



NOTICE OF CITY OF ELEPHANT BUTTE CITY COUNCIL MEETING

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, May 17, 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

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

Councilor Harmon made a motion to approve the agenda with two amendments, the removal of item 7a due to insufficient paperwork from the State and moving item 8b to 6a. Mayor Pro Tem Skinner seconded the motion. 4-0. 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.

5. CONSENT ITEMS

- a. Approval of Regular City Council Meeting Minutes, April 26, 2023

Mayor Pro Tem Skinner made a motion to approve the meeting minutes. Councilor Trager mentioned that there were two times in the meeting minutes where a roll call vote reflected Mayor Pro Tem Skinner had voted “no” even though she was the one who had made the motion. Mayor Pro Tem amended her motion to include the needed corrections of the votes to “yes”. Councilor Harmon seconded the motion. 4-0. Motion Carried.

6. PRESENTATIONS

- a. Poppy Proclamation – American Legion

Mayor Mortensen presented the Proclamation to the American Legion Post #44. Mayor Mortensen proclaimed May 26th, 2023, as Poppy Day within Elephant Butte.

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

Sheriff Baker provided a written monthly report to the Mayor and Council. Within this report it was noted that there were 198 active patrol hours for the month of April within Elephant Butte. There were

2 burglary calls, 1 medical call, 1 welfare check, and 1 domestic disturbance call. Councilor Trager asked if Sheriff Baker had heard if State Police was going to focus on the interstate rather than the intown roads. Sheriff Baker said he had not heard a definite answer to this yet, but that the Sierra County Sheriff's Department will be focusing on the intown roads of Elephant Butte.

c. Bohannon & Huston – David Shields

The water system improvement project is 60% designed. San Andres Ocotillo has gone out to re-bid, Shields noted that this bid will be going before the council later in this meeting for approval. Fire Station #1, Shields noted that Chief Mascaro is taking care of this project. The building has been delivered. Wastewater collection phase 4B. The easement agreement with the VFW is needed to submit to the state on this project. Warm Springs is in the final design for phase two. Councilor Harmon noted that it appears that Mescal has fallen off the radar and asked where that project is at. Shields assured the Council it has not fallen off the radar, we are just waiting for funding awards.

~~7. PUBLIC HEARING~~

a. ~~Butte Cannabis – Conditional Use Business Registration~~

Removed due to insufficient paperwork from the State of NM.

8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

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

David Shields introduced this item for discussion/possible action to the council. Shields noted that the bid opening was held on May 11th, 2023, at City Hall.

Mayor Mortensen mentioned that by going back out to bid the city saved approximately \$400,000.00. Shields agreed that going back out for rebid was the best choice that the city could have made.

David Shields made the recommendation to the Council to accept the bid submitted by A Mountain.

Councilor Trager made a motion to accept the bid made by A Mountain for the San Andres/Ocotillo Project. 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.

b. ~~Discussion/Possible Action: Poppy Proclamation – American Legion Moved to Item 6a~~

c. Discussion/Possible Action: City Sanitation Contract

City Manager Mascaro introduced this item to the Council for review. Councilor Trager asked if this item had gone out to RFP. Mascaro stated that this is not something that has to be done by RFP. Letters were sent to all waste collection companies to submit their bid. Mascaro stated that if residents decide to receive at home waste collection it will be mandatory that they use the company to which the City of Elephant Butte is contracted with. Residents will still have the option to opt out of home waste collection and can haul their own trash to the dump. Mascaro mentioned that Valley Sanitation, one of the two companies who placed a bid, has already provided some services to the city. The annual city of Elephant Butte Spring Clean Up, the large roll off dumpsters were provided by

Valley Sanitation. Valley Sanitation has offered to provide the city and Fire Department with courtesy dumpsters as well as ordering a specialty dumpster for the wastewater treatment plant. Mascaro stated that the Utility Department is already working with New Mexico Water to obtain additional service address where waste collection could be needed that way, we will already have the addresses when it comes time to establish an account. Mayor Mortensen asked when this company can stand up and take over as the providing company. Mascaro stated as soon as the contract is finalized, we can start the process of the transition between the current company and Valley Sanitation. Mayor Mortensen asked if there was a duration to the proposed contract. Mascaro stated that the current contract has a ten-year duration and that will be amended to be four years.

City Attorney Ben Young reminded council and staff that with the requested amendments to the contract this should come back before council at the regular June 21st, 2023, meeting for final approval.

No action currently.

****Public comment was allowed by Mayor Mortensen at this time. ****

Nathan LaFont stated that the commercial business within Elephant Butte are on a quarterly contract with NM Waste Management and was concerned with how this new company may affect their service.

Larry Leyba, Valley Sanitation assured the Council, staff, and constituents present at the meeting that Valley Sanitation has done this type of transition before, and no one will be left without services in between one company to the next.

d. Discussion: Ordinance Concerning Dissolution of Planning & Zoning Commission

City Attorney Ben Young introduced to the Council both items 8d and 8e which go together. Ben Young reminded the council and staff that at this time these are just for discussion and there will be no action on either of these ordinances at this time. Ben Young informed the council and staff that as current city adopted code states any zoning ordinances must first be reviewed by the Planning & Zoning Commission for their recommendation to the City Council. Ben Young suggested that as these ordinance form and the new Zoning Commission is formed that the council receive recommendations from city staff on what should be administrative and what should be a public hearing. Mayor Mortensen questioned the section of the new proposed ordinance which references the appointment of the commission. Mayor Mortensen asked if it should be more defined on how many commissioners there are, the term limits for commissioners, etc. Ben Young stated that it will be more defined as this information is added. Currently by state statute the zoning commission is only required to have 3 members whereas a planning commission is required to have 5. Mayor Pro Tem Skinner mentioned that by having qualified and trained staff at city hall a lot of the conditional use items could be made to be an administrative task rather than a public hearing. Mayor Pro Tem Skinner stated that she felt it to be redundant to set forth conditions in the code for conditional use businesses and still not allow city staff to approve them if they have met all conditions. Councilor Trager mentioned that she would like to hear from the city manager and land use on the proposed split of the workload of taking on the planning portion of the planning and zoning commission. Councilor Trager stated that with new staff being trained you can only put so much on them. Councilor Trager stated that she would feel more comfortable with having the planning portion more laid out before moving forward.

e. Discussion: Ordinance Establishing a Zoning Commission
Wrapped into discussion under 8d.

f. Discussion: Standby Fee Ordinance

City Manager Mascaro introduced this item to the council. Mascaro stated that a lot of the standby fees on vacant properties are causing billing issues within the utility department. Mascaro stated that the easiest most effective way to clear up the inconsistencies within the utility department regarding standby fees is to simply dissolve the standby fees from the city code. Mayor Pro Tem Skinner stated that it most likely costs more administratively to process the bills than the revenue it is potentially generating.

No action currently.

g. Discussion: Sign Ordinance 208

LUA Cobleigh introduced this revised copy of the sign ordinance to the council. The council asked why this ordinance was brought back as a discussion rather than approval. LUA Cobleigh stated that she wanted clarification on the changes due to the changes happening with the Planning & Zoning board. LUA Cobleigh stated that she will do the revisions and have this ordinance before the council next week.

h. Discussion/Possible Action: Increase of GRT

City Manager Mascaro introduced this subject to the council. Mascaro stated that he had been talking to the City Clerk of Williamsburg on this matter. Mascaro stated that there are proposed changes coming July 1st, 2023, from the State of New Mexico to reduce the GRT but each municipality will have the option to raise it back up on their own.

Mayor Pro Tem Skinner went into detail on the proposed changes that are affecting the entire state. Mayor Pro Tem Skinner mentioned that this item will need an ordinance to amend the GRT rates as requested by the city. The rate decrease will happen July 1st, 2023. Any changes requested by the city would take effect January 1st, 2024.

Councilor Trager stated that what she had understood was that the municipality can not raise the GRT higher than the current rate but only raise it back to where the rate currently is.

The council requested that City Attorney Young begin the preliminary work on this matter.

No action currently.

9. ELEPHANT BUTTE CHAMBER OF COMMERCE REPORT

City Manager Mascaro presented the Elephant Butte Chamber Report on behalf of Earl Greer who could not be in attendance.

Elephant Butte Chamber has placed a full ad in Makers Magazine for May/June. The next edition July/August will feature the 25th Anniversary events. Weekly Elephant Butte Lake reports started on April 14, 2023, and are 60 second spots played 5 times every Thursday until mid-September. Starting June 1st through the 4th of July these ads will also mention the 25th Anniversary Celebration. The design for the 380 Billboard project is nearly complete. The social media update showed a total audience of 4,188 which is up 770% from the previous 6 weeks. A total of 5,006 total likes on media shared.

Councilor Trager asked what the 380 Billboard is. Mascaro stated that it is a billboard located on Highway 380.

10. MAYOR AND COUNCIL REPORTS

Mayor Mortensen recognized that Chief Mascaro had his one-year anniversary with the City on May 10th, 2023.

Mayor Pro Tem Skinner attended the governor's conference on tourism, went on a tour at spaceport and the lodgers' tax meeting.

Councilor no report.

Councilor Trager no report.

Councilor Atwell no report.

11. CITY STAFF REPORTS

a. City Clerk

Lindsey Cobleigh went over the provided Clerk's report with the council. Clerk Cobleigh mentioned that she has successfully completed her first Clerk's Conference and earned 3 credit hours towards receiving her CMC certification. Clerk Cobleigh stated that she has been taking online courses through UNM which can be used as extra acquired continued education for her CMC and CZO. Clerk Cobleigh stated that one of her main goals for May is to organize the City's asset files to where they are in one area. Another goal is to have all business registration renewals out by the end of the month.

b. Land Use Administrator

Lindsey Cobleigh went over her fourth training through the NMLZO which she had received a full scholarship to attend. Cobleigh stated that while she was there, they did a lot of fundraising and brought in nearly \$2,000.00 to go towards more scholarships at the next training. Cobleigh stated that she is now on the state board to assist with fundraising. Cobleigh reported that she has already been recommended to be on the state board as secretary when terms end next year. Cobleigh stated that as of current the City is up to 71 issued permits for the year with 16-18 new home builds. Cobleigh stated that she is still planning on setting up the animal registration and shot clinic in July at the community center. Cobleigh stated that she will be out doing code enforcement tomorrow.

Councilor Harmon brought a concern up on a new home placement that appears to be too close to the roadway and not at the zoning required setback of 30'. Cobleigh stated she will inspect that property tomorrow.

Councilor Trager inquired if new animals should wait until July or register now. Cobleigh stated that July was just fine.

c. Fire Chief

Chief Mascaro stated that thus far the department has responded to 30 EMS calls, 2 unknown cause fire calls, 2 MVA that required extrication, and 1 drowning. Mascaro stated that he has already been in contact with a contractor to begin the concrete slab for both the fire station rebuild and the new bathrooms being erected at the city event site. Mascaro stated that the contractor stated that the bathrooms will be up and going by July 1st, 2023. Mascaro stated that the Elephant Butte Fire Department will be providing Spaceport America with mutual aid during their launch on May 25th, 2023.

Councilor Trager asked what time the launch at Spaceport is taking place. Mascaro stated that they have not confirmed a definite time yet for this launch, but the last one was at 7:00am.

d. City Manager

Mayor Pro Tem Skinner mentioned that legally the council should be provided a treasurer's report every month, that legally it is required. Mascaro stated that there is no report to provide at this time and that the auditors have requested no reports be given to the council to cut down on inaccuracies. Mayor Pro Tem Skinner asked Mascaro to state that for the record in lieu of the report. Mascaro stated that next month there will be a report.

City Manager Mascaro stated that the city is continuing to work with Beasley Mitchell on the audit as well as with DFA to get the financials cleaned up and in order. Mascaro mentioned that with the software migration to Caselle will be of benefit to getting financials on track. Mascaro mentioned that he is looking at adjusting the rental of the portable stage as well as the community center. Mascaro stated that he is looking into adding a restroom for the Bass Club that rents space from the community center. There has been some instances where members of the bass club have gone into the community center during events to use the restroom.

12. 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 the discussion of a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – Manager's Office and b. Closed 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 Clerk Cobleigh conducted a roll call vote.

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.

13. 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.

14. COUNCILOR COMMENTS

Mayor Pro Tem Skinner thanked staff for their work with the auditors and everything they are doing to get records in order.

Councilor Harmon no comment.

Mayor Mortensen no comment.

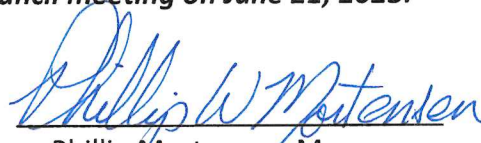
Councilor Trager no comment.

Councilor Atwell no comment.

15. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on June 21, 2023.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk

