



NOTICE OF CITY OF ELEPHANT BUTTE CITY COUNCIL MEETING

103 Water Street, Elephant Butte, NM 87935
Wednesday, November 16th, 2022 – 2:00PM

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 Mortensen called the meeting to order and led the pledge of allegiance.

2. ROLL CALL

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

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

3. **APPROVAL OF AGENDA** – Council Declaration of Conflict of Interest
Mayor Pro Tem Skinner made a motion to approve the agenda as presented. Councilor Atwell 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) before the meeting.

Jim Smith, 402 Rock Canyon Road – Was inquiring about the apparent flooding happening on Rock Canyon from the Fire Station north. Smith asked if there was a concern with the flooding or a plan to correct it. Smith stated that this area is very dangerous and turns into a lake that will end up with someone being hit head on and killed.

Mayor Mortensen responded that it is a concern to the city. That there are multiple areas throughout the city that have flooding concerns. Mayor Mortensen suggested that the City's engineering firm, Bohannon and Houston could respond to Jim Smith's question.

5. CONSENT ITEMS

- a. Approval of Special CC Minutes, November 1st, 2022

*Agendas are subject to revision up to three business days before the scheduled meeting date and time (NMSA 10-15-1 (f)). Agendas are available at City Hall, 103 Water Street, Elephant Butte, NM 87935. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or take part in the meeting, please contact the City Clerk at 575-744-4892 at least one week before the meeting or as soon as possible.

Mayor Pro Tem made a motion to approve the Special CC Minutes, November 1st, 2022 as presented. Councilor Atwell seconded the motion.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes

Councilor Travis Atwell – Yes

Councilor Cathy Harmon – Yes

Motion Carried.

6. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. **Discussion/Possible Action:** Planning & Zoning 2023 Priority List – Presented by Vice Chair Tami Smith

Vice Chair Smith presented a copy of the 2023 Priority List for Planning & Zoning Commission.

Mayor Mortensen stated he had questions on the permitting costs and wanting to revisit and adjust those costs. LUA Cobleigh stated that the planning and zoning commission does not set fines or fees as those are set by the City Council.

Mayor Pro Tem Skinner asked LUA Cobleigh the date of the last revision as it felt that they had just done this. LUA Cobleigh replied that the last revision took place for fees on June 15th, 2022 with the adopted fees taking effect on July 1st, 2022. Councilor Atwell mentioned that the fee scheduled had been requested to be placed back on the agenda for discussion after the first of the year.

Mayor Pro Tem Skinner asked in reference to the Priority List item 7b Parking requirements for commercial businesses to provide boat and RV parking. LUA Cobleigh clarified this would be for new businesses or businesses changing ownership, but pre-existing businesses would not be subject to the amended code.

Councilor Harmon asked if the Planning & Zoning Commission intended on reviewing and cleaning up the entirety of the Land Use Code. Vice Chair Smith let the council know that yes, that is the intention of the Commission in their review of the comprehensive plan.

Mayor Pro Tem Skinner made the comment that Albuquerque is currently revising their code to make the allowance for a mother in-law quarters/guest dwellings and asked if this would be something the Commission would look into. LUA Cobleigh recommended adding this as a priority for zoning district R-1-A.

Discussion only, no action taken.

- b. **Discussion/Possible Action:** Reschedule December 21st, 2022 Regular City Council Meeting to December 14th, 2022.

Mayor Pro Tem Skinner made a motion to amend the regularly scheduled meeting date for December 21, 2022 to now be December 14, 2022. Councilor Atwell seconded the motion.

City Treasurer Saavedra conducted a roll call vote.

*Agendas are subject to revision up to three business days before the scheduled meeting date and time (NMSA 10-15-1 (f)). Agendas are available at City Hall, 103 Water Street, Elephant Butte, NM 87935. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or take part in the meeting, please contact the City Clerk at 575-744-4892 at least one week before the meeting or as soon as possible.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

- c. **Discussion:** Michigan Improvement Plan – Restricting access to developed and undeveloped lots.

Land Use Administrator Lindsey Cobleigh brought this before the council to address the issue of the newest drainage improvement plan along Michigan Drive that has not limited access to both developed and undeveloped lots. LUA Cobleigh specifically addressed a developed lot on the corner of Michigan and Huron that has lost all access off of Michigan with the improvement plan. LUA Cobleigh addressed the council with what the proper response to constituents would be when they call or come in asking how they will now access their property.

Mayor Mortensen addressed this discussion item by stating it would be similar to curb and gutter at the property owner's expense.

Mayor Pro Tem Skinner added that it should not be an expense to the land owner if they had previously had access to their property prior to the improvement.

David Shield, Bohannon Huston advised that it would be up to the land owner on undeveloped lots to put in a culvert or concrete to gain access to their property. Shields stated that if a lot that previously had access was now cut off it would be up to the city to correct that. Shields stated that since the specific lot that LUA Cobleigh brought up is a developed lot Bohannon Huston would look into the development of a driveway off of Michigan for this property owner.

- d. **Discussion/Possible Action:** Adoption of Resolution 22-23-105 Authorizing the Assignment of Authorized Officers and Agents SAP 22-G2420-STB

Mayor Pro Tem Skinner made a motion to adopt Resolution 22-23-105 Authorizing the Assignment of Authorized Officers and Agents SAP 22-G2420-STB. Councilor Atwell seconded the motion.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

- e. **Discussion/Possible Action:** Adoption of Resolution 22-23-106 A resolution of the City of Elephant Butte adopting the phase II water system improvements project fund match
Mayor Pro Tem Skinner made a motion to adopt Resolution 22-23-106 A resolution of the City of Elephant Butte adopting the phase II water system improvements project fund match.
City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

7. EXECUTIVE SESSION

- a. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property.

Mayor Pro Tem Skinner made a motion to enter into an executive closed session pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property. Councilor Atwell seconded the motion.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

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

Mayor Pro Tem Skinner made a declaration that there was no action taken, only discussed the item listed on the agenda, NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property.

8. ACTION

- a. **Discussion/Action:** – Approval of purchase agreement for 418 Mescal Place in the amount of \$30,000.00 from Leonard Claps and Bonnie Kilgore-Claps.

Mayor Pro Tem Skinner made a motion to approve the purchase agreement for 418 Mescal Place in the amount of \$30,000.00 from Leonard Claps and Bonnie Kilgore-Claps. Councilor Atwell seconded the motion.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

- b. **Discussion/Action:** – approval of Memorandum of Understanding for the good faith negotiation and possible sale of significant properties pursuant to paragraph 12 H of the Purchase and Sale Agreement for Sierra Del Rio Golf Course.

Mayor Pro Tem Skinner made a motion to approve the continued negotiation as well as granting the city manager and the mayor the ability to sign the agreement in an authority to execute. Councilor Atwell seconded.

*Agendas are subject to revision up to three business days before the scheduled meeting date and time (NMSA 10-15-1 (f)). Agendas are available at City Hall, 103 Water Street, Elephant Butte, NM 87935. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or take part in the meeting, please contact the City Clerk at 575-744-4892 at least one week before the meeting or as soon as possible.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

- c. **Discussion/Action:** – approval of surface lease agreement with the City of Truth or Consequences for the use of real property as the Sierra del Rio Golf Course Driving Range.
Mayor Pro Tem Skinner made a motion to approve the continued negotiation as well as granting the city manager and the mayor the ability to sign the agreement in an authority to execute. Councilor Atwell seconded.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

- d. **Discussion/Action:** - approval of interim management agreement with NM Golf Resort, LLC for Sierra del Rio Golf Course.
Mayor Pro Tem Skinner made a motion to approve the continued negotiation as well as granting the city manager and the mayor the ability to sign the agreement in an authority to execute. Councilor Atwell seconded.

City Treasurer Saavedra conducted a roll call vote.

Mayor Pro Tem Kim Skinner – Yes
Councilor Travis Atwell – Yes
Councilor Cathy Harmon – Yes
Motion Carried.

9. BOHANNAN HUSTON, INC. REPORTS

David Shield presented updates on the Warm Springs project, the agreements and resolutions that are needed for this project are underway. Michigan Street project, the stakes in the rip rap have been driven in farther and the load of brush on a private lot will be hauled off. All funding has been closed. The Mescal drainage project is just waiting on the acquisition of the additional property to start that project. Shields is projecting Mescal to start before the end of the year with the removal of the home. Fire Station 1 update, the building has been ordered. Caliper Construction has acquired a new warehouse building and has made the offer to store the station 1 building at their location until the city is ready to break ground the development. Caliper will be presenting the storage price to Bohannon and then to the city manager. The water improvement project and waste water project are both about 60 days out with waiting to hear back from the NMED. San

Andres was modified back to the rollover curb with a design meeting on the 30th of November here at City Hall. LUA Cobleigh verified the time of the meeting to be 9:00am November 30, 2022.

10. MAYOR AND COUNCIL REPORTS

Mayor Mortensen – No Report
Mayor Pro Tem Skinner – No Report
Councilor Harmon – No Report
Councilor Atwell – No Report

11. CITY TREASURER REPORT

Kristin Saavedra presented a monthly overview report on what she is currently working on. Saavedra noted that she is currently enrolled in a budget conference hosted by NMML and DFA. All videos will be available for additional viewing on the DFA website at the close of the conference. Saavedra has contacted Tyler Software for quotes on trainings that she is looking into after the first of the year. Shred it came on November 3rd, 2022 they shredded 50 boxes immediately with 25 additional boxes for a later date. Saavedra is working on updating the GRT entries. The bank reconciliations at this time are not actively being worked on. The last completed month was February 2022. Quarter one report was submitted by Michael Steininger with DFA. Mayor Pro Tem Skinner stated that if the bank reconciliations are not completed that will then be a finding on the next annual audit. Saavedra confirmed this statement.

12. LANDUSE / CODE ENFORCEMENT REPORT

Lindsey Cobleigh started her report with commending the office staff on the hard work and dedication they are all putting in right now. Cobleigh stated that the office has a solid team right now. Cobleigh stated that code enforcement has slowed down and the newest trend that has come through the office is animal control issues. Cobleigh stated that she has a great working relationship with the TorC Animal Control Officer. Cobleigh updated that she is looking at next July as the animal registration and shot clinic. It was noted that the city will need to purchase additional registration tags as they are almost out. Councilor Harmon asked about the RV that is currently parked on the corner of Beach and Ontario. Cobleigh updated the Council on the status of the owners of the RV are out of the state and have run into health issues that are preventing them from returning at this time. They have been provided the numbers of tow companies to remove the RV but have declined that option. Councilor Harmon asked is the City could move forward with having the RV removed from the property. Cobleigh stated that as the code officer who took her oath to uphold the code, she cannot go above what the code states which is 120 days before a vehicle is considered to be inoperable. At that point the city can step in and make the decision lawfully to have to vehicle removed. Cobleigh updated that one of the possible condemnation cases within the city, she was able to make contact with the owner and will be meeting with them on Monday November 21, 2022.

13. FIRE CHIEF REPORT

No Report

*Agendas are subject to revision up to three business days before the scheduled meeting date and time (NMSA 10-15-1 (f)). Agendas are available at City Hall, 103 Water Street, Elephant Butte, NM 87935. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or take part in the meeting, please contact the City Clerk at 575-744-4892 at least one week before the meeting or as soon as possible.

14. CITY MANAGER REPORT

No Report

15. COUNCILOR COMMENTS

Mayor Pro Tem Skinner wish all a safe and happy Thanksgiving Holiday. Thanked Lindsey Cobleigh for putting together the packets and the accuracy of the packets.

Councilor Harmon – No Comment

Councilor Atwell – No Comment

Mayor Mortensen thanked the staff for the coverage within the office and the hard work being put it. Commended staff on the increase of accuracy.

16. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on December 14, 2022.


Phillip Mortensen, Mayor

ATTEST:


John Mascaro, City Manager



