



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

Wednesday, August 11, 2021 – 1:00 pm

Elephant Butte Lake RV Resort
402 NM-195, 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 City Engineer David Shields 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 Cathy Harmon - 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 with the amendment to change the 3 Minute Limit for speakers to 5 minutes. Councilor Atwell seconded. Mayor Trager clarified that Item 4 was for the Open Meeting Act and that in Item 6, the comments wouldn't be limited to 3 minutes. **Motion passed by acclamation.**

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

5. REGULAR ITEMS

a. Discussion: Drainage and Erosion – Part 1

i. 2004 Drainage Master Plan (DMP) Review

Mayor Trager opened the discussion explaining how the last DMP in 2004 needs to be updated. This meeting is the beginning of that process. Next, Mayor Trager introduced the Council and City staff. Three representatives from the City's engineering firm, Bohannon Huston, were present, including Senior Vice President Craig Hoover and City Engineers David Shields and Vince Steiner (via WebEx).

City Engineer Shields presented a PowerPoint about stormwater management and the DMP, followed by a PowerPoint showing damage to City roads during the last few storms.

ii. City Resources – Equipment

City Manager Vicki Ballinger introduced the Maintenance and Utility crews, then went through the Aging Fleet Memo written by Field Operations Manager Brain Burlage. She then introduced Jay Armijo and Angela Rael from the South Central Council of Governments (SCCOG), who assist the City in finding grants and loans. Next, she reviewed the current list of funded and proposed road and drainage projects and answered questions.

iii. Land Use Requirements and Floodplain Manager Approval

Mayor Trager reintroduced Land Use Administrator Lindsey Moore and Councilor Atwell, the City's Floodplain Manager. The Mayor explained that any building or property change should start with seeing Land Use Administrator Moore for the correct permit. She will then contact Councilor Atwell for his approval. He commented that if someone is doing a CID (Construction Industries Division) building permit, they must have floodplain approval.

6. PUBLIC COMMENT

Dave Martin, Northern Drive, spoke on behalf of Joy and Curt Plath, Canadian Circle & Rock Canyon. He has been an Elephant Butte resident for about 16 years, and that area floods every year. The water comes down from Calle del Rancho from the west and creates a natural funnel that undermines the highway. City Engineer Shields let him know that there is some funding for that area, and Bohannon is currently in the design phase. City Engineer Steiner updated the meeting about this area. City Manager Ballinger informed the meeting that she has been in touch with the Plaths and has permission to go onto their property to help with the clean-up. She is also concerned with the utilities that are in an arroyo in the same area.

Roy Chrisman, 502 Hawthorne, thanked Land Use Administrator Moore, Brian and Paul for their help with his property which has flooded several times. He wanted to know how often the natural hydrology has been checked since 2004, considering all the changes since then. City Engineer Shields replied that it hadn't been checked, but that is what's happening now and the reason for this meeting. Mr. Chrisman also wanted to know what the City is doing to help the homeowners.

City Manager Ballinger responded that the purpose of the meeting is to hear from homeowners so she can determine what can be done by the City and what is the homeowners' responsibility. City Attorney Ben Young introduced himself and explained his role with this issue, including legal procedures regarding funding, contracts, and liability.

Emilo Barela, 5213 Mescal Loop, commented that nothing had been done about the flooding on and around his property in 30 years. Then he commented about a property on Mescal Loop with an abandoned truck that had been parked in the road on blocks for a year and a half. City Attorney Young explained that the owner has been cited and will appear in Magistrate Court on August 24.

Mark Shipley, 223 Caballo, gave suggestions on correcting drainage issues, including getting rid of the grandfather clause and determining how much water each homeowner needs to hold on their property with a dry well. It's a simple calculation based on how much land is blocked according to their roof space. He feels that sometimes homeowners wait for City Council to solve their problems. Instead, it should be a combined effort to make the City better for everyone. He's seen Bohannon Huston solve this in other cities and states. Logan, Utah solved their drainage issues using lined

boxed culverts. Homeowners need to take responsibility for their property, especially since Elephant Butte has such a small tax base.

Janyce Smyth, 428 Mescal, admitted that she put the ad in the Sentinel about not trusting Elephant Butte. She stated that “she’s seen too much and has been lied to too many times.” She is especially concerned about Mescal Pond that belongs to the City and Mr. G’s. She was happy that this meeting was taking place. She also commented on how her property values have plummeted.

Mayor Trager introduced Michael Horanburg, Congressional Representative Yvette Herrell’s staff member who recently joined the meeting to observe.

Sheridan Fuss, 105 Los Lagos and Planning and Zoning Commissioner, asked about what will happen to the water coming down Rock Canyon after Michigan is paved. City Engineer Shields explained that the design is not finished, but they are taking Rock Canyon into account.

Kathy Norton, 604 Travis, commented that she has yet to hear anything about her street. She has concerns about the arroyo on her property. In the past, she said that the City had dumped dirt into it. After that, when it rains, it threatens to take out her neighbor’s wall.

Chuck Robertson, 708 Erie, suggested finding a way the City and the engineers can work with homeowners to mitigate individual problems that in turn would help the City as a whole. He also suggested the City provide free sandbags during monsoon season. Mayor Trager replied that Fire Station 1 has free sandbags in front of it. Unfortunately, there is no sand, just the bags at this point.

7. COUNCILOR COMMENTS

Mayor Pro Tem Skinner acknowledged the problems with Mescal and explained that funds were set aside in the past, but Governor Martinez eventually vetoed that funding. The City is working with Mr. Armijo and SCCOG to find new funding.

Councilor Harmon appreciated hearing from the homeowners today and can relate to many of the issues brought up. She looks forward to addressing them in her new position as Councilor.

Councilor Atwell has the same issues as the homeowners. He just lost his driveway for a second time. He decided to run for City Council when he lost it for the first time in 2016. It’s time for the City to address the drainage issues, especially taking care of the 10-foot easements.

Councilor Williams thanked everyone for being here. He wanted to echo what Councilor Atwell said. The City has a responsibility to fix these issues, and that’s why he took the position as Councilor.

Mayor Trager confirmed that Part 2 will take place next Wednesday, August 18, as a workshop before the regular council meeting at 1:00 pm at City Hall.

8. EXECUTIVE SESSION

Councilor Williams motioned to go into Executive Session after a 15-minute recess to relocate to City Chambers. 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.

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

a. **Discussion/Possible Action: NMSA 1978, Section 10-15-1(H)(2) Limited Personnel Matters – Fire Department & City Management**

Councilor Williams motioned to come out of executive session. Councilor Harmon 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.

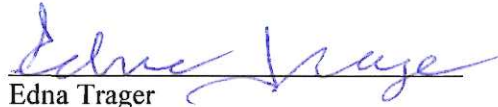
*****EXECUTIVE SESSION CAME TO AN END*****

Councilor Atwell certified 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.

9. ADJOURNMENT

Councilor Atwell motioned to adjourn. Councilor Williams seconded. 4-0. **Motion passed.**

Minutes approved and adopted at the City Council Meeting on September 15, 2021.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

