



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

**Wednesday, October 20, 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](http://www.cityofelephantbutte.com) for information about accessing the meeting through your computer.

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**MINUTES**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Edna Trager called the meeting to order, and Field Operations Manager Brian Burlage led the Pledge of Allegiance.

**2. ROLL CALL**

Clerk-Treasurer Rani Bush conducted roll call.

Mayor Edna Trager – Present  
Mayor Pro Tem Kim Skinner – Present via Webex  
Councilor Travis Atwell – Absent  
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 of removing Regular Item c and Executive Session Item c and placing them on future agendas.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes  
Councilor Harmon – 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 read an email from Will Dooley, Chamber of Commerce, thanking the City for the opportunity to have the Chili Cookoff at Elephant Days which was very successful.

## 6. PRESENTATIONS

### a. Pearl Harbor Presentation, Denise Addie

Denise Addie and Ted Kuzdrowski came before the Council to request permission to have the second annual Pearl Harbor Day event at the golf course for the 80<sup>th</sup> anniversary of Pearl Harbor on Tuesday, December 2. She also requested a dinner at Sierra del Rio for the Pearl Harbor and Korean veterans at the Veterans Home that evening, although the restaurant is closed on Tuesdays. They are expected 100 people. The Mayor will follow up with getting the needed permissions.

### b. South Central Regional Transportation Board, David Armijo

David Armijo, Executive Director, presented a PowerPoint to update the Council about the Board, including current and future projects and how they impact Elephant Butte. Mayor Pro Tem Skinner inquired about current services in Sierra County. Mr. Armijo confirmed there were no current scheduled transit services in Sierra County; however, there are special services as required, like the Senior Van Program. Mr. Armijo will keep Councilor Harmon in the loop regarding the upcoming Regional Transportation Planning Organization meeting.

## 7. MAYOR AND COUNCIL REPORTS

**Mayor Trager** updated the Council about political signs guidelines, including a waiver regarding no signs on fences until that section can be revised properly. Land Use Administrator Lindsey Moore is the point person for any questions regarding signs. Mayor Trager also let the Council know that conversations among herself, the County and Congresswoman Yvette Herrell about the lake are ongoing. She attended the Outdoor Economic Conference in Farmington. The consistent recommendation from everyone was to start with addressing the local community. Another big issue was litter.

**Councilor Harmon** attended the September South Central Regional Transit District meeting.

**Councilor Williams** attended the September South Central Council of Governments (SCCOG) meeting as the alternate. Councilor Harmon also attended. The December meeting will be in Sierra County. He learned about the following available funds: Economic Development Administration - \$236 million, Workforce Connections - \$3.3 million, Drainage and Sidewalks - \$5 million, Colonias Infrastructure - \$26.5 million. He stated how the City needs to apply for as many of these as possible.

He also attended the Sierra County Regional Dispatch Authority (SCRDA) Board meeting this morning. The new dispatch center's move-in date is January 12<sup>th</sup>.

**Mayor Pro Tem Skinner** has been attending NM Hospitality Association Government Affairs meetings about legislative priorities. They have also been working with the NM Restaurant Association, Workforce Solutions and the Middle Rio Grande Economic Development Association about employee shortages. Upcoming meetings include a Hospital Joint Powers Mission meeting and an Elephant Butte Public Utility Advisory Board meeting.

## 8. CITY MANAGER REPORT

**City Manager Vicki Ballinger** updated the Council about the SCCOG Legislative Priorities meeting, the Alternative and Recreational Trails Program application for the Off-Highway Vehicles (OHV) Park, not getting funding for the Balboa Pond Drainage and Erosion project, the Public Utility Advisory Board and Elephant Days. She also reflected on her two-year work anniversary and all that has happened since she was hired.

Mayor Pro Tem Skinner also updated the Council on the Public Utility Advisory Board. She also informed the Council that the Sierra County Recreation and Tourism Board added an OHV position filled by Roger Pattison upon her recommendation.

## **9. CITY ENGINEER REPORT**

**City Engineer David Shield** updated the Council on Warm Springs – Phase 1, Mescal Drainage and Design, Michigan, the Water and Fire Flow Improvements Task Order, Camino Cinco & Seis, and San Andres and Ocotillo. He also explained the process for getting a water conservation ordinance.

## **10. CLERK-TREASURER REPORT**

**Clerk-Treasurer Bush** updated the Council about better budget report software, the State First Quarter Report, the FY21 Audit and questionnaires, the Local Government Budget Conference, and October's gross receipts tax.

## **11. FIRE CHIEF REPORT**

**Fire Chief Boone** answered questions about the grants in his written report. These grants include the State Fire Marshall's grant, for which Elephant Butte was awarded \$425,000 for Station 1 facility improvements. He is researching and working on the applications for the other two. He will keep Council updated.

## **12. LAND USE REPORT**

**Land Use Admin Lindsey Moore** reported that there have been 94 permits issued so far this year. She's getting many questions about commercial permits, which is a good sign for growth. Starting Friday, her office will be back at City Hall.

## **13. CODE ENFORCEMENT REPORT**

**Land Use Admin Lindsey Moore** is focusing on code enforcement at least one day a week.

## **14. CONSENT ITEMS (Roll Call Vote)**

### **a. Approval of Regular Meeting Minutes, September 15, 2021**

**Councilor Harmon** motioned to approve the minutes with the amendment of changing "to discuss" to "for discussion and possible action on" in the second sentence of Councilor Harmon's report on Page 2. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

## **15. REGULAR ITEMS**

### **a. Discussion/Possible Action: Lodgers' Tax Advisory Board Recommendation - Elephant Butte I-25 Billboards \$20,000**

**Russ Trager and Janine Sjostrom** from the Lodgers' Tax Advisory Board explained the request to fund I-25 billboards (two northbound and two southbound). There would be a \$450 set-up fee and a \$300 per month charge for each board. Mayor Pro Tem Skinner volunteered to introduce them to Marianne Blaue from the Truth or Consequences (TorC) Chamber of Commerce, who spearheaded using digital billboards for TorC in Las Cruces and El Paso. Clerk-Treasurer Bush



explained that with the current obligations, a budget adjustment would need to be made but that there is enough money in the fund to pay for the billboards. Mr. Trager and Ms. Sjostrom will return to Council as they further develop what will be on the billboards.

**b. Discussion/Possible Action: Wood Road Transfer Petition**

City Attorney Ben Young explained the petition and the next steps for vacating the road.

**Councilor Williams motioned to accept the petition to vacate Wood Road and forward it to the Planning and Zoning Commission.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams - Yes

**Motion passed.**

**c. Discussion/Possible Action: Sewer Standby Fee Waiver Application**

This item was postponed during the acceptance of the agenda. The Council decided to add it to the November 17 agenda.

**d. Discussion: Revise City Code to a Combined Water and Sewer Advisory Board**

Mayor Pro Tem Skinner explained why the Code needs to be amended. City Attorney Ben Young will draft an ordinance for the November meeting.

**e. Discussion/Possible Action: Warm Springs MAP Project Bid Award**

City Manager Ballinger explained the bid award process. Mayor Trager, Councilor Williams and Councilor Harmon attended the bid opening meeting on October 5.

**Councilor Williams motioned to accept awarding the bid to A Mountain Construction.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams - Yes

**Motion passed.**

Councilor Williams asked about having an on-site engineer for quality control. Mayor Trager explained that there had not been an engineer at projects full time in the past. However, Field Operations Manager Brian Burlage will conduct spot checks and contact Bohannon Huston if there are issues.

**f. Discussion/Possible Action: Mescal Loop Task Order #5**

City Manager Ballinger explained the task order.

**Councilor Williams motioned to approve Mescal Loop Task Order #5.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes  
Councilor Williams - Yes

**Motion passed.**

**g. Discussion/Possible Action: Water System & Fire Flow Improvements Task Order Proposal**

City Manager Ballinger explained the task order.

**Councilor Williams motioned to approve the Water System & Fire Flow Improvements Task Order Proposal.** Councilor Harmon seconded.

Councilor Williams reminded City Manager Ballinger about the SCRDA generator that would be available once they moved to their new building on the 13<sup>th</sup> or 14<sup>th</sup> of January.

Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

**h. Discussion/Possible Action: Resolution 21-22-106 LP10022 Ocotillo Street**

City Manager Ballinger explained the resolution.

**Councilor Williams motioned to approve Resolution 21-22-106 LP10022 Ocotillo Street.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

**i. Discussion/Possible Action: Resolution 21-22-105 LP10021 San Andres Drive**

City Manager Ballinger explained the resolution.

**Councilor Williams motioned to approve Resolution 21-22-105 LP10021 San Andres Drive.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

**j. Discussion/Possible Action: Amended Resolution 20-21-127 - Wildland Compensation**

Mayor Trager explained the amended resolution. There were conversations with the Department of Finance and Administration as well as the NM Municipal League regarding how to structure the compensation. Mayor Trager informed the Council that she researched the fire

reimbursements from July 16, 2020, until June 16, 2021. Based on her findings, the City was reimbursed \$8,672.32 for salary from the Wildland Fund.

**Councilor Williams motioned to approve Amended Resolution 20-21-127 - Wildland Compensation.** Councilor Harmon seconded.

A discussion followed regarding paid time off, working hours, and the Fire Chief's job description. City Manager Ballinger will present job descriptions for all City staff at the November meeting.

**Councilor Williams amended his motion postponing Amended Resolution 20-21-127 until the next regular Council meeting and placing it after job descriptions on the agenda.** Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

**k. Discussion/Possible Action: Resolution 21-22-104 FY22 Budget Adjustment #1**

Clerk-Treasurer Bush explained the budget adjustment and answered questions.

**Councilor Williams motioned to approve Resolution 21-22-104 FY22 Budget Adjustment #1** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion passed.**

**16. COUNCILOR COMMENTS**

None

**17. EXECUTIVE SESSION**

**Councilor Williams motioned to go into Executive Session.** Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – 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).**

- b. **Discussion concerning threatened or pending litigation pursuant to NMSA (1978), Section 10-15-1(H)(7) – Correspondence from Attorney Randall Juergensen on behalf of Kellye Warth threatening legal action against the City of Elephant Butte.**

**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 Harmon – Yes  
Councilor Williams - Yes

**Motion passed.**

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

Councilor Williams 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.

## **18. ADJOURNMENT**

**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 Harmon – Yes  
Councilor Williams - Yes

**Motion passed.**

*Minutes approved and adopted at the City Council Meeting on November 17, 2021.*

ATTEST:

  
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Rani Bush  
Clerk-Treasurer

  
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Edna Trager  
Mayor

