



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC
Tuesday, August 4, 2020 - 9:00 am

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 Planning & Zoning Commission 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, 126 499 2196, Password: 08042020 or going to www.cityofelephantbutte.com for information about accessing the meeting through your computer.

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Nathan LaFont called the meeting to order and led the Pledge of Allegiance. The meeting was conducted remotely.

2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call:

Chairperson Nathan LaFont – Present
Vice Chairperson Cathy Vickers – Present
Commissioner Patsy Barnett – Absent
Commissioner Sheridan Fuss - Present
Commissioner Charles Looney – Present
Alternate Commissioner Tami Smith – Absent

Clerk-Treasurer Bush declared a quorum was present.

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect, and there is a three-minute limit per speaker on all non-agenda items.*

4. APPROVAL OF AGENDA

Commissioner Looney made a motion to approve the agenda. Vice Chairperson Vickers seconded.

Clerk-Treasurer Bush conducted roll call:

Chairperson LaFont – Yes
Vice Chairperson Vickers – Yes
Commissioner Fuss - Yes
Commissioner Looney – Yes

Motion Carried.

5. APPROVAL OF MINUTES

Approval of Workshop Minutes, February 21, 2020, and Regular Meeting Minutes, March 3, 2020

Commissioner Looney made a motion to approve the February 21 Workshop minutes Vice Chairperson Vickers seconded.

Clerk-Treasurer Bush conducted roll call:

Chairperson LaFont – Yes
Vice Chairperson Vickers – Yes
Commissioner Fuss - Yes
Commissioner Looney – Yes

Motion Carried.

Commissioner Fuss made a motion to approve the March 3 Regular Meeting minutes amending the spelling of Janice Smyth. Vice Chairperson Vickers seconded.

Clerk-Treasurer Bush conducted roll call:

Chairperson LaFont – Yes
Vice Chairperson Vickers – Yes
Commissioner Fuss - Yes
Commissioner Looney – Yes

Motion Carried.

6. PUBLIC INPUT

None

7. COMMISSIONERS' COMMENTS

Vice Chairperson Vickers requested that the next meeting be in person following all the COVID-19 requirements. Clerk-Treasurer Bush explained how the council chamber isn't currently equipped with the right microphone to capture what is said in the chamber. With City Hall being closed to the public, the only way to open the meeting to the public was by going completely remote. That way, each commissioner had their own microphone or phone so that they can be heard clearly.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger explained that since the Commission last met in March, it has been a hectic time for the City. City Hall has been closed to the public, but appointments can be made. The Fire Department has completed its move into the annex. All land use permitting is handled there. Lindsey Moore is the Land Use Assistant as well as the Fire Department Assistant. Filing a permit usually begins with her. The new budget has been submitted to the State for FY 20-21, and we await approval. Even though the City anticipates reduced revenue, the outlook is good.

She is beginning to work on the new ICIP (Infrastructure Capital Improvement Plan) submission. Her philosophy with it is to request money for projects the City is already working on, instead of using it as a

wish list. Work has begun on the Camino Cinco Road project, which addresses some drainage issues. It will be completed before the project end date of October 20. Drainage is an ongoing issue for the City, as evidenced by the heavy rain event we endured in July. The City continues to address these issues as best as we can.

She updated the Commission on the Mims Pond fire. She and the Council are in conversation with Travis Day of the Sierra Soil & Water Conservation District about clean-up efforts and how to bring the area back. She also informed the Commission about the Municipal Judge's request to dissolve the Court and moving those matters to Magistrate Court. Judge Terry Dalrymple feels there are too few matters in Elephant Butte to sustain the Court locally.

9. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones provided his report covering the previous four months. In June, all five cases were closed. There were 17 cases in July, and 12 are still open. Commissioner Fuss asked about calls and messages not being followed up by Officer Jones, including one of his own. Officer Jones responded that he had not received anything in the last couple of weeks. There might be a mix-up with phone numbers; also, the City has been having phone problems with the main line. He will follow up on the issue.

10. ZONING/LAND USE REPORT

Fire Chief Toby Boone was unable to attend the meeting but prepared a permit report from January to July 2020. That report was emailed to each of the Commissioners before the meeting. They can follow up with either Chief Boone or his assistant if they have any questions.

11. PUBLIC HEARING ACTION ITEMS

None

12. REGULAR ITEMS

a. Discussion/Possible Action: San Pedro Loop Rezoning

City Manager Ballinger discussed this issue with Chief Boone, and he suggested that it should be rezoned from R-1-C to R-1-D. The setbacks are too restrictive, and the lots are small. Chairperson LaFont asked City Manager Ballinger about the steps required to rezone. She hadn't had time to research it but will do so. Vice Chairperson Vickers didn't see any issues with the rezoning but suggested that in addition to San Pedro Loop that Camelback and Carousel be rezoned at the same time.

Officer Jones commented that San Pedro Loop should be rezoned to R-1-D, which covers tiny houses and RV's since it contains mainly single-wide trailers. Neither he nor Chief Boone had discussed rezoning procedures. Vice Chairperson Vickers suggested areas that should be rezoned to R-1-D due to setback issues: San Pedro Loop, Camelback/Elephant Place, and Carousel. However, she is concerned about having RV's and tiny homes in San Pedro Loop, which R-1-D allows.

City Manager Ballinger will consult with the city attorney and Chief Boone about the best way to rezone, given the different requirements of R-1-D and R-1-B.

b. Discussion/Possible Action: Businesses Operating Out of Storage Units

City Manager Ballinger updated the Commission about a situation where a gentleman reported that he rented a jet ski out of a storage unit that wasn't the renter's business. The assumption is that it took place out of a commercial zoned storage lot. This raised questions about whether this is an acceptable practice. Chairperson LaFont commented that in the past, there had been multi-tenant businesses where the owner subleased storefronts to other businesses, for example, Mr. G's. The subleased businesses need to apply for their own business licenses and get approval from their landlord in order to operate a secondary business at a single location.

He continued saying that it would be a permitting issue. Any business that changed its scope of business needs to re-apply and follow regulations regarding that new business. Commissioner Fuss added that Code Enforcement Officer Jones should be appointed to check on small businesses that keep popping up to make sure that they have a business license. City Manager Ballinger commented it is catching them in the act because the transactions take place so quickly. Chairperson LaFont suggested online research about these small businesses, then contacting the owners. City Manager Ballinger will follow up with Officer Jones.

c. Discussion: Home-based Business Ordinance - Short Term Rentals / Moratorium / Revisions / Etc.

City Manager Ballinger reported that there had been no action on this topic by City Council. She suggested having a workshop on it since it's such a big issue. Chairperson LaFont commented that City Council has shown no interest in a moratorium. Commissioner Fuss is also interested in the short-term rental situation in Elephant Butte.

Chairperson LaFont suggested that the commissioners send their suggestions to City Manager Ballinger in the next couple of days so that she can compile them for the workshop. Concerning short-term rentals, City Council passed Ordinance 190, which got rid of the exemption of short-term rentals from lodger's tax. The challenge is collecting tax from those business owners. City Manager Ballinger will look into getting this ordinance enacted. She has been tied up with the transition of the golf course to Spirit Golf Management and can now get back to City operations.

Chairperson LaFont suggested focusing on how to communicate the new requirements for taxation to the community and to the short-term rental owners, including what they need to do, how they pay the lodger's tax when it's due, and how to calculate it. A guideline needs to be created with an effective date. Also, the internet needs to be researched to know who is operating short-term rentals in Elephant Butte. P&Z would need direction from the Fire Chief regarding what specific issues need to be included in home-based businesses for short-term rental business owners such as fire extinguishers, carbon monoxide detectors, etc.

d. Discussion/Possible Action: Permanently Hooked up to Utilities

City Manager Ballinger explained that there had been several properties where multiple RV's were hooked up to electricity improperly in residential neighborhoods. Officer Jones did some investigation on it. The issue is what does the City do about it. Code is not clear. Pinal County was having similar problems, so she included information about what they did in the packet. The City needs to get ahead of the issue since more are turning up in Elephant Butte.

Chairperson LaFont added that it is an issue that has been happening for a while, and the City hadn't addressed it. The issue has been compounded lately because of the limited hours at the Lake due to COVID-19 restrictions. He added that Code says that RV's cannot be permanently hooked up to

utilities, but “permanently” needs to be defined. Officer Jones explained that the five RV’s he has seen were hooked up to both water and electricity. Chairperson LaFont said that the Commission needs to look at it in terms of the parking component and utility hook-ups. The way Code is currently written, it’s not enforceable. He will work with City staff on this issue and bring it to the next meeting.

Clerk-Treasurer Bush will check the availability of the commissioners for a workshop the week of August 24.

13. ADJOURNMENT

Commissioner Looney made a motion to adjourn. Commissioner Fuss seconded.

Clerk-Treasurer Bush conducted roll call:

Chairperson LaFont – Yes
Commissioner Fuss - Yes
Commissioner Looney – Yes

Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on September 1, 2020.



Nathan LaFont
Planning & Zoning Chairman

ATTEST:



Rani Bush
City Clerk-Treasurer



