



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

Wednesday, July 21, 2021 – 2:00 pm

Municipal Building, 103 Water St. Elephant Butte, NM 87935

The City will also open the meeting to the public through WebEx number: (408) 418-9388, Access Code: 126 124 0239, Password: 87935 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 Mayor Pro Tem Kim Skinner led the Pledge of Allegiance.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager – Present
Mayor Pro Tem Kim Skinner - Present
Councilor Travis Atwell – Present
Councilor Michael Williams – Present

Clerk-Treasurer Bush declared a quorum.

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

Councilor Williams motioned to approve the agenda. Mayor Pro Tem Skinner seconded. 3-0.
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 Commission Update

Planning and Zoning Chair Nathan LaFont gave an update about the last Commission meeting where they discussed the State passage of recreational marijuana and how it would impact Elephant Butte. They also discussed short-term rentals.

b. Interim City Councilor

Councilor Williams motioned to approve the appointment of Cathy Harmon as an interim City Councilor. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

c. Planning & Zoning Commissioner

Mayor Pro Tem Skinner motioned to approve the appointment of Orlando Saavedra as a Planning and Zoning Commissioner. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

d. Lodgers' Tax Advisory Board Members

Mayor Pro Tem Skinner motioned to approve the appointment of Steve Gentry as a Lodgers' Tax Board Member. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

Councilor Williams motioned to approve the appointment of Rodger Pattison as an alternate Lodgers' Tax Board Member. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

e. Public Utility Board Members

Mayor Pro Tem Skinner motioned to approve the appointment of Martha Thibeu as a Public Utility Board Member. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

Mayor Pro Tem Skinner motioned to approve the appointment of Eugene McPeck as a Public Utility Board Member. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

f. Sierra Vista Hospital Governing Board Member, Elephant Butte

Mayor Pro Tem Skinner motioned to approve the appointment of Katharine Elverum as an Elephant Butte's Representative on the Sierra Vista Hospital Governing Board. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

Mayor Trager informed the Council there are now only two open positions: an alternate for the Planning and Zoning Commission and a second representative for the Sierra Vista Hospital Governing Board. Clerk-Treasurer Bush reminded everyone of the November 2 election, where there will be four open Council positions. Tuesday, August 24, is Candidate Filing Day where anyone who wants to run must file in person with the county clerk.

7. MAYOR AND COUNCIL REPORTS

Mayor Trager attended a Department of Finance webinar on tax changes regarding origin vs. destination gross receipt taxes. She also participated in the Mayor's Caucus and attended a Regional Tourism Board meeting where Mayor Pro Tem Skinner is returning as the chair for the Southwest Region. She also attended a Co-op Starter meeting with the NM State Tourism Department and a Friends of the Lake meeting. She reported that the Chamber of Commerce reopened the Visitors' Center on July 19, which will be open six days a week.

She wants to have a special meeting on August 11 about drainage and erosion. The City's engineering firm, Bohannon Huston, will be there. It will be a chance to review the 2004 Master Drainage Plan and update it to current needs.

Clerk-Treasurer Bush swore in Councilor Harmon. She took a seat at the dais since she was now a voting member.

Mayor Pro Tem Skinner updated the Council on the Workforce Development Board, the Middle Rio Grande Economic Development Board, the Elephant Butte video by the NM Tourism Department, and the July 18 Virgin Galactic Launch.

Councilor Atwell updated the Council about the South Central Council of Governments. They are working with the Department of Transportation to allow off-highway vehicles to use certain highways to access trails. Also, they hired a new finance officer, Diana Luchini.

Councilor Williams attended a Sierra County Regional Dispatch Authority (SCRDA) Board meeting this morning. He reported that fallen Caballo volunteer firefighter Janet Tracy died while providing aid and support to a vehicle accident on I-25. In her honor, he led the Council meeting in 30 seconds of silence.

He also reported a conversation with a resident at 100 Superior who claimed that a road sweeper broke his drainage pipe. He advised the resident to email the City Manager and Mayor. He also

requested that the Maintenance Crew put some cones at the corner of Rock Canyon and Canadian Circle, where there was a three-foot hole.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger updated the Council about the July 18 Virgin Galactic Launch and Elephant Days. She is leaving after the meeting to attend the Municipal League's City Managers Association Meeting in Roswell.

9. CLERK-TREASURER REPORT

Clerk-Treasurer Bush updated the Council about changes to the Department of Tax and Revenue's website and their monthly gross receipt taxes report. She will go over finances during the first two regular items.

10. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that operations have been normal. There are sixteen active members.

11. LAND USE REPORT

Land Use Admin Lindsey Moore reviewed her report with the Council. She will take pictures of damage after the last downpour for the Drainage and Erosion Special Meeting on August 11. Mescal was especially bad. Mayor Pro Tem Skinner talked to State Representative Rebecca Dow about Mescal, who told her to keep it on the Infrastructure Capital Improvement Plan and she will do her best to get it taken care of.

Land Use Admin Moore coordinated with Utility Clerk Jane Tinon to have a note on the following month's utility bills about cleaning up weeds. Mayor Pro Tem Skinner let the Council know how thankful Charlie Warren was about the improvements on Camino Cinco and Seis. The excessive rains lately would have been devastating otherwise. City Manager Ballinger updated the Council that the Maintenance Crew has been listening to the meeting and is currently taking care of the hole that Councilor Williams reported earlier at Rock Canyon and Canadian Circle. Mayor Trager added that City Manager Ballinger is working on tightening up the weekend on-call system.

12. CONSENT ITEMS (Roll Call Vote)

a. Approval of Regular Meeting Minutes, June 16, 2021

Mayor Pro Tem Skinner motioned to approve the Regular Meeting Minutes, June 16, 2021. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Harmon - Abstained

Councilor Williams – Yes

Motion passed.

13. PUBLIC HEARING

a. Approve/Disapprove: Ordinance 173 – Nuisances

Deputy Clerk Jessica Newberry swore in Planning and Zoning Chair Nathan LaFont. No public comments were submitted. He then explained the ordinance that has been in the works for about five years. He then answered questions from the Council.

Mayor Trager closed the Public Hearing.

Councilor Williams motioned to approve Ordinance 173 with the amendment of changing the hours to 10:00 pm to 6:00 am in Line 103. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

14. REGULAR ITEMS

a. Discussion/ Possible Action: Resolution 21-22-100 FY 2020-2021 Final Quarter Financial Report

Clerk-Treasurer Bush explained the income statement she uses to complete the Fourth Quarter Report to the Department of Finance and Administration. She also explained the rollover numbers and some changes with the funds.

Mayor Pro Tem Sinner motioned to approve Resolution 20-21-100. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

b. Discussion/ Possible Action: Resolution 21-22-101 FY 2021-2022 Final Budget Adoption

Clerk-Treasurer Bush explained that the only difference between the interim and final budgets was the rollover amounts. There have been changes to the budget since the Interim Budget was approved. Those will be made with a budget adjustment.

Mayor Pro Tem Skinner motioned to approve Resolution 21-22-101. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

c. Discussion/ Possible Action: Balloon Regatta & Elephant Days Lodgers' Tax Funding Applications

Susie LaFont, Co-Chair of the Lodgers' Tax Advisory Board, updated the Council about their last meeting. She also presented two applications for Lodgers' tax advertising funds.

Councilor Atwell motioned to approve the Balloon Regatta & Elephant Days Lodgers' Tax Funding applications. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

d. Discussion/ Possible Action: Ordinance 196 - Elected Officials Compensation

Mayor Trager explained that City Attorney Ben Young drafted the ordinance from the discussion at the last meeting.

Mayor Pro Tem Skinner motioned to approve Ordinance 196. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

e. Discussion/Possible Action: Resolution 21-22-102 South Central Council of Governments (SCCOG) Membership

Mayor Trager explained that the resolution is submitted yearly as part of the City's registration with the SCCOG.

Councilor Atwell motioned to approve Resolution 21-22-102. Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

f. Discussion/ Possible Action: NM Self Insurers' Fund & NM Municipal League Joint Powers Agreement

Mayor Trager and City Attorney Young explained that the need for the agreement is that the Municipal League is changing its structure in providing insurance.

Councilor Williams motioned to approve the NM Self Insurers' Fund & NM Municipal League Joint Powers Agreement. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

g. Discussion/ Possible Action: Wood Road Agreement

Mayor Trager explained that the ten-year agreement has expired. There have been no issues with the agreement. Wood Road is a City road that currently only goes to Gerald LaFont's property. City Attorney Young explained that there is a process to give the road to Mr. LaFont without violating anti-donation laws since the road is of no use to the City. Councilor Williams asks that Mr. LaFont be called to determine if he would take the road if the City vacated it. City Manager Ballinger will follow up with Mr. LaFont to see if he wants it before taking any further action.

h. Discussion/ Possible Action: Michigan Ave Project Task Order

City Engineer David Shields explained the task order and answered questions. A discussion followed about the impact of drainage and erosion as certain streets receive paving.

Councilor Williams motioned to approve the Michigan Ave Project Task Order. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

i. Discussion/ Possible Action: Warm Springs Blvd Project Task Order

City Engineer David Shields explained the task order and answered questions.

Councilor Atwell motioned to approve the Warm Springs Blvd Project Task Order. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

j. Discussion/ Possible Action: Municipal Arterial Program Cooperative Agreement - HW2L100521 Warms Springs

City Engineer David Shields explained the agreement.

Councilor Atwell motioned to approve the Municipal Arterial Program Cooperative Agreement. Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

k. Discussion: Infrastructure Capital Improvement Plan FY 2023-2027

A discussion was had about how to prioritize the items that are on the current list. Drainage needs to be the first item.

15. COUNCILOR COMMENTS

Councilor Harmon thanked everyone for this opportunity, and she looks forward to serving Elephant Butte.

Councilor Williams asked for clarity about the Fire Department Administrative Assistant being advertised. City Manager Ballinger explained the position. He also inquired about Wildland Fire Fund reimbursements.

16. EXECUTIVE SESSION

Councilor Williams motioned to go into Executive Session after a five-minute recess. Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

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

a. Discussion concerning purchase, acquisition, or disposal of real property or water rights pursuant to NMSA 1978, Section 10-15-1(H)(8).

Councilor Atwell motioned to come out of executive session. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

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

Mayor Pro Tem Skinner certified as required by Section 10-15-l(J), NMSA 1978, matters discussed in executive session were limited only to those specified, and no actions were taken.

17. ADJOURNMENT

Councilor Atwell motioned to adjourn. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

Minutes approved and adopted at the City Council Meeting on August 18, 2021.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

