



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

Wednesday, August 19, 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: 126 018 7970, Password: 08192020 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 Tami Smith, Planning & Zoning Commission

Mayor Trager appointed Alternate Commissioner Tami Smith to full commissioner after the resignation of Commissioner Patsy Barnett. Commissioner Barnett's resignation was included in the meeting packet. The Council approved the appointment.

6. PRESENTATIONS

a. ICIP (Infrastructure Capital Improvement Plan) 2022 - 2026 – Jay Armijo

Jay Armijo, Executive Director of the South-Central Council of Governments (SCCOG), explained the process for this year and some key dates. An open meeting for public input to the plan and priorities will be held on September 1, 2020, at 10:30 a.m. Participation will be available via WebEx.

b. Phase I: Mim's Lake Restoration Project - Travis Day, Sierra Soil & Water Conservation District

Mr. Day returned to update the Council about Phase 1 of the Mims Pond Recovery Project. Mr. Day noted his conversations with Gary Levine about the recovery. Mr. Levine had been very supportive of the project. Mr. Day addressed Councilor Atwell's concern about the coyote issue in the area. He explained that long-term as the recovery gets rid of the cover for them, it will solve that problem.

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

Councilor Williams made a motion to approve the agenda. Councilor Atwell seconded.

Councilor Williams asked about the Balboa Pond issue. At the last meeting, he made a motion to postpone the topic until this meeting. He wanted to know why it wasn't on this agenda. Mayor Trager explained she was still following up about some items about Balboa Pond. Councilor Williams said it still should have been on the agenda so it could be discussed. He also mentioned that the Councilor Comments that were supposed to be at the end of the agenda were missing. She explained that Clerk-Treasurer Bush apologized for not having the Comments section of the agenda. She realized too late that it was missing. Nonetheless, Mayor Trager will ask for additional comments at the end of today's meeting.

Councilor Williams then asked City Attorney Ben Young if the Approval of the Agenda should be higher up on the agenda, Item 3. Attorney Young commented that usually the approval of the agenda is closer to the beginning of meetings. Councilor Williams felt that by having it higher, there would be more flexibility for the Council to change item order to accommodate the public or speakers whose item of concern shows up at the end of the agenda. Mayor Pro Tem Skinner agreed that it would be better to move the Approval of the Agenda earlier in the meeting.

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 Pro Tem Skinner reported that she is still attending Zoom meetings for the Tourism Department, the NM Restaurant Association, NM Hospitality Government Affairs Committee, and the NM Municipal League. Everyone is still suffering and waiting for the governor to open back up indoor dining and remove restrictions on out-of-state visitors. The Restaurant Association has two lawsuits filed, and the NM Hospitality Association has written letters and put editorials in major newspapers. With cases being down for several days now, hopefully the governor will relax restrictions. All these organizations are disappointed that she keeps changing her guidelines.

Councilor Atwell attended the South Central Council of Governments board meeting. They approved their annual budget and obtained funding to hire additional staff. He also mentioned that the moratorium on storage lots that the Council approved last October has expired. That ordinance needs to come back before Council. He also mentioned the moratorium on home-based businesses has also expired. Mayor Trager explained that both of these ordinances were discussed at the last Planning and Zoning Commission meeting. Unfortunately, because of COVID restrictions, the Commission has not met until recently and have a workshop planned for next week. There will be updates to both at the next Council meeting.

Councilor Williams attended the Sierra County Regional Dispatch Authority (SCRDA) meeting that morning. The Williamsburg mayor thanked the City for the offer of assistance during the floods. The sheriff asked that we send him a copy of our agenda from now on. The gross receipts for SCRDA were \$45,000, way better than what they anticipated. He hopes the same happens to Elephant Butte. All the county buildings will be moving to the former Amin's Home Furnishings store located at 1712 N. Date St in TorC. An architectural firm is doing the drafting. He asked City Manager Ballinger if the Council could receive the agenda packets a week in advance.

Councilor Williams followed up on an issue raised by Councilor Atwell about the home-based business ordinance. Clerk-Treasurer Bush clarified that Ordinance 189, about home-based businesses, was disapproved by Council at the January 22, 2020 meeting. City Manager Ballinger noted this matter was a topic at the August 4 P&Z meeting. They are holding a workshop on August 25th and will review the draft ordinance Council Williams drafted along with other documents relating to home-based businesses.

Mayor Trager explained that the gross receipts for Elephant Butte were up, as they were with about 50% of the municipalities in the state. She feels it's due to people staying home and spending locally. The City did project that gross receipt tax will go down moving forward. There are broken supply chains across multiple industries. If things change on November 5, it will take a while for everything to kick back into gear.

She went on to talk about how City Manager Ballinger found a document from 2010 detailing Council involvement on different boards and committees. She will bring a list of prior committees to the next meeting to discuss.

9. CITY MANAGER REPORT

City Manager Ballinger reported that City offices remain closed to walk-ins. Appointments are available upon request. Public Works Director Brian Burlage has been monitoring the

Camino Cinco project, which is on schedule for completion by October 20. She showed a couple of short videos from the morning after the July 26 flooding, which detailed some of the damage done. She commented on how the conversation on drainage issues regarding Balboa Ponds needs to be expanded to homes further downhill (i.e., on Hallmark leading down to the golf course).

She applied for \$134,000 to CARES Act Relief funds last week. This was for both monies already spent and future expenditures through the end of the year. She expects to receive about half of that. She talked with Bruce Swingle from Sierra County. They applied for \$500,000 in small business grants for all the incorporated and unincorporated areas in the county.

As she mentioned last month, the City was able to provide health coverage through the Municipal League that included health, dental, vision, basic life, supplemental life, and disability coverage. The City covers 75% of the expense. This plan allows seven employees to be covered vs. four employees under the old health plan at a lower cost to both the City and the employees.

Mayor Trager asked about the Outdoor Recreation Division grant as a part of economic development. City Manager Ballinger has not applied for it yet. She wants first to get community input and follow up about lighting for the walking path and upgrades to Rotary Park.

10. CLERK-TREASURER REPORT

Clerk-Treasurer Bush reported that since the last meeting, there had been an unusual amount of other meetings, including public hearings, a Court Committee meeting, workshops, etc. She is working hard on keeping up with all the documentation needed for these meetings. The financial reports were submitted to the State on time. The FY19-20 audit is coming up, and the fieldwork will be conducted the first week in November.

She has also updated the financial software to align with the State's reporting system, which will make future reporting much more manageable. Budget adjustments will be coming because so much has changed since the budget process began in the spring. She provided the July Checks and Budget vs. Detail reports in the Councilors packet. In the future, she wants to provide other reports, including gross receipts tax (GRT) revenue each month because of all the current economic uncertainty. The July GRT is up from last year by about \$3,000. She downloaded the August GRT amount, which is only about \$400 less than last year. The Property Tax for July was down about \$700 from last year.

The City's new utility clerk, Jane Tinon, is doing a phenomenal job. There is, however, a lot of cleanup needed on some of the accounts as well as on some of the policies and procedures regarding customers. A review of Code and resolutions will be coming as soon as possible.

11. FIRE CHIEF REPORT

Fire Chief Toby Boone was unable to attend the meeting.

12. CODE ENFORCEMENT REPORT

There were no questions on the code enforcement report.

13. CONSENT ITEMS (Roll Call Vote)

- a. **Approval of Minutes: Regular Meeting, July 15, 2020, & Special Meeting, July 27, 2030**

Councilor Williams made a motion to approve the minutes with the following corrections to the July 27 minutes:

- Item 7a – Mayor Pro Tem Skinner made the motion, not Councilor Williams
- Item 9 – Change the word “calvert” to “culvert.”

Mayor Pro Tem Skinner 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: Designation of the 7th Judicial District Magistrate Court in Truth or Consequences as the Court with jurisdiction over the City of Elephant Butte’s municipal ordinances.**

Attorney Young updated the Council on where they were in the process. The advisory committee required by State statute met on August 5 and recommended to move the court to the 7th Judicial District Magistrate Court in Truth or Consequences. If Ordinance 193 is approved today by a $\frac{3}{4}$ vote, it will need to be forwarded to the NM Supreme Court for approval. Once approved, the City will transfer our Code, and any existing court files to Magistrate.

Clerk-Treasurer Bush reported that no comments were emailed or in the drop boxes. No comments were made during the meeting.

15. REGULAR ITEMS

- a. **Discussion/ Possible Action: Ordinance 193 - Designation of the 7th Judicial District Magistrate Court in Truth or Consequences as the Court with jurisdiction over the City of Elephant Butte’s municipal ordinances**

Councilor Williams made a motion to approve Ordinance 193. 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.

b. Discussion/ Possible Action: Lodger's Tax Recommendations

Lodger's Tax Advisory Board Co-Chair Russ Trager reported about the August 12 meeting where they welcomed two new members, Janine Sjostrom and Steve Gentry. Due to all events being canceled and having money left over from FY19-20, there has been almost no money spent in FY20-21. This leaves a balance that needs to be spent within two years. After that, it is supposed to be turned over to the State. The only event still pending is the Luminaria Beach Walk.

The board then discussed ideas for new events to bring the community together around the holidays and to involve TorC as well. Mrs. Sjostrom volunteered her skills with social media, design, and marketing. She also suggested that the City use landing pages instead of a full website. This allows for better search results when people look for subjects such as golf, fishing, or retirement in Elephant Butte.

The conversation then turned to advertising that Elephant Butte is a great place to relocate. This led to the Board recommending that more money be allocated for city marketing by increasing the amount in the application from \$6,000 to \$25,000. One project that could be funded involves videos created by Travel South Central that could be fine-tuned for Elephant Butte. Clerk-Treasurer Bush added that the FY20-21 budget did allocate \$25,000 for Elephant Butte marketing. The Board made a second recommendation to approve the \$2,000 requested for the Luminaria Walk by the Friends of the Lake.

Mayor Pro Tem Skinner commented that although she would agree to approve the \$2,000 for the Luminaria Walk, all indications from the numerous meetings she has attended is that the lake wouldn't reopen fully until next spring. The event will most likely be canceled. She feels the \$25,000 for online marketing is a great idea. Currently, the Governor is not allowing the Tourism Department to advertise. She wants everyone to stay put. Once things open, NM True will be offering a two for one incentive to help with advertising.

Mayor Trager talked about the NM Magazine. A special edition will be coming out covering the spaceport where Elephant Butte could advertise. The timing of this year's Outdoors Magazine was terrible since the State shut down just as it came out. Mayor Pro Tem Skinner reminded the Council of other advertising resources that are available through various organizations. Right now, NM Magazine cannot do print copies due to COVID, so everything is online.

Mayor Pro Tem Skinner made a motion to approve \$2,000 for the Luminaria Walk and \$25,000 for Elephant Butte Marketing. Commissioner Williams added an amendment that the \$2,000 be contingent on the state park being open. If it isn't, then that money will be added to the \$25,000 marketing amount. Mayor Pro Tem Skinner agreed to the amendment. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

c. Discussion/ Possible Action: Rescind/Amend Resolution 19-20-116 City of Elephant Butte 2020 Emergency Burn Moratorium

Attorney Young explained that the resolution was adopted based on the declaration of a fire danger/ severe drought emergency. The Council now has an option to rescind the resolution since the emergency is over. On the other hand, it can be amended if the Council wants some of the restrictions in Section 5 to remain. Also, Section 6 allows discretion to the Fire Chief to allow certain burns.

Councilor Atwell felt it should be rescinded since the emergency is over, and the Fire Chief can still call a ban any day, depending on conditions. Councilor Williams asked if the City was still under threat. Mayor Trager answered that conditions have changed.

Councilor Williams made a motion to rescind Resolution 19-20-116. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – No
Councilor Atwell – Yes
Councilor Williams – Yes
Councilor LaFont – No

Since there was a tie, Mayor Trager voted yes.

Motion Passed.

Mayor Pro Tem Skinner thanked Clerk-Treasurer Bush for keeping on top of the finances and reporting on the gross receipts taxes at each meeting.

16. 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 Atwell – Yes
Councilor Williams – Yes
Councilor LaFont – Yes

Motion Passed.

Minutes approved and adopted at the City Council Meeting on September 16, 2020.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

