



NOTICE OF CITY OF ELEPHANT BUTTE CITY COUNCIL MEETING

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, March 15, 2023 – 2:00PM

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mortensen called the meeting to order, Councilor Harmon 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 – Present

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

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

City Manager Mascaro requested an amendment to the agenda, moving item 7a to be directly before the executive session.

Mayor Pro Tem Skinner made a motion to approve the agenda with the requested amendment to move item 7 to become item 10. Councilor Trager seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre 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) before the meeting.

No public comment was present.

5. CONSENT ITEMS

- a. Approval of Regular City Council Meeting Minutes, February 22, 2023
- b. Approval of Special City Council Meeting Minutes, March 3, 2023

Mayor Pro Tem Skinner made a motion to approve a. Regular City Council Meeting Minutes, February 22, 2023, AND b. Special City Council Meeting Minutes March 3, 2023. Councilor Atwell seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

6. PRESENTATIONS

a. NM Meters – Jeanette Tapia

Chris Gutierrez with NM Meters made a presentation to the Council on the water meters that they offer. These water meters can be read by radio frequency and not a manual read. Gutierrez mentioned that this cuts down not only on man hours but on inaccuracies throughout the water billing process.

Mayor Mortensen asked how long the battery life of these meters is. Gutierrez explained that the meters come with a 20-year warranty, 10-year full replacement and the second half is a prorated amount.

Mayor Pro Tem Skinner asked what the price of a new battery is when it needs to be replaced. Gutierrez stated that these units are all inclusive and cannot accept a new battery. When the battery does go out, the whole unit will need to be replaced.

Councilor Harmon asked if these meters are compatible with the proposed new software for the City, Caselle. Gutierrez and city staff confirmed that yes, the meters are compatible with Caselle.

City Manager Mascaro informed the Council that the quote that was given to the City for the purchase and installation of one hundred meters to start was \$57,500.00. This quote includes everything that the city would need to be ready to utilize this new meter system.

Mayor Pro Tem Skinner mentioned that Silver City had utilized grant funding to pay for their meter upgrades. Mascaro stated that he will be looking into this option as well to help offset the cost of the upgrade.

Field Operations Supervisor Brian Burlage noted that all the City's meters are in the easement closest to the street. With this location of the meters, it will make the reading so much faster and easier on the staff, all that will be required will be one staff member driving the water district route with the transmitter that will then send the information to a laptop.

Councilor Trager asked where NM Meters is located. Gutierrez stated that the main location is in Grants, NM. Gutierrez did state that they travel throughout New Mexico for installs and parts delivery.

b. Sierra County Sheriff's Office – Sheriff Joshua Baker

Sheriff Baker presented a printout of the map that shows the locations of the patrols of the previous month. Baker stated there was 169 hours of patrol in the month of February within Elephant Butte. There were 7 incident reports and 1 arrest. Baker stated that the Sheriff's Department had deployed the speed trailer on Beach Blvd as they have received multiple complaints about the speeding in that area. Baker stated that he had also been receiving complaints about speeding along Rock Canyon Road.

Councilor Atwell thanked Sheriff Baker for the report presented.

c. **Bohannon & Huston – David Shields**

David Shields went over the current open projects with the City of Elephant Butte. The water project is currently in the design phase. San Andres/Ocotillo project is on the agenda for bid approval later in the meeting. Wastewater Collection 4B, they have been in contact with the VFW in acquiring an easement through their property for the extension of the sewer line project. The VFW has requested that the city work with them on the price of the connection in exchange for granting the easement. Shields noted that this easement is needed as this is how they will supply wastewater to the remainder of Ocotillo Drive. Mayor Mortensen mentioned that while the road and easements are open that NM Water had mentioned they wanted to do line upgrades in the area as well. Warm Springs Blvd Phase II is in the design phase, with the design meeting taking place on April 14, 2023. The LGRF for Mescal has been submitted for further grant funding. The NMDOT TPF is due by the 23rd of March and Shields will be working with Angela Rael on this project. Councilor Trager asked if there was any possibility of obtaining sewer along Warm Springs Blvd while the project is going on to widen the road. Shields stated that there had been a total requested amount of \$3.4 million in infrastructure funding, but this had just been done and therefore there were no definite answers yet. Mayor Pro Tem Skinner mentioned that this funding is not for Warm Springs Blvd, that would be an entirely new project request. Mayor Pro Tem Skinner requested that City Clerk Cobleigh place this as a discussion item for the upcoming council retreat. Mayor Pro Tem Skinner thanked Bohannon & Huston and City Staff on getting the Colonias funding applications submitted complete and on time.

7. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Rescheduling the April 19, 2023, Meeting to April 26, 2023, due to staff in training.

City Clerk Cobleigh presented the request for a change of the meeting date due to being out for training.

Mayor Pro Tem Skinner made a motion to move the regular City Council Meeting from April 19th, 2023, to April 26, 2023. Councilor Trager seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

- b. Discussion/Possible Action: San Andres Ocotillo Project Bid Award – Bohannon & Huston

David Shields presented the bid that the City of Elephant Butte had received. Bohannon & Huston is recommending an award to Sierra Valley Construction, they are a local contracting company. Shields noted that they have worked with this company in the past on other projects.

Mayor Mortensen asked why there was only one bid received on this project and how far it was advertised. Shields stated that they only have one bid because that is all that came in for the bid process. Shields stated that this bid request was posted and advertised in the Dodge Reporter, Square Foot, and all the bidding houses. Along with being in the newspapers for two weeks, both Las Cruces and Sierra County Sentinel. Shields stated that is on all the websites as well. Shields stated that Bohannon & Huston had given out ten or eleven sets of plans to contractors for this job, but in the end only received one bid. Mayor Mortensen started a review of the estimated engineering costs vs. the actual bid pricing that came in. The engineering estimates were substantially lower than the bid that came in. Shields stated that he had not done the initial bid estimate that it was another engineer with BHI but stated that the contractor who bid did so for what they could rightfully do the job for. Mayor Mortensen brought up that this bid is 40% higher than what had been estimated by BHI.

Councilor Atwell stated that by only receiving one bid it would typically go right back out for bid again to gain additional contractors. Shields stated that the City of Elephant Butte can go ahead and award this one bid today and they do not have to go back out for bid. Councilor Atwell stated that he will not agree to this bid, and it needs to go back out for bid from Albuquerque to Las Cruces.

Shields stated that it will cost approximately \$4,000.00 to send this back out for bid. He let the council know that most likely the new bids that come in will be more than the one they received today. The Council was ok with that if they receive more than one bid and have a better selection to choose from.

Councilor Atwell made a motion to not award the bid to Sierra Valley Construction for the San Andres/Ocotillo Project and that it goes back out to bid. Mayor Pro Tem Skinner seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Atwell – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

c. Discussion: Mixed Use Overlay Worksheet – Supplied by Planning & Zoning

LUA Cobleigh presented a worksheet that was prepared by Chairman LaFont of the Planning & Zoning Commission. Cobleigh relayed the vision of the P&Z Board that they want to incorporate both commercial and residential within the same zoning districts. Cobleigh went over the different aspects of potential changes to the parking as proposed by P&Z. One of the changes was to move the parking to the rear of the lot to create a more walking downtown feel. Cobleigh went over all the current available commercial areas that are within the city limits.

Mayor Pro Tem Skinner stated that she feels that getting this restrictive with the facades, colors, sizes, and other restrictions might be too late to have this set-in code for the city as the city is already developed. Mayor Pro Tem Skinner says that enacting this type of overlay might be too restrictive to developers and cause people to rethink developing within Elephant Butte.

Councilor Trager said that she had wished city attorney Ben Young was here for this discussion. But, she is concerned with bright colors coming in to the city and how that would be handled or like Mayor Pro Tem Skinner said has this opportunity passed as the city is already developed. LUA Cobleigh explained that this overlay would be for all new development and when ownership changes on a pre-existing developed lot just as they had done for the storage lots. At that time the new ownership

would be responsible for bringing the property into code compliance with the most current standards and regulations. LUA Cobleigh reminded the council that an overlay is never a mandatory code, this is an addition to current code that opens new opportunities.

Chief Mascaro stated that fire code would come into this overlay in the determination of the parking and how they are laid out.

Councilor Trager noted that she receives quite a few complaints on the "Barndominium" style homes that are going up throughout the city. Councilor Trager stated that she would like to see a maximum size on these to keep the residential neighborhoods uniform.

Councilor Harmon asked why the council was trying to tell property owners what they can and cannot build on their own property.

LUA Cobleigh stated that currently all permitted Barndominiums meet current zoning code by size and impervious percentage of lot coverage.

City Manager Mascaro stated that most of this could be settled and taken care of with a review and revision of the master plan for the City of Elephant Butte. Councilor Harmon did not realize there had been a master plan in place. LUA Cobleigh stated that the master plan was originally final in 2006, revised in 2012, changes made in 2015 but had not been adopted.

No further questions from Council, this will be brought up for discussion at the Council Retreat.

***City Manager Mascaro stated that with City Attorney Ben Young now present item 10, previously 7, can be moved in this spot before Mayor & Council Reports. Now reflected as item 8. No opposition from the Mayor or Council. Minutes to reflect the change order. ***

8. PUBLIC HEARING

- a. Adoption of Ordinance 207 - Amending ordinance 154 to allow a maximum of twelve hens in specific zoning districts.

Mayor Mortensen called the public hearing into session. Mayor Mortensen detailed to the Council, Staff, and all present public that this public hearing is for the adoption of Ordinance 207 which is amending Ordinance 154 to now allow twelve hens within specific zoning districts.

Mayor Mortensen requested all members who wish to speak and give testimony please rise to be sworn in.

Chief Mascaro swore in Land Use Administrator Lindsey Cobleigh as the only member to present testimony at this hearing.

LUA Cobleigh, City of Elephant Butte 103 Water Avenue.

LUA Cobleigh introduced Ordinance 207 to the Council and the amending details which consist only of the allowance of now twelve hens. LUA Cobleigh stated that all public notices have been posted at all required locations. Mayor Pro Tem Skinner asked if this ordinance revision encompassed other animals for the 4-H kids as well or if that was going to be done separate. LUA Cobleigh stated that ordinance is set for the end of the year with Planning & Zoning and will be the Urban Ag/Micro Livestock Ordinance. LUA Cobleigh stated that since this Ordinance 207 has been published for public hearing she has had three people come in for their chicken keeping permits in hopes of this new ordinance amendment passing and being allowed twelve hens.

No further discussion or questions.

Mayor Pro Tem Skinner made a motion to close the public hearing for Ordinance 207. Councilor Atwell seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

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

Mayor Mortensen opened the floor for discussion. No discussion.

Mayor Pro Tem Skinner made a motion to adopt Ordinance 207. Councilor Atwell seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

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

9. MAYOR AND COUNCIL REPORTS

Mayor Pro Tem Skinner made a brief report that she is working with the NM Hospitality Association and NM Restaurant Association and NM Chamber of Commerce. These organizations are all opposed to the family leave that the legislation was trying to pass. Mayor Pro Tem Skinner stated that many did not understand that employees themselves would have had to pay into this family leave. The bill did not pass. Mayor Pro Tem Skinner thanked City Treasurer, Saavedra for her work on the Colonias funding applications and submitting that for the City. Is currently working on the Geronimo Trail project along with the Rio Grande Trail project.

Councilor Harmon no report.

Councilor Trager participated in the clean and beautiful webinar and in the tourism webinar. The clean and beautiful grant opened Monday and is open through mid-April.

Councilor Atwell stated there was a SCCOG meeting set for the end of the month. He had attended a planning meeting for the upcoming music festival that is set for June at the Sierra del Rio Golf Course.

Mayor Mortensen stated that he had spent quite a bit of time in Santa Fe during legislation. Mayor Mortensen reported on House Bill 265 that was tabled at this time but he assured the council and staff that does not mean that this bill is dead it is still actively being worked on and reviewed. HB 265 is regarding state parks and additional funding for the municipalities that service them with emergency needs and infrastructure improvements.

10. CITY STAFF REPORTS

a. City Treasurer

Kristin Saavedra presented her monthly report to the council. IT was noted that Jane Tinon has been trained on entering requisitions into Tyler to assist Kristin with payables. Saavedra thanked Mayor Pro Tem Skinner for all her assistance with the Colonias funding. She has been working with Revize the new website company on getting the basic design and structure together. Tomorrow there is a hand off meeting with Caselle for the new software company that city hall is migrating to. Saavedra stated that

she is hopeful that a full merger with Caselle will be done within one year. Saavedra stated all required documents have been submitted for the audit.

Councilor Trager stated that she is looking forward to the budgeting conversations that are to come.

b. City Clerk

Lindsey Cobleigh presented the council with a monthly report. She summarized everything that has been going on within the clerk's office this past month. She updated the council that the meeting minutes on the website have been posted out of order and in the wrong categories and is working on this correction. Cobleigh stated that Admin Johanna Munoz has been helping with keeping the posting locations and Facebook page up to date with all current meetings and needed postings. Cobleigh stated that she held off on sending the ordinances to American Legal until 207 was approved today. Cobleigh stated that she worked with Mayor Pro Tem Skinner on developing a more user-friendly Lodgers' Tax Application that follows state guidelines and city code. These applications were finalized in February and posted by the end of February. Applications are being accepted until March 31st, 2023, at 3:00pm.

Councilor Trager asked if City Clerk Cobleigh had reached out to prior applicants to let them know that the applications are ready at City Hall. Cobleigh stated that she was unaware that this was to be done.

Mayor Pro Tem Skinner suggested that Cobleigh get with the City Manager to file an application on behalf of the City for Elephant Days.

Cobleigh stated that she is working on a correction to the Lodgers' Tax and Short-Term Rental Ordinance to allow the city to directly contract with third party vendors such as Air BnB.

c. Land Use Administrator

LUA Cobleigh stated that since the report was issued for the meeting the land use department is now up to 34 issued permits for 2023. Cobleigh stated that she has seen this year being just as busy as last year. It was stated that there are a lot of new home builds ranging in style and type throughout the city.

Mayor Mortensen asked about the partially built structure located on Beach Blvd.

LUA Cobleigh went over the timeline with the Mayor and Council that she had issued a stop work order. Since that stop work order, they have become compliant with all code violations and the stop work order has been lifted by the city. Cobleigh stated that they do not currently have a stop work order through the state, but they have a notice to make all corrections to the concrete before advancing any further.

LUA Cobleigh stated to the Council that the city has been advertising for the full-time code/ACO job position. If there are no further applicants, the city will begin advertising outside of the county in other cities.

d. Fire Chief

Chief Mascaro reported there were 28 EMS, 1 MVA, 1 Car Fire, 1 Smoke in House calls. Chief Mascaro stated that with the process of going to a paid EMS service with the Fire Department he wants to have all the equipment in place prior to taking effect. Chief Mascaro stated he has found a type one ambulance that is 4x4 and would be a great addition and resource to not only the department but the county as well. Chief Mascaro stated that there is currently four to five current members of the fire department that are interested in going through the EMT school, which is approximately 5 months. Chief Mascaro stated that once the department goes to a full-time paid EMS that they will service and transport for the entire Elephant Butte Fire District.

Mayor Pro Tem Skinner asked when the predicted date for the new station would be started. Chief Mascaro stated that the current building is scheduled to be taken down in April and the foundation started in May for the new building.

e. City Manager

City Manager Mascaro stated that he had the first committee board meeting with the 25th Anniversary board for the planning of the event. They will be setting a standard date and time for as needed meetings. Mascaro stated that Elephant Days is going to be a good event this year as well. Mascaro mentioned that he had ordered banners for the light poles that are for the City Celebration and three large banners up as well. Mascaro mentioned to the council that there has been a building designed for the event site to house bathrooms for events. This would be a permanent building to be utilized for all public events in that area. Mascaro stated that throughout the next year to celebrate the 25th Anniversary he wants the city to host events one to two times per month.

Councilor Trager and Mayor Pro Tem Skinner asked what dates we were looking at for the Elephant Days event. It was mentioned to try to avoid all the fairs and the Balloon Fiesta. The council and staff want to have Elephant Days later to allow more participation from the community and surrounding areas.

Mayor Pro Tem Skinner suggested the third weekend in October to avoid other events.

Mascaro stated that the VFW comment earlier from David Shields was regarding them granting the city a sewer utility easement for the San Andres/Ocotillo Project. Mascaro mentioned that the city may waive the connection fee for VFW in exchange for the easement. City Attorney Ben Young mentioned there needs to be a contract drawn up for the exchange of land for the connection fees.

11. EXECUTIVE SESSION

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – Manager's Office.
- 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 executive session for a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) –Manager's Office.

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.

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 act, only discussed the item listed on the agenda.

12. ACTION

- a. Action required following discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) –Manager’s Office.
- b. Action required following discussion 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.

13. COUNCILOR COMMENTS

No further comments.

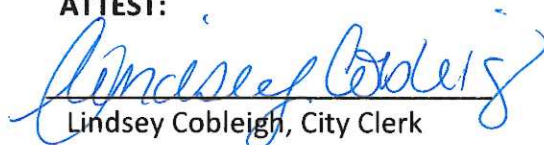
14. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on April 26, 2023.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk



