



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING

Wednesday, December 16, 2020 – 2:00 pm
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: 87935 or 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 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. 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.

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

5. PUBLIC COMMENT

None

6. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

- a. **Planning & Zoning Appointments Term Corrections – Cathy Harmon & Nathan LaFont**

Mayor Trager corrected the motions made during the November meeting. The term for commissioners is two years. The motions were approved stating four-year terms. The correct terms for Cathy Harmon and Nathan LaFont are two years ending in 2022, as well as Ken Swaim's term. Cathy Vickers', Sheridan Fuss' and Tami Smith's terms end in 2021.

b. Public Utility Advisory Board

Mayor Trager discussed re-enacting the Public Utility Board, combining water and wastewater into one board. Councilor LaFont and Mayor Pro Tem Skinner were prior members and will continue to serve as chair and alternate, respectively. City Manager Vicki Ballinger will serve as the City staff member. There will also need to be three customers recruited to serve on the board. It will be advertised on the City's Facebook page and website. Interested customers can submit their names to the Clerk-Treasurer Bush at cityclerk@cityofeb.com.

Mayor Pro Tem Skinner moved to establish an advisory board for sewer and water public utilities. 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.

7. MAYOR AND COUNCIL REPORTS

Mayor Trager attended the FY19-20 Audit Exit Interview on Monday along with City Manager Ballinger and Clerk-Treasurer Bush. The audit was greatly improved from last year. She has been attending the Mayors' bi-weekly caucus calls. At the last meeting, an important topic was the change in COVID health orders that now allow for 25% capacity at big box stores instead of 75 people. Also discussed was the CARES Act. The deadline for businesses to apply is this Friday at noon.

She attended three Workforce Solutions meetings. Unemployment is very high. She thanked the American Legion Auxiliary Group for the wonderful job they did with trash cleanup for the City. The Friends of the Lake also did a great job helping with trash cleanup.

Councilor Williams attended his first Zoom meeting with the South Central Council of Governments (SCCOG).

Councilor Atwell also attended the SCCOG meeting. SCCOG is available to assist any business applying for the CARES Act. He inquired about the city manager's contract. Mayor Trager replied that there is not a contract, but an evaluation is due for the city manager.

Councilor LaFont attended a South Central Regional Transit District meeting. The director was rehired for another four years.

Mayor Pro Tem Skinner has been attending the NM Hospitality Association's Government Affairs Board meetings every Monday. She also attended meetings with the Middle Rio Grande Economic Development Board, the Mayors' Caucus, the CARES Act and Economic Development committees.

The deadline for CARES Act grants is noon this coming Friday. As of yesterday, there were over 10,000 applications with \$100 million set aside. Sixty percent is set aside for urban, forty percent rural. Sixty percent is for the tourism industry, and forty percent is for all other employee-based

businesses. The new vendor for Workforce Development is struggling both because of COVID related issues and working with the seven large, mostly rural counties in the region.

8. CITY MANAGER REPORT

City Manager Ballinger updated the Council on the Comprehensive Plan survey, the \$50,000 CARES Act money received by the City, the \$400,000 Capital Outlay money for generators and water lines, the restructured NM Finance Authority loan, the open water operator position, the Turtleback Mountain Resorts gate, and applying for a Colonias grant.

She attended the City Managers Association and Sierra County Veterans Support Group meetings. Along with Mayor Trager and Mayor Pro Tem Skinner, she will participate in the Infrastructure Capital Improvement Plan (ICIP) presentations for legislators tomorrow.

David Shields, the City Engineer, was present to answer any questions on the Project Status Report he provided in the packet.

9. CLERK-TREASURER REPORT

Clerk-Treasurer Bush reported that the FY20 Audit has now been submitted to the State. She is attending the second year of training to become a Certified Municipal Clerk. It is a three-year process, with this year being conducted online due to COVID. She went over the Public Records Request form. She received approximately twelve requests in 2020. Gross receipts tax for December was \$31,557 (down from last year).

10. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that the Fire Department ran eleven calls this month, which is down from the 50 calls that were run in December 2019. Most of the calls were medical in nature. They are practicing the NM Department of Health's safe COVID protocols. There were six calls over the last two months at 101 Clubhouse Road for false alarms. He is working with Spirit Golf and Great Western (alarm contractors) to resolve the issue. They are operating normally and conducting ongoing trainings.

11. LAND USE REPORT

Land Use Admin Lindsey Moore reported there were seven residential permits issued in November.

12. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reported there were twenty-nine cases in November. Nine are still open. In November, he was tasked to contact City business owners whose licenses were not renewed to see if the business was still operating.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Minutes: Regular Meeting, November 18, 2020

Councilor Williams motioned to approve the minutes with a correction to the first paragraph in the City Manager's Report. 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. REGULAR ITEMS

a. Discussion/ Possible Action: Impounded Animal Agreement with Truth or Consequences

City Manager Ballinger explained the agreement's changes in Section 5A.

Councilor Williams motioned to approve the Impounded Animal Agreement with Truth or Consequences. 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.

b. Discussion/Possible Action: Animal Control Agreement with Truth or Consequences

City Manager Ballinger explained the agreement's changes in Article 1 - Scope of Work regarding calls being sent directly to the Sheriff's Office.

Councilor Williams motioned to approve the Animal Control Agreement with Truth or Consequences. 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.

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

City Attorney Ben Young and City Manager Ballinger explained the draft ordinance and answered questions regarding the changes that were made. Section 4 rescinds any provisions or resolutions inconsistent with the ordinance. If passed, there will be no designated red lots in the City.

Mayor Pro Tem Skinner motioned to approve Ordinance 194 Drainage and Erosion. 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.

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

Fire Chief Boone explained the contract and answered questions.

Councilor Williams motioned to approve the Medical Director Contract with a correction on Page 6, changing “August” to “Elephant Butte.” 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.

e. Discussion/ Possible Action: Resolution 20-21-111 Open Meetings Act

A discussion was had regarding how far in advance the Council would receive agendas.

Councilor Williams motioned to approve Resolution 20-21-111 with the amendment of having Section 1 read: “A proposed agenda will be available three (3) business days in advance of the meeting . . .” Council Atwell seconded. Clerk-Treasurer Rani Bush conducted roll call:

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

Motion Passed.

f. Discussion: Colonias Notice of Intent to Apply

City Manager Ballinger informed the Council of the timeline for applying for Colonias money. The Notice of Intent to Apply form is not available until January, and she will need to submit it before the January Council meeting. She will submit it and will present the application to Council at the January or February meeting.

g. Discussion: Landscaping Requirements for New Storage Lots and Owners

A discussion was held about landscaping requirements for new storage lots and new owners of storage lots. These requirements cannot be imposed on current owners but can be sent out as a suggestion. The main concern was having requirements so that what is inside the lot is not visible from the main thoroughfare or side streets. Another concern was having the entrance gate configured in a way that it doesn't block traffic. Chief Boone informed the Council changes could be made with the C-2 code that apply specifically to storage lots.

15. COUNCILOR COMMENTS

Councilor Williams asked about potential conflict-of-interests with the city engineer regarding designating a property as a red lot in the future. City Attorney Young suggested adding in a conflict-of-interest clause to the beginning of the red lot designation process as it is developed. Councilor Williams also requested an executive session during the January meeting to discuss personnel issues.

16. ADJOURNMENT

Councilor Atwell 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 January 20, 2021.


Edna Trager
Mayor

ATTEST:



Rani Bush
Clerk-Treasurer

