



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

Wednesday, February 17, 2021 – 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 LaFont had technical difficulties during the meeting and had to re-login on several occasions missing some of the votes.)

Councilor Michael Williams – Present via WebEx

Clerk-Treasurer Bush declared a quorum.

3. STATEMENT CONCERNING CLOSED SESSION ON JANUARY 20, 2021

Mayor Trager confirmed that no actions were taken during the meeting and that the only matter discussed was NMSA 1978, Section 10-15-1(H)(2) Limited Personnel Matters – City Manager's Annual Review.

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

Mayor Pro Tem Skinner 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 Williams - Yes

Motion Passed.

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

6. PUBLIC COMMENT

None

7. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Lodger's Tax Advisory Board

Clerk-Treasurer Bush reported to the Council that at the February 9 board meeting, she went through the financials with the Board, including that \$50,162 rolled over from the last fiscal year. With the cancelation of the 2020 Beachwalk Luminaria, the \$2,000 Lodger's Tax award for this event was added to the \$25,000 for City's Marketing as the Council has previously approved.

Lodger's Tax funds that aren't spent two years after collection revert to the State. The councilors discussed how to use the surplus money. Suggestions included purchasing another brick welcome sign to be located near the lake entrance and a digital campaign for both the Sierra del Rio Golf Course and the City of Elephant Butte proposed by Janine Sjostrom, a member of the Lodger's Tax Advisory Board.

The Mayor informed the Council that the usual deadline for grant recipients is March 1, which would not happen this year due to COVID restrictions. She requested input on what to do, i.e., rolling applications with approvals every quarter looking to the June meeting for the next deadline. She also reported on the increased Facebook numbers for the Chambers of Commerce.

8. MAYOR AND COUNCIL REPORTS

Councilor Williams attended a Sierra County Regional Dispatch Authority (SCRDA) Board meeting this morning. They are still on track to move into the new county building this September.

Mayor Pro Tem Skinner reported on the various meetings she attended. An important topic involved the lobbying efforts surrounding issues brought up during the second half of the current legislative session. There are major concerns about small businesses being crippled by 1) new mandatory sick leave requirements, 2) mandatory paid family leave requirements, 3) higher unemployment insurance rates, 4) \$15 minimum wage increases, 5) the elimination of the tipped wage, 6) higher workers compensation rates, and 7) higher healthcare premiums due to the new NM tax on healthcare plans. She urged everyone to do what they can to express their concerns to elected officials in Santa Fe.

Mayor Trager updated the Council on the NM Municipal League's concerns with the Civil Liberties Act. She met with Spirit Golf Management and City Manager Vicki Ballinger on February 28. Staffing changes and patio protection were discussed. She was a guest at the last Rotary Club and Lodger's Tax Advisory Board meetings.

9. CITY MANAGER REPORT

City Manager Ballinger went through her report with the Council. She also updated the Council on working with Field Operations Manager Brian Burlage concerning repairing some of the golf course bridges.

10. CLERK-TREASURER REPORT

Clerk-Treasurer Bush went through the Second Quarter Financial Report Analysis she received from the State and answered questions from the Council regarding City finances. Councilor Williams inquired about uniforms for City employees.

11. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that the Fire Department ran twenty-nine service calls in January. There are currently fourteen active volunteer firefighters. He updated the Council on the medical director contract. There have been eleven false calls at the golf course since November. Each call averaged about two and a half hours.

Councilor Williams asked for a list of the Fire Department members, positions and current certifications for SCRDA.

12. LAND USE REPORT

Land Use Admin Lindsey Moore reported there were twelve residential permits and one commercial one issued in January. That gives the City a total of twenty-seven open residential permits and four open commercial ones. She added Code references and expiration dates to her written report as requested. She informed Councilor Williams that the Code references are on the permits as well. She also informed the Council that in the absence of a code enforcement officer, she has taken over some of the responsibilities to the best of her ability until a new one is hired.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Minutes: Regular Meeting, February 17, 2021

Councilor Williams motioned to approve the minutes correcting “Atkins” to “Adkins” in **Item 9**. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Williams – Yes

Motion Passed.

14. REGULAR ITEMS

a. Discussion/Possible Action: Resolution 20-21-115 Code of Ethics

Clerk-Treasurer Bush explained the reason for a new resolution. Resolution 18-19-131, discussed last month, had language that didn’t apply to employees. Resolution 20-21-115 applies to all elected and appointed officials and superseded Resolution 18-19-131. Ethics for employees are covered in the Employee Handbook.

Councilor Williams motioned to approve **Resolution 20-21-115**. 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.

b. Discussion/Possible Action: Employee COVID Guidelines

City Manager Ballinger explained how the Employee COVID guidelines for Emergency Paid Sick Leave that the City has been following expired in December. She was looking for direction about this for the new year and employee vaccinations.

Mayor Pro Tem Skinner motioned to extend Employee COVID Guidelines until the end of this fiscal year, pending any state or federal updates. The motion died due to lack of a second. City Manager Ballinger will handle it administratively.

c. Discussion/Possible Action: Colonias Application

City Manager Ballinger updated the Council on the application process. There were some issues, especially having shovel-ready projects to submit. City Engineer David Shields added his advice about what to apply for this year. He noted that state funds could not be used to match state funds; the City could apply for federal funds as a match. Councilor Williams stated that the City should be moving in the direction of correcting drainage issues before paving more roads.

Mayor Pro Tem Skinner motioned to submit a Colonias application for part of Phase 4b of the wastewater project that the City engineer designed scaled back to be under \$ 1 million. Councilor Atwell amended the motion to include looking at drainage for the next fiscal year, then seconded it. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

d. Discussion/Possible Action: Resolution 20-21-116 Budget Adjustment #2 CARES Act

Clerk-Treasurer Bush explained that she needed to separate out the CARES Act portion from the first budget adjustment passed in October per direction from the State.

Councilor Williams motioned to approve Resolution 20-21-116. Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

e. Discussion/Possible Action: Resolution 20-21-117 Budget Adjustment #3 Wildland Fund

Chief Boone explained that this fund is for the \$61,340 of wildland fire reimbursements received by the State Forestry Department for deployments to fires last year.

Mayor Pro Tem Skinner motioned to approve Resolution 20-21-117. Councilor LaFont seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Since there was a tie, Mayor Trager voted.

Mayor Trager - Yes

Motion Passed.

f. Discussion/Possible Action: State Forestry Resource Management Plan (RMP) Rate Sheets

Chief Boone explained that the rate sheets are a way to assist with regional state forestry fires and get reimbursed. The reimbursements will help with training, equipment and obtaining more staff. Mayor Pro Tem Skinner and Councilor Atwell had concerns about equipment being used away from the City and not being readily available if something should happen within the City during that time.

Mayor Pro Tem Skinner motioned to approve the State Forestry Resource Management Plan (RMP) Rate Sheets with the requirement of a written statement from Chief Boone that the RMPs will not affect the Fire Department's ability to provide services to the City of Elephant Butte and the surrounding communities. 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.

15. COUNCILOR COMMENTS

None

16. EXECUTIVE SESSION

Councilor Williams motioned to go into Executive Session. 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.

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

- a. **Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – City Manager’s Annual Review**

Councilor Williams motioned to come out of 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 CAME TO AN END*****

As required by Section 10-15-1(J), NMSA 1978, matters discussed in executive session were limited only to those specified and no actions were taken.

17. 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 March 17, 2021.

ATTEST:



Rani Bush

Rani Bush
Clerk-Treasurer


Edna Trager
Mayor