



**CITY OF ELEPHANT BUTTE
SPECIAL CITY COUNCIL MEETING**

Wednesday, July 27, 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 GoToMeeting number: (571) 317-3112 Access Code: 126 589 5486, Password: 07272020 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 receive two comments but she would wait and read them during the public hearing.

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Appointment of Steve Gentry, Alternate Lodger's Tax Advisory Board

Mayor Trager explained that Steve Gentry, owner of Big Foot Restaurant, is being appointed because of two board members who resigned before the regular July meeting. She filled the vacant spot with Janine Sjolstrom and now wants to appoint Mr. Gentry as the alternate.

Clerk-Treasurer Bush asked each councilor for input.

Mayor Pro Tem Skinner – Steve would be terrific.

Councilor Atwell – No issues, Steve is fine.

Councilor LaFont – Yes, go ahead.

Councilor Williams – Yes

Mayor Trager commented that the next Lodger's Tax Board meeting will be on August 12. There aren't any scheduled events except for the Luminaria Walk that is still pending. The discussion will be about promoting the City and its attractions.

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

Councilor Williams made a motion to approve the agenda. Mayor Pro Tem Skinner seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

7. REGULAR ITEMS

a. Discussion/Possible Action: Resolution 20-21-103 Final Quarter Financial Report FY 2019-2020

Clerk-Treasurer Bush went through an income statement report she uses to compile the final line item amounts she reports to the State.

Mayor Pro Tem Skinner made a motion to approve Resolution 20-21-103 and submit it with the City's financial reports. Councilor Williams seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

b. Discussion/Possible Action: Resolution 20-21-104 Dissolution of the Municipal Court

Mayor Trager explained that after the support from the Council at the last meeting, they are following the process laid out by the State. Resolution 20-21-104 is part of that process.

Mayor Pro Tem Skinner made a motion to approve Resolution 20-21-104. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

Establishing a committee to review all aspects and possible impacts is another part of the process that is underway. There was one more position on that committee that needed to be filled by the governing body. Mayor Trager reported that she had received two recommendations from the councilors. It was

decided to add Kay Ormand who has been a business owner and manager in Elephant Butte for over 20 years to the committee. Mayor Trager will follow up with setting up a committee meeting.

8. PUBLIC HEARING

- a. **Approve/Disapprove: Chisolm Properties, LLC dba Fast Stop is seeking a transfer of ownership of Dispenser Liquor License No. 0456 with on premises consumption and package sales.**

City Attorney Ben Young explained that the State has already preliminarily allowed the approval of the transfer. The governing body can only disapprove of the transfer if: 1) the proposed location is in an area where alcohol cannot be sold by state law, 2) there are local zoning regulations against it, or 3) if the service of alcohol at that location would be detrimental to public health, safety or morals of the City. He has reviewed the first two and found nothing that would be in conflict. Therefore any remaining issues would be toward the third consideration. Mayor Trager asked Sierra County Sheriff Glen Hamilton to attend the meeting to speak to any concerns about public safety.

Randy Ashbaugh, the owner of Chisolm Properties, LLC dba FastStop #6, was sworn in by Court Clerk Jane Tinon. He explained how his family had been in the liquor business since 1935. Their Fast Stop stores have four other liquor licenses and have operated with very little trouble. They will be very careful operating at the lake. They know the laws, limits, and constraints. Fast Stop #6 will be run identically to the other stores.

Mayor Trager asked if the on-site consumption will be the same as the other locations. He answered that there will be packaged liquor and the time of sales will be the same as the Truth or Consequences stores where they usually stop selling between 10:45 pm or 11:30 pm depending on if it's a weekend. They will be constructing an open-air facility on the east side of the property. It will operate on a very limited basis.

Clerk-Treasurer Bush read the following two written comments:

From: Jo A Orr

Sent: Sunday, July 26, 2020, 2:03 PM

To: 'cityclerk@cityofeb.com'

Subject: Council meeting

I AM WRITING TO EXPRESS MY CONCERN ABOUT THE CHISOLM PROPERTIES REQUEST TO TRANSFER A LIQUOR LICENSE WITH "ON PREMISES CONSUMPTION" PRIVILEGES TO THE FAST STOP LOCATED AT THE INTERSECTION OF ROCK CANYON ROAD AND HIGHWAY 195.

THE POTENTIAL HAZARDS OF ALLOWING THIS TYPE OF SERVICE AT ONE OF THE BUSIEST INTERSECTIONS IN THE CITY DOES NOT SEEM TO BE A WISE DECISION GIVEN THE AMOUNT OF TRAFFIC IN THAT AREA, ESPECIALLY DURING THE SUMMER MONTHS. BOTH THE VFW AND AMERICAN LEGION POSTS SERVE LIQUOR ON PREMISES, BOTH WITHIN A VERY SHORT DISTANCE OF THE FAST STOP LOCATION; THEN YOU HAVE PACKAGE LIQUOR AVAILABLE AT PAT'S BERMUDA TRIANGLE, BEER AND WINE AT CASA TACO AND ON PREMISES CONSUMPTION AT SIERRA DEL SOL GOLF CLUB.

AS YOU CAN SEE, OUR SMALL CITY IS SATURATED WITH LIQUOR DISPENSARIES EVEN IF ANOTHER PACKAGE SALES IS NOT ADDED. THERE ARE CERTAINLY ENOUGH BUSINESSES PROVIDING LIQUOR TO MEET THE NEED OF THE LOCAL RESIDENTS AS WELL AS VISITORS TO THE AREA. I FEEL THAT YOU SHOULD DENY THE REQUEST FOR ON PREMISES CONSUMPTION AT THIS NEW BUSINESS.

From: Penny Jehovah of P.O. Box 916, Elephant Butte, NM

Please vote no on the liquor license at the Fast Stop because it encourages drunk driving and endangers citizens. A Fast Stop is not a place to be drinking.

Clerk-Treasurer Bush then open up the WebEx meeting for comments. None were received. Sheriff Hamilton commented that historically in the 25 years he had served in law enforcement in Sierra County that location had sold packaged liquor. Regarding public safety, he can attest to the fact that they never had issues with that particular location. As some of the comments eluded to, the VFW and the American Legion are also in that area as well as Pat's Chevron that has been selling packaged goods for quite some time. He doesn't see that this will create any additional public safety issues with the sale of alcoholic beverages. He can say with great certainty, that they have been able to manage the law enforcement end, especially the DUI issues around that area.

Mayor Trager asked Sheriff Hamilton if there had been any upticks with DUI in the City now that the golf course and Casa Taco are serving alcohol. He answered no.

Councilor Williams made a motion to approve Chisolm Properties, LLC dba Fast Stop, transfer of ownership of Dispenser Liquor License No. 0456 with on premises consumption and package sales. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

9. COUNCILOR COMMENTS

Mayor Pro Tem Skinner asked Mayor Trager to give an update on the flooding situation. Mayor Trager replied that the City experienced a high volume of water in a very short amount of time the previous night. The City had issues and concerns from the Balboa, Rock Canyon, Camino Cinco, Canadian Circle, Mescal Beach, and Lakeshore area. City Manager Ballinger and the maintenance crew have been checking red lots and other flooded areas. The problems were widespread, but fortunately, no property damage occurred that she is aware of.

Maintenance is doing incremental cleanup as it dries out. They are fielding all inquires and concerns as they come in. City Manager Ballinger added that Maintenance will be back out tomorrow morning to get debris off the road and repair the drainage alongside the roads. It was a heavier monsoon then the City was used to. She is having the code enforcement officer document the red lots to present at the August meeting.

Councilor Atwell wanted to verify the situation at Balboa Pond 3. City Manager Ballinger replied that she had visited it that morning. It held up pretty good, most of the runoff came from Balboa Pond 2. There was no property damage. He wanted to make sure action was being taken to prevent any property loss. City Manager Ballinger wants to get more guidance on the best way to accomplish that.

Councilor Williams commented that given the fact that Canadian Circle seems to get this bad after every heavy rain, it seems like it's time for the City to look at putting a culvert in. This storm washed out driveways making them inaccessible. City Manager Ballinger will continue to work on these problems with Field Ops Manager Brian Burlage.

10. ADJOURNMENT

Councilor Williams made a motion to adjourn. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Williams - Yes

Councilor LaFont – Yes

Councilor Atwell – Yes

Motion Passed.

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


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

