



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING

Wednesday, November 17, 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 Councilor Travis Atwell led the Pledge of Allegiance.

2. ROLL CALL

Deputy Clerk Jessica Newberry conducted roll call.

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

Deputy Clerk Newberry declared a quorum.

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

Mayor Pro Tem Skinner recused herself from Regular Item 15a due to a conflict of interest.

Councilor Atwell motioned to approve the agenda. Councilor Williams seconded. Motion passed by acclamation.

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

5. PUBLIC COMMENT

City Manager Vicki Ballinger read an email from Mr. Thetford's daughter at 520 Lakeshore Drive thanking the City for the fall clean-up.

6. MAYOR AND COUNCIL REPORTS

Mayor Trager updated the Council about COVID, the cancellation of the Pearl Harbor event, the South Central Regional Transit District, a planning meeting with the NM Dept of Transportation, the Trunk & Ride Halloween event, the 50-year Year Water plan, the Luminaria Walk, a planned visit by the Director of State Parks, the FY2021 Audit, the Local Government Division Budget Conference, and redistricting.

Councilor Williams let the Council know that one of South Central Regional Dispatch Authority's dispatchers, Keith Gonzalez, had passed away. Services will be on Monday at the Desert Springs Lutheran Church. He asked for a moment of silence

Mayor Pro Tem Skinner updated the Council about the Monitoring Committee of Workforce Solutions, the Tourism Board, the NM Hospitality Association Government Affairs Board, the Hospital's Owners Board meeting, redistricting and the Texas Workforce Development Board Conference.

7. CITY MANAGER REPORT

City Manager Ballinger had a few updates to her written report, including new funds regarding capital outlay requests, the Desert Lights Parade, the Warm Springs project, the new mower, the water system, the Employee Handbook, and the NM Self Insured Fund. City Attorney Ben Young then gave an update on the Cannabis workshop he attended during the Local Government Division Budget Conference.

8. CITY ENGINEER REPORT

City Engineer David Shields updated the Council on the Warm Springs project, Michigan Street Construction project, Camino Cinco and Seis, Dept of Transportation funding, match waivers, and Lots 10 & 11. Vince Steiner will update the Council later on the Michigan drainage analysis.

9. CLERK-TREASURER REPORT

Clerk-Treasurer Rani Bush was at an NM Municipal League's Clerks Institute in Santa Fe and, therefore, unable to attend the meeting.

10. FIRE CHIEF REPORT

Fire Chief Toby Boone signed in, but he was unable to attend the meeting due to technical difficulties.

11. LAND USE REPORT

Land Use Admin Lindsey Cobleigh reported that there have been 101 permits issued so far this year, with two pending. She has been working with Keith Whitney at the County to correct addresses, especially in the Mescal Loop and golf course areas. She is also working on animal registrations. In addition, she attended an NM Municipal League Zoning Official training. Then she explained about clean and liens.

12. CODE ENFORCEMENT REPORT

Land Use Admin Cobleigh reported that there are currently 24 open violations, mostly for weeds or nuisances.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Regular Meeting Minutes, October 20, 2021

Councilor Williams motioned to approve the minutes with the correction of Councilor Williams' name on Pages 4 -6. Councilor Harmon seconded. Deputy Clerk Newberry conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell - Yes

Councilor Harmon – Yes

Councilor Williams - Yes

Motion passed.

b. Approval of Special Meeting Minutes, October 26, 2021

Councilor Williams motioned to approve the minutes. Councilor Atwell seconded. Deputy Clerk Newberry conducted a roll call vote.

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

Motion passed.

14. PUBLIC HEARING

a. Approve/Disapprove: Ordinance 199 – Vacate Wood Street

City Attorney Ben Young explained the ordinance and the process so far. Deputy Clerk Newberry swore in Nathan LaFont, owner of Lakeside RV Parks. Mr. LaFont explained the background and current situation of Wood Street to the Council. Attorney Young pointed out that there were questions from the utility companies about their utilities running under Wood Street. Mr. LaFont was fully willing to work with these companies when upgrades were needed.

Councilor Williams motioned to approve Ordinance 199. Councilor Atwell seconded. Deputy Clerk Newberry conducted a roll call vote.

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

Motion passed.

15. REGULAR ITEMS

a. Discussion/Possible Action: Sewer Standby Fee Waiver Application

Mayor Pro Tem Skinner explained why standby fees need to be waived in certain lots in the City, including hers. Utility Clerk Jane Tinon found an application from 2011 where the fee was approved to be waived. Since this sets precedence, Mayor Pro Tem Skinner filled out a waiver application that she asked the Council to consider. Land Use Admin Cobleigh pointed out that the only way legally that the lots would be considered one property was through a vacation of lot lines. Therefore, the waiver would only be for the standby fee, not the lots.

Councilor Williams motioned to approve the Sewer Standby Fee Waiver Application. Councilor Atwell seconded.

Attorney Young clarified that moving forward, he would work with Land Use Admin Cobleigh to revise the application and potentially draft an ordinance that incorporates a waiver to address the situation.

Deputy Clerk Newberry conducted a roll call vote.

Councilor Atwell - Yes
Councilor Harmon – Yes
Councilor Williams - Yes

Motion passed.

b. Discussion/Possible Action: Renewal of Legal Services Contract

Attorney Young explained that the 2019 contract with his firm provided for three automatic yearly renewals. He wanted to bring it to the Council's attention. There is a clause for a 30-day termination notice for no cause. He thanked the City for its continued confidence and collaboration with his firm.

Mayor Pro Tem Skinner motioned to approve the automatic third renewal of the Legal Services Contract. Councilor Williams seconded. Deputy Clerk Newberry 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: Ordinance 200 - Combined Public Utility Advisory Board

Mayor Pro Tem Skinner and City Manager Ballinger explained the ordinance.

Councilor Williams motioned to approve Ordinance 200 with the amendment of adding “or designee” to Line 30 after “City Manager.” Councilor Atwell seconded. Deputy Clerk Newberry 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: 2022 City Calendar

City Manager Ballinger explained the City Calendar.

Councilor Williams motioned to approve the 2022 City Calendar. Councilor Harmon seconded. Deputy Clerk Newberry 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: Lands End's Use of the City Logo

City Manager Ballinger explained the request by Lands End to use the logo. Mayor Pro Tem Skinner suggested to contact Janine Sjostrom for her input since she contracted with the City to design it. Councilor Williams had concerns about it not being a registered trademark. City Manager Ballinger will follow up and bring it to the December meeting.

f. Discussion: Michigan Dr. Roadway & Drainage Improvements Project

City Engineer Vince Steiner, Bohannon Huston, gave an update on the Michigan Drive project. Then a discussion was held focusing on issues including:

- Rock Canyon Road
- Basin 02 draining onto Rock Canyon
- Calle del Rancho
- The detention area at Skyline before paving
- Updating the Drainage Management Plan
- Updating City Code regarding easements, construction, maintenance and the 100-year plan

Councilor Harmon motioned to postpone approving the Michigan Dr. Roadway & Drainage Improvements Project. Councilor Williams seconded. Deputy Clerk Newberry conducted a roll call vote.

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

Motion passed.

g. Discussion: City Job Descriptions

City Manager Ballinger presented the Council with the past job descriptions for fire chief, code enforcement and land use and a timeline showing their history within the City.

Councilor Williams pointed out that City Code Chapter 155.006(B)(1) states that the Code Enforcement Officer shall be chosen by the Mayor with the approval of the City Council. As far as he knows, the only one brought before the Council was Toby Boone. So, moving forward, this code needs to be complied with.

Councilor Atwell inquired if Fire Chief Boone was still doing code enforcement. City Manager Ballinger answered not since the first of July, 2021. Land Use Admin Cobleigh corrected the dates of her employment as Fire Department Admin to March 2, 2020, until October 21, 2021.

City Manager Ballinger will continue to work on the job descriptions and bring them to the December meeting.

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

This resolution was postponed from the last meeting to gain more clarification about payment.

Councilor Williams motioned to approve Amended Resolution 20-21-127. Councilor Atwell seconded. Deputy Clerk Newberry conducted a roll call vote.

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

Motion passed.

16. COUNCILOR COMMENTS

Mayor Trager will be out of town for two weeks starting November 20.

Councilor Williams requested a special meeting on December 6 at 2:00 pm for an executive session for discussion/possible action to finish the evaluation. Mayor Trager will forward the forms used for the last evaluation to the Council. City Manager Ballinger asked what they were evaluating. Mayor Trager replied that it was a job performance evaluation. Councilor Williams clarified that it should be advertised as discussion of limited personnel matters regarding the Manager's Office, pursuant to NMSA 1978, Section 10-15-1(H)(2).

Councilor Harmon was glad to see the Mayor-Elect on Webex for at least part of the meeting today.

17. EXECUTIVE SESSION

Councilor Williams motioned to go into Executive Session. Councilor Harmon seconded. Deputy Clerk Newberry 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 of limited personnel matters regarding the Manager's Office, Fire Department, and Public Works Department, pursuant to NMSA 1978, Section 10-15-1(H)(2).**
- b. **Discussion concerning purchase, acquisition, or disposal of real property or water rights pursuant to NMSA 1978, Section 10-15-1(H)(8).**

Councilor Harmon 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.

Councilor Harmon motioned to come out of executive session. Councilor Williams seconded. Deputy Clerk Newberry 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*****

18. ADJOURNMENT

Councilor Atwell motioned to adjourn. Councilor Williams seconded. Motion passed by acclamation.

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


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer



