



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

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, June 28, 2023 – 10:00AM

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 Via Phone
Councilor Travis Atwell - Absent
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 as presented. Councilor Trager seconded the motion.
3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – 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.

Jim McDonald Mimbres Drive – Expressed his concern for the trash situation that is currently going on in Elephant Butte. McDonald stated there had been no information provided regarding this trash situation. He stated he would not be asking any questions but would like to be informed through the newspaper or somewhere of what is happening.

5. PUBLIC HEARING

a. Butte Cannabis – Conditional Use Business Registration

City Clerk Cobleigh handed out the public hearing packets to the mayor and council. Cobleigh emailed the packet to Mayor Pro Tem Skinner who was present by phone call. Cobleigh presented the

council with the development plans that were a full-size set of plans and therefore were not included in the individual packets provided.

Mayor Mortensen asked where the location of the business was located. Applicant, Craig Stookey responded with 505 Butte Blvd.

City Clerk Cobleigh reminded the mayor, council, and staff that currently this is under packet review and all questions need to be held until the public hearing is called to order officially.

Mayor Mortensen called the public Quazi Judicial Public Hearing to Order. Mayor Mortensen requested all staff and applicants who wish to testify be sworn in as a group by City Manager Mascaro at this time.

City Manager Mascaro swore in City Clerk Cobleigh and the three present applicants for Butte Cannabis.

City Presentation:

City Clerk Cobleigh gave the presentation for application 23-0086 which is for the conditional use business registration for Butte Cannabis. Cobleigh described the presented packet for the record, stating it is ten pages that are printed both front and back for a total of twenty pages of evidence entered the presentation. Cobleigh stated that as per code, Ordinance 198, Butte Cannabis has met all requirements set forth. Cobleigh went over all requirements that Butte Cannabis has met according to code.

City Clerk Cobleigh reminded the mayor and council at this time questions would be for City Staff only and not for the applicant.

Councilor Trager asked about the real estate contract being between the owner and Craig Stookey and if Craig Stookey had anything currently to do with the Butte Cannabis business registration. Cobleigh stated that yes, he is one of the owners of Butte Cannabis and informed the mayor and council where this information was in the packet, she had provided to them.

No further questions from the Council.

No questions from the Applicant.

Applicant Presentation:

Craig Stookey, Butte Cannabis representative addressed the mayor and council. Stookey went over the interior layout of the showroom area of the building.

Mayor Mortensen advised that it would be beneficial to have security at this location. Mortensen stated that the plans presented were quite vague in the security details.

Craig Stookey showed the mayor and council on the development plan where the security system would be located to include cameras. Stookey explained that there is a total of 20 HD cameras between exterior and interior for security.

Councilor Trager stated that the state is very specific, and the city is to follow the state recommendations.

No further questions from the Council.

No questions from City Staff.

Mayor Mortensen adjourned the Quazi Judicial Hearing at this time.

Councilor Harmon made a motion to approve Conditional Use Business Registration – Butte Cannabis 23-0086. Councilor Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

b. Ordinance 214 – Solid Waste Collection

Attorney Ben Young gave information to the mayor and council prior to the opening of the hearing. Young reminded the mayor and council that prior to ordinance 214 the city did not have a solid waste ordinance in place. This ordinance has been published and is coming before the council today for final adoption. Young mentioned that solid waste collection is not a mandatory service as it is still an option for the property owners within Elephant Butte to opt in or out of this service.

Mayor Mortensen called the hearing to order.

Attorney Ben Young mentioned that City Clerk Cobleigh having already being sworn in would not need to be sworn in again, but any additional persons providing testimony would.

City Manager Mascaro swore in Sierra Sanitation representative Larry Leyba.

City Presentation:

City Clerk Cobleigh presented the most current amended copy of ordinance 214 to the mayor and council. Cobleigh stated that at this time the only commercial business type that is required to have trash service is Storage Facilities. Cobleigh feels that with this ordinance in place it will help the City of Elephant Butte in keeping our commercial district clean and free of illegally dumped refuse. Cobleigh reiterated what Attorney Young had stated, this service is not mandatory, this is an optional service for the residents within the city limits of the City of Elephant Butte. The City of Elephant Butte is requesting that any property owner who wishes to not have the trash service come in and sign a waiver to state they are responsible for the trash removal on their own property, and they are still subject to the nuisance code 135.06. Cobleigh stated that all notices were published by June 13, 2023, allowing for the 15-day posting timeline that is required for all public hearings.

Councilor Trager asked if the new contract company will be providing recycling containers or green waste containers. Cobleigh stated this would be a better question to ask the representative of Sierra Sanitation when it is their turn to present.

Councilor Harmon made the statement that at this time this hearing is for the ordinance not the actual contract with the company.

No further questions from council.

Contractor Presentation:

Larry Leyba, Sierra Sanitation addressed Councilor Trager's question, recycling is in their future but not in the current plan.

No further questions from council.

Mayor Mortensen closed the public hearing.

Councilor Harmon made a motion to approve the final adoption of Ordinance 214 – Solid Waste Collection. Councilor Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

6. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Ordinance 214 – Solid Waste Collection – Final Adoption
Councilor Harmon made a motion for final adoption of Ordinance 214 Solid Waste Collection. Councilor Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Trager – Yes

Motion Carried.

- b. Discussion/Possible Action: Resolution 22-23-116 Acknowledgement of FY 22 Audit Findings
City Treasurer Kristin Saavedra presented Resolution 22-23-116 Acknowledgement of FY 22 Audit Findings to the Mayor and Council. Saavedra explained that to close the audit for FY 22 the city is required by resolution accept and acknowledge the audit findings.

Councilor Harmon made a motion to accept and acknowledge the audit findings by resolution 22-23-116. Councilor Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Trager – Yes

Motion Carried.

- c. Discussion/Possible Action: Sierra Sanitation LLC agreement for solid waste services
City Manager Mascaro presented to the Mayor and Council the proposed contract between City of Elephant Butte and Sierra Sanitation, LLC. This contract presented had the requested amendments from prior City Council discussions.

Councilor Trager made a motion to approve the agreement with Sierra Sanitation LLC for Solid Waste Services. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pre Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Trager – Yes

Motion Carried.

7. 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.

Councilor Harmon 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 Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

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

Motion Carried.

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

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

8. ACTION

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

The Mayor and City Council made a statement to retain John Mascaro as the fulltime City Manager for the City of Elephant Butte.

Councilor Harmon made a motion to approve John Mascaro to remain the fulltime City Manager for the City of Elephant Butte. Councilor Trager seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

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

Motion Carried.

- 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.

9. COUNCILOR COMMENTS

Mayor Mortensen

Mayor Pro Tem Skinner – No Comment

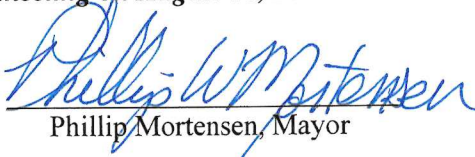
Councilor Harmon – No Comment

Councilor Trager requested that the information concerning the trash service be distributed as soon as possible.

10. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on August 16, 2023.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk

