



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING

Wednesday, February 16, 2022 – 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 Phillip Mortensen called the meeting to order and led the Pledge of Allegiance.

2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call.

Mayor Phillip Mortensen - Present
Mayor Pro Tem Kim Skinner – Present via WebEx
Councilor Travis Atwell – Present
Councilor Cathy Harmon - Present
Councilor Edna Trager - Present

Clerk-Treasurer Bush declared a quorum.

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

Councilor Trager recused herself from Item 14a regarding Lodgers' Tax Advisory Board recommendations. There is no conflict of interest; however, her husband, Russ Trager, is on the board. So to avoid any appearance of a conflict of interest, she will recuse herself.

Councilor Trager motioned to approve the agenda. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

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

5. PUBLIC COMMENT

Mike Williams, 102 Candian Circle, commented that he did see any advertisements for Planning and Zoning. He sees that there are appointments on the agenda (6a). He spent six years on a planning and zoning commission and was vice-chair and a commission. He would like to put his name in for an appointment.

6. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Planning & Zoning Appointments & 2022 Priority List

Nathan LaFont, Chair of the Planning and Zoning Commission, presented their 2022 Priority List to the Council. Councilor Trager asked that the Fire Code be finished before the Fourth of July.

Mayor Mortensen commented that volunteers are an integral part of the community and their success. He then thanked Sheridan Fuss for his over ten years of Planning & Zoning service. He is stepping down as a regular commissioner. Next, Mayor Mortensen recommended re-appointing Cathy Vicker as a regular commissioner.

Councilor Trager motioned to approve Mayor Mortensen's recommendation of re-appointing Cathy Vickers.

Motion died to lack of a second.

Mayor Mortensen recommended re-appointing Tami Smith as a regular commissioner.

Councilor Atwell motioned to approve Mayor Mortensen's recommendation of re-appointing Tami Smith. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell - Yes

Councilor Harmon – Yes

Councilor Trager - Yes

Motion passed.

Mayor Mortensen recommended appointing Harvey Lee Morris as a regular commissioner.

Councilor Trager motioned to approve Mayor Mortensen's recommendation of appointing Harvey Lee Morris.

Motion died to lack of a second.

Mayor Pro Tem Skinner commented that this is the first that she had known of people retiring from Planning and Zoning. She then commented that typically an ad is posted in the paper or Facebook in order to get local people to apply. Mr. Morris's resume has a Las Cruces address, and she is concerned that local citizens have an opportunity to apply. Mayor Mortensen clarified that Mr. Morris is in the audience and is a resident. He also pointed out that it is not necessarily regulation to advertise. He had sufficient letters of interest come to him without advertising. Therefore he moved forward with his appointments.

Councilor Trager asked to confirm that there are openings on Planning & Zoning for two commissioners and an alternate. Mayor Mortensen confirmed that she was correct. She then commented to let the community know and spread the word about the openings, including in the Sentinel.

7. MAYOR AND COUNCIL REPORTS

Mayor Mortensen updated the Council on Capital Outlay Funds, including that State Senator Crystal Diamond is planning to fund \$75,000 to re-roof the community center and the maintenance building, and State Representative Rebecca Dow is planning to fund \$150,000 for the Off-Highway Vehicle (OHV) Park. Mayors across the state worked together to voice their concerns about the language in S.B. 5 and H.B. 163. They were able to get language removed from them that would forbid local governments from

implementing any gross receipt tax for five years. Finally, Mayor Mortensen let the Council know that Clerk-Treasurer Rani Bush has tenured her resignation. She has been with the City for three years and has accepted a job with the City of Mesilla. She will start on March 7, 2022. He thanked her for her service and gave well wishes on her new endeavor. Councilor Atwell and Trager also thanked her.

Councilor Trager updated the Council on a Friends of the Lake meeting. The Easter Egg Hunt will take place as usual. She has been working with the NM Tourist Department and on the NM CoOp agreement.

Mayor Pro Tem Skinner updated the Council on the various hearings, trainings and meetings she has been attending on behalf of the City. She also thanked Senator Diamond, Representative Dow and Clerk-Treasurer Bush.

Councilor Harmon updated the Council on the South Central Regional Transportation Authority and thanked Clerk-Treasurer Bush.

8. CITY ENGINEER REPORT

David Shields from Bohannon Huston updated the Council on Warms Springs, Michigan, the wastewater treatment plant, the Colonias applications, the Fire Station #1 re-build and the water systems improvements.

9. CLERK-TREASURER REPORT

Clerk-Treasurer Bush told the Council about her resignation as of March 4, 2022, and her new position as Clerk-Treasurer with the Town of Mesilla. She then thanked the mayors she had worked with and City staff, especially Vicki Ballinger, for their encouragement and support.

She also informed the Council that the FY21 Audit had been delayed again. She called the audit firm today and set up a meeting next Thursday to hopefully wrap up the audit. Mayor Pro Tem Skinner requested that that audit firm send a letter to the State auditor about the progression of the submittal of the audit. She needs this for the Colonias application due March 3, 2022.

10. PUBLIC WORKS REPORT

Field Operations Manager Brian Burlage updated the Council about the water storage tank inspections and the 2021 Elephant Butte Consumers Confidence Report. Mayor Pro Tem Skinner apologized for not knowing about the \$500,00 worth of repairs needed at the wastewater plant. The Council and City Engineer Shields are working on getting the funding needed.

11. LAND USE/CODE ENFORCEMENT REPORT

Land Use Administrator Lindsey Cobleigh updated the Council on her reports. There are fourteen permits so far this year. Regarding code enforcement, she has been working on animals running at large and with Jane Tinon, the utility clerk, on past due accounts. She also updated the Council on the Realtors' workshop on Thursday, January 27, 2022. Six realtors showed up. She would like to hold workshops quarterly.

12. FIRE CHIEF REPORT

EMS Chief Brittany Flores updated the Council about the 26 EMS and two fire calls for January. So far in February, there have been eight medical calls and one fire call. There is a new EMT, Firefighter Green. The City is currently on a burn ban.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Regular Meeting Minutes, January 19, 2022

Councilor Trager motioned to approve the January 19 minutes. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

b. Approval of Special Meeting Minutes, January 28, 2022

Councilor Trager motioned to approve the January 28 minutes. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

c. Approval of Special Meeting Minutes, February 10, 2022

Councilor Trager motioned to approve the February 10 minutes. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

14. REGULAR ITEMS

a. Discussion/Possible Action: Lodgers' Tax Advisory Board Recommendations for I-25 Billboards and the Digital Elephant Butte Adventure Guide

Janine Sjostrom and Roger Pattison updated the Council about a digital version of the "Elephant Butte Adventure Guide" and explained the plan for placing billboards in four locations along the I-25 for approximately \$20,000. Clerk-Treasurer Bush explained that money is in the Lodgers' Tax Fund to cover the cost. Mayor Pro Tem Skinner asked about money set aside for placing a new monument sign by the entrance to the lake. Clerk-Treasurer Bush will email the Council with the exact costs.

Mayor Pro Tem Skinner motioned to approve the digital version of the "Elephant Butte Adventure Guide, and the I-25 Billboards plan pending enough Lodgers' Tax money to pay for the monument sign first. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner – Yes
Councilor Atwell - Yes

Councilor Harmon – Yes
Councilor Trager - Abstained

Motion passed.

b. Discussion/Possible Action: Elephant Butte's Americans with Disabilities Act (ADA) Policy and Title VI Plan

Angela Real from the South Central Council of Government explained that these documents are a federal requirement that had expired.

Councilor Atwell motioned to approve the Elephant Butte's Americans with Disabilities Act (ADA) Policy and Title VI Plan. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

c. Discussion: Mescal Loop Drainage Analysis - Vince Steiner, Bohannon

Mr. Steiner updated the Council on the Mescal Loop Drainage project and answered questions. He will use the feedback from today in preparing a report to submit to the Council for approval.

d. Discussion/Possible Action: Resolution 21-22-112 Accepting Capital Appropriations # SAP 21-F2384-STB (Water Line Upgrades)

Mayor Pro Tem Skinner motioned to approve Resolution 21-22-112. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

e. Discussion/Possible Action: Resolution 21-22-113 Colonias 10% Funding Match - Water System

Mayor Pro Tem Skinner explained that the next two resolutions are to clarify that for Colonias funding, there is a 10% City match as well as a 10% loan requirement.

Councilor Atwell motioned to approve Resolution 21-22-113. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

f. Discussion/Possible Action: Resolution 21-22-114 Colonias 10% Funding Match - Wastewater

Councilor Atwell motioned to approve Resolution 21-22-114. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

g. Discussion/Possible Action: Assets Management Process

City Engineer Shields explained that this process needs to be in place to apply for Colonias funds.

Councilor Atwell motioned to approve the Assets Management Process. Councilor Trager seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

h. Discussion/Possible Action: Resolution 21-22-107 Governing Body Rules of Procedure

Councilor Trager motioned to approve Resolution 21-22-107.

Motion died due to a lack of a second.

15. EXECUTIVE SESSION

Councilor Atwell motioned to go into 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 Trager - Yes

Motion passed.

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

a. Discussion of limited personnel matters regarding City Manager's Office, pursuant to NMSA 1978, Section 10-15-1(H)(2).

Mayor Mortensen certified as required by Section 10-15-1(H), 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 Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

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

16. ACTION ITEM

a. Approve/Disapprove: Stephan P. Archuleta's Contract

Councilor Atwell motioned to approve Stephan P. Archuleta's contract. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

b. Approve/Disapprove: Stephan P. Archuleta as a signer on all City bank accounts and as a recipient of a City credit card

Councilor Atwell motioned to approve Stephen P. Archuleta as a signer on all City bank accounts and a City credit card recipient. Councilor Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

Motion passed.

Mayor Pro Tem Skinner recommended that the minutes of this meeting be approved at the special meeting next Tuesday so that Mr. Archuleta can become a signer as soon as possible.

17. COUNCILOR COMMENTS

Councilor Trager explained that all the councilors have a working draft of the Employee Handbook so they can review it before the workshop on March 3, 2022.

Mayor Mortensen thanked the Council for working with him on getting the city manager position filled. He is highly concerned that the City effectively does not have a Planning and Zoning Commission. He feels it was based on a technicality that is not in the Code to his knowledge, about having to announce there is a vacancy. He had people reach out to him with an expression of interest, and he thought he could bring it to the Council to get approved. If he made a mistake, that's on him, but he is disappointed. He thought he had been working well with the Council.

18. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council Meeting on February 22, 2022.


Phillip Mortensen
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer

