MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Edna Trager called the meeting to order and led the pledge. The meeting was conducted remotely.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present
Mayor Pro Tem Kim Skinner – Present
Councilor Travis Atwell – Present
Councilor Gerald LaFont – Present
Councilor Michael Williams – Present

Clerk-Treasurer Bush declared there was a quorum present.

**3. STATEMENT OF OPEN MEETINGS RESOLUTION & 3 MINUTE LIMIT PER
SPEAKER ON ALL ISSUES**

4. PUBLIC COMMENT

Clerk-Treasurer Bush stated that she did not receive any comment by email, or in the payment boxes.

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Appointment of Janine Sjolstrom, Alternate Lodger's Tax Advisory Board

Mayor Trager explained that Mr. Patel from the Elephant Butte Inn was the alternate member and Mr. Stockon from New Mexico Wake was the full-time member. Mr. Stockon accepted a job in Texas and although NM Wake will remain open and he'll still be involved, he can no longer serve on the Board. Mr. Patel also moved. Therefore Mayor Trager is appointing Ms. Sjolstrom as a full-time board member. After discussions with the board chair, the mayor does have an alternate in mind.

Clerk-Treasurer Bush asked each councilor for input.

Mayor Pro Tem Skinner – Janine would be terrific.
Councilor Atwell – She would fit in perfectly.
Councilor LaFont – She'll do great.

Councilor Williams – Was unable to comment due to connection problems.

6. PRESENTATIONS

a. Mims Pond Recovery Plan - Travis Day, Sierra Soil & Water Conservation District

Mr. Day gave a presentation about Mims Pond Recovery. He wanted to establish an open line of communication with the City to start developing plans and priorities for the recovery of the area.

After the presentation, Mayor Trager asked about the timing of the project. Mr. Day wants to set up a single point of contact with the City and have a one-on-one discussion by the middle-to-end of August. This would be after the point of contact has had a chance to compile input from all the councilors. The District typically pulls salt cedar from October to December so to have a plan by mid-September would be optimum. She then asked if Truth or Consequences was one of the stakeholders. Mr. Day has not been able to reach out to TorC yet but plans to in the future. Mayor Trager asked that all councilors submit their input about the project to the city clerk by August 3rd.

b. Golf Course Update – Richard Holcomb, Spirit Golf Management (SGM)

Mr. Holcomb reported that SGM has started discount cards for various residencies (i.e. Elephant Butte residents, Sierra County residents, etc). The Governor has enacted patio-only dining, but the good news is even with the COVID restrictions, the deck can hold between 70-80 people at any one time and that even with the heat there has been a good turn out.

The number of people golfing is increasing. The grounds crew spent a great deal of time redoing the greens and the golfers are giving positive feedback. A new grounds superintendent was hired. He will be living in Elephant Butte. They added new staff and are working with Workforce Connections about bringing some disadvantaged people into our grounds keeping department.

Mayor Trager asked about feedback regarding the fire. He replied that the biggest area of concern was what was going to happen to the leftover debris. People were in awe of what happened. Mr. Holcomb mentioned that they were starting breakfast from 8 am – 12 on weekends. There is a new website where golfers can schedule tee times and there will be regular community updates.

7. APPROVAL OF AGENDA - Council Declaration of Conflict of Interest

Mayor Pro Tem made a motion to approve the agenda with the amendment to move Regular Item 15f to before Item 15b. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell – Yes
Councilor LaFont – Yes
Councilor Williams - Yes

Motion Passed.

8. MAYOR AND COUNCIL REPORTS

Mayor Trager reported that the governor ordered no out-of-state visitors at state parks and changed the hours at the lake to Thursdays through Sundays, 9 am – 8 pm. The mayor has requests into multiple organizations (i.e. the Mayor's Task Force and the Municipal League) to try and get as much of the order reversed as possible. Navajo and Ute Lakes are still open 7 days a week, starting early in the morning. She is requesting that Elephant Butte be treated in the same way. There are no updates at this time.

