



**NOTICE OF CITY OF ELEPHANT BUTTE  
CITY COUNCIL MEETING**

103 Water Street, Elephant Butte, NM 87935

**Monday, October 24, 2022 – 10:00 AM**

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](http://www.cityofelephantbutte.com) for more information.

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**MINUTES\***

**CONTINUATION OF OCTOBER 19<sup>TH</sup>, 2022 RECESSED MEETING**

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

**Mayor Pro Tem Skinner** called the meeting to order with Councilor Harmon leading the pledge of allegiance.

**2. ROLL CALL**

Mayor Phillip Mortensen – ABSENT

Mayor Pro Tem Kim Skinner –PRESENT

Councilor Travis Atwell -PRESENT

Councilor Cathy Harmon -PRESENT

Councilor Edna Trager -PRESENT

**City Treasurer Kristin Saavedra** conducted roll call and declared a quorum.

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

**Councilor Atwell** made a motion to approve the agenda as presented. Councilor Trager seconded the motion. 4-0. Motion Carried.

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

**4. PUBLIC COMMENT**

Public comment can be made in person, through Zoom, or given to the City Clerk email ([cityclerk@cityofeb.com](mailto:cityclerk@cityofeb.com)) before the meeting.

No public comment was present.

**5. CONSENT ITEMS**

- a. Approval of Regular CC Minutes, September 22, 2022

**Councilor Trager** made the motion to approve the Regular CC Minutes, September 22, 2022 with the typo and grammar corrections to be made. Councilor Atwell seconded the motion and corrections. 4-0. Motion Carried. (Corrections were not individually named. Staff to correct errors in minutes.)

- b. Approval of Special CC Meeting Minutes, October 11, 2022

**Councilor Trager** made the motion to approve the Special CC Minutes, October 11, 2022 with the typo and grammar corrections to be made. Councilor Atwell seconded the motion and corrections. 4-0. Motion Carried. (Corrections were not individually named. Staff to correct errors in minutes.)

## **6. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)**

- a. Discussion/Possible Action: Final Adoption of Ordinance No. 205 Establishing conditions for Storage Facilities within the City of Elephant Butte.

**Chairman LaFont** of the Planning and Zoning Board presented this ordinance for discussion/possible action before the City Council. Chairman LaFont noted one of the smaller changes that was made in the revision was the addition of requiring storage facilities to provide a refuse collection system on the property.

**An amendment to 4E to read-** "Refuse shall be removed from collection sites at a minimum of once a week and as needed".

**Councilor Trager** made a motion to adopt Ordinance No. 205 Establishing conditions for Storage Facilities within the City of Elephant Butte with the amendment to 4E. Councilor Harmon seconded the motion and amendments. 4-0. Motion Carried.

- b. Discussion/Possible Action: Final Adoption of Ordinance No. 206 Amending city code sections 155.005(B) and 155.033 (G) (4) to expand the conditional use criteria for bus and motor freight terminals.

**Chairman LaFont** of the Planning and Zoning Board presented this ordinance for discussion/possible action before the City Council. Chairman LaFont noted this ordinance now places motor freight companies under the conditional use code rather than under special use. By being under special use the same business has to reapply by public hearing annually. With it now being under the conditional use it would only require on public hearing. There was conditions added to this ordinance to specifically for this scope of work presented herein.

**Councilor Atwell** made a motion to adopt Ordinance No. 206 Amending city code sections 155.005(B) and 155.033 (G) (4) to expand the conditional use criteria for bus and motor freight terminals as presented. Councilor Harmon second the motion. 4-0. Motion Carried.

- c. Discussion/Possible Action: City of Truth or Consequences Ordinance No. 741 SEC.7-202 – Collection of the Tax and Reporting Procedures.

