



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

103 Water Avenue, Elephant Butte, NM 87935
Wednesday, May 24, 2023 – 10:00AM

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Skinner called the meeting to order, Councilor Harmon led the pledge of allegiance.

2. ROLL CALL

Mayor Phillip Mortensen – Absent
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

Councilor Atwell made a motion to approve the agenda as presented. Councilor Harmon seconded the motion. 4-0. Motion Carried.

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

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.

Kitty Holm Skyline Drive was concerned about the potential change in the trash service for Elephant Butte. It was stated that she had received her next quarterly bill that is due at the end of June for the next quarter, and she was seeking Council's input on whether to pay this bill or to skip it to transition to the new service. Holm stated one thing she heard about the new company that excites her is the service of retrieving the garbage can from her home and taking it down the driveway to the road for her.

Paul Forsyth 102 Woodsum Lane stated he is a fifty-year weekend visitor and twenty-year resident. Stated that the whole trash service stinks. Forsyth stated that with the dumpsters being present in the city's storage lot for six months that this has all been premeditated and planned and they don't have a choice. Forsyth asked if this was going to be another lets pay for the sewer system lets rape the local people. Forsyth states he only produces one 30-gallon trash bag of trash every two weeks and hauls it to the dump. Forsyth asked when this item would be on the agenda, Mayor Pro Tem Skinner stated she did not know.

Jim Holzworth 405 San Andres brought up the condition of San Andres, it being torn up and needing patched. Holzworth stated that he had heard that the city was going to be doing repairs to this road but had not seen anything. Mayor Pro Tem Skinner acknowledged the comment and stated that the City does have the funding for the project.

Mayor Pro Tem Skinner addressed Kitty Holm that the pricing of the new trash company and the current company will be the same. Mayor Pro Tem Skinner clarified that the Council is not voting on this item today and there will not be a lapse in services. Kitty Holm stated she would not be paying this bill that she just received.

5. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

a. Discussion/Possible Action: Ordinance 208 Signs

Mayor Pro Tem Skinner made a comment stating that Planning & zoning, Legal, and City Staff have worked on this ordinance amendment for a year and a half up to this point. Mayor Pro Tem Skinner acknowledged that this ordinance is still at 30 pages, but that it is quite condensed from the original ordinance and the sign review guidelines.

LUA Cobleigh addressed the Council with the introduction of the latest requested amendments to this ordinance, which was changing all references of Planning & Zoning Commission to Land Use Administrator. Any mentions of a variance or public hearing needed were changed to reflect the City Council as the public hearing board. LUA Cobleigh stated that at this time these were the only amendments made.

Councilor Trager asked if this was an ongoing process. LUA Cobleigh clarified that this ordinance has been gone before the Planning & Zoning Commission for public hearing once and has now been brought before the City Council by public hearing twice.

Councilor Trager asked that in the future if any ordinance changes of this size that the council be provided a redline copy for comparison to see what has been amended or removed from the new proposed copy. City Manager Mascaro and LUA Cobleigh agreed.

City Attorney Ben Young clarified that there had been numerous redline versions provided to Planning & Zoning throughout the last year and a half of working on this project.

Councilor Atwell made a motion to approve Ordinance 208 Signs as presented. Councilor Harmon 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: Ordinance 210 City Manager Amending Ord. 106

City Attorney Ben Young introduced the amendments requested within this ordinance 210. Original ordinance 106 did not allow for internal promotion to the position of City Manager, with the amendment there will now be a process to allow for internal promotion to City Manager.

Councilor Atwell made a motion to approve Ordinance 210 City Manager Amending Ord. 106. Councilor Harmon 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/Possible Action: Ordinance 211 Concerning Dissolution of Planning & Zoning Commission – Approval for Publication

Mayor Pro Tem Skinner read comments from Mayor Mortensen on this Ordinance. Mayor Mortensen's comments were, I know that making changes is not always well received I am grateful and appreciative to the work that has been done especially to all the volunteers and the help from the current board. We have made numerous process and procedural changes over the last year and a half it is my position that this is one that has been needed for quite some time. I strongly believe the change will allow us to be more business friendly.

Mayor Pro Tem Skinner stated that Planning & Zoning was created nearly 25 years ago when the city consisted of only a City Clerk on staff. The city has evolved and grown over the years. Mayor Pro Tem Skinner stated that over the years Chairman LaFont of the Planning and Zoning Commission had requested the city have a Land Use Officer on staff. Mayor Pro Tem Skinner stated that there had been a talk of employees advancing on a ladder of progression within the city. Mayor Pro Tem Skinner thanked LUA Cobleigh for her dedication to learning the Land Use Administrator position and going to trainings both in person and online to work towards her certification. Mayor Pro Tem Skinner mentioned that she had visited with both LUA Cobleigh and City Manager Mascaro on the increased work load it would be on them to have them take over the Planning aspect of the city. Neither seemed overburdened by taking on this task for the city.

LUA Cobleigh stated that the majority of what was coming from the Planning & Zoning Commission was originating with the Land Use Administrator. Documents were created and compiled by LUA Cobleigh and presented to the P&Z Commission for approval. LUA Cobleigh stated that she and City Manager Mascaro have already been planning on how they will work together on commercial property projects and conditional projects. LUA Cobleigh stated that most municipalities have conditional use businesses set forth in their code, but they do not require these to go before a public hearing which takes staff away from their day-to-day operations. The Land Use Administrator should have the authority to review these conditional uses, follow the requirements set forth in the code and if all requirements are met issue the permit or business license that is requested. LUA Cobleigh stated that she feels this move would help streamline the permitting process within the city.

Councilor Atwell made a motion to approve Ordinance 211 Concerning Dissolution of Planning and Zoning Commission for publication. Councilor Harmon 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.

- d. Discussion/Possible Action: Ordinance 212 Establishing a Zoning Commission – Approval for Publication

Mayor Pro Tem Skinner read comments from Mayor Mortensen on this Ordinance. Mayor Mortensen's comments were, to have the board consist of three qualified members and one alternate member, term limits, establish a chair and vice chair. Follow procedure on advertising vacancies. Mayor Pro Tem Skinner noted that several of these are already covered in the Planning & Zoning Code and code just be carried over to the new Zoning Commission.

Councilor Trager asked City Attorney Ben Young if this proposed ordinance had gone before the Planning & Zoning Commission for their review and input on this matter. City Attorney Young stated that the next scheduled Planning & Zoning Meeting is scheduled for Tuesday June 6th, 2023, at 9:00am. During this regular meeting the Commission will have time to review and discuss the ordinance.

Mayor Pro Tem Skinner requested that the Council send all amendments, ideas, or corrections directly to LUA Cobleigh for her to amend the ordinance and have it prepared for the next meeting. Mayor Pro Tem Skinner talked about the Ordinance Timeline that she had asked Cobleigh to prepare for the meeting to show that this is not something that the council is jumping into, this is a lengthy process that spans several months of meetings and planning.

LUA Cobleigh addressed Mayor Pro Tem and the council with a staff recommendation on ordinance 212. Cobleigh stated that after the agenda went out for the meeting, she met with City Manager Mascaro and Mayor Pro Tem Skinner, and she decided to list this ordinance as a discussion only item on the timeline that was presented to the council today in the packet. Cobleigh does not feel that this ordinance is ready for approval of publication at today's meeting and needs additional work and input from staff and board members. Cobleigh stated that she wants to see this board grow with the city and be what the city needs in 5 years as we develop. Staff recommendation is to table this item until June 21st, 2023.

Councilor Harmon stated that she had noticed there are numerous blanks within this document and would like to see it postponed.

Councilor Harmon made a motion to postpone the approval of publication of Ordinance 212 Establishing a Zoning Commission until June 21st, 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

Motion Carried.

e. Discussion/Possible Action: Ordinance 213 Standby Fee – Approval for Publication

City Manager Mascaro introduced this proposed ordinance to the council. Mascaro stated that the standby accounts are creating discrepancies within utility billing software. Mascaro stated that the standby accounts total roughly \$13,000 per year. Mayor Pro Tem Skinner stated that this number was completely accurate due to when the sewer stubs were put in, there are numerous properties being billed multiple standby fees and a monthly fee due to how the home sits on a property.

Councilor Atwell made a motion to approve Ordinance 213 Standby Fee for publication. Councilor Harmon seconded. 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.

f. Discussion: Unit 10 Re-Zone to R-4

LUA Cobleigh introduced this item to the Council. This is a proposal that has been a joint effort between LUA Cobleigh and developer, James Prendamano, for the area. LUA Cobleigh stated for the record that this is a very early rough draft of the proposed changes for unit 10. LUA Cobleigh stated that this was a request of the developer not from the Land Use Office.

Councilor Harmon asked why we were attempting to create another new zone when the city already has a multifamily zone in place. LUA Cobleigh explained that our current code of R-3 only allows for up to three homes on the property and the proposed ordinance is planning for it to be up to 4 homes.

Councilor Harmon asked if there was a plan for this unit to become an HOA. LUA Cobleigh stated that she believed it was supposed to be an HOA down the road, but she could not speak for sure. City Manager Mascaro stated that no, it will not be an HOA. Councilor Harmon brought up several discrepancies throughout the ordinance. Councilor Harmon inquired about the Grandfathering portion at the end of the ordinance.

LUA Cobleigh stated that all current code does state that upon removing a non-compliant dwelling or structure you must bring your property into current code compliance. Cobleigh gave an example of just last year, a constituent was pulling their older single wide out and replacing it with a new one. The older one was only set ten feet off the road whereas the setback in that zoning district is 20' on the front. Eventually the constituent came into compliance with the city code. LUA Cobleigh touched on the accessory structure limits which are also already in code currently and are based on the size of the lot.

City Manager Mascaro mentioned that the developer, James Prendamano, had come before the council previously and went over the proposed development for this unit and there was no questions at that time.

Councilor Harmon stated her biggest concern is that she does have parents living in this unit and other developed lots.

LUA Cobleigh stated that her staff recommendation for this proposal would be to rewrite it as a overlay zoning which would then allow for the current zoning district of R-1-C to remain in place. Within the overlay zoning the city staff could work with the developer to list all effected blocks and lots that are to be included in the overlay.

The Council agreed to the recommendation of this being presented as an overlay zone rather than a re-zone.

LUA Cobleigh stated that this is a very rough draft and that as this becomes closer it will be the developer, James Prendamano, presenting an entire development plan.

The Council requested a revised redline at the June 21st, 2023, meeting.

6. 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.
- b. Councilor Atwell made a motion to enter executive session for a. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property. Councilor Harmon 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.

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

Councilor Atwell made a declaration that they did not act, only discussed the item listed on the agenda.

7. ACTION

- a. 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.

8. COUNCILOR COMMENTS

City Manager Mascaro made a comment on Beach Blvd that it will begin the repaving soon. It has been noticed recently that there are issues with speeding vehicles along Beach Blvd. City Manager Mascaro stated that Sheriff Baker has had the speed trailer on Beach and reported that 67% of drivers speed and it was suggested that we install (2) 4-way stops. One will be at Beach Blvd./Ontario Drive, and one will be at Beach Blvd./Skyline Drive.

Mayor Pro Tem Skinner thanked City Manager Mascaro for the update from the Sheriff's Department on the safety issues on Beach Blvd.

Councilor Atwell made a comment that Elephant Butte Fire Department will be set up at the State Park over the Holiday weekend.

9. ADJOURNMENT

Mayor Pro Tem Skinner adjourned the meeting.

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


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk



