



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING

Wednesday, September 16, 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 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. Mayor Pro Tem Skinner, Clerk-Treasurer Rani Bush and City Attorney Ben Young attended the meeting remotely.

2. ROLL CALL

Clerk-Treasurer Bush called roll.

Mayor Edna Trager - Present
Mayor Pro Tem Kim Skinner – Present via WebEx
Councilor Travis Atwell – Present
Councilor Gerald LaFont – Present
Councilor Michael Williams – Present

Clerk-Treasurer Bush declared there was a quorum present.

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

Councilor Williams made a motion to approve the agenda. 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.

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

5. PUBLIC COMMENT

Clerk-Treasurer Bush stated that she received two emails about the Infrastructure Capital Improvement Plan (ICIP). She will present them during Regular Item 14c.

6. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Council Participation on Boards and Committees

Mayor Trager went over a 2010 list she found with councilor participation on various boards and committees. She updated it for 2020. Planning and Zoning appointments will be discussed at the October meeting. She checked with the Sierra Joint Office of Aging, and there is no need to have council representation at this time.

She asked for the Council to review the list so that it can be further updated. Mayor Pro Tem Skinner said that her and Councilor LaFont should stay on the Utility Advisory Board. She would also like to remain on the ATV Committee. Mayor Trager will follow up with other committee members who did some work on this issue last year. She is willing to represent the City on the Middle Rio Grande Economic Development Association.

b. Planning & Zoning Commission Update

P&Z Chair Nathan Lafont reported that they had suspended meetings after the COVID guidelines came out at the beginning of the year. Their last meeting was at the beginning of March. They re-convened on August 4 and had a workshop on home-based businesses on August 25. Their most recent meeting was on September 1, where they recommended to Council to rezone the San Pedro Loop area from R-1-C to R-1-P.

He also wanted to formally thank Patsy Barnett, who recently resigned from the Commission, for all her work and input. Alternate Commissioner Tami Smith has now moved into a permanent position. Chuck Looney will not be seeking a re-appointment to his term, which ends in November. This will leave one permanent opening and two alternate openings. He recommended having only one alternate instead of two.

The Commission will be focusing on home-based business revisions. They are using the Truth or Consequences ordinance as a model since they are the closest neighbor and people move back and forth between the two communities frequently. The Commission is also looking at the rezoning of other areas like San Pedro Loop, storage lots and parking. He also mentioned that a local business owner recommended that the City review the building requirements for skirting on manufactured homes to allow other impervious materials such as metal to be used in addition to block.

7. PRESENTATIONS

a. Sierra del Rio Update - Spirit Golf Management

Todd Barranger gave a quarterly review of operations for June, July and August. They see a steady increase in rounds of golf played. The number of plates served in the restaurant has also substantially increased. They are continually improving course conditions and the quality of the greens. They have 11 tournaments booked. Pro Shop

sales are doing very well with John Taylor's management of merchandise, club fittings, and lessons.

Mayor Trager asked for assurance of on-site personal coverage as Spirit Golf expands to other courses. Mr. Barranger replied that additional staff had been hired this week. They want to hire locally and are working with the Veteran's Association.

8. MAYOR AND COUNCIL REPORTS

Mayor Trager explained that, based on the newest COVID guidelines, City Hall opened back up to the public. Masks and social distancing will be required. She obtained a half-page ad in the November issue of the New Mexico Magazine for the City. Circulation this year will be limited. She will be out-of-state for a good portion of October. She will get COVID tested as soon as she returns.

The paperwork for the switch to Magistrate Court will be submitted to the State Supreme Court on September 23, 2020. The State has accepted the FY20-21 Budget. Notice was received on September 1, cautioning the City to control expenditures and pay attention to revenue collection. In reviewing utility payments, it had been found that work needs to be done with how late fees are collected. Recommendations will be presented at the next Council meeting. A tourism town hall meeting will be held on September 23. It is open to the public. Only a couple of weeks left for the Census, so Mayor Trager urged everyone to participate.

Mayor Pro Tem Skinner has attended meetings with the New Mexico Municipal League Committee, the New Mexico Tourism Department, the New Mexico Hospitality Association's Government Affairs Committee, the Middle Rio Grande Development Association, and the New Mexico Economic Department.

The Government Affairs Committee met with the governor's staff on several occasions and with the lieutenant governor. They advocate for a 100% increase in lodging capacity, an increase in group and meeting size to 25-50 people, a relaxation on the out-of-state quarantine, allowing camping with COVID safe practices, and indoor dining capacity since the winter is coming.

Councilor LaFont reported that the South Central Transit Authority is working on budgets and providing transportation to Hatch and eventually to Elephant Butte and Truth or Consequences.

Councilor Atwell has been working with City staff regarding maintenance around Balboa Pond.

Councilor Williams attended a Sierra County Regional Dispatch Authority (SCRDA) Board meeting today. They are in the process of moving to a new location with a loan from the State for \$600,000. Sierra County is managing the relocation.

9. CITY MANAGER REPORT

City Manager Ballinger reported on the FY20-21 Budget approval by the State, receiving \$50,000 in CARES Act funding for the City, and receiving the final documents for the

\$40,000 in Local Government Road Funding for Michigan Ave. She will be applying for an outdoor recreation grant for improvements to the walking path. She is in conversations about the City's agreements with Truth or Consequences for animal control services and shelter arrangements. Councilors Atwell and Williams had questions regarding these agreements and asked to review any agreements with monetary implications regardless if they are already in the budget.

Employee evaluations were conducted for all staff in August. Her next project is to work on revising the employee manual. The Camino Cinco Road Project is on schedule to be done in October. The Mayor added that the project came in under budget, so some of the work was able to be extended to adjoining streets. She will also be talking to the NM Finance Authority about returning the portion of the loan that wasn't used. City Engineer David Shields added that he has talked with the sub-contractor about the additional paving and drainage. Mr. Shield will write up an estimate for the additional costs.

10. CLERK-TREASURER REPORT

Clerk-Treasurer Bush went over a chart designed by City Manager Ballinger, showing GRT for the last two fiscal years. The GRT for September was \$43, 188 which is up from the last year. Mayor Trager added that she had looked at the period from March to August (the COVID period) and compared it to last year. This year was up \$21,397.51. She is cautiously optimistic.

Clerk-Treasurer Bush is still working on corrections to the budget and will present a budget adjustment at the next meeting. She will also provide first-quarter numbers that are due to the State at the end of October. Councilor Williams asked that the check report be broken down by department. She will look into it.

11. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that there were 52 calls in August. The volunteers meet weekly for training for 2-3 hours and are very dedicated to being there for the City. They are continuing to obtain needed certifications. He is also coordinating for a basic EMS training to take place by the end of the year through the Fire Department and the University of NM. He also applied for a water tender grant.

The budget carryover from the last fiscal year was \$214,973.54. On September 2, he received an approval letter for some of these funds to be allocated for remodeling of Station 1, finalizing the expenditure for an OHV, and purchasing a command vehicle or second fire unit. The rest of the carryover amount would be used to provide the match for the water tender grant. He will, therefore, not need to apply for a State loan. There will be no cost to the City for any of these expenditures. Councilor Williams asked that any approval letters be added to the meeting packet for review.

12. CODE ENFORCEMENT REPORT

Code Enforcement Office Devon Jones reported that of the violations on his August report, eleven are now closed. Overall, eighteen violations are still open. Most are for weeds. Mayor Pro Tem Skinner asked to make sure the reports are included in the meeting packets.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Minutes: Regular Meeting, August 19, 2020

Councilor Williams made a motion to approve the minutes with two corrections. 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: Purchase of a Fire Unit

Councilor Williams made a motion to move this item to Item 14e.

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: Balboa Ponds Phase 1 Proposal

Vince Steiner, from Bohannon Huston, who briefly presented this proposal at the July Council meeting, went through it in detail. City Manager Ballinger brought up what the next steps would be to get funding for this project. Jay Armijo from the South Central Council of Governments gave some suggestions and volunteered to help. No action was taken, but funding will be pursued with help from Mr. Armijo.

c. Discussion/ Possible Action: Resolution 20-21-105 FY2022-2026 Infrastructure Capital Improvement Plan (ICIP)

City Manager Ballinger attended numerous presentations on the ICIP and went through her main take-aways with the Council. Clerk-Treasurer Bush read two emails that were submitted regarding the ICIP. The Council then discussed the items from the previous year's plan and their ranking.

Councilor Williams made a motion to approve Resolution 20-21-105 with the following amendments to the FY2021-2025 plan:

- Removing the Regional Senior Center Renovations and Repairs Item

- Removing the County Road A013 (Upham) Drainage Item
- Adding Fire Engine Replacement
- Rearranging the priorities of the remaining items

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: Ordinance 157 - Red Lots

City Manager Ballinger led a discussion on Ordinance 157 regarding red lots. The language within Code is inaccurate and needed to be changed.

Councilor Williams made a motion to place a moratorium on the enforcement of Ordinance 157, then revised his motion to add “except for permitting” and to create a sub-committee consisting of Fire Chief Boone, Councilor Atwell, Councilor Williams, and City Manager Ballinger. 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: Bass Anglers Club’s Community Center Agreement

City Manager Ballinger and Mayor Trager met with Justin Armenta from the Bass Anglers to go over the new agreement. The only changes from the former agreement was the annual fee paid to the City from \$300 to \$500 and changing the term from 20 years to five years. City Manager Ballinger clarified that the agreement allows them to use the larger facility four times a year, but they can use the kitchen and restrooms attached to their part of the facility once a month.

Councilor Williams made a motion to approve the agreement with the amendment of adding to Clause 6b about holding harmless and indemnifying the City of Elephant Butte for any incidents or occurrences following the use of the facility. Councilor Atwell seconded.

Mayor Pro Tem Skinner wanted to make sure the City will be added to the Bass Anglers’ insurance policy.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

f. Discussion/ Possible Action: Purchase of a Fire Unit

Chief Boone went over the quote he provided to the Council for a second fire unit and his rationale for the purchase. He also answered questions from the Council regarding authorization from the Fire Marshall and other purchases, including the OHV unit approved at the February council meeting. There has been no movement on the purchase of the OHV due to constraints with COVID and other factors.

Councilor Williams made a motion to approve the purchases of the two units contingency on the Council receiving the approval letters from the Fire Marshall. Councilor LaFont seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

15. EXECUTIVE SESSION

Councilor Williams made a motion to go into Executive Session. 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.

*****EXECUTIVE SESSION BEGAN*****

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2); Public Works

*****EXECUTIVE SESSION CAME TO AN END*****

Councilor Williams made a motion to come out of the executive session. Councilor Atwell seconded.

As required by Section 10-15-l(J), NMSA 1978, matters discussed in executive session were limited only to those specified in the motion to close 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.

16. COUNCILOR COMMENTS

None

17. ADJOURNMENT

Councilor Atwell made a motion to adjourn. 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.

Minutes approved and adopted at the City Council Meeting on October 21, 2020.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