She participating in the NM Municipal League(NMML) session yesterday. Mayor Pro Tem Skinner is the vice-chair of that committee. The Elephant Butte community is having a lot of the same conversations that are taking place throughout the state and the nation. She shared 2 pieces of correspondence with the Council along these lines. One asked for a mask mandate in Elephant Butte. She explained that we are following the state orders and it's a combined effort of our local sheriff, the state police, and our local businesses. She is seeing an increase in mask-wearing. At this point, there is not a mask mandate on the Council's agenda. She also received correspondence regarding confederate flags. They are all on private property and out of the City's jurisdiction.

The Elk's Club is working to r-open. If you are a member, you might have received their newsletter. You will see volunteers and cars in the area working on the building. They have communicated with the City about a liquor license. The governor has allowed for temporary outdoor permits and flexibility with restaurants. The mayor has talked with some of the local restaurant owners about options and asked them to reach out to the City if assistance is needed.

She also commented about the stability of the administrative staff. The turnover has decreased. Almost all have been with the City for over a year. It's so important to have a staff that has some real-time, relevant historic knowledge.

Mayor Pro Tem Skinner reported that she is the vice-chair of the NMML's 2020 Community Economic Development and Government Operations Policy Committee. They listened to numerous resolutions yesterday, some of which would increase jobs. The next meeting will be on August 1. She sits in on the weekly Mayor's Caucus phone calls which is a good forum to collaborate about COVID 19 issues. She also sits on the NM Hospitality Government Affairs Board where many actions are taking place to make the COVID 19 regulations reasonable and sustainable. There was a virtual protest with restaurant owners who had to close their indoor dining. They took pictures of their employees and families who were impacted by the closure and sent them to the governor so that she would have a visual look at how many people her decisions were impacting.

She talked to the NM True director a couple of weeks ago about how to help Sierra County get more information out about what is available and helping the golf course. She talked with NM State Parks Director, Christy Tafoya on Monday morning about the changes with the lake. For example, not opening it until 9 am is a blow to the local fishermen, and closing it 3 days a week unnecessarily forces the locals to be crowded in with weekend/out-of-town crowds. Director Tafoya will see how it goes this coming weekend and will then talk with the governor. Mayor Pro Tem Skinner is not expecting much. The Restaurant Association has filed a lawsuit because they are being targeted.

Councilor Atwell reported that two weeks ago he met with the city engineer and they discussed Balboa Pond drainage. He will be meeting with the city manager tomorrow to discuss drainage issues with the Mescal Loop area. He has a South Central Council of Government meeting on Friday.

Councilor LaFont met with the South Central Transit Association. It was a short meeting with no decisions made. They want to come up north into Sierra County. He feels that Truth or Consequences needs to get more involved.

9. CITY MANAGER REPORT

City Manager Vicki Ballinger thanked all involved with the Mims Pond fire. It was an extraordinary event and handled professionally by all involved. City offices remain closed to walk-ins. Appointments for services are available. A city employee had a possible exposure to COVID 19. They were immediately put on emergency paid sick leave as provided by the government. They were tested at Sierra Vista Hospital with negative results and remained quarantined for 14 days before returning to work.

She continues to follow-up on items from Workforce Solutions about unemployment claims from Sierra del Rio. There are at least 12 files, some where actions was required. She continues working with SGM on the transition processes. The City is responsible for some necessary repairs on the building. There is a lot of unused furniture, equipment, and other items that SGM doesn't need. The City will remove these from the golf course and hold an auction to get rid of them.

June 24 was a busy day. Councilor Atwell joined her out at the Balboa Pond System. Later she, the mayor, and members of the Public Works Department met with the city engineer to visit a couple of other locations including where work on Camino Cinco will begin this coming Monday. A Mountain won the bid as sub-contractors on that project. Notices were supposed to be posted in the area before the start of construction but the sub-contractor's mailbox was vandalized so mailers did not go out. Instead door hangers will be placed on affected homes. The areas of Caballo and Mescal Loop were also visited about drainage issues. She will followup with Councilor Atwell about them.

City Manager Ballinger will report at the next meeting the cost savings to the City by switching the employee healthcare to the New Mexico Municipal League's program. Enrollment forms have been completed by the employees and accounts are now active. There are more employees insured for less money because of the cost savings.

Mayor Trager followed up about the COVID exposure with one of the employees. The City did enact a new administrative policy based on input by POMS and the city attorney which gives emergency leave to employees affected by COVID. This leave does not affect employees' sick or vacation time. It is in effect from April through December only.

10. CLERK-TREASURER REPORT

Clerk-Treasurer Bush provided the Councilor with the June Checks and Budget vs. Detail reports. She will provide the FY 19-20 year-end report at the special meeting as she is still working on corrections and adjustments. Utility Clerk Jane Tinon is still processing many new water and wastewater customers and has sent out business registration renewals for the new fiscal year. Deputy Clerk Jessica Newberry is processing the employee health insurance applications and working hard to make sure our software will correctly calculate payroll. She is also working on the golf course payroll issues involving the transition to SGM.

She is also looking into a more appropriate financial software system. The City currently uses one from Tyler Technology which is more complex than the City needs. Finding something more appropriate will save time, effort, and money.

11. FIRE CHIEF REPORT

Fire Chief Toby Boone received a call during the meeting so City Manager Ballinger read his report which is attached at the end of the minutes. It includes a long list of people he wanted to thank for their generous support during the Mims Pond fire. Each of the councilors received a list of the land use permits currently being worked on just before the meeting.

12. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reported that he had a short list of violations this month. Citizens are getting used to seeing him around. People have been staying up to code pretty well and there has not been a whole lot of activity.

Councilor Williams asked about the violation on Mescal Drive that has been open for 45 days. Officer Jones responded that it's court pending.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Minutes: Regular Meeting – June 11, 2020

Mayor Pro Tem Skinner made a motion to approve June 11 Minutes pending spelling corrections. Councilor Williams seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell – Yes
Councilor LaFont – Yes
Councilor Williams - Yes

Motion Passed.

14. PUBLIC HEARING

a. Approve/Disapprove: Fiscal Year 2020-2021 Budget

Court Clerk Jane Tinon swore in Clerk-Treasurer Bush. Clerk-Treasurer Bush went through the final version of the 2020-2021 budget the Council has been working on for the last few months. No major changes were made from the interim budget. She explained that the State only accepts changes to the ending fund balances (rollover amounts) between the two budgets. Other line items stay the same.

One overall difference is that the City went from 12 funds last year to 10 funds this year. The Parks & Recreation Fund and the Streets Fund were moved into General Fund because they weren't making enough revenue to sustain themselves. She pointed out that the City Reserve is going down because of expenses at the golf course and that the General Fund currently is operating at a deficit. Moving forward the City needs to cut expenses wherever possible.

City-Treasurer Bush then opened it up for questions or comments from the public. None were given. She received no emails or hardcopy comments before the meeting.

Councilor Williams had a question about a June 11 letter from the Sierra Joint Office on Aging (SJOA) that was in the packet. It showed a \$1,250 payment to them. Mayor Trager confirmed that it has been paid. Councilor Williams then commented that at a prior meeting that SJOA was directed by the Council to report on services to the City of Elephant Butte separate from services to the area by zip code. Mayor Trager confirmed that they are delivering meals in the Elephant Butte city limits. They were not able to provide a report that shows that because of software limitations. Councilor Williams stated that the June 11 letter was misleading because it talked about the Elephant Butte area. Mayor Trager will ask them to correct that in future letters.

Councilor Williams made a motion to approve the Fiscal Year 2020-2021 Budget. Mayor Pro Tem Skinner seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell – Yes
Councilor Williams – Yes
Councilor LaFont – Yes

Motion Passed.

15. REGULAR ITEMS

a. **Discussion/ Possible Action: Resolution 20-21-100 Adoption Final Budget FY 2020-2021**

Councilor Williams made a motion to approve Resolution 20-21-100. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Williams – Yes

Councilor LaFont – Yes

Motion Passed.

f. **Discussion/Possible Action: Resolution 20-21-102 South Central Council of Governments (SCCOG) Membership**

Jay Armijo, Executive Director of the South Central Council of Governments (SCCOG), thanked the Council for their continued support. SCCOG helped with the incorporation of Elephant Butte and the collaboration has continued ever since. They appreciate the City's membership, especially Councilor Atwell's participation on the Board of Directors, Mayor Trager's participation on the Chief Elected Officials Board, Mayor Pro Tem Skinner's participation in the Southwestern Area Workforce Development Board and Councilor LaFont's participation on South Central Transportation Board.

