



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

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, November 15, 2023 – 2:00PM

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Mayor Phillip Mortensen – Present
Mayor Pro Tem Kim Skinner – Present
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

Mayor Pro Tem Skinner made a motion to approve the agenda as submitted. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

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

Motion Carried.

4. PUBLIC COMMENT

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

Public comments can be made in person, by phone or given to the City Clerk by email (cityclerk@cityofeb.com) before the meeting.

No Public Comment.

5. CONSENT ITEMS

- a. Regular City Council Meeting Minutes September 20, 2023
- b. Regular City Council Meeting Minutes October 25, 2023

Mayor Pro Tem Skinner made a motion to approve both 5a and 5b together. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

6. CITY STAFF REPORTS

a. City Treasurer

Kristin Saavedra briefed the council on her continued work with Beasley and Mitchell on the audit and bank reconciliation. Saavedra updated the council that the new website through Revize is nearing completion and should be live in January, with a training in December for staff. Saavedra noted that the 1st Quarter report has been submitted on time and with no errors.

b. City Clerk

Lindsey Cobleigh stated that the Clerk's Office has remained busy with record request research. Some research can take days, weeks, and sometimes even months. I am averaging approximately 3-5 requests a week. Most requests are able to be filled by electronic format, but occasionally there is a need to submit the request by digital format of a USB drive. Property assets have been separated for organization and logging in the spreadsheet I have made. Fire department apparatus assets are nearly finished. We recently sent off for two title corrections with the MVD as these titles were still in Sierra County's name from when we assumed Lakeshore Fire Department. The Holiday Calendar is completed for our upcoming 2024 year, all federal holidays are reflected on that and will be presented for adoption by resolution at the December meeting. The annual meeting calendar is completed to include the meeting dates for the city council, the LTAB, the zoning commission, and PUAB. A few dates and times need to be adjusted, but this will also be brought before the council for adoption by resolution at the December meeting. We have had a few liens paid off in the last couple of months. Two additional liens will be filed this upcoming week for unpaid utility bills. Just as an update our Zoning Commission is a full board with three members, we have not met as of yet. We do still have a vacancy for an alternate member. Our LTAB consists of four members at this time, we are still looking for one member at large and one alternate member. I am hoping to have this board completely staffed by the time we begin receiving in Lodgers' Tax Applications this Spring!

c. Land Use Administrator

Lindsey Cobleigh stated that there has been a slow decrease in permits being issued over the last month. This past month the land use department issued 1 chicken permit, 3 residential permits, 5 commercial permits, and denied 1 permit. Cobleigh stated that the denied permit was rectified, and the applicant reapplied and was issued a permit that met the zoning code. Cobleigh stated that recently she had come across the golf cart registration dates that are from date to date and she would like to propose to change them to the fiscal year like all other registrations.

d. Land Use Field Assistant

Roger Long III stated there have been 20 new cases over the past month, all but 5 cases have complied with the city code and are considered to be closed at this time. Long stated that the majority of the open cases are construction complaints, incorrect addressing of properties, and animal control calls.

e. Fire Chief

Chief Mascaro briefed the council on the past month. There have been 30 EMS related calls, 2 structure fires, and 4 MVAs that the department has responded to. Mascaro stated that the two structure fires were on separate days but on the same property and separate structures. This is an abandoned property where squatters/vagrants are staying and starting these property damaging fires. Chief Mascaro had Roger Long III and Lindsey Cobleigh draft a fire code letter to the property owner with a bill for services rendered. This property is within county limits and therefore the Land Use Department cannot enforce the nuisance code. Station 1 construction is coming along with all walls in place. Mascaro mentioned that one of the department's older ambulances is being donated to Caballo Fire and Rescue Department to aid them in the start of their own EMS response. Mascaro stated that over the past month there have been ongoing issues with the Sierra County Regional Dispatch Authority (SCRDA) and the radio frequency. Often times crew members are not able to be heard by dispatch when attempting to make contact while on a scene or enroute. Mascaro stated that he has development plans to add to the current tower to be 118' tall to aid in the repeating issues with the radios.

f. City Manager

John Mascaro informed the Council that the new 4way intersection is in place at Beach Blvd. and Ontario Drive as of November 15, 2023. Mascaro stated that Sheriff Baker is aware of the new addition of the stop signs and the has plans to move the speed trailer to monitor the traffic at this location. Mascaro stated the contract with A Mountain for Rio Grande Circle will need to be redone as we are unable to provide a sewer line extension right now. Rio Grande Circle will be part of the Wastewater Phase 4c or 4d and will be brought into the circle from the rear off of Superior Drive. During this phased project there will be proposed drainage corrections as well. Mascaro stated that San Andres has been paved and is complete at this time. In front of the Butte General Store on San Andres there was a portion of the roadway that was done in concrete rather than standard asphalt to prolong the life of the road with the heavy traffic in and out the boat shop. This area had multiple potholes and fails in the asphalt prior to this job. The City Hall parking lot is due to be striped tomorrow to complete this project.

7. PRESENTATIONS

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

Sheriff Baker reported to the Mayor and Council that for the previous month there was a total of 111 patrol hours logged for the City of Elephant Butte. Sheriff Baker reported that this was down from the month previous. Sheriff Baker addressed the 4-way stop on Beach Blvd at Ontario Drive and stated he will allow the community two days to adjust to this new addition and then begin enforcement. Sheriff Baker stated that the department is nearing fully staffed with the addition of a narcotics investigator and a regular investigator.

b. Bohannon & Huston – David Shields

David Shields briefed the Mayor and Council on the rebid process and status for Warm Springs Phase 2, there were no contractors present. Shields stated that this project will have its bid opening on December 5, 2023, with an approval before the Council on December 20, 2023. Shields stated that the bid opening for Wastewater 4b is set for December 13, 2023. City Clerk Cobleigh informed Shields that the December meeting is not the third Wednesday as per usual as it would be too close to the holiday and therefore was approved to be the second Wednesday making the meeting date December 13, 2023.

8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

a. Discussion/Possible Action: Resolution 23-24-109 Animal Control Procedures

John Mascaro requested that the Council table this item until the next council meeting due to a pending meeting with the City of TorC regarding animal control procedures.

Mayor Pro Tem Skinner made a motion to table item 8a until the December 13, 2023, regular meeting. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

b. Discussion/Possible Action: Resolution 23-24-110 Transfer of Surplus Equipment

City Clerk Cobleigh introduced this item for approval by the Council. City Clerk Cobleigh stated that this resolution is for the transfer of surplus equipment from the Fire Department to the Caballo Fire and Rescue Department. The equipment in question for transfer is a 2010 Chevy Ambulance that is no longer needed by the Elephant Butte Fire Department.

Mayor Pro Tem Skinner made a motion to approve Resolution 23-24-110 Transfer of Surplus Equipment. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

9. ELEPHANT BUTTE CHAMBER OF COMMERCE REPORT

No Representative Present.

10. MAYOR AND COUNCIL REPORTS/COMMENTS

Councilor Trager attended the Santa Fe outdoor economics conference. Councilor Trager reported that the Trunk or Treat held at the Elephant Butte Lake State Park was a large success, with way more attendees than predicted. Councilor Trager mentioned that volunteers from the EBLSP cleaned the walking trail to South Monticello that was extremely overgrown.

Councilor Harmon expressed her appreciation for the clear and concise meeting minutes that were amended from the previous meeting. City Clerk Cobleigh thanked her.

Mayor Pro Tem Skinner attended the SCRDA meeting, attended the legislative presentation, attended a meeting at Spaceport and one for the Middle Rio Grande Economic Development.

Mayor Mortensen attended the ICIP conference with the legislator, stated this was very informative. Mayor Mortensen took a moment to welcome the Councilor elects, Kim Skinner and Michael Williams.

11. EXECUTIVE SESSION

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) –*Public Works Department*.
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Gors v. City of Elephant Butte* – D-721-CV-2023-00121
- c. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Cevallos v. City of Elephant Butte* – D-721-CV-2023-00142

Mayor Pro Tem Skinner made a motion to enter into executive session for the discussion of:

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) –*Public Works Department*.
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Gors v. City of Elephant Butte* – D-721-CV-2023-00121
- c. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Cevallos v. City of Elephant Butte* – D-721-CV-2023-00142

Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Trager – Yes

Motion Carried.

Mayor Pro Tem Skinner made a disclosure statement that there was no discussion of items other than the three items listed, 11a, 11b, and 11c. There was no action taken.

12. ACTION

- a. Action required following discussion of limited personnel matters –pursuant to NMSA 1978, Section 10-15-1(H)(2) –*Public Works Department*.
- b. Action required following discussion of pending litigation pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Gors v. City of Elephant Butte* – D-721-CV-2023-00121
- c. Action required following discussion of pending litigation pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Cevallos v. City of Elephant Butte* – D-721-CV-2023-00142

No Action Taken.

13. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on December 13, 2023.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk

