



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC

Tuesday, August 3, 2021 - 9:00 am

103 Water Street, Elephant Butte, NM 87935

The City will also make the meeting open to the public through WebEx number: (415) 655-0001, Access Code: 126 791 3791, Password: 87935, or see www.cityofelephantbutte.com for more information.

MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Nathan LaFont called the meeting to order, and Commissioner Orlando Saavedra led the Pledge of Allegiance.

2. ROLL CALL

Land Use Administrator Lindsey Moore conducted roll call:

Chair Nathan LaFont - Present
Vice-Chair Tami Smith – Present
Commissioner Sheridan Fuss – Absent
Commissioner Orlando Saavedra - Present
Commissioner Cathy Vickers – Present

Land Use Admin Moore declared a quorum.

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect, and there is a three-minute limit per speaker on all non-agenda items.*

None

4. APPROVAL OF AGENDA

Commissioner Vickers motioned to approve the agenda. Vice-Chair Smith seconded. 4-0. Motion Carried.

5. APPROVAL OF MINUTES

Commissioner Vickers motioned to approve the July 6, 2021 minutes. Vice-Chair Smith seconded. 4-0. Motion Carried.

6. PUBLIC INPUT

None

7. COMMISSIONERS' COMMENTS

Commissioners Vickers appreciated the City staff's constant cleaning of the City.

Chair LaFont welcomed Commissioner Saavedra to the Commission and thanked him for joining. He also read Commissioner Harmon's letter of resignation from the Commission since she was appointed to City Council. He also confirmed that the quasi-judicial script he sent to the City Attorney and City Manager was correct.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger reviewed her report with the Commission. She invited the Commission to a special City Council meeting regarding drainage and erosion on Wednesday, August 11 at 1:00 pm at the Elephant Butte RV Resort. She led a discussion about replacing the connection with the New Mexico Water system and updated the Commission regarding the Public Utility Advisory Board.

She attended the New Mexico Municipal League's City Managers Association Budget Conference in Roswell for a couple of days last week. She also met yesterday with Lousie Marquez, Region 5's Rural Development Representative from NM Economic Development Department. Finally, she updated the Commission about Land Use Admin Moore's move back to City Hall from the Fire Department and her additional duties as a part-time code enforcement officer.

Chair LaFont requested that the City Manager Ballinger advocate with Council to add sewer planning for Warm Springs and Butte Blvd (commercial zone) to the Infrastructure Capital Improvement Plan this year, followed by a discussion about items on the plan.

9. ZONING/LAND USE REPORT

Land Use Admin Moore reported that there are sixty-three open permits. Three will expire this month. She is addressing code enforcement one day a week. She then went through her report with the Commission and answered questions. Chair LaFont will provide Land Use Admin Moore contact information for the regional postmaster out of Phoenix to assist with address verification as she works with the new county geographical information systems (GIS) coordinator on correcting Elephant Butte addresses.

10. REGULAR ITEMS

a. Discussion/Possible Action: Ordinance 183 – Manufactured Homes

Chair LaFont explained this version of the ordinance. He noticed that the dimensions on Section 10a need to be adjusted to 24 x 36. City Attorney Alan Dahl explained that he copied the definition directly from State statute, which had it 36 x 24. He will be writing a different ordinance for mobile homes. This one is just about manufactured homes.

Commissioner Vickers motioned to approve Ordinance 183 – Manufactured Homes. Vice-Chair Smith seconded. 4-0. **Motion Carried.**

b. Discussion/Possible Action: Ordinance 197 – Signs

Chair LaFont introduced the ordinance. Then City Attorney Dahl explained how this ordinance aligns the City with the free speech laws from the Constitution and State law. The ordinance would limit prohibited sign content to obscenity, fighting words and illegality.

Commissioner Vickers motioned to approve Ordinance 197 – Signs. Commissioner Saavedra seconded. 4-0. **Motion Carried.**

c. Discussion/Possible Action: Ordinance 198 – Cannabis Zoning and Regulations

City Attorney Dahl explained the ordinance. Its primary purpose is to regulate the time, place and manner of cannabis consumption in Elephant Butte. A discussion followed reviewing the ordinance, and City Attorney Dahl answered questions.

Commissioner Vickers motioned to approve Ordinance 198 – Cannabis Zoning and Regulations with the following amendments:

- **Section 4a (7) – Striking that consumption areas are not allowed and adding in a separate structure for the vertically integrated, microbusinesses, and producer components,**
- **Section 7 - Use the Alcoholic Beverage Control Division’s Hours of Operation**

Vice-Chair Smith seconded. 4-0. **Motion Carried.**

11. ADJOURNMENT

Commissioner Vickers motioned to adjourn. Vice-Chair Smith seconded. 4-0. Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on September 14, 2021.



Nathan LaFont
Chair

ATTEST:



Rani Bush
Clerk-Treasurer

