



## NOTICE OF CITY OF ELEPHANT BUTTE CITY COUNCIL MEETING

103 Water Avenue, Elephant Butte, NM 87935

**Wednesday, January 18, 2023 – 2:00PM**

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### Minutes\*

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

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

Mayor Mortensen made a recognition to Capt. Apodaca who was representing the Sierra County Sheriffs Department and present for the meeting.

#### 2. ROLL CALL

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

City Clerk Cobleigh conducted a roll call and declared a quorum.

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

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

Mayor Pro Tem Skinner made a motion to approve the agenda as presented. Councilor Atwell seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call.

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

Motion Carried.

#### 4. PUBLIC COMMENT

Public comments can be made in person, by phone 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, December 14, 2022
- b. Approval of Special CC Minutes, January 11, 2023

Mayor Pro Tem Skinner made a motion to approve a. Regular City Council Minutes, December 14, 2022 and b. Special City Council Minutes, January 11, 2023 as presented. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

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

Motion Carried.

## 6. APPOINTMENTS

- a. Approval of Mayor's Recommendation for the position of City Clerk

**Mayor Mortensen** made the recommendation to appoint Lindsey Cobleigh as City Clerk and to also remain as Land Use Administrator.

**Mayor Pro Tem Skinner** made a motion to approve the recommendation to appoint Lindsey Cobleigh as City Clerk. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

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

Motion Carried.

City Manager Mascaro swore in Lindsey Cobleigh as City Clerk.

## 7. PRESENTATIONS

- a. Elephant Butte Chamber of Commerce – Earl Greer

**Earl Greer** presented the Council with an agenda for the upcoming year. Greer stated that the Chamber is continuing to maintain the visitor's center 6 days a week from 10am-2pm. There are active visitors from around the country as well as a few outside of the country. There is a quarterly email that is sent out by email and available by hardcopy at the visitor's center. The Chamber is currently looking into hosting a beach volleyball tournament in March. Greer stated with this year's fishing tournament they want to present a mount of the record fish with the fish being released alive. The Chamber stated that the annual Chamber Golf Tournament is on track to happen again this year. The Chamber is looking into adding a Matanza in October 2023 and tying it in with the Chili Cookoff to bring in more of a crowd. There is a proposed OHV Scavenger Hunt that the Chamber is currently putting together for the area. Greer stated that fall 2022 the Chamber began giving out welcome bags to all new residents of Elephant Butte. It was stated that all social media promotion will continue as normal and they will be looking at additional billboards around the state,

potentially on 380 between I-25 and the Texas state line. Greer brought up the idea of marketing along Elephant Butte's exit 83 to bring more tourism into the city. Mayor Mortensen brought up having a Spaceport America sign off exit 83 as well.

b. Bohannon & Huston Project Update – David Shields

**David Shields** updated the council on all projects throughout the city at this time. Phase 2 of Warm Springs Blvd has been surveyed and is ready to go out to bid. Michigan is ready to close out. Mescal is ready to close out. Fire Station #1 has been delivered and is currently being held at an indoor storage until all prep work is finalized on site. The San Andres/Ocotillo Drive project went through final review, the next step is obtaining the wage rates to get the job underway. Mayor Mortensen requested that he have the opportunity to review all proposed job bids as they come in. City Manager Mascaro asked which project will be starting first. Shields confirmed that the first to be underway this year will be the San Andres/Ocotillo Drive project starting in April 2023.

**8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)**

- a. Discussion/Possible Action: Resolution 22-23-109 NM Finance Authority under Colonias Infrastructure Fund – Wastewater Collection & Treatment System.

**Mayor Pro Tem Skinner** made a motion to adopt Resolution 22-23-109 NM Finance Authority under Colonias Infrastructure Fund – Wastewater Collection & Treatment System. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- b. Discussion/Possible Action: Resolution 22-23-110 NM Finance Authority under Colonias Infrastructure Fund – Provide Wastewater Services to Un-served Areas Loan Match.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 22-23-110 NM Finance Authority under Colonias Infrastructure Fund – Provide Wastewater Services to Un-served Areas Loan Match. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- c. Discussion/Possible Action: Notice of Intent Colonias Funding Sewer

**Mayor Pro Tem Skinner** made a motion to approve the Notice of Intent Colonias Funding Sewer. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- d. Discussion/Possible Action: Resolution 22-23-111 NM Finance Authority under Colonias Infrastructure Fund – Improvement to Public Water System.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 22-23-111 NM Finance Authority under Colonias Infrastructure Fund – Improvement to Public Water System. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- e. Discussion/Possible Action: Resolution 22-23-112 NM Finance Authority under Colonias Infrastructure Fund – Improvement to Public Water System Loan Match.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 22-23-112 NM Finance Authority under Colonias Infrastructure Fund – Improvement to Public Water System Loan Match. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- f. Discussion/Possible Action: Notice of Intent Colonias Funding Water

**Mayor Pro Tem Skinner** made a motion to approve Notice of Intent Colonias Funding Water. Councilor Atwell seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes  
Councilor Atwell – Yes  
Councilor Harmon – Yes  
Councilor Trager – Yes  
Motion Carried.

- g. Discussion/Possible Action: Address Correction of Carousel Park

**City Manager Mascaro** presented this matter to the Council. Carousel Park is currently out of compliance with the 911 addressing standards. Mascaro stated that this correction would be reverting back to the original addressing that was proposed in the platting and addressing for the City. Councilor Harmon asked if this would affect UPS or FedEx deliveries. Land Use Administrator Cobleigh stated that if anything it would make deliveries better.

No formal action was taken.

h. Discussion: Re-evaluation of the Current General Land Use Fees & Fines

**Land Use Administrator Cobleigh** brought before the council the most current adopted land use fees and fines that were updated in June of 2022. LUA Cobleigh requested that the council take the time to review the fee schedule and add their suggestions and alterations. City Manager Mascaro added that he would like to review the fees for the Community Center and Stage Rental as well. LUA Cobleigh requested the Council's help on defining the New Home Build permit on what they wanted to be included in the first development for the property. LUA Cobleigh stated that as it is right now all New Home Builds are just for the home not the entire initial development which could also include a fence, garage, culverts etc. LUA stated that at the top of the fee schedule page it does state that all projects proposed are to be checked and priced accordingly. Councilor Atwell made the statement that with culverts being installed he did not feel a homeowner should be charged for that as it is benefitting the city as well. It was discussed that other drainage control permitted items would remain as is. The council was in agreeance that a New Home Build permit should include everything initially proposed for development. Anything after that would be additional permitting. Fees and fines to be reevaluated at the February meeting and final updates to take place by resolution in March.

i. Discussion: OHV Park

**Mayor Mortensen** presented this item to the council. Mayor Mortensen mentioned the property located across from City Hall, the event ground, that could potentially be utilized as an OHV training ground. Over the past few months, it came to Mayor Mortensen's attention that the city currently holds a lease lot of 5 acres from BLM. The property was originally meant to be utilized as a storage/maintenance yard. Mayor Mortensen mentioned that the city would have to change the scope of work outline with the BLM on the lease to then be able to use this property as a launching site for OHV riders. This 5 acres could be used for OHV riding, mountain biking, and potentially down the road an RV park. Mayor Mortensen mentioned that he would like to see the BLM see what our proposal is and advance on it with their own development of outdoor trails for OHVs and mountain biking in the area. The Mayor stated that he has organized a Mayor's Meeting and the first one is to be held on February 24, 2023 and representatives of BLM will be on hand to answer questions and listen to proposed development ideas.

**City Manager Mascaro** brought up that during the LTAB the OHV park was brought up to him along with the grant funding that has been obtained for the development of the OHV park. Mascaro clarified that there are two separate fundings that have been received into the city for the proposed development of an OHV park.

j. Discussion: Side by Side Rental Company

**Councilor Atwell** introduced Lance Roe of Back Country Attitudes from Ruidoso, New Mexico.

**Lance Roe** introduced his company, Back Country Attitudes from Ruidoso NM. They have been in business for the past five years and currently operate with 20 machines. They offer guided and unguided tours. The goal with their visit today is to seek the support of the city as they attempt to have certain roads opened up to OHV riders; portions of 195 to 179. Roe stated that with his current contacts he can assist the city and the county in getting these roads opened for more opportunities. Roe mentioned at this time his company is looking into expanding their business to Elephant Butte and are currently looking into locations that would suit their needs.

**Councilor Atwell** further clarified that if an event is held where money is to be collected and the event takes place on BLM land then the organizers would still be required to obtain an event permit through the BLM. If it is just individuals out trail riding, there is no need for an event permit.

- k. Discussion: Rotary Park Development – Playground equipment and bathrooms. Councilor Harmon

**Councilor Harmon** brought up the idea of potentially developing Rotary Park into a full playground for children.

**Councilor Trager** mentioned that Brian Burlage, Field Operations Supervisor, has been working on this for many years with research.

**City Manager Mascaro** mentioned that a small playground in that park would be beneficial to the city along with having a city Christmas tree there for annual lighting. Mascaro asked if the Rotary Park sign lights up at night. Mayor Pro Tem Skinner said, no, it does not light up.

**Mayor Pro Tem Skinner** brought up that the park was originally Carousel Park and years ago the Elephant Butte Rotary Club took it over and renamed it with the City's permission. It was suggested by Mayor Pro Tem that the city take back the park and place it under the original name of Carousel Park again since the Elephant Butte Rotary Club has been dissolved.

## 9. EXECUTIVE SESSION

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – Clerk's Office, Manager's Office, and Public Works.
- b. 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 executive session for A. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – Clerk's Office, Manager's Office, and Public Works and B. Discussion pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion related to the purchase, acquisition or disposal of real property.

