



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

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, April 17, 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
Councilor Skylar Arnold – 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. Councilor Williams 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.

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. APPOINTMENT

a. Hospital Governing Board

Mayor Pro Tem Skinner made a motion to reappoint Kathy Elverum to the Hospital Governing Board. Councilor Williams 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.

Mayor Pro Tem Skinner made a motion to appoint Richard Holcomb to the second vacancy on the Hospital Governing Board. Councilor Arnold 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.

6. CONSENT ITEMS

- a. Regular Meeting Minutes March 20, 2024

Councilor Harmon made a motion to approve the meeting minutes as presented. 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.

7. PRESENTATIONS

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

Sheriff Baker reported that LEPF had been used to purchase a new patrol unit and is currently working with City Admin Staff to have it titled. Mayor Pro Tem Skinner inquired about lowering the speed limit on Highway 179. Sheriff Baker stated he is awaiting a response from NMDOT on the request.

- b. Spaceport America – Charles Hurley, PIO

Charles Hurley presented a 44-page slide to the Mayor and Council about the current projects at Spaceport America. All members of council received a hardcopy of the slide presentation for ease of following along and taking notes of the presentation.

Mayor Pro Tem Skinner stated that the Fire and EMS portion of Spaceport America is a great asset to the rural area for quick responses.

- c. Bohannon & Huston – David Shields

Stephen Archuleta went over the open projects with the Mayor and Council in David Shields absence. All members of council were provided with a written report from Bohannon & Huston.

8. LODGERS' TAX GRANT APPLICATIONS

City Clerk Cobleigh presented the recommendation list from the Lodgers' Tax Advisory Board to the City Council. City Clerk Cobleigh noted that all eligible applications that had been submitted to the LTAB were recommended to approve for the requested amounts.

- a. Discussion/Possible Action: Lodgers' Tax Recipient Application – Elephant Butte Chamber of Commerce – Balloon Regatta \$1,000.00

Mayor Pro Tem Skinner made a motion to approve the EBCOC Balloon Regatta \$1,000.00. Councilor Williams 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: Lodgers' Tax Recipient Application – Elephant Butte Chamber of Commerce – Billboard \$1,500.00

Mayor Pro Tem Skinner made a motion to approve the EBCOC Billboard \$1,500.00. Councilor Williams 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: Lodgers' Tax Recipient Application – Elephant Butte Chamber of Commerce – Chamber Golf Tournament \$1,000.00

Mayor Pro Tem Skinner made a motion to approve the EBCOC Chamber Golf Tournament \$1,000.00. Councilor Arnold 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: Lodgers' Tax Recipient Application – Elephant Butte Chamber of Commerce – Matanza Chile Cook Off \$1,000.00

Mayor Pro Tem Skinner made a motion to approve the EBCOC Chile Cook Off \$1,000.00. Councilor Arnold 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: Lodgers’ Tax Recipient Application – Friends of Elephant Butte Lake State Park – 2025 Fireworks Extravaganza - \$3,000.00

Mayor Pro Tem Skinner made a motion to approve the Friends of Elephant Butte Lake State Park – 2025 Fireworks Extravaganza - \$3,000.00. 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.

9. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Ordinance 218 Amendment to Ord. 212 Establishing a Zoning Commission. – *Final Adoption*

Mayor Pro Tem Skinner made a motion to adopt Ordinance 218 amending ordinance 212 by adding in two (2) alternate commissioners. 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: Ordinance 219 // Truth or Consequences Animal Ordinance – Adopting in entirety for ease of services with TorC Animal Control. – *Approval of Publication*

There was a discussion between the members of the council and city staff regarding amendments to the proposed ordinance. Mayor Pro Tem Skinner requested an amendment to the section on tethering as Elephant Butte has never allowed for permanent tethering of animals. Mayor Pro Tem Skinner requested that it be amended to be a temporary tethering due to an emergency situation only. Councilor Williams mentioned two amendments within the ordinance, page 7, line 272 and page 24 two sections labeled as “25”.

Councilor Williams made a motion to approve Ordinance 219 for publication with the noted amendments. Mayor Pro Tem Skinner seconded the motion.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams– Yes

Councilor Arnold – Yes

Motion Carried.

City Clerk Cobleigh to send out an updated draft with the amendments.

- c. Discussion/Possible Action: Resolution 23-24-128 Service Animals and Pet Policy
City Clerk Cobleigh presented this resolution as it had been requested previously by Mayor Mortensen.

Councilor Williams made a motion to adopt Resolution 23-24-128 Service Animals and Pet Policy. 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.

- d. Discussion/Possible Action: Resolution 23-24-129 Elephant Butte Fire Dept. Assuming Lakeshore Fire District

Chief Long presented this resolution for discussion/possible action. Chief Long stated that the State Fire Marshal’s Office requires this update to reflect the full Fire District for Elephant Butte Fire Department. This service provided to the district will not change, this resolution will just be an update from Lakeshore Fire District to Elephant Butte Fire District. Chief Long stated this will also aid the department in obtaining updated Fire District mapping from the county.

Mayor Pro Tem Skinner made a motion to adopt Resolution 23-24-129 Elephant Butte Fire Dept. Assuming Lakeshore Fire District. Councilor Arnold 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.

10. CITY STAFF REPORTS

- a. City Clerk

Lindsey Cobleigh reported to the Mayor and Council that the past month within the Clerk’s Office has been quite busy.

March 25 – Pre-Con Meeting with BHI and Smithco for Water Improvement Project.

Projected to start on April 19, 2024.

March 29 – Aided in the standard monthly utility billing in Jane’s absence.

April 1 – Lodgers’ Tax Application deadline by 3:00pm, 6 applications in total were received into the Clerk’s Office.

April 2 – Provided Wildland Reimbursement Training to Chief Long

April 4 – Meeting with Dave Berman on future development within the PUD and unit 10.

April 9 – Lodgers’ Tax Advisory Board Meeting

April 9 – Innotek upgraded our audio and video security system.

April 10 – Special Zoning Commission Meeting for Public Hearing

I will be scheduling my Notary Re-Certification Exam within the next few weeks as my notary commission expires June 10, 2024. Currently I am the only notary for the City of Elephant Butte.

Due to the current circumstances here in the City I was unable to attend the Spring Conference for the NMCFOA. This is an annual 4-day training conference which aids in the completion of me obtaining

my CMC as required by code. I hope to be able to attend the fall conference! I have been aiding Keasha Hill at the front counter with utilities over the past three weeks. There have been numerous new accounts coming in. An error in the billing in February was found. A large majority of the “S” and “T” names within the billing did not receive bills. Keasha and I have been working on correcting this issue and making certain that we have the most up to date address on file.

Councilor Williams suggested Christina Ramos become a secondary notary for the City of Elephant Butte.

b. Land Use Administrator

Lindsey Cobleigh reported to the Mayor and Council that Over the past month there have been a total of 25 permits issued.

Residential NEW: 18

Commercial NEW: 0

Residential Improvement: 6

Commercial Improvement: 1

Two of the residential improvements were for lot line vacations for the improvement of property; one located within the PUD and one within R-1-A Single Family Residential.

The residential new development permits are in the beginning phase with dirt work and pad building. All 18 of these lots will be submitting plans for development within 60 days as per our city code. Sixteen of these permits are within the PUD and two are in R-1-A Single Family Residential. My goal is to provide an up-to-date in-depth report at the May meeting of all issued permits from January to the current. I will be attending the NMLZO Spring Workshop April 24-26, 2024, in Las Vegas, NM. I completed the draft revision of the TorC Animal Control Ordinance as well as the resolution for the Animal and Pet Policy as requested. The Zoning Commission met on April 10, 2024, in a special meeting. We had an open discussion, and they would like to begin working on reviewing the commercial code. When there are no active items on the agenda the board has requested you to begin reviewing and making suggestions of code amendments as seen fit. I will bring the discussion and suggestions before the council at the May meeting.

c. Fire Chief

Chief Long reported to the Mayor and Council that the department had one of our slowest months to date; with 25 total calls for the month. This is I believe the calm before the storm as we will be exponentially busy from Memorial Day through Labor Day. I attended a meeting with Mrs. Porter-Carrejo, Mr. Archuleta and attorney Ortiz-Zamora. The meeting went well and there will be more to follow up with. This stemmed from a complaint turned into the city. We have received our fire protection fund application. It is due April 30, 2024. This application will be for FY24-25. We have turned in requisition orders/ resource mobilization plans from wildland fires we were dispatched to last July and August. There is a total of 4. Eagle (39,279.60), Prepo (17,945.60), Wahoo (13,208.00), and West (13,168.99) . In total these equaled 83,602.19 dollars we billed. We have completed hydrant flow tests for all of our hydrants in the city of Elephant Butte. We have them painted to match the National Fire Protection Association standards for gallons per minute they flow. This will also aid our ISO ratings. When ISO arrives, this will be the first thing they will drive around and check. We worked with NM water on April 10th, 2024, to complete the flow tests. We have reached out to Iso and requested a batch report for our fire district. This is important because it gives us our NFF or Needed Fire Flow. These are registered business with our city. This lets us know how many Engines we need for every fire. We want our NFF as low as possible. Right now, we are at 2500 which means we need two engines responding to every fire. We will have our engines

and our water tender pump tested on Friday the 12th. This is an annual test that needs to be done and records kept per state fire and ISO will be checking these records. We spoke with the chief at spaceport America. He has shown interest in quarterly training and mentioned bringing back quarterly chief meetings for Sierra County. He also confirmed they get paid more during special events and we will be moving forward with a new contract and an auto aid contract with them per the state fire marshal's request. We had a pack test at Spaceport America. All our fire fighters who attended passed the test. This is a 3 mile walk with a 45lb pack in 45 min. We had our quarterly meeting with our pharmacist Bill Harvey. He is happy with our survey from the board of pharmacy. He signed applications for medical supply companies so we can order medications. He is onboard with us moving forward as fast as we need to.

d. Code Enforcement

Chief Long reported to the Mayor and Council that the past month for code enforcement has been a main focus on Animal Control Call Outs. Chief Long reported there were 7 Total Calls for Running at Large, 3 Total Calls for Animal Attacks, and 1 call out for a skunk which was referred to game and fish.

11. 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.*
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property.
- c. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Newberry v. City of Elephant Butte Case 2:24-CV-00020*

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* AND Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property AND Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Newberry v. City of Elephant Butte Case 2:24-CV-00020*. 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.

Mayor Pro Tem Skinner 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* AND Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property AND Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Newberry v. City of Elephant Butte Case 2:24-CV-00020*.

12. 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.*
- 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.
- c. Action required following discussion closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation – *Newberry v. City of Elephant Butte Case 2:24-CV-00020*

No Action Taken.

13. MAYOR AND COUNCIL REPORTS/COMMENTS

Mayor Pro Tem Skinner reported she had attended the Sierra County Tourism meeting on April 2, an OHV Meeting on April 10, a NM Hospitality Meeting on April 10, a Southwest Workforce Development Executive Meeting on April 11, a Middle Rio Grande Meeting on April 12, and a Southwest Workforce Development Zoom Meeting on April 22.

Councilor Harmon reported that on March 25 she attended a Pre-construction meeting on the water project with the City and BHI, on April 9 she met with Innotek at City Hall for the audio/video upgrade.

Councilor Williams reported a situation that he had been made aware of. Councilor Williams reported that the Public Works Department had requested bottled water, and it was denied. Councilor Williams mentioned that the General Manager of the RV Resort provides the employees with water and Gatorade to keep them hydrated and healthy during the heat. Councilor Williams and Nathan LaFont personally purchased twenty-five cases of water for the Public Works Department. Councilor Williams stated there was no SCRDA Meeting.

Councilor Arnold reported that she is familiarizing herself with the City Code.

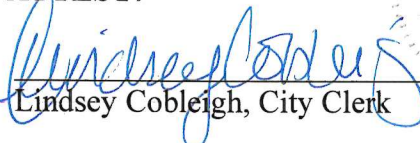
Mayor Mortensen reported he had attended the Sierra Electric Cooperative Meeting. Mayor Mortensen announced he had recently been named the Ombudsman for the Department of Aging for the NMSVH.

14. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on May 15, 2024.

ATTEST:


Lindsey Cobleigh, City Clerk




Phillip Mortensen, Mayor