Mayor Trager added that as part of approving the resolution, the City also renews their representation. Councilor Atwell agreed to continue his role as a board member and Councilor Williams will serve as the alternate.

Councilor Williams made a motion to approve Resolution 20-21-102. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor LaFont – Yes

Councilor Williams - Yes

Motion Passed.

b. **Discussion/ Possible Action: Appointment of Hearing Officer for Public Hearing on Liquor License Application for Fast Stop #6**

Mayor Trager explained that this is the previous Valero location and that the public hearing notification has been posted 2 consecutive weeks in the Sierra County Sentinel newspaper with the first posting 30 days in advance as required by the State. City Attorney Ben Young then explained how after the State Alcohol Beverage Control provides preliminary approval of a liquor license transfer, it sends that approval to the local entity to make sure the location doesn't conflict with any of the local zoning ordinances and that locals have a chance to object to it. It assumes that the local governing body will serve as the hearing officer but it allows that body to appoint a hearing officer instead. This allows for an unbiased finder of facts.

Attorney Young wanted to give the Council a chance to appoint an officer if they felt the need in this situation. He had in mind a former partner from his law firm who now runs a solo business and is very familiar with administrative law. He felt there could be a conflict of interest with one of the councilors.

Councilor Williams felt there is no reason why the Council couldn't hear any complaints themselves. It would be a waste of money. Mayor Trager is comfortable with using the Council given that location had a liquor license prior to the new owner. Mayor Pro Tem Skinner agreed with the mayor since liquor has been sold in that location since she has been coming to Elephant Butte for the last 25 years.

Councilor Williams made a motion for no action on the appointment of a hearing officer for the public hearing on a liquor license application for Fast Stop #6. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell – Yes
Councilor Williams – Yes
Councilor LaFont – Yes

Motion Passed.

c. Discussion/ Possible Action: Balboa Ponds Phase 1 Proposal – Vincent Steiner, Bohannon Huston

Mr. Steiner met with City Engineer David Shields, City Manager Ballinger, and Councilor Atwell a few weeks ago to look at the Balboa sites. Just before that he had provided City Manager Ballinger with a proposal as requested after the last council meeting. As of this meeting, the Council did not receive the proposal. Mr. Steiner went through highlights from the proposal. The proposal details Phase 1 which is a planning phase and has the following four tasks:

- Task 1.A – Topographic Survey - \$9,010.00
- Task 1.B – Hydrologic and Hydraulic Analysis - \$10,600.95
- Task 1.C – Develop Recommendations and Phasing - \$16,080.00
- Task 1.D – Planning Phase Summary Memo - \$6,670.00

The total cost for Phase 1 would be \$42,360.95 excluding the gross receipts tax.

Councilor Williams made a motion to postpone action on the Balboa Ponds Phase 1 Proposal until the August meeting. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell – Yes
Councilor Williams – Yes
Councilor LaFont – Yes

Motion Passed.

d. Discussion/Possible Action: Resolution 20-21-101 LGRF Project HW2 L100453 Michigan Ave

Mayor Trager reminded the Council that they had already approved to request the \$40,000 for Michigan. This resolution is to accept the funds. The work will not start right away. The plan is to leverage the funds with other sources to do the needed work on Michigan.

Councilor Williams made a motion to approve Resolution 20-21-101. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Williams – Yes

Councilor LaFont – Yes

Motion Passed.

e. Discussion/Possible Action: Office of Municipal Judge

The Council received a recommendation from Judge Terry Dalrymple to transfer the municipal court to magistrate court. He talked with the Magistrate Judge Alan Brown who confirmed that they would be able to handle the additional caseload. Judge Dalrymple commented that a couple of years ago when this first came up, he wanted to keep the municipal court; however, due to a drop in caseload after the last year and a half, he's not sure it made sense anymore. Judge Brown was in attendance and confirmed that his court usually has around 3,000 cases a year. It would be easy to add another hundred or so.

Judge Dalrymple added that there would be no loss in employee since his court clerk does double duty with the City. He also mentioned that the House bill about this has a clause that the court isn't to be closed until the sitting judge finishes his term. He is willing to step back from that so it won't be an issue.

City Attorney Young explained the process which is detailed in State Statute 35-14-1 that was amended last year. First, a resolution needs to be adopted designating the magistrate court. Within 15 days after that resolution, we would have to designate a municipal ordinance jurisdiction advisory committee. The committee would first set a public hearing, then they send a report to the Council. Next, the Council makes a supermajority (3/4) decision. If the decision is in favor of dissolution, it will be sent to the NM Supreme Court for approval. Once approval is given, then the case files can be transferred to magistrate court. City Attorney Young answered yes to Mayor Trager's question about being able to re-establish the court at a later date if things change. On Councilor William's suggestion, City Attorney Young will also check before the special meeting on August 27 to see if any changes need to be made with City ordinances.

There was consensus from the Council to move forward with the process of transferring the municipal court to magistrate court.

16. ADJOURNMENT

Councilor La Font made a motion to adjourn. Councilor Atwell seconded.

Councilor Williams suggested adding a Councilors' Comment section to the end of the agenda right before adjournment so councilors have an opportunity to express final thoughts.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes


Councilor Atwell – Yes

Councilor Williams – Yes


Councilor LaFont – Yes

Motion Passed.

Minutes approved and adopted at the City Council Meeting on August 19, 2020.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer





Elephant Butte Fire Department
PO Box 867
Elephant Butte, NM 87935
575-744-5000

City Council Report
07/15/2020

Daily's

- Operations as normal

Projects

- IFSAC Haz Mat A & O Certifications obtained by 7 members
- Distance Training 130-190 refresher completed
- Pack test was completed 7/11/2020

Calls

- A normal higher call volume has been occurring during the last month
- Mims Pond Review

HUGE Thank you to all the following,

1. Chief Paul Tooley and the Tor C Fire Department
2. Chief Ryan Williams and Space Port Fire Department
3. Sierra County Roads Department
4. Billy Neeley
5. Sierra County Sheriff's Department
6. Socorro District of New Mexico State Forestry
7. Keith Crosbie or KC IMET
8. Chief Ray Mullins & Caballo Volunteer Fire Department
9. Chief Larry Brownlee & Las Palomas Volunteer Fire Department
10. Chief Harold Snyder & Arrey/Derry Volunteer Fire Department
11. Geo-Vision Air Services
12. Sierra County Regional Dispatch Authority
13. Luis Bencomo and the Las Cruces & Dona Ana County "Strike Teams"
14. City of Truth or Consequences Police Department
15. Jake Morales & New Mexico Game & Fish
16. New Mexico State Police
17. Sierra Vista Hospital Ambulance Services
18. AeroVironment
19. Denise Barrera & Sierra Electric Co-Op
20. Dick Lanford & Lanford Livestock



Elephant Butte Fire Department
PO Box 867
Elephant Butte, NM 87935
575-744-5000

21. Lane & Amanda Forrister
22. Brendan Tolley
23. City of Truth or Consequences Road Department
24. City of Truth or Consequences Water Department
25. Nathan Mauldin, & Mauldin Drilling
26. Jason Bartoo & Bartoo Sand & Gravel
27. Earl Bridges & New Mexico Gas
28. Ben Kalminson & United States Bureau of Reclamation
29. Jason Polanco & New Mexico DOT
30. Francis & McKensie Luna
31. Sierra County Sentinel/KCHS Radio
32. Anthony Flores & A&B Drive In
33. Mike Potia
34. Forest Hill & Bullocks Grocery
35. Walmart Supercenter #4341
36. Johnny B's Restaurant
37. Los Arcos Steakhouse
38. American Legion Auxiliary #1618
39. Denise Addie & Crew
40. McDonalds
41. Sierra del Rio Golf Course
42. Riverbend Hot Springs
43. Rehab Unit (Jesse Fields, Isabell Sheele, Angela Madrid, Ginger Gurule, Pam Gurule, Karina Gonzales, Devyn Gonzales, and Paul Bustamante)
44. Any and all other people who supported the Fire Departments and other Public Safety agencies involved in the Mims Fire