Councilor Atwell seconded. 4-0. Motion carried.

**City Clerk Cobleigh** conducted a roll call.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.



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

**Mayor Pro Tem Skinner** made a declaration that they did not take action, only discussed the item listed on the agenda.

#### 10. ACTION

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – Clerk's Office, Manager's Office, and Public Works.
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition or disposal of real property.

**No Action Taken.**

#### 11. MAYOR AND COUNCIL REPORTS

**Mayor Mortensen** – No Report

**Mayor Pro Tem Skinner** reported that she is working with the NM Tourism Department on infrastructure funding. Elephant Butte has been included in their list to receive funding once again this year. TorC has also been included in this list for improvements to Ralph Edwards Park and Williamsburg was included for the Rio Grande walking bridge project.

**Councilor Harmon** – No Report

**Councilor Trager** – No Report

**Councilor Atwell** – No Report

#### 12. CITY TREASURER REPORT

**Kristin Saavedra City Treasurer**, updated the Council that Jane Tinon, Utility Clerk, is still working diligently on the bank reconciliations at this time and is making head way. Saavedra noted that there have been numerous transactions that were improperly recorded in Tyler or not recorded at all. Saavedra is currently working on W2's and 1099's for city staff. The monthly and quarterly reports and taxes are being worked on and paid. Saavedra noted that she is working on compiling the requested documents for the auditors. Preliminary budget building will begin soon for all departments. Saavedra will be working on procurement procedures and regulations for the City of Elephant Butte. Saavedra will be training Jane Tinon, Utility Clerk, on inputting requisitions to assist her.

#### 13. LANDUSE / CODE ENFORCEMENT REPORT

**Lindsey Cobleigh Land Use Administrator** updated the Council with her written report that the City closed out 2022 with a total of 150 issued permits. Cobleigh stated that this was an increase from the previous year when there were 108 permits issued. Cobleigh stated that during this transition time that City Manager Mascaro and herself had discussed that Code Enforcement will be a reactive basis rather than a pro-active approach as it has been.

#### 14. FIRE CHIEF REPORT

**Chief Mascaro** reported that there were 29 EMS calls from the last regularly scheduled Council meeting. Mascaro stated there were no structure fires. Engine 9 has been removed from service for maintenance in

Albuquerque. It will be out of service for a few months while the repairs take place. Mascaro updated the council on the new building of fire station 1 that Deputy Chief Atwell has found an architect to assist the Fire Department in the completion of the stamped plans to save the city money. Mascaro stated that the Fire Department will not be utilizing Bohannon and Huston for the remainder of the project. Mascaro stated that by doing this it will save the city approximately \$140,000.00. Mascaro mentioned that once the building has been emptied, he plans on having some in depth training for the crews as well as allowing the Sierra County Sheriff's Department to do training in it as well. Once this is done Bartoo Sand & Gravel will come in and remove the building. Mascaro mentioned that City Staff has been a huge part in making this project happen. He recognized Public Works Operator, Paul Tintelen for his work removing the old water tanks and the amount of dirt he has done and plans on doing on the site. Mascaro stated with the savings they will be able to finish the building out on the inside. Mascaro has been contacted by several of the Lodge's around the community offering help in furnishing the inside of the fire station for the crews once it is done.

#### 15. CITY MANAGER REPORT

**City Manager Mascaro** stated that after meeting with auditors it was recommended that the City of Elephant Butte migrate their daily software to Caselle. Mascaro stated that once the auditors are finished with their audit it has been recommended that the city go out for bid for an accountant and hire Beasley Mitchell, our current auditors, as our accountant. Mascaro mentioned that the transition to Caselle will take approximately 11-18 months. Mascaro stated that the initial startup for Caselle is \$70,000.00 with a \$4,000.00 a month maintenance support fee. Caselle prefers to have all employees come to their main site in Utah for onsite training as they would charge an additional 50% if they came to Elephant Butte to do the training with the staff. City Clerk Cobleigh mentioned that with this software the city would be able to reduce the number of software programs they utilize daily. Mayor Pro Tem Skinner commented that this purchase would be an investment for the city and could use the funding from the sale of the golf course. Councilor Trager requested a comparison between the current used software and Caselle. Councilor Harmon asked if this item would need to go out for bid. Mascaro stated that he would clarify this with the auditors since it came from them as a recommendation. Mascaro brought up the proposed Council retreat for dates in February. Mayor Pro Tem Skinner mentioned that legislator is currently going on and it might make it difficult to plan a retreat in February. It was recommended to schedule the retreat for the last week of March.

#### 16. COUNCILOR COMMENTS

**No further comments.**


#### 17. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

***Minutes approved and adopted at the City Council meeting on February 22, 2023.***

  
Phillip Mortensen, Mayor

**ATTEST:**

  
Lindsey Cobleigh, City Clerk

