



**CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING**
103 Water Street, Elephant Butte, NM 87935

Thursday, September 22, 2022 – 2:00 pm

The meeting is also open to the public through this Zoom link:

<https://zoom.us/j/85000630230>

Meeting ID: 850 0063 0230 or see www.cityofelephantbutte.com for more information.

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

City Clerk Newberry called roll and declared a quorum.

Mayor Phillip Mortensen – Present

Mayor Pro-Tem Kim Skinner – Present

Councilor Cathy Harmon - Present

Councilor Travis Atwell – Present

Councilor Edna Trager – Present

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

Councilor Atwell abstained from No. 6. J – Agreement between the county of Sierra and the City of Elephant Butte regarding the administration and enforcement of the City's floodplain management regulations.

Mayor Pro-Tem Skinner moved to approve the agenda for September 22, 2022.

Councilor Harmon seconded the motion. 4-0. Motion carried.

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

4. PUBLIC COMMENT

City Clerk - No public comment.

5. CONSENT ITEMS

- a. Regular council meeting minutes August 17, 2022.

Councilor Harmon moved to approve the minutes for August 17, 2022, including with future approval of minutes. City Clerk will include any changes or additions to the minutes. Mayor Pro-Tem Skinner seconded the motion. 4-0. Motion carried.

6. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. **Swearing in of Kristin Saavedra, City Treasurer.** City Clerk Newberry swore in Kristin Saavedra, City Treasurer.
- b. **Sierra County Regional Wastewater Collection System Phase IV b.**
City Manager Archuleta addressed the council to place the project back on the agenda due to changes that council agreed upon by removing Cimarron Drive. Looking at the map if Cimarron Drive is taken off, there is no connection for the rest of those roads. It is important to decide to put Cimarron Drive back on to get the connection all the way down. Springland Blvd., and Brazos St., for sewer connection.

Mayor Mortensen abstained from any discussion on this topic.

Mayor Pro-Tem Skinner reiterated from earlier meeting discussion about repairs at the wastewater treatment plant.

David Shields, Bohannon Huston, reminded the council of the intention to save enough funds out of the 2.9 million for the repairs at the wastewater treatment plant.

Mayor Pro-Tem Skinner motioned to change zone A, put Cimarron Dr., back on have Brazos as an alternate and do zone C. with changes we will have enough money to repair the wastewater treatment plant. Councilor Atwell seconded the motion. 4-0. Motion carried.

- c. **Warm Springs**

Councilor Harmon addressed the puddles on Warm Springs on the north side of the road and wanted to know why the rip rap is being done on the south side of the road.

David Shields, Bohannon Huston – explained why the rip rap on the south side of the road was done to help alleviate the erosions. Shields explained there is a pond in place on the north side of the road but it is not big enough to hold the natural flow due to the flow going over the hill. Phase II project addresses those issues; drainage and the rest of Warm Springs all the way to Turtleback. Phase I did not address any of the drainage issues.

Councilor Harmon also had concerns about the angle that was changed prior to road construction.

David Shields, Bohannon Huston – that was a stop gap fix, and the angle can be fixed with Phase II. Mr. Shields suggested that all concerns should be previewed and marked as needed and sent back to him for changes before the project is almost complete. Phase II will start approximately in the first quarter of 2023, should have that project up for a competitive bidding.

Mayor Mortensen suggested we start reaching out to the business owners via public meeting about the disruption that will take place during Phase II.

d. Michigan

Councilor Harmon has a safety issue concern with the angle iron poking up and the ditch at the end of the payment.

David Shields, Bohannon Huston – will get with the contractors about the 90-degree angle.

City Manager Archuleta – the Maintenance Department is in the process of installing delineators for public awareness on both concerns from Councilor Harmon.

e. Findings and Conclusions regarding Appellant's Request for a Variance

Lindsey Cobleigh, LandUse/Code Enforcement – addressed the council in regard to the findings and conclusion about the public hearing held on August 17th. Findings were sent out to the applicant on September 13th. After 30 days from that date the applicant must follow current city code. Findings and conclusions were a direct reflection of everything that was discussed during executive session and the decision that was made on this matter.

f. Transportation Project Fund Grant Agreement

David Shields, Bohannon Huston – this grant is right at \$1,000,000.00 for the Turtleback to the 181 Hwy, mill and fill.

Mayor Pro Tem Skinner motioned to approve the Transportation Project Fund Grant Agreement, for repaving project from Warm Springs Blvd., approximately 5,250 lineal feet roadway pavement milling pavement overlay from Warm Springs to Turtleback. Councilor Trager seconded the motion. 4-0. Motion carried.

g. Resolution No. 22-23-102 Sponsorship in the Transportation Projects Fund Program Administered by NM Department of Transportation.

David Shields, Bohannon Huston – continuation for Phase II Turtleback to 181 Hwy as mentioned earlier in meeting.

Mayor Pro-Tem Skinner motioned to approve Resolution No. 22-23-102 Sponsorship in the Transportation Projects Fund Program Administered by NM Department of Transportation. Councilor Trager seconded. 4.0. Motion carried.

h. Resolution No. 22-23-103 Participation in Municipal Arterial Program Administered by the NM Department of Transportation

David Shields, Bohanna Huston – continuation Phase II starting at Water Street, will continue rebuilding and widening with a 7-foot shoulder down to Turtleback.

Mayor Pro-Tem Skinner motioned to approve Resolution No. 22-23-103 Participation in Municipal Arterial Program Administered by the NM Department of Transportation. Councilor Trager seconded the motion. 4-0. Motion carried.

i. Presentation by Valley Sanitation to City Council

Dr. Sanchez and Tim Otto – Valley Sanitation is a company that was started in 2020 and currently services the entire county of Socorro. We have expanded our company, and we hire all local people and build the Great Basin Socorro. We've had continuous comments to come out into this area from different clients and so we're here today to see if there's any way that we could have the opportunity to provide service in this area for trash removal, debris clean out, recycling. This is currently what we're doing in the Socorro area. We would love the opportunity to work for the City of Elephant Butte and the County of Sierra. We currently have an office in Socorro that is where Valley Sanitation is stationed out of and would be able to expand. We have the staff, and operations would be able to expand this area without any complications. We use Socorro landfill. We partnered with the county of Socorro and we got a grant to establish some tire recycling so we're in the process of putting that grant money to use by us as a

private company to service the county and get rid of tires because as you know that's a big headache and they end up in the arroyos. County of Socorro Solid Waste Service & Exclusive Franchise eight-year Agreement and a rate sheet is available with city manager for the council to review.

Council Trager – asked if Valley Sanitation had spoken to Sierra County.

Tim Otto – Valley Sanitation would meet with Sierra County next.

Council Trager – asked when did the eight-year agreement go into effect.

Tim Otto – the contract was signed in September 2021 and services began in November 2021. They are in the first year of business with seven-years left.

j. **Agreement Between the County of Sierra and the City of Elephant Butte Regarding the Administration and Enforcement of the City's Floodplain Management Regulations**

Stephen Archuleta, City Manager – this is an agreement between the County of Sierra and the City of Elephant Butte about the administration of the city floodplain management regulations. The city was incorporated as municipality after the election where the residents of the area approved incorporation pursuant to NMSA 1978 section 23-2-1 Elephant Butte is located completely within the physical boundaries of the County of Sierra, however after incorporation the County of Sierra no longer had jurisdiction to provide services and the incorporated areas of Elephant Butte desire to utilize the services of the floodplain administrator for the county to administer and enforce floodplain management regulations for the city. The purpose of this agreement is set forth those services relating to the administration and implementation of the City of Elephant Butte management regulations to the county basically the cost for that is \$25 per floodplain permit reviewed by the city floodplain manager which is what we are paying right now.

Councilor Atwell – said this is already a current MOU the city and county have in place, so this is the same, the only change on this agreement is my title and physical location because we have all moved into the new county complex. He also said he no longer works under the flood commission.

Councilor Trager – was it already applied to your regional agreement?

Councilor Atwell – just changed the title and the address that was the only change made,

Councilor Harmon – suggested to council to add to next month's agenda to eliminate ordinance no. 76 which makes the mayor floodplain administrator due to a conflict of interest.

Mayor Pro-Tem Skinner motioned to approve this agreement with the county of Sierra about the administration enforcement of this city's floodplain management regulations. Councilor Trager seconded. 3-0. Motion carried.

k. Resolution no. 22-23-104 Adoption of 2021 International Fire Code

Chief Mascaro – presented a resolution to adopt the international Fire Codes 2021, City of Elephant Butte currently was going to adopt 2015, at that time they were not adopted so now that all the time has passed since then the international fire codes have updated. A lot of things have changed so we are now in 2021. I am asking that you all adopt those codes. They are especially important not just for the fire department but also for various projects that we have going on in town for some water and fire hydrants.

Councilor Trager - anything different that we need to do as far as letting the residents and businesses owner made aware of the changes.

Chief Mascaro – they have gotten more in depth on building codes such as more coverage for sprinklered areas, example their codes are in there now for the international fire codes, it is just really updating stuff keeping it current with all the new things that are coming out. Once a certain percentage reached, they go to a new form medical code so that is why we are now in 2021.

Mayor Pro-Tem Skinner motioned to adopt Resolution no. 22-23-104, a resolution of the City of Elephant Butte adopting the 2021 international fire code. Councilor Harmon seconded. 4-0. Motion carried.

l. Mutual Aid discussion Spaceport

Chief Mascaro – the spaceport Fire Chief and City Fire Chief came to a mutually agreement that are especially important for both fire departments to aid each other during emergency calls. It was set up with Spaceport since Spaceport sits in our fire response area of the 12,138 square miles that we cover.

Mayor Pro-Tem Skinner motioned per Chief Mascaro's recommendation approved the Mutual Aid Agreement with New Mexico Space Port Authority Fire Department. Councilor Atwell seconded. All in favor. Motion passed.

7. *** Executive Session**

- a. Discussion Concerning the Acquisition and Disposal of Real Property Pursuant to NMSA 1978 Section 10-15-1 (H)(8)**
- b. Deputy City Manager Position**

Mayor Pro-Tem Skinner motioned to discuss a. discussion concerning the Acquisition and Disposal of Real Property Pursuant to NMSA 1978 Section 10-15-1 (H)(8) and b. Deputy City Manager Position. Councilor Atwell seconded. City Clerk Newberry conducted a roll call vote.

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

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

Mayor Pro-Tem Skinner made a declaration that they did not make any decisions on anything, only discussed the items listed as:

- a. Discussion Concerning the Acquisition and Disposal of Real Property Pursuant to NMSA 1978 Section 10-15-1 (H)(8)**
- b. Deputy City Manager Position**

8. MAYOR AND COUNCIL REPORTS

Mayor Pro-Tem Skinner – attended the following meetings: with Rio Grande Economic Development, NM Hospitality Association, Sierra Vista Hospital Joint Powers Commission and Governing Board, NM Tourism Department, JPC meeting, Purchase of SDR, and Virgin Galactic.

Councilor Harmon - Sierra Vista Hospital Joint Powers and Governing Board JPC meeting

Mayor Mortensen – JPC meeting via phone, attended 65th annual conference with the Municipal League in Albuquerque.

Councilor Trager – Nothing to report

Councilor Atwell - attended SCCOG and a couple of meetings at the golf course.

9. BOHANNAN HUSTON, INC. REPORT

David Shields - reported on the following project: Mescal Drive purchase of property. Fire Station with funding available, CID requested for an architect. Water System Improvements. International Fire Code pending ordinance signature. NMFA \$127,000 match. Submitted that regional recreation and quality of life grant.

10. CITY CLERK REPORT

Jessica Newberry, City Clerk briefed the council on training Kristin Saavedra, City Treasure, Bank Reconciliation for March; reported why she had to stop bank reconciliation to catch up on minutes for all meeting. City business phones were updated. Submitted the Consumer Confidence Report, attending NM Clerks' school at the end of October.

11. CITY TREASURER REPORT

Kristin Saavedra, City Treasurer - reported the city has been working with Tyler Financials without accounts receivables. Projected time from Tyler to update system with receivables mid-October. She explained new payable procedures, fuel logs, asked council what the preference budget reports they would like for future meetings.

12. CITY MANGER REPORT

Stephen Archuleta – Commended the staff. Touched on the Tyler software that has been missing for years and reports that were given by City treasurer. City Clerk is looking into software for minutes vs old system. \$845,000 added funds for the Warm Springs Project. Continue to work with Spirit Golf Management about the sale of the Golf Course. Lindsey will be meeting with the new buyers to answer questions about zoning and ordinance. Met with representatives of Virgin Galactic. Initiated formal introductions between the buyer's golf course the representatives of Virgin Galactic and Sierra Electric. Working with Sierra Electric to convert all city streetlights cost of \$5,000, city will only supply the light bulbs that will be good for 3-years. Survey done by professional document systems out of El Paso unfortunately contract was close to \$70,000.00. Attended a meeting with the Mayor and Tera Jaramillo District No.38. Purchased budget software Jessica and Kristin will attend 10 hours of training. Received a check for \$50,000.00 from escrow for the sale of the Golf Course. Lodgers Tax Board took the council picture recommendations to give to New True. Continue to work on

repairs at the Golf Course. Continue to work with attorneys between T or C and the City agreements for the driving range. Sample of contract for Air B&B was given to council.

a. Fire Chief Report

Fire Chief Mascaro – Introduced the New Deputy Fire Chief, Councilor, Travis Atwell. Reported Fire / EMS calls for August 17th – September 17th. Addressed the Knox Box paperwork has been given to start program. Radio Grant from State Fire Marshal Office and Wildland Grant in process.

b. LandUse/ Code Enforcement Report

Lindsey Cobleigh - Briefed the council on her NMLZO training that took place in Taos focus of training on the following: Urban Agriculture and Micro Livestock, Code Enforcement A-Z, Abandoned Properties, Code Enforcement Field Safety.

13. COUNCILOR COMMENTS

Mayor Pro-Tem Skinner is glad to hear about urban agriculture micro livestock coming to are area.

Councilor Harmon - no comment

Councilor Trager – no comment

Councilor Travis recommended the city draft a letter to New Mexico State Police about the city's highway 171 and 195. State police are still under the impression that they are state highways.

Mayor Mortensen addressed concerns about safety at City Hall. Storm water is a top priority. Would like to start planning Elephant Days 2023.

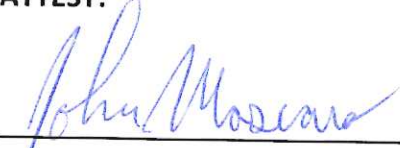
14. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on October 24, 2022.


Phillip Mortensen, Mayor

ATTEST:


John Mascaro, City Manager