



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

103 Water Street, Elephant Butte, NM 87935
Wednesday, December 14, 2022 – 2:00PM

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 by Phone
Councilor Travis Atwell – Absent
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

Mayor Mortensen gave the disclosure that he may potentially have a conflict with item 9a the Public Hearing due to him being an active member of the Elephant Butte Elks Lodge #2885.

Councilor Trager gave the discloser that she is also a member of Elephant Butte Elks Lodge #2885.

Mayor Pro Tem Skinner gave the discloser that she is also a member of Elephant Butte Elks Lodge #2885.

Councilor Trager made a motion to approve the agenda as presented. Councilor Harmon seconded the motion. 3-0. 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, by phone or given to the City Clerk email (cityclerk@cityofeb.com) before the meeting.

No public comment was present.

5. CONSENT ITEMS

- a. Approval of Regular CC Minutes, November 16, 2022

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Councilor Harmon made a motion to approve the meeting minutes as presented. Mayor Pro Tem Skinner seconded the motion. 2-1. Motion Carried.

6. APPOINTMENTS

- a. Discussion/Possible Action: Appointment of two fulltime Planning & Zoning Commissioners to serve a two-year term which would start January 1st, 2023.

Letters of intent received from: Nathan LaFont & Orlando Saavedra.

Mayor Mortensen made the recommendation to retain Nathan LaFont and Orlando Saavedra on the Planning & Zoning Commission for an additional two years.

Councilor Trager made the motion to appoint Nathan LaFont and Orlando Saavedra to new terms in January 2023. Councilor Harmon seconded the motion. 3-0. Motion Carried.

7. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: City of Elephant Butte expanding staff to include a certified Animal Control Officer.

City Manager John Mascaro introduced this regular item to the council. The City of Elephant Butte's current contract with TorC for animal control is nearing expiration and is being reevaluated at this time. Mascaro stated that during the billing from the TorC animal control we are being billed for animals within the county as well as within the City Limits of Elephant Butte. Mascaro is looking at budgeting procedures to see how this position can become an active role. It would be a part time position added to another part time position to create a full-time position. The city of Elephant Butte is currently paying TorC \$15,000.00 annually.

Councilor Harmon asked if the city would continue their ongoing contract with the animal shelter or if this replaces both. Mascaro clarified that at this time the contract with the shelter would remain in place.

- b. Discussion/Possible Action: Resolution 22-23-107 Open Meetings Act – City Council
LUA Cobleigh introduced this resolution to the council as it is adopted every year to meet state requirements.

Councilor Trager made a motion to approve Resolution 22-23-107 Open Meetings. Councilor Harmon seconded. 3-0. Motion Carried.

- c. Discussion/Possible Action: Annual Public Meeting Calendar 2023

City Manager John Mascaro presented the proposed Annual Public Meeting Calendar to the councilor for discussion and approval. This calendar outlines all proposed meetings for City Council, Planning and Zoning, Lodgers' Tax Advisory Board, and Public Utility Advisory Board.

Councilor Trager made a motion to approve the Annual Public Meeting Calendar 2023. Councilor Harmon seconded the motion. 3-0. Motion Carried.

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d. Discussion/Possible Action: Annual Calendar with Holidays Observed 2023

City Manager John Mascaro presented the Annual Calendar with Holidays to reflect the days that the City Hall will be closed. Previously City Hall only observed five of the eleven federal holidays.

Councilor Trager questioned why the City Hall was closing for Columbus Day.

City Manager Mascaro stated that since it is a Federal Holiday that is the reason for the closure.

Councilor Trager asked if the floating holiday leave would now be taken away due to employees receiving additional holiday hours.

City Manager Mascaro stated that was something that would be reviewed as the employee handbook was reevaluated.

Councilor Trager made a motion to approve the Annual Calendar with Holidays Observed 2023. Councilor Harmon seconded the motion. 3-0. Motion Carried.

e. Discussion: The addition of the position of Chief Procurement Officer (CPO)

City Manager John Mascaro introduced this position to the City Council for discussion. It was clarified that this is not an additional position within the city but an additional title to a pre-existing position. Mascaro mentioned that as the employee handbook gets updated the code will need to be updated as well to reflect the separation of City Clerk and City Treasurer. Mascaro hopes to continue having employees cross train with each other within the office. Utility Clerk Jane Tinon has been assisting City Treasurer Kristin Saavedra with the bank reconciliations and other treasurer and CPO duties as they arise.

Councilor Trager made the note that this is not an addition of a position.

No Action Taken.

f. Discussion: Re-Zone of R-1-C to mirror our current R-3 district (Piano Key Lots)

City Manager John Mascaro introduced the conversation of the potential rezone of zone R-1-C. Mascaro mentioned that this subject had been taken to the Planning and Zoning Commission. Mascaro mentioned that he would also like to get away from allowing RVs as dwellings and promote town homes in this area. Mascaro mentioned there had been a discussion of a replat of the area as well to make the lots larger and easier to develop.

Mayor Mortensen questioned on whether this proposed development would be site-built homes or mobile homes/RVs. Mascaro confirmed that it will be site-built homes ranging from 1-3 bedrooms to accommodate the housing needs of the area.

Councilor Trager questioned on when the proposed change in the replat and rezone would take place, whether that would be now or when the lots are sold off. Mascaro stated that it would be up to the owner but most likely as the lots sold.

Mayor Pro Tem Skinner brought up that this discussion had been brought up under prior administration and they had not wanted to go further due to not wanting more RVs moving into these lots illegally. Mayor Pro Tem Skinner mentioned that it had been proposed before of doing permanent set manufactured homes as an option to keep rural area costs down.

g. Discussion/Possible Action: Warm Springs Phase 2 Task Order

David Shields, BH – Shields presented the task order for Warm Springs Phase 2 which would take it from where it left off to Highway 181. Shields mentioned that the ponding along Warm Springs adjacent to Water Avenue will be corrected by Bohannon & Huston at no cost to the City of Elephant Butte. Shields projects this project to go to bid this coming spring, project to start over the summer and last approximately nine months.

Councilor Trager made a motion to approve the Warm Springs Phase 2 Task Book. Councilor Harmon seconded the motion. 3-0. Motion Carried.

8. PUBLIC HEARING

- a. Elephant Butte Elks Lodge #2885 is seeking approval of obtaining a liquor license through the state of New Mexico. This application has been preliminarily approved through the NMRLD with the directive to have this matter heard at a public hearing of the governing board.

Land Use Administrator Lindsey Cobleigh distributed the public hearing packets and script to the Council and Mayor.

City Treasurer Kristin Saavedra conducted a roll call.

Mayor Pro Tem Skinner – Present

Councilor Harmon – Present

Councilor Trager – Present

Mayor Mortensen – Present

LUA Cobleigh confirmed all legal noticed have been posted.

Mayor Mortensen asked each commissioner if they had had ex parte communication with the applicant.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Trager – No

Mayor Mortensen asked each commissioner if they had an interest in the matter.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Trager – No

Mayor Mortensen requested City Staff, the applicant and any and all witnesses be sworn in as a group by, City Manager John Mascaro.

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City Staff – Lindsey Cobleigh Land Use Administrator, 103 Water Ave Elephant Butte, NM.

Applicant – Genae Morris Exalted Ruler of Elephant Butte Elks Lodge #2885, Elephant Butte, NM.

City Staff Presentation

Land Use Administrator Cobleigh presented the case, describing for the record there was a total of 21 pages with 18 pages being duplex, to be reviewed by the council for this hearing. LUA proceeded to introduce the case listing each document that was included in the presentation packet. LUA Cobleigh referenced code 155.033 (G)3 Conditional Use – Bar/Lounge. LUA Cobleigh went over the proposed business plan for the applicant.

Councilor Trager asked if the Elephant Butte Elks Lodge was current on their business registration since the copy presented was for fiscal year prior to what we are currently operating in. LUA Cobleigh assured the council that they are up to date on the business registration that the packet was a copy of when the Elks Lodge went before the Planning and Zoning Commission for pre-approval in 2021.

Applicant Presentation

Genae Morris presented the details of what the Elephant Butte Elks Lodge #2885 has done for the community since becoming apart of the community. Morris stated that with the additional funding from the liquor sales the Elks Lodge would be able to contribute to the community at a larger capacity.

No questions from City Staff.

No questions from the Commission for the applicant.

No additional witnesses.

No rebuttal.

City Attorney Ben Young explained to the City Council the criteria on approving or denying this request. There are three set criteria standards; 1. The proposed location is within an area that does not allow alcohol sales, 2. In direct violation of the zoning code, 3. Would be detrimental to public health and safety to the community. If the application meets all criteria stated the Council must approve the application in question.

Mayor Mortensen closed the public hearing and requested a motion. Mayor Mortensen stated that any motion should include that staff prepare the written findings of fact and conclusion of law and the mayor be authorized to sign them as a written decision in this case. Councilor Trager made a motion to approve Elephant Butte Elks Lodge #2885 approval of obtaining a liquor license. Councilor Harmon seconded the motion. 3-0. Motion Carried.

9. EXECUTIVE SESSION

- a. Discussion of limited personnel matters – management office/public works – closed pursuant to NMSA 1978, Section 10-15-1(H)(2)
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property.

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Councilor Harmon made a motion to go into executive session for the discussion of limited personnel matters – management office/public works – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) and NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property. Councilor Trager seconded the motion.

City Treasurer Kristin Saavedra conducted a roll call.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

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

Councilor Harmon made a declaration that they did not take action, only discussed the items listed on the agenda.

10. ACTION

- a. Any action necessary following closed session regarding personnel matters – management office/public works.
No Action Taken.
- b. Any action necessary following closed session regarding the purchase, acquisition or disposal of real property.
No Action Taken,

11. MAYOR AND COUNCIL REPORTS

Mayor Mortensen expressed his appreciation to the council as well as the City Staff during this whole last year. Mayor Mortensen recapped the last year of goals and priorities that the Council and City Staff were able to accomplish. One highlight was the receipt of the Junior Bill from Senator Diamon in October to reroof the Community Center. This project has already been completed.

Mayor Pro Tem Skinner stated she had attended a meeting the NM Hospitality Department and NM Tourism Board. Mayor Pro Tem Skinner reported she had attended additional meetings that impact our area including the Turtleback Trail that will be coming to the area along the Rio Grande. Mayor Pro Tem thanked the staff and the board for their continued hard work.

Councilor Harmon reported she attended the South-Central Transport meeting to review requests. In addition, Councilor Harmon attended an Elephant Butte Chamber of Commerce retreat. She wanted to close by thanking all the staff for their hard work.

Councilor Trager attended a meeting on outdoor recreation. Attended the Friends of the Lake meeting and received an overview of the Luminaria Walk Event. Councilor Trager stated there was approximately 3,000 visitors this year at Luminaria Walk and more money was raised for the

2023 Fire Works Show. Councilor Trager stated that the State Parks has recently filled two positions and looking to fill a third. 2023 is the 90th Anniversary of NM State Parks, the parks are planning on having additional promotions and fundraising throughout the year. Councilor Trager thanked all the staff for their hard work.

12. CITY TREASURER REPORT

Kristin Saavedra reported to the Council that Utility Clerk, Jane Tinon has been assisting with the bank reconciliation. Saavedra stated she had contacted Tyler in regard to the bank reconciliations and was informed that it appears they have been force balancing. The ending balance of one month does not match up with the beginning balance of the next month. Saavedra stated she is working on W2 and 1099s and expects to have these out within the next few weeks.

City Manager Mascaro added to the financial report that the trucks for public works have been received. The money that was budgeted is still there, once it is paid out it will be reimbursed by a Junior Bill just like the Community Center project. Mascaro stated that he plans on bringing the state auditors in after the first of the year to help bring the city into compliance.

13. LANDUSE / CODE ENFORCEMENT REPORT

Lindsey Cobleigh reported that to date she has issued 147 permits since January 1, 2022. She stated that she is seeing repeat constituents pulling permits for further development of their properties with accessory structures, landscaping, etc. Cobleigh stated that for the prior month she had 13 code violations, 4 are closed, and 2 are pending. As a formality Cobleigh stated that the illegally parked RV on the corner of Beach/Ontario has been removed from the property. Development on the proposed new home will start within the next month. Cobleigh updated the Council on 231 Hallmark that without compliance this property will be sited into court in January after the final letter is issued. Cobleigh updated the Council briefly on the Clerk duties over the past couple of months which have included getting the website up to date and maintaining proper records.

14. FIRE CHIEF REPORT

John Mascaro reported that there have been 36 EMS calls within the last month. The department has received a new combo tool for extrication that is mounted in the rear of the Chief's command unit as he is typically the first on scene. Mascaro stated he plans on purchasing a second combo tool to place in the second command unit. Councilor Trager asked if Las Palomas was still covering all extrication at this time. Mascaro stated he had heard this but there was no contract, MOU found of this agreement. Mascaro has informed Central Dispatch that Elephant Butte will be handling all their own extrication equipment. Mascaro stated his department will go where they are called. Update on the Fire Station #1 rebuild. Mascaro stated he has someone who is interested in doing some architecture work and concrete work for the fire station at cost. Bartoo has agreed to do the demo of the Fire Station #1 for just the cost of employees working the job. Mascaro reported that he has had the help of the public works department in the removal of the old water tanks located at Station #1. Mascaro plans on having the structure build beginning by Summer 2023. Mascaro mentioned that he will be looking into starting a paid EMS service to our entire service area to better serve the community and surrounding areas. Elephant Butte Fire Department received a \$20,000.00 Wildland Fire grant for equipment.

15. CITY MANAGER REPORT

City Manager Mascaro reported on the updating of the street lights through the city. The plan is to upgrade the lights to LED fixtures. The Elephant Days Committee will be a 7-member committee consisting of 5 constituents, 1 chamber member, and 1 council. The same would apply for the 25th Anniversary Celebration Committee. Mascaro reported that the City's reader board sign will be updated and back up and running after the first of the year. Mascaro added that the City's Facebook page is back up and running and being utilized as a Government informational page only and not a promotional page for Elephant Butte Lake. Mascaro stated that after the beginning of the year he wants to present to the Council the idea of offering employees currently with the city a COLA incentive. Mascaro gave thanks to all staff members that have stepped up and taken on extra rolls during the past few months that the City has been shorthanded.

Councilor Trager requested that the Chamber of Commerce be brought in for a full presentation report of what they did in 2022 and what is proposed for 2023. Mascaro reported that he had already contacted the Chamber to be present for a presentation in January.

16. COUNCILOR COMMENTS

Mayor Pro Tem Skinner wished everyone a Merry Christmas and Happy New Year.

Councilor Harmon wished everyone a Merry Christmas and Happy New Year.

Councilor Trager mentioned that in working with the Friends of Lake they will be having the water tank mural redone.

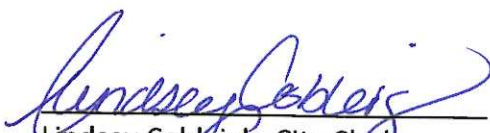
Mayor no comment.

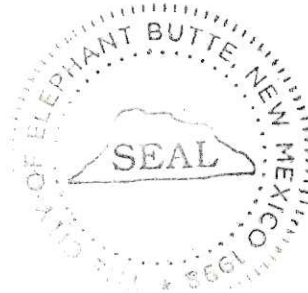
17. ADJOURNMENT

Minutes approved and adopted at the City Council meeting on January 18, 2023.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk



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