

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

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, February 21, 2024 – 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 Cathy Harmon – Present
Councilor Michael Williams - Present

City Clerk Cobleigh conducted a roll call and declared a quorum.

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

Mayor Mortensen recused himself from item 7a as the letter of interest was submitted by his spouse. Mayor Mortensen suggested eliminating item 10 – Staff Reports.

Councilor Harmon made a motion to approve the agenda with the elimination of item 13 – Mayor and Council Reports/Comments. Mayor Pro Tem Skinner seconded the motion with the amendment. 3-0.

City Clerk Cobleigh conducted a roll call vote.
Mayor Pro Tem Skinner – Yes
Councilor Harmon – Yes
Councilor Williams– Yes

Motion Carried.

4. EXECUTIVE SESSION

- a. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Rintelen Claim*
- b. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Manager’s Office and Fire Chief’s Office*.

Mayor Pro Tem Skinner made a motion to enter into executive session for the discussion of Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Rintelen Claim* and Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section

10-15-1(H)(2) –*Manager’s Office and Fire Chief’s Office*. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

City Attorney Ben Young made a statement to allow the full council chambers to remain in place and the council and mayor move to another room for the executive session.

Mayor Pro Tem Skinner made a disclosure statement that there was no discussion of items other than the discussion of NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Rintelen Claim* and limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) –*Manager’s Office, Fire Chief’s Office, Treasurer’s Office*.

5. ACTION FOR EXECUTIVE SESSION

- a. Action required following discussion pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Rintelen Claim*

Mayor Pro Tem Skinner made a motion to allow Mayor Mortensen to execute the settlement agreement. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

6. STATE FIRE MARSHAL REPORT

- a. Approval of payment of \$29,243.04 to the State of New Mexico for reimbursement of State Fire Protection Funds

Mayor Pro Tem Skinner made a motion to approve the payment of \$29,243.04 to the State of New Mexico for reimbursement of State Fire Protection Funds. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

- b. Appointment of Interim Fire Chief to meet requirements of State Fire Marshall’s Office for expenditure of Fire Protection Funds

Mayor Mortensen made the recommendation to appoint Roger Long as the interim Fire Chief of the City of Elephant Butte.

Mayor Pro Tem Skinner made a motion to approve the recommendation made by Mayor Mortensen to appoint Roger Long as Interim Fire Chief to meet requirements of State Fire Marshall's Office for expenditure of Fire Protection Funds. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

City Clerk Cobleigh swore Chief Long in with his official oath.

7. APPOINTMENT

- a. Letters of Interest for Vacant Zoning Commission Alternate

Mayor Pro Tem Skinner made a motion to appoint Alberta Mortensen to the vacant Zoning Commission Alternate position. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

8. 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.

Jim Raines 205 San Mateo – Addressed the mayor and council regarding his neighboring property at 203 San Mateo that is only a part time resident, and Mr. Raines is a full-time resident. Raines stated that water has run onto his neighbor's property and then onto his property over the years. Raines stated that his neighbor refuses to contain his water and maintain a clean property line. All branches are growing over and through Mr. Raines' fence. Raines would appreciate any help from the City of Elephant Butte on these issues.

Paul Forsyth 102 Woodsum Lane – Thanked the mayor and council for allowing him the opportunity to speak. Forsyth stated that the last time he was present John Mascaro pushed him out of the building with his belly because the truth hurts. Forsyth stated that he had emailed each member of the council detailing the incident and got nothing in return. As a long time, resident of the City of Elephant Butte he is embarrassed by our City Council. The hiring of an unqualified city manager who was forced to leave his last position in disgrace should never have happened. If our councilors had done their due

diligence. John Mascaro’s shady past was easy to discover, had our city council done their job his future transgressions would have been easy to predict. The alleged affair between John Mascaro and Kristin Saavedra was well known, the pair clearly did not respect the city or their positions because they knew the council would do nothing. When the pair were finally put on leave the taxpayers paid them over \$12,000.00 to do nothing for us. The lack of transparency around Mr. Mascaro and Ms. Saavedra’s eventual release is unacceptable. When it comes to transparency this council gives the citizens nothing. Now we are left with no city manager or fire chief. You all were elected by the people to do what is best for us, the community and you have failed. Forsyth stated that he feels it is past time for all members of the council to step down from their current positions. Forsyth stated that if the council truly cared about the community, they would allow the state to take over and get the city back on track. Forsyth thanked City Clerk Cobleigh for being forthcoming and providing the records he had requested.

Rheganne Vaughan, Universal Waste Systems – Ms. Vaughan wished to clarify for the community as well as the council that there had been some inaccurate information brought to her attention regarding the trash change over in 2023. Vaughan stated that the contract that Universal Waste (previously NM Waste) had with the City of Elephant Butte ended June 30th, 2023. Vaughan stated all they knew from the award meeting was that they were not awarded the contract and were asked to leave as the trash collection company at the end of June. Vaughan stated that former manager John Mascaro had given out false information that Universal Waste had pulled out their trash services early leaving residents and businesses without service. Vaughan stated that there had never been a request to leave their carts and services in place longer or they would have done so. Vaughan stated that Universal Waste is continuing to serve Sierra County and if the opportunity arises Universal Waste would be happy to serve Elephant Butte once again.

9. CONSENT ITEMS

- a. Special Meeting Minutes January 29, 2024.

Mayor Pro Tem Skinner made a motion to approve the minutes 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 Williams– Yes

Motion Carried.

10. CITY STAFF REPORTS

- a. City Clerk

Lindsey Cobleigh reported to the Mayor and Council the Zoning Commission met for the first time on February 6, 2024. This was a very successful meeting with a lot of business being addressed and taken care of by the board. We have a board of three members and are still looking to fill the alternate position. At this meeting the board granted two separate variance requests and a conditional use business registration. There have been two recent meetings with Bohannon Huston on upcoming infrastructure projects. The Public Utility Advisory Board met on February 13, 2024. We had a lot of productive discussions on fees, deposits, and credit balances. We are in the process of obtaining other local municipality’s fee schedules to help in the decision of what to increase our fees to. Once this is a draft it will go before the PUAB for recommendation and then to the City Council. Christina Ramos and I are coordinating with the

Clerk of the Village of Williamsburg to gain further knowledge on DFA reporting as this process is new to both of us. HR work has increased in the past few weeks as we have received several new volunteer fire fighters. HR employee files have been created and I am in the process of having them set up in Tyler to receive their monthly stipend payments. I have been working with the State Fire Marshal and the Elephant Butte Fire Department in proper record keeping, organization, record research, finance guidance. I have submitted eighteen (18) ordinances to American Legal for codification and to receive Supplement 5 for our hardcopy code books. This codification update will also update our online code library through American Legal. The City of Elephant Butte's representative with American Legal has advised with the amount of ordinances sent this supplement will be approximately \$5,450.00.

b. Land Use Administrator

Lindsey Cobleigh reported on the issued permits from the beginning of January up to the current. There has been a total of 16 permits issued so far. Cobleigh stated that 5 of these permits were for residential new home builds. The other permits were residential improvements and commercial improvements. Cobleigh went over one of the new home build permits issued as it was advised to her to re-issue this permit as a brand-new permit and start from scratch. This address, 306 Beach, had previously had an expired permit with the city. Cobleigh stated that she was waiting for a call or email back from the State CID Office on advisement of a correction for this address. Cobleigh stated she will update the council as she has the information.

c. Land Use Field Assistant

Roger Long reported that one of the calls he received was for 204 San Mateo and it has had numerous complaints over the past few years regarding storm water runoff. Long stated as the code reads you can not allow water to run onto public right of ways or adjacent properties with the exception being floodwaters. Unfortunately, this is exactly what this property is dealing with. Long stated there have been two barking nuisance calls, 12 animals running at large, 1 proper permits (all permits have been issued the neighbor was just inquiring.) There have been 4 calls on lighting nuisance, 1 call of water backing up, 1 call with weeds, water runoff from an RV park which also falls under the floodwater runoff code, 1 complaint of chickens being killed, 1 complaint of signs being down in residential area.

d. Fire Department Report

Interim Chief Long reported for Elephant Butte Fire Department for January 13, 2024 - February 16, 2024. Number of live fire calls= 1 control burn, the property owner refused to put the fire out. Number of EMS Calls= 37. Number of MVA calls=8. Number of miscellaneous calls= 3. Special assignment at Spaceport America 1/26/2024. We have located our Mutual Aid Agreements with the Spaceport Authority Fire Department. This was signed on September 15, 2022. They are not aware of the mutual aid agreement as they are going through a restructuring. Future meetings will take place presenting what we have and where we want to be in the future. We are spending our own funds to take our apparatus out there and we should be compensated for our fuel and time, even if it is a small amount \$250 per vehicle per event. Chief Long will keep the council updated on this process. EBFDF was a part of the procession 02/11/2024 we staged an Engine at the bridge at MM89 for the transport of the body to the medical examiner's office. A secondary procession-02/12/2024 We staged CH-9, C-9, Eng.-9, Brush-9- Rescue-9 at the exit 89 for the procession of the fallen officer Jonah Hernandez. Meeting= 02/06/2024 Elephant Butte Fire Department has established new business meetings that will occur on the first Tuesday of every month with Agenda, old business, new business to be formal and organized. We had a long list of

new business and attached was our agenda for that date. We also had 12 members attend this meeting. Chief Long went over the list of trainings that the EBFD was a part of within the past month.

11. PRESENTATIONS

- a. PreReal Presentation, James Prendamano
PreReal gave a presentation to the Council and attendees regarding the proposed upgrades and development within the PUD. James Prendamano and Samuel Senn did the majority of the presentation of the newly redesigned master plan for the Sierra del Rio Golf Course and housing development. They have proposed to amend the original design plan from the proposed 1,641 planned housing units to 1,350 total housing units which would result in approximately 20% less. Within this newly amended master plan there is the proposal to add in an additional nine holes for additional golfing and well as a proposed hotel. There will be the addition of numerous playgrounds added throughout the development.

- b. Sierra County Sheriff's Office – Sheriff Joshua Baker
Sheriff Baker reported that for the month of January there was a total of 126 patrol hours logged. There was a total of six criminal cases and two arrests: one for domestic disturbance and one on an outstanding warrant.

- c. Bohannon & Huston – David Shields
David Shields reported that City Clerk Cobleigh had already reported and gone over all the projects in her report. Shields reported the pre-bid for the water improvement project was on February 15 with bid opening set for February 27. Shield reiterated what City Clerk Cobleigh had stated there will need to be a special meeting held the beginning of March for bid award. Shields mentioned how crucial it is to get this project underway as quickly as possible to begin expending funds before the one portion expires June 30, 2024. Shields mentioned that the contractor awarded the project will be requested to order the generators asap to begin using the funds. Mayor Mortensen commented that he was happy to see this project coming to life as this has been one of these main concerns since he took office. Shields reported that project Wastewater Phase 4b has gone through bid opening and was awarded to Smithco Construction with the estimated start date of March 11, 2024. Their first portion of the project will be focused on Ocotillo Drive, that way A Mountain can go back and finalize the paving on Ocotillo Drive. Warm Springs Blvd Ph2 had the pre-construction meeting on February 20. The estimated start date is March 4, 2024. This project will go from Water Avenue to Highway 181. The final completion estimated date is August 2024.

12. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Ratification of Hiring of Part-Time Fire Admin
City Attorney Ben Young advised the City Council that this item should be tabled until the March Meeting. Councilor Williams made a motion to table this item until the March 20, 2024, 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 Williams– Yes

Motion Carried.

- b. Discussion/Possible Action: Ratification of Hiring of Full-Time Admin Assistant
Mayor Pro Tem Skinner made a motion to ratify the hiring of Full-Time Admin Assistant Keasha Hill. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

- c. Discussion/Possible Action: Resolution 23-24-224 Authorized Officers for SAP E2221-STB
Mayor Pro Tem Skinner made a motion to approve Resolution 23-24-224 Authorized Officers for SAP E2221-STB. Councilor Williams seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

- d. Discussion/Possible Action: Operations Support Services Task Order – BHI
City Clerk Cobleigh introduced this proposed task order. Cobleigh stated this will aid the city staff at this time to not only stay current with their infrastructure projects but to also learn and be able to manage these projects themselves within the near future.
Mayor Pro Tem Skinner made a motion to approve the Operations Support Services Task Order – BHI. Councilor Harmon seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

- e. Discussion/Possible Action: MOU with City of TorC – Animal Control Services
Mayor Pro Tem Skinner made a motion to approve the MOU with City of TorC – Animal Control Services with the amendments of changing trustees to councilors, dates, and address. Councilor Williams seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Motion Carried.

- f. Discussion/Possible Action: MOU with Sierra County Sheriff's Department
Sheriff Baker introduced this item to the council, Baker stated that a MOU with the City of Elephant Butte had not been signed into effect for the current fiscal year. Sheriff Baker suggested that instead of the MOU being drafted and adopted annually that it be for the duration of his term as Sheriff and renewed as needed thereafter. Sheriff Baker informed the council that the County's legal department is currently drafting the MOU and would have it to the City of Elephant Butte by the end of the week. Mayor Mortensen suggested this item be placed on the special meeting the city is planning on having in early March.
- g. Discussion/Possible Action: OHV Ordinance Review
 An open discussion between Council was had in adopting the Sierra County OHV ordinance to maintain consistency throughout the county.
- h. Discussion: Sierra Sanitation Contract
Larry Leyba with Sierra Sanitation briefed the council on the current contract as approved and adopted. The council would like to see an amendment to the current contract as there are items within the contract that have changed, the example being that the City of Elephant Butte is not processing the billing for Sierra Sanitation as originally agreed upon. Leyba discussed and addressed the ongoing complaints that have been received regarding the trash collection or lack thereof. Leyba stated that there are new drivers, and he is hopeful these issues will be corrected. Leyba did state that the complaints that are actually coming into their office are miniscule when looking at the total number of customers. Discussion only, no action to be taken at this time.

~~13. MAYOR AND COUNCIL REPORTS/COMMENTS~~

***Eliminated by Item 3 // Approval of the Agenda. ***

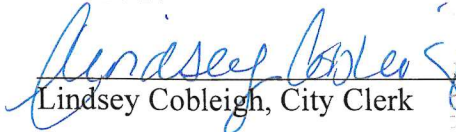
14. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on March 20, 2024.


 Phillip Mortensen, Mayor

ATTEST:


 Lindsey Cobleigh, City Clerk

