



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING

Wednesday, November 18, 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: 09162020 or www.cityofelephantbutte.com for information about accessing the meeting through your computer.

MINUTES

WORKSHOP - 1:00pm

1. Discussion: Ordinance 191 - Home Occupation Permits

Nathan LaFont, the Planning and Zoning Commission Chair, went over the draft ordinance based on Truth and Consequences' (TorC) Code with the Council. The Commission especially liked the tiering structure of TorC's Code and the fact that it's a direct neighbor. Chair LaFont received feedback from City Attorney Ben Young about the draft. Attorney Young has some concerns that the tiering structure might be too complicated and recommended looking at Las Cruces' Code.

Business registration renewals were also discussed. The Commission is not part of the yearly registration process unless the scope of the business changes or there is a violation with the business. Chair LaFont received input about short term rentals. Mayor Pro Tem Skinner suggested looking at Santa Fe's Code on the issue and contacting Randy Randall, Executive Director at Tourism Santa Fe.

COUNCIL MEETING - 2:00pm

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Edna Trager called the meeting to order and led the Pledge of Allegiance.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present via WebEx
Mayor Pro Tem Kim Skinner – Present via WebEx
Councilor Travis Atwell – Present via WebEx
Councilor Gerald LaFont – Present via WebEx
Councilor Michael Williams – Present via WebEx
Clerk-Treasurer Bush declared a quorum.

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

Councilor LaFont motioned to approve the agenda. 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.

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

5. PUBLIC COMMENT

Clerk-Treasurer Bush read the following comment received on October 23, 2020: *"We need street lights From Post 44 to the Dollar Store to make it look like a city. Also for safety. Put our "Tax money to work."*

6. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Planning & Zoning Appointments

Mayor Trager presented her recommendations for commissioner appointments: Nathan LaFont, Cathy Vickers and Cathy Harmon, and Ken Swaim for alternate commissioner.

Councilor Williams motioned to approve Cathy Harmon for a four-year term.
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.

Councilor Williams motioned to approve Nathan LaFont for a four-year term.
Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes
Councilor LaFont – Abstained
Councilor Williams – Yes
Motion Passed.

Councilor Williams motioned to approve Ken Swaim for a two-year term.
Mayor Pro-Tem Skinner seconded.

Mayor Trager clarified that she wanted to appoint Mr. Swaim as an alternate. Councilor Williams commented that he felt it was better to have Mr. Swaim as a full commissioner and Ms. Vickers as an alternate. He felt there might be a conflict of interest since Ms. Vickers is a realtor.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

Councilor Williams motioned to approve Cathy Vickers as an alternate.
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.

Mayor Trager and Councilor Williams noted that there needs to be an election for chair and vice-chair at the next commission meeting.

b. Planning & Zoning Commission Update

Chair Nathan LaFont informed the Council that home-based businesses have been their top priority and thanked them again for the input he received during the workshop. The Commission is also working on rezoning issues for the San Pedro Loop, Camelback, and Carousel neighborhoods to allow smaller setbacks and smaller square footages due to these lots' small sizes. They are also reviewing parking restrictions in residential areas, especially with RVs, and changing storage lots from permanent to conditional use.

7. MAYOR AND COUNCIL REPORTS

Mayor Pro Tem Skinner is still attending the Middle Rio Grande Economic Development meetings, where they are working on a five-year plan for Sierra and

Socorro counties. She is working with New Mexico Hospitality Association's Government Affairs Board on a list of items to support at the next legislative session. She continues to work with the Restaurant Association and the Sierra County Tourism Board, currently addressing issues around the two-week lockdown.

Councilor LaFont reported that the South Central Transit Authority is still working on funding to expand. He will reach out to people in Truth or Consequences (TorC) to get them involved.

Councilor Williams inquired about the Animal Impound Agreement with TorC that was tabled at the last council meeting. City Manager Vicki Ballinger will address that in her report.

Mayor Trager reported on the latest stay-at-home health order. Elephant Butte maintains safe COVID practices by keeping City Hall closed except by appointment or online and encouraging mask-wearing. The numbers of cases are up in Elephant Butte, from 3 to 10. State parks are also closed. Saul Baquera is the new Superintendent at the State Park. She met with him and discussed various items. Among these, he clarified that there are no current plans to close the Hot Springs Landing entrance or to turn the north end of the lake into a bird sanctuary. He also informed her that there are no plans to hook to the City's sewer system this fiscal year, but it will be looked at next year. She asked him about planned construction on Lakeshore Road (Rock Canyon Road) to prevent flooding, which will begin in 2022. A new proposal for the concession area of Rock Canyon Marina should be completed by early next year.

She met with our auditors for the State during their fieldwork visit the first week of November. The online Mayors' caucuses are continuing but have changed to bi-weekly meetings. COVID funding and civil rights legislation are current key topics. She followed up with concerns presented at the last Council meeting to increase nighttime visibility at Springland coming off of Rock Canyon. Public Works is installing reflectors at that intersection.

8. CITY MANAGER REPORT

City Manager Ballinger followed up with a constituent's complaint about trash being dumped into her commercial business' dumpster. She discussed a trash ordinance with Planning & Zoning as well as other entities in the area. As the City grows, this will need to be revisited. She is working with the South Central Council of Governments (SCCOG) to implement the Comprehensive Plan survey. She received a mailing list of 3,682 Elephant Butte property owners from around the Country.

She will be submitting for the \$50,000 CARES Act reimbursements soon. The Floodplain Manager Memorandum of Understanding (MOU) will be discussed at the Sierra County Commission's December meeting. She has discussed the Truth or Consequences (TorC) Animal Control MOU with County Sheriff Glenn Hamilton. He prefers that the SCRDA contact the Sheriff's Department about dangerous animal calls. The City does not have staff trained to initially respond to that type of call. That section of the agreement will need to be changed. She's also working with the City of TorC to correct Animal Control billing for responses to locations outside of Elephant Butte city limits.

Along with the Mayor and Clerk-Treasurer, she will attend an NM Financial Authority (NMFA) meeting tomorrow morning to present the loan restructuring application. She received the fully executed NM Department of Transportation agreement for Phase 2 of the Warms Springs project. City Engineer David Shields suggested starting construction in the fall of 2021. She is still actively recruiting to fill the Water 2 position. This Saturday, Turtleback Mountain Resort will hold its annual Homeowner Association meeting. Installing a gate at Country Club and Hallmark is one of the topics that affects some of the City's roads. She is discussing the matter with Gary Levine.

Councilor Williams inquired about the TorC Impounded Animals Agreement and language regarding who can authorize release of the animal. She will review that document and bring the issue before Council in December.

9. CLERK-TREASURER REPORT

Clerk-Treasurer Bush explained the new monthly expenses by fund report she provided to the Council and answered questions. Gross receipts tax for November was \$44,572.64, which is up from last year (\$36,849). The audit team conducted their fieldwork the first week of November and expect to finish the audit by December 15. Approval was received from the State on the first-quarter report. The budget adjustment will need to be revised. She has been attending the virtual Department of Finance and Administration Conference this week.

10. FIRE CHIEF REPORT

Fire Chief Toby Boone was unable to attend the meeting but provide a written report to the Council.

11. LAND USE REPORT

The Land Use report was included in the Councilor's packets.

12. CODE ENFORCEMENT REPORT

The Code Enforcement report was included in the Councilor's packets.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Minutes: Regular Meeting, October 21, 2020

Councilor Williams motioned to approve the minutes. 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.

14. REGULAR ITEMS

a. Discussion/ Possible Action: Resolution 20-21-109 Support of County Veteran Service Officer

City Manager Ballinger described the conference call she attended in support of having the position. There is no financial cost to the City.

Councilor Williams motioned to approve Resolution 20-21-109. 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: Legal Services Renewal, Mynatt Martínez Springer P.C.

City Attorney Young thanked the Council for allowing his law firm to represent the City over the past year. The contract's renewal clause is automatic, but it requires review at a Council meeting each year in case the City wants to discontinue the contract. The Council wanted to continue with the firm, so no action was needed.

c. Discussion/Possible Action: Medical Director Contract for Fire Department

Councilor Atwell motioned to postpone the contract until the December 16 meeting when Fire Chief Toby Boone could be present to answer questions about it. 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.

d. Discussion/ Possible Action: Ordinance 194 Drainage and Erosion

City Manager Ballinger discussed the draft version presented to the Council. It was incomplete because it did not include some of the language changes needed in Chapter 155 of the Code.

Councilor Williams motioned to postpone Ordinance 194 until the December 16 meeting. 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.

e. Discussion/ Possible Action: Ordinance 186 Storage Lot Moratorium

The moratorium expired in March of this year. A discussion was had about whether to approve a new one which the Council decided against. They will discuss changes to Code regarding landscaping requirements for new lots and new owners at the December meeting.

f. Discussion/ Possible Action: Resolution 20-21-110 NMFA Loan PPRF-3317

City Manager Ballinger and City Engineer David Shields explained why the loan needed to be restructured. This resolution is the final piece of the application that needs to be presented at the NMFA meeting tomorrow.

Mayor Pro Tem Skinner motioned to approve Resolution 20-21-110. 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.

g. Discussion/ Possible Action: 2021 Calendar

City Manager Ballinger went over the draft calendar. A discussion was held about changing Elephant Days to October instead of September. It could be combined with Oktoberfest and possibly a chili cook-off.

Councilor Williams motioned to approve the 2021 Calendar as submitted. 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.

15. COUNCILOR COMMENTS

None

16. ADJOURNMENT


Councilor Williams motioned to adjourn. 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.

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


Edna Trager
Mayor

ATTEST:



Rani Bush
Clerk-Treasurer

