



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

103 Water Avenue, Elephant Butte, NM 87935

**Wednesday, March 20, 2024 – 2:00PM**

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**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**

**Councilor Harmon** made a motion to approve the agenda as presented. Mayor Pro Tem Skinner 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.

**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.

**None submitted.**

**5. CONSENT ITEMS**

- a. Regular Meeting Minutes February 21, 2024.
- b. Special Meeting Minutes March 4, 2024

**Councilor Williams** made a motion to approve both Regular Meeting Minutes February 21, 2024, and Special Meeting Minutes March 4, 2024, with one amendment to the Regular minutes in the Clerk’s report. Correct “I the process” to “in the process”. 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. APPOINTMENT

### a. Appointment to Two-Year Council Seat

**Mayor Mortensen** began this discussion by picking up his prior recommendation of, Michelle Atwell, from the table for discussion or a motion. This recommendation had been made in January with a table action by the council. Mayor Mortensen stated that over the past few months the City of Elephant Butte had received more letters of interest for the vacant council position.

**Mayor Mortensen** made a recommendation to Appoint Skylar Arnold to the vacant two-year City Council position pending council approval.

**Mayor Pro Tem Skinner** made a motion to approve Mayor Mortensen's recommendation to Appoint Skylar Arnold to the vacant two-year City Council 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.

**City Clerk Cobleigh** swore Skylar Arnold in with her official oath. Councilor Arnold is now a sitting voting member for the remainder of the March 20, 2024, meeting.

## 7. PRESENTATIONS

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

Sheriff Baker reported that there has been a total of 120 patrol hours. Over the past month there were 6 criminal cases, 2 larceny cases, burglary/embezzlement, and 1 unattended death. Sheriff Baker reported that the vehicle that was ordered with the LEPF funds has arrived and is currently at the upfitter receiving all needed additions to be fully functional for the department. Sheriff Baker stated that with the purchase of this vehicle that would bring down their LEPF funds to \$1,000.00 and he plans on having that expended by the end of the month.

No questions.

### b. Bohannon & Huston – David Shields

**David Shields** briefed the council on the current projects for the City of Elephant Butte. Shields mentioned that the Pre-Con meeting on the Water Improvement Project is Monday, March 25, 2024, and since it was awarded to Smithco they are already mobilizing for the

project. Wastewater Phase 4b, Smithco is out there already working on this project, they are working on the San Mateo/Ocotillo portion with the under-road bore. The Warm Springs Blvd is underway, a water line was broken in the process, but they are moving forward. They have potholed everything and are working on getting the new culvert in place. As soon as the Wastewater project is complete on Ocotillo, A Mountain will go in and complete the paving project. The community center project, we are still waiting on the contractor to submit a bid. Mayor Mortensen clarified that the funding had been extended from the June 2024 deadline. Shields stated that yes, the funding was extended from the June 30, 2024, deadline to June 30, 2026. Shields stated that Brian Burlage is currently working on the lead and copper project for the reporting to the EPA. A project proposal for Country Club Blvd has been submitted to the SCCOG as well as a project for Mescal Loop. Shields mentioned that Warm Springs Blvd will be open without detours during the Easter Weekend.

**8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)**

- a. Discussion/Possible Action: Ordinance 218 Amendment to Ord. 212 Establishing a Zoning Commission. – *Approval of Publication*

**City Clerk Cobleigh** presented this ordinance amendment. This amendment had been discussed previously with staff and the governing body. Clerk Cobleigh noted that the only change set forth in the amendment is amending the Zoning Commission to have two (2) alternate commissioners rather than only one. Clerk Cobleigh reminded the council that today is the approval for publication for adoption, with adoption being at the April meeting.

**Mayor Pro Tem Skinner** made a motion to approve Ordinance 218 which is Amending Ord. 212 by adding two alternates, for publication. Councilor Harmon seconded the motion. 4-0

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes  
Councilor Harmon – Yes  
Councilor Williams– Yes  
Councilor Arnold – Yes

Motion Carried.

- b. Discussion/Possible Action: Amended MOU Between Sierra County, City Of Torc and City Of Elephant Butte To Share Costs For High Resolution Geo-Referenced Aerial Imagery.

**City Clerk Cobleigh** presented this MOU to the council for approval. Clerk Cobleigh stated that this is the Mapping that had been approved two years prior and early 2025 will mark our third year with this mapping system in place. The City of Elephant Butte pays a portion of the flyover for updated mapping every three years. The County has presented it in late FY23-24 to allow for proper budgeting within FY24-25 due to the payment being due in early 2025.

**Councilor Harmon** made a motion to approve the Amended MOU Between Sierra County, City Of Torc and City Of Elephant Butte To Share Costs For High Resolution Geo-Referenced Aerial Imagery. Mayor Pro Tem Skinner seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes  
Councilor Harmon – Yes  
Councilor Williams– Yes  
Councilor Arnold – Yes

Motion Carried.

- c. Discussion/Possible Action: Adoption of Resolution 23-24-125 NMDOT TPF FY24-25  
Mayor Mortensen mentioned that this resolution goes along with the Country Club Blvd project that David Shields had reported on.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 23-24-125 NMDOT TPF FY24-25. Councilor Harmon seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Councilor Arnold – Yes

Motion Carried.

- d. Discussion/Possible Action: Adoption of Resolution 23-24-126 Resource Mobilization Plan  
**City Clerk Cobleigh** presented this resolution on behalf of the Elephant Butte Fire Department's Wildland Crew. Clerk Cobleigh stated that this is a resolution approving the applicable apparatus that will be registered with the State of New Mexico Forestry Division for call outs for Wildland Incidents.

**Mayor Mortensen** asked about the rates that were depicted on the supporting documents and if those rates are paid by the State. Clerk Cobleigh confirmed that the rates on the rate sheets for each apparatus are set by the State Forestry Division and reimbursed to the Elephant Butte Fire Department by the state. Clerk Cobleigh stated that these rates may change in April as she has seen them in years past, but at this time these are the most current rates.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 23-24-126 Resource Mobilization Plan. Councilor Harmon seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Councilor Arnold – Yes

Motion Carried.

- e. Discussion/Possible Action: Adoption of Resolution 23-24-127 Wildland Compensation  
**City Clerk Cobleigh** presented this resolution on behalf of the Elephant Butte Fire Department's Wildland Crew. Clerk Cobleigh stated that this resolution covers how the Wildland Crew will be compensated for their time on a Wildland Incident. All rates paid to the eligible crew members will be set by the State Forestry Division's AD Rates. All compensation to the Wildland Crew will be paid out of the State Forestry Reimbursements. There will be no compensation paid from the General Fund.

**Mayor Pro Tem Skinner** made a motion to approve Resolution 23-24-127 Wildland Compensation. Councilor Harmon seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Councilor Arnold – Yes

Motion Carried.

- f. Discussion/Possible Action: Truth or Consequences Animal Ordinance – Adopting in entirety for ease of services with TorC Animal Control.

**City Attorney Ben Young** introduced this ordinance from the City of TorC to the City Council for their review. Young explained that there had been no revisions or amendments to this ordinance at this time. Young stated that there will be basic amendments in terminology. Mayor Mortensen requested if any member of Council has amendments or questions to please forward them to the City Clerk.

No Action Taken.

- g. Discussion: Resolution for Service Animal within City Facilities

**Mayor Mortensen** introduced this proposed resolution that would allow for service animals only within all city facility buildings and not pets. Councilor Harmon reiterated that the city cannot, not allow service animals in their buildings. City Clerk Cobleigh clarified that the city is not wanting to ban service animals we are wanting to stop employees and constituents from bringing their pets into the city facility buildings. The City Clerk was requested to have a draft resolution prepared by the April 17, 2024, meeting.

- h. Discussion: Governing Body Cell Phone Issuance

**Councilor Williams** started the open discussion of Councilors being provided a City of Elephant Butte phone so that their personal phones cannot be subpoenaed while conducting city business. Mayor Mortensen suggested all members of council get with Janet Porter-Carrejo and advise whether they would prefer a Apple or an Android phone for their city issued phone. Councilor Williams suggested calling Verizon and requesting sequential numbers for all members of the council. Mayor Mortensen said he would turn in his current phone for someone else to use so he could have a sequential number to the rest of the council. Three members prefer Apple and two prefer Android.

No Action Taken.

## 9. CITY STAFF REPORTS

- a. City Clerk

**Lindsey Cobleigh** reported that she attended a job fair hosted by NM Workforce on behalf of the City of Elephant Butte on March 14, 2024. We promoted our city, our current open positions, as well as all current filled positions. We had several great interactions, as well as distributing numerous job descriptions and applications for employment. I am gaining knowledge on the maintenance of our infrastructure projects. We currently have the Warm Springs Blvd Phase 2 project in effect as well as the Wastewater Project Phase 4b. Janet Porter-Carrejo and Christina Ramos are assisting on this as well. We will be working together to gather all the necessary information to submit for reimbursements with the state on these open projects. This also falls under the task order that the council approved at the last meeting. BHI is assisting the City of Elephant Butte in gaining the knowledge to maintain and manage all

aspects of our projects successfully. American Legal is processing the Supplement 5 request on our ordinances. This process will take some time as there were 18 ordinances submitted for codification. Councilor Harmon has assisted in contacting our camera company to aid in obtaining a larger storage. We will be scheduling this upgrade as soon as possible with Innotek. This will aid in the processing of IPRA footage and audio. Our current system only retains audio and video footage for 14 days. State standards require a minimum of 90 days retention to be compliant. We have a full-time administrative assistant, Keasha Hill, who has been working with the City of Elephant Butte for approximately three weeks. She is learning quickly at the front desk. She is currently assisting Jane Tinon the Utility Clerk. Spring Clerk Conference through the Municipal League is in April in Ruidoso this year. This training is split between two different workshops over four days.

b. Land Use Administrator

**Lindsey Cobleigh** reported with great pride and admiration that I inform the Mayor and Council that I have successfully completed all required certification workshops and additional classes to obtain my State Zoning Certification. I will receive this Zoning Certification at the end of April at the Spring NM Municipal League Zoning Conference in Las Vegas, NM. This has been one of my main goals since I was appointed as the Land Use Administrator in 2021. It has been an absolute pleasure serving the City of Elephant Butte in this capacity. I look forward to continuing in this position of Land Use Administrator and continuing to aid the city in its growth and development. Over the past month there have been a total of 9 permits issued. Three of these permits have been for our current city infrastructure projects; two ROW permits and one conditional use permit. These permits have been uploaded to BHI Tracker where the engineer as well as the contractors can easily view the issued permits. At this time, the property located at 306 Beach Blvd. is unable to obtain a state-issued permit and it is on hold. The city has followed all codes on this process and has not issued any stop work notices or notices of any kind. This hold on the job is from the state level. I have been registered through the United States Environmental Protection Agency with the Central Data Exchange to sign off on local municipal projects. The City of Elephant Butte was without an authorized representative for this role. With all new home placement or development permits I am issuing a 911 Address Assignment Letter that the property owner can then use for the connection of utilities. I have been doing these for quite some time but found it more effective to have it included in the new home packet. All information once assigned is submitted to the county GIS coordinator and to the utility department.

c. Fire Chief

**Chief Long** reported that for the last month there were a of 34 calls. Within those calls there were: Live Fire Calls = 3, MVA = 4, EMS Calls = 22, Carbon Monoxide Calls = 3, Behavioral Health Calls (Suicidal in origin) = 2. We have applied for our New Mexico Regulation and licensing department with board of pharmacy. We had to make subtle changes to our point location, which is 101 Water Avenue and our end point location which is 309 Rock canyon Road. They were happy with our documentation and operations set in place. They documented enough they will not have to revisit before next year's inspection if we choose to carry narcotics for patient care and all we would need to do is apply. We are not at that point yet and have other items on our schedule first. We have tried to apply for Fund act grants for EMS to help offset some of our costs, however we have learned we have not been compliant with fund act grants for several reasons. 1 No reports have been entered into NFIRS for EMS. We have been following image trend since November 2023 and they want to work with us but at least 1 report per month needs to be entered into NFIRS for the fiscal year. We may have to wait until July 1, 2024, to be eligible for EMS Fund Act grants. 2 we do not have enough medications on

our ambulance to qualify for the Fund Act. Chief Long reported on the monthly training, scheduled training, and unscheduled training. Chief Long reported at the March 5, 2024, business meeting that there were 18 attendees.

d. Code Enforcement

**Roger Long** reported for the past month there has been a total of 22 code cases opened. Within those cases: ACO Calls- 8 animals Running at Large, Barking noise nuisance- 10, Zoning-1, Water flood plain-2, Property lines-1. Long stated he has several calls he did not log and I will submit those into next month's report. Long stated they are all animal control calls. Carousel Park needs the undivided attention of Code Enforcement. All occupants of the Carousel Park are all calling daily on each other for barking noise nuisance. I have responded more than 10 times to that area this month and out of those times I have only encountered 1 barking dog upon my arrival. Law enforcement is now involved. I have report numbers to attach to my reports from dispatch and law enforcement. We will send out a written notice to everyone involved in Carousel Park of the steps we will be taking. We will move forward with court citations, and this is requested by law enforcement as they are using multiple resources, tying up phone lines, and first responder's time. I have had several days where I get multiple complaints before 7am in the morning of barking dogs. I responded that day resolved the situation and the same person complained about others at that park calling 911 now and not me. This is borderline harassment and abuse of our 911 system. This morning alone I had 5 messages, 3 videos and 2 missed calls from 10pm to 6 am about barking dogs.

## 10. EXECUTIVE SESSION

- a. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Clerk's Office, Treasurer's Office, City Manager's Office, and Fire Chief's Office.*

Mayor Pro Tem Skinner made a motion to enter into executive session for the discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Clerk's Office, Treasurer's Office, City Manager's Office, and Fire Chief's Office.* Councilor Harmon seconded the motion. 4-0.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

**Councilor Williams** made a disclosure statement that there was no discussion of items other than the discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Clerk's Office, Treasurer's Office, City Manager's Office, and Fire Chief's Office.* No action was taken.

## 11. ACTION

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

No Action.

- b. Ratification of Hiring of Part-Time Fire Admin

**Mayor Pro Tem Skinner** made a motion to ratify the hiring of Part-Time Fire Admin, Todd Boone. Councilor Harmon seconded the motion. 3-1.

**City Clerk Cobleigh** conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– No

Councilor Arnold – Yes

Motion Carried.

## 12. MAYOR AND COUNCIL REPORTS/COMMENTS

**Mayor Pro Tem Skinner** presented to the council and staff a list of meetings she had attended in the past month. March 8 – NM Tourism Board, Spaceport Presentation, March 14 – SVH Governing Board and JPC Meeting, Sierra County Economic Plan, March 15 – Spaceport America District Meeting, March 17 – NMML District recap on legislature, March 18 – NM Hospitality Legislative Recap.

**Councilor Harmon** attended the Sierra Vista Hospital Clinic dedication ceremony on March 7, a ribbon cutting for a new business in Elephant Butte on March 8, a joint meeting on March 11, and 27 of last month there were bid openings for construction projects.

**Councilor Williams** reported that he had also attended the ribbon cutting for the new business in Elephant Butte on March 8, 2024. Councilor Williams asked who the flood control manager is. Mayor Mortensen stated that it is now Sandy Jones. Councilor Williams stated that within the ordinance the mayor is designated as the flood control manager. Welcome to the new councilor Skylar Arnold.

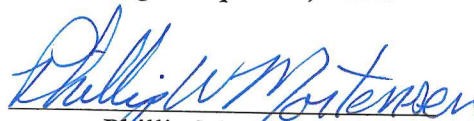
**Mayor Mortensen** attended the JPC meeting, met with the engineer regarding the Fire Station and Bathroom Builds. Currently reviewing the funding for the Community Center as well as the City's intent to apply for funding for Mescal Loop. Mayor Mortensen also attended the Veteran's Advocacy Board Meeting. Mayor Mortensen reported to the council that the council will be receiving the COLA raises as per ordinance 196 in the amount of 12.65%. Mayor Mortensen stated that this will be a retroactive increase effective January 1, 2024.



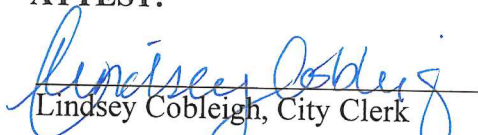
**13. ADJOURNMENT**

Mayor Mortensen adjourned the meeting.

*Minutes approved and adopted at the City Council meeting on April 17, 2024.*

  
Phillip Mortensen, Mayor

**ATTEST:**

  
Lindsey Cobleigh, City Clerk