**City Manager John Mascaro** presented this document for the council's review. This document was what the City of Truth or Consequences recently adopted as a revision to their short-term rental ordinance to reflect the correct verbiage required by Air BnB, VRBO, Home Away etc. for them to remit lodgers tax directly to the city without sending it to Santa Fe. A short discussion between the council and staff was had on the pros of having this verbiage within our own short-term rental ordinance. No action was taken at this time.

- d. Discussion/Possible Action: 22-G2420-STB Wastewater Project Task Sheet.

**David Shields, BHI** presented the 22-G2420-STB Wastewater Project Task Sheet for review and discussion. The council had no questions. No action was taken at this time.

- e. Discussion/Possible Action: Final Adoption of Resolution No. 22-23-106 Designating Official Custodian of Public Records.

City Manager John Mascaro made a staff recommendation to council to table this resolution until a further meeting.

Council Atwell made the motion to table Resolution No. 22-23-106 Designating Official Custodian of Public Records. Councilor Harmon seconded the motion. 4-0. Motion Carried.

## **7. BOHANNAN HUSTON, INC. REPORTS**

**David Shields, BHI** briefed the council on the open projects that they contracted engineering service is working with the city on. Michigan project: the angle iron that is being used to hold the rip rap in place will be addressed by the contractor. The ground below the rip rap is settling causing the angle iron to protrude and cause concern for drivers in the area. Mescal Drainage Project; Lynn's Landscape has been contacted to assist with the fencing of the proposed Mescal Drainage Pond area. The ponds and fencing are projected to be completed by the end of the year. Fire Station #1 Rebuild; BHI has requested Mueller to delay the delivery of the building until we are more ground ready here for the demo and rebuild at the site. Shields mentioned the city's fund match for the Water Improvement Project of \$18,900.00 will need to be approved.

## **8. MAYOR AND COUNCIL REPORTS**

**Councilor Harmon** attended the Chamber of Commerce meeting for the golf tournament.

Councilor Harmon was asked to join the Chamber Board to represent the city, she agreed and was voted in.

**Councilor Trager** attended several economic development classes throughout the state recently. During these workshops it was noted that most commercial retail space that is coming available is being utilized by cannabis companies coming into the area of New Mexico. It was discussed that more municipalities need to develop a 10–20-year outlook for their economic development. Councilor Trager mentioned that the New Mexico Lake State Parks has formally requested a new position of an Event Coordinator for the park. They are waiting on approval and fulfillment of this position. The proposed Rio Grande trail is still in the process of design and execution.

**Councilor Atwell** reported that he had attended the South-Central Council of Government meeting. New Mexico Lake State Park is planning on starting road construction in the area beginning in March of 2023. The Bureau of Reclamation is in the process of repairing the Damsite Restaurant as well as the Casitas. Councilor Atwell announced that the Truth or Consequences River Walk has been expanded to Caballo Lake.

**Mayor Pro Tem Skinner** attended the New Mexico Tourism Board Meeting. Mayor Pro Tem Skinner commented on the Truth or Consequences River Walk that Councilor Atwell had touched on. Mayor Pro Tem Skinner stated that the River Walk is projected to go from the old fish hatchery area to Caballo lake. The path that is being designed for the River Walk will be wide enough for emergency personnel to respond on the path in an OHV.

## **9. CITY CLERK REPORT**

No Report.



## 10. CITY TREASURER REPORT

**City Treasurer Kristin Saavedra** updated the Council on the new Accounts Receivable module that the city is purchasing through Tyler Technologies. Saavedra mentioned that at this time it would only be accessible from limited computers and that all staff utilizing the new module would be going through training on it. Saavedra let the Council know that she along with the City Manager will be attending the New Mexico Infrastructure Finance Workshop October 26-28<sup>th</sup>, 2022. Saavedra informed the Council that the City of Elephant Butte has signed a contract with a shredding company who will be here on November 3<sup>rd</sup>, 2022 to do an initial purge of files, roughly 100 boxes. After this there will be a shred container located in the office that will be picked up monthly. After each shred date the city will be provided a certificate of destruction from the company.

**Mayor Pro Tem Skinner** asked Saavedra what the status of the bank reconciliations were at this time.

**City Treasurer Saavedra** reported to the council that at this time the City Clerk had stopped the reconciliation process and the last month that was finalized was February 2022.

## 11. LANDUSE / CODE ENFORCEMENT REPORT

**Land Use Administrator Lindsey Cobleigh** gave the council a 1<sup>st</sup> Quarter Report for the Land Use Department. For the 1<sup>st</sup> Quarter of FY22-23 a total of \$5,782.00 has been brought in to the department with Land Use fees; \$10,487.00 since January 1<sup>st</sup>, 2022. Cobleigh reported that September was the busiest month in the Land Use Department with 19 permits issued that month alone making a total of 125 issued for the year. Cobleigh let the council know that she had sent out 80 animal renewal reminders on October 14<sup>th</sup>, 2022 and has received 20 renewals back.

**Councilor Atwell** asked if the Land Use Code Department is going to be hosting annual registration and shot clinics as it had been discussed when the animal ordinance was revised in 2019.

**LUA Cobleigh** let Councilor Atwell know that she had planned on having them but had not had the allotted time this year to do so, and since it is not directly required through code the renewals were sent out without a clinic.

**City Manager Mascaro** stated that the city would begin looking at dates and working with the local vet on a partnership for the clinic for next May or June.

**Councilor Trager** updated Lindsey Cobleigh that there is a Hughes net sign attached to the stop sign at Butte Blvd and Hawthorne next to Bank of the Southwest.

## 12. CITY MANAGER REPORT

### a. Fire Chief Report

**Fire Chief Mascaro** reported that there had been 37 EMS calls, 1 car fire, 1 structure fire, and 1 smell of smoke call since his last report. It was reported that now that the Border Patrol Check Point has reopened after the remodel Elephant Butte Fire is seeing an increase in the I-25 calls for service; vehicle chases and foot chases with the majority being at night. Chief Mascaro reported that the Sierra County Sheriff's Office currently has 13 staff members and are actively patrolling the area as much as possible. New Mexico State Police has backed off on their patrols in the area. Chief Mascaro reported that Elephant Butte Fire now holds its very first official pharmacy license and can now officially supply and administer BLS drugs from the emergency response units. Chief Mascaro is looking into contracting an instructor to have the crew go through an EMT Basic course as well as their continued FF2 training that they are currently in. Chief Mascaro stated he is doing research on the possibility of bringing fulltime EMS staff to Elephant Butte Fire in the future.

**Councilor Trager** asked Chief Mascaro if he is currently EMT Basic certified through the state of New Mexico.

**Chief Mascaro** responded that he is currently Nationally certified and going through the process to obtain his specific New Mexico EMT license.

- b. **City Manager Mascaro** reported on the proposed Mescal Drainage project. The property owner of 418 Mescal counter offered on what they City had originally proposed. Both parties accepted and initial paperwork has been signed. The final acceptance price was \$30,000.00. November 1<sup>st</sup>-4<sup>th</sup>, 2022 the auditors will be here at City Hall conducting the annual audit, Mascaro stated he plans on having the auditors in the Council Chambers to work while they are here. Mascaro stated that he would like to have a revision of all ordinances start after the first of the year and from there on every 5-10 years as needed to make sure that all ordinances are still properly serving the needs of the community. Along with the ordinances Mascaro would like the comprehensive plan and employee handbook brought up to date as well. Mascaro updated the Council that the wells located at the Golf Course are all functioning as designed with no issues or concerns. Mascaro reported that there had been some office changes between staff at City Hall over the past few weeks. City Hall has a new Admin Assistant, Johanna Munoz, who is currently learning the day-to-day operations under the supervision of the utility clerk, Jane Tinon. After this time, she will start spending time with each department for training. Mascaro suggested to the council that he would like to remove the past member pictures that hang in the council chambers to prepare for the audio/video upgrade that is going to be happening. City Hall has signed a new contract with Systems MD to be the IT specialists for City of Elephant Butte. With this contract they would be able to assist brining the council chambers up to date with the audio and video for \$5,000.00. This would include (2) 70" mounted monitors, (2) cameras, and new microphones. Mascaro informed the council that he will be absent from the November meeting as he travels out of state to complete his move. It was stated that Stephen Archuleta will be here during Mascaro's time off to fill in. Mascaro updated the council on the Community Center re-roof project, those funds were awarded on October 11<sup>th</sup>, 2022 by Senator Diamond. The project is due to start on October 25<sup>th</sup>, 2022 with the removal of the damaged eaves in preparation of the re-roof. Mascaro intends on reviewing the Tyler Technology contract with City Treasurer Saavedra to see exactly what the annual \$20,000.00 contract is covering. They will be looking at other programs as well to see if there is one to better meet the needs of the City of Elephant Butte.

**Councilor Trager** stated that in years past it was at the state of New Mexico's recommendation that municipalities utilize Tyler Technology as their main software system.

**Councilor Atwell** asked if the Sierra County Sheriff's Office had requested the city to review the JPA.

**City Manager Mascaro** stated that he had not heard from the SCSO at this time in regard to the review of the JPA. Mascaro stated that originally the city had agreed to fund the SCSO \$30,000.00 annually. The last fiscal year this had increased to \$45,000.00 and is looking to increase in the next year to \$90,000.00. Mascaro stated that DFA is required to sign off on the JPA, but in the past it had been signed by the previous mayor.

**Councilor Atwell** made the recommendation that the entire contract be reviewed by council. It was also stated that the SCSO has just received approval for one more paid deputy position.

**Mayor Pro Tem Skinner and Councilor Trager** both acknowledged that they remember the council voting in approval of the rate increase from the \$30,000.00 to \$45,000.00.

**City Manager Mascaro** stated he will be reviewing the contract as no where in the current contract does it state that city staff will be placing orders for the SCSO, and staff is currently doing so at the request of the SCSO. By the current contract the city is supposed to be receiving reports, the last received report was over a year ago.

**City Manager Mascaro** at the Mayor's request brought up that next year will be the 25<sup>th</sup> anniversary of the city. A discussion between staff and council was had at this time. Mayor Pro Tem Skinner suggested that the 25<sup>th</sup> Anniversary Celebration be held on July 1<sup>st</sup>, 2023 as that is the day that the city became a city. Mayor Pro Tem Skinner made the suggestion to have the golf course and Elephant Butte Chamber Office involved in the 25<sup>th</sup> Anniversary as well. Land Use Administrator Cobleigh suggested a re-dedication ceremony and ribbon cutting. It was discussed to keep Elephant Butte Days and the 25th Celebration as separate events and possibly have a planning committee for each event to assist staff.

### **13. COUNCILOR COMMENTS**

**Mayor Pro Tem Skinner** – No Comment

**Councilor Atwell** – No Comment

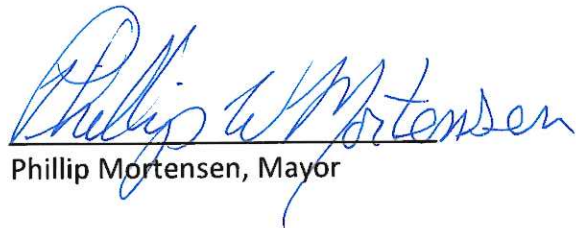
**Councilor Harmon** – No Comment

**Councilor Trager** – No Comment


### **14. ADJOURNMENT**

**Mayor Pro Tem Skinner** adjourned the meeting.

*Minutes approved and adopted at the City Council meeting on November 01, 2022.*

  
Phillip Mortensen, Mayor

**ATTEST:**

  
John Mascaro, City Manager