



NOTICE OF CITY OF ELEPHANT BUTTE CITY COUNCIL MEETING

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, September 18, 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

Mayor Mortensen made a statement of, items 7a, 8a, 8b, 8c, and 8d are all subject to multiple hearing and notice requirements. The council should have a complete record from all zoning hearings, written fact-based decisions and recommendations, and proper posted and mailed notices. The council has received very little of this information to this point. I am therefore asking that we remove these items from today's agenda and return them to the Zoning Commission for the hearings to be conducted and record developed fully.

Councilor Williams made a motion to approve the agenda with the removal of items 7a, 8a, 8b, 8c, 8d from the agenda and the code required process be followed for these items. 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.

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.

Bruce Swingle, PreReal Investments – 1007 Polar Street TorC, NM. Asking the City Council to support smart growth within the community. Swingle stated that the community has a developer and investor ready to aid in the growth of the community. Swingle stated that PreReal has invested \$55 million into 168 properties countywide.

James Smith, Rock Canyon Dry Dock – 402 Rock Canyon Rd. Smith asked of the City Council why what is happening is so quiet and not broadcasted for public information. Smith asked why the City has not brought John Mascaro back as the fire chief as he is so qualified.

Dean Lamana, TorC Chamber of Commerce – 365 E. 5th Street TorC, NM. Lamana spoke about the positive aspects of adding a luxury hotel at the golf course and the benefits it would bring.

Gordon Edelheit, TorC Chamber of Commerce. Spoke on the importance of smart growth and understanding how the two communities of TorC and Elephant Butte are truly one community and should work as one. Edelheit stated that there is a strong growth for both communities as a whole between the tourism for the Elephant Butte Lake and the healing waters in TorC. Edelheit encouraged the council to continue to listen to and hear the developers as this is our time to grow and develop.

Rebecca Dow stated how exciting the growth happening within Elephant Butte currently is. Dow commended the council on being able to secure the golf course in 2008 during the market crash. By doing so the City was able to protect and preserve this asset for years. Now that the market has recovered, and people are starting to realize what a diamond in the desert Elephant Butte is the opportunity to develop can come true. We should all be excited about this growth and take it seriously.

Steve Buckley, 510 Trout Road. Commended the City Council and Mayor on all the hard work they are doing with all the noticeable improvements throughout the city. Buckley stated that he is pro-growth and has been since moving to the community. He has assisted with many different organizations. Buckley stated one of the ongoing shortages and needs in the area is housing for the growth taking place in the community. Buckley suggested that the Mayor and Council look at a ten-year plan and decide where they would like the city to be in ten years' time. The children of the community would like to stay here, but we need more sustainable living and job opportunities.

James Prendamano, PreReal Investments. Prendamano addressed the Mayor and Council asking for clarification on what items had been tabled from the agenda today. City Clerk Cobleigh stated the tabled items for the record; item 7a, 8a, 8b, 8c, and 8d. Prendamano asked why these items had been tabled. City Clerk Cobleigh stated that the City Council had requested these items go back before the Zoning Commission for proper public hearings and notices and a full record be presented to the council. Prendamano stated this is the second time things have been tabled and he has had to cancel out on contractors that are scheduled to begin work.

Sam Senn, PreReal Investments. Senn stated that he is a bit confused about the situation that has taken place today with the tabling of items 7a, 8a, 8b, 8c, and 8d. Senn stated that he agreed there were some items that could have been tabled. Senn went over the Planned Unit Development ordinances that have since been codified within city code. Senn requested that the Mayor and Council direct city staff to draft a letter to the developer on what the reason was for the tabling of the above items. Senn requested to know why there is to be a public hearing for the Las Palomas subdivision as it is already under the old zoning and under the PUD code currently.

5. CONSENT ITEMS

- a. Regular Meeting Minutes August 21, 2024

Mayor Pro Tem Skinner made a motion to approve the Regular Meeting Minutes August 21, 2024.
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. PRESENTATIONS

- a. Sierra County Sheriff's Office – Sheriff Joshua Baker
Captain Apodaca presented the heat map report to the Mayor and Council. Captain Apodaca reported that there were 57 stationary hours, and 87 mobile patrol hours logged for August.
- b. Bohannon Huston
A project report was provided to the Mayor and Council via email from David Shields. No representative present at the meeting.

7. ~~PUBLIC HEARING~~

- a. ~~Ordinance 220 Amendment for Re-Zone of PUD~~

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

- a. ~~Discussion/Possible Action: Ordinance 220 Amendment for Re-Zone of PUD – Final Adoption, effective 9/23/2024.~~
- b. ~~Discussion/Possible Action: Preliminary Plat Submission for Las Palomas Subdivision~~
- c. ~~Discussion: Final Plat Submission for Las Palomas Subdivision~~
- d. ~~Discussion: Conditional Replat of Canon del Luna Subdivision~~

Mayor Pro Tem Skinner requested that Mayor Mortensen re-read the statement he read at the beginning of the meeting once more for added clarification.

Mayor Mortensen made a statement of, items 7a, 8a, 8b, 8c, and 8d are all subject to multiple hearing and notice requirements. The council should have a complete record from all zoning hearings, written fact-based decisions and recommendations, and proper posted and mailed notices. The council has received very little of this information to this point. I am therefore asking that we remove these items from today's agenda and return them to the Zoning Commission for the hearings to be conducted and record developed fully.

- e. Discussion/Possible Action: Sierra Sanitation, LLC Contract for Services
City Manager, Janet Porter-Carrejo presented the Mayor and Council with a list of suggestions that were submitted to her by Sierra Sanitation for review.
Mayor Pro Tem Skinner stated that just last week the trash pick up was not as contracted, homes were skipped, and they were utilizing a truck and flat bed trailer due to the garbage truck breaking down.
The City Manager, Janet Porter-Carrejo, stated that she had met with the contractor and addressed these issues and the complaints that the city hall staff have been receiving from constituents. Janet Porter-Carrejo went over the suggestions sent in by the contractor. There were suggestions for a potential rate increase. There was a suggestion to have an intermittent service added to the contract for customers who are not here regularly but would still benefit from sanitation services. Sierra Sanitation had asked if the City of Elephant Butte was looking at making sanitation services a mandatory use in Elephant Butte. Porter-Carrejo stated that the city would have a hard time doing so as there are many part-time residents that it would be unfair to. Looking to potentially enact a GRT rate and then the city would remit the GRT to Sierra Sanitation.
Mayor Pro Tem Skinner stated she opposes any increase in taxes.
Porter-Carrejo stated that one suggestion was to increase the contract date from commencement to eight years, but the City is not able to enter into eight-year contracts. Another suggestion was for the City of Elephant Butte to pass a solid waster ordinance requiring all commercial businesses and residential homes to obtain services from Sierra Sanitation.
Mayor Pro Tem Skinner stated that she has been out taking pictures of properties when a complaint comes in. Mayor Pro Tem Skinner stated she has gone back over her bills from when she had NM Waste now Universal Waste and compared it to Sierra Sanitation's billing now. Mayor Pro Tem Skinner stated that she is concerned about what was originally contracted for is not being provided and now they are wanting to amend the contract and add a rate increase.

Mayor Mortensen stated that he has heard a list of concerns over the past year regarding the trash collections and the service being provided. Mayor Mortensen stated that he feels it is time for an evaluation of the contract and services and a workshop between Sierra Sanitation and the council.

Mayor Pro Tem Skinner stated she would also be interested in hearing from Universal Waste as well.

Councilor Arnold stated that at the South-Central Council of Government Office, Sierra Sanitation removed the dumpster and stated it was too hard to back up to the dumpster and replaced it with numerous poly carts. Councilor Arnold stated that the dumpster had been in the same location for 15 years and there had never been a problem.

Councilor Harmon agreed that a workshop would be of benefit to the city.

Porter-Carrejo thanked the Mayor and Council for their input on this discussion.

- f. Discussion/Possible Action: Gross Receipts / Compensating Rate Schedule

Mayor Pro Tem Skinner made a motion to approve the Gross Receipts/Compensating Rate Schedule. 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.

- g. Discussion/Possible Action: Resolution 24-25-108 – Disposal by Gift to Monticello Volunteer Fire Department

Chief Long introduced this resolution to the Mayor and Council. There was discussion between the Council and Chief Long.

Councilor Williams made a motion to approve Resolution 24-25-108 – Disposal by Gift to Monticello Volunteer Fire Department. 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.

- h. Discussion/Possible Action: Resolution 24-25-109 – Disposal by Gift to Las Palomas Fire – EMS – Extrication Department

Chief Long introduced this resolution to the Mayor and Council. There was discussion on this resolution between the Council and Chief Long. Mayor Pro Tem Skinner and Councilor Williams voiced concern of donating two drop tanks to one department as it may cut our department short on needed equipment. Councilor Harmon clarified with Chief Long that there would be a drop tank on both water tenders and one extra, Chief Long stated that was correct.

Councilor Williams made a motion to approve Resolution 24-25-109– Disposal by Gift to Las Palomas Fire – EMS – Extrication Department with the amendment of only gifting the 2,100-gallon draft tank and Elephant Butte Fire Department to retain the 3,000-gallon draft tank. Mayor Pro Tem Skinner seconded the motion. 3-1.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – No

Councilor Williams– Yes

Councilor Arnold – Yes

Motion Carried.

9. CITY STAFF REPORTS

a. Discussion of Department Reports

City Manager, Janet Porter-Carrejo stated to the Mayor and Council that she had not included a written report in the packet. Ocotillo Drive is set to be chip sealed only as that is what was contracted to be done in the original project outline. The city has contracted with an auditor to begin the FY22-23 audit. As soon as this audit is finished, they will start on the FY23-24 audit. Porter-Carrejo stated that the city is current on all financial reporting with the state of New Mexico. Councilor Williams asked for an update on 627 Alhambra. Porter-Carrejo stated that she had received a phone call from Construction Industries Division of NM (CID) that the city was constructing on the event site across from city hall. The city built a berm along the edge of the event site that is approximately 2.5'-3' tall. Porter-Carrejo stated that the berm has not been breached by any rain fall or runoff. Porter-Carrejo stated that she went out yesterday to examine 627 Alhambra, she did not go onto the property, just examined it. There has been rain fall and runoff on the property that was noted in the property examination. Porter-Carrejo stated that there is an arroyo between the city property and 627 Alhambra and that it is a natural water flow, and the city cannot control the water flow. There were no visible signs of breaching from the arroyo to 627 Alhambra either. Porter-Carrejo stated that the owner of 627 Alhambra has submitted numerous complaints that she and Stephen have addressed. The property owner was wanting gravel to be purchased by the city to fix her property. Porter-Carrejo stated that the city will not be purchasing gravel as that would be a procurement violation. Mayor Pro Tem Skinner stated that the event site has been there 10+ and has been upkept with millings and the berm over the years. Mayor Pro Tem Skinner asked if anything different had changed in the placement or maintenance of the event site that would potentially lead to the water flow onto 627 Alhambra. Porter-Carrejo stated that she was not aware of any changes. There has been an increase in complaints of water runoff coming into the city this year. Mayor Mortensen stated that it's not always the storm but the intensity of the storm that creates runoff where there had not previously been runoff.

City Treasurer, Laura Whiteside provided the Mayor and Council with written monthly reports, balance sheets, budget report, and the income statement. Whiteside stated that Mayor Mortensen had asked questions regarding the balance sheet as there were some negatives present. Whiteside stated she had spoken with CPA Machuca who is assisting with this matter. There will need to be an enter department adjustment between line items to balance this out. Whiteside stated that there will be budget adjustments at the next meeting before reporting to DFA.

Fire Chief, Roger Long stated that there was a total of 47 calls for the month of August, 1 vehicle fire, 10 MVAs, 35 EMS Calls, 1 other. Chief Long stated that the Fire Department has received the final ISO survey, and the department is classified as an ISO Rating 5. Chief Long announced that there is an emergency operations training course on October 17, 2024, hosted by NM Water at the Community Center from 8:30am-3:00pm. Chief Long stated that there is a total of 16 individuals throughout the county taking part in the Hazmat Class. Mayor Pro Tem Skinner requested the training notice for NM Water be sent over.

City Clerk, Lindsey Cobleigh stated that she had not prepared a drafted report. Cobleigh stated that with the ongoing three to four meetings per month that is where her focus as clerk has been: maintaining the minutes, agendas, and packets for all boards. Cobleigh stated that IPRA's have been on the rise again as of lately.

Land Use Administrator, Lindsey Cobleigh stated that since the issuance of the report she has issued four more permits, up to 124 permits for the year. Cobleigh stated that for the whole year of 2023 she only issued 139 permits. Cobleigh also included her PowerPoint presentation on E911 Addressing that she presented to the NMLZO. Cobleigh stated that while she was at the NMLZO Conference she was elected to serve on the State Board of Directors as the Vice President for the next two years.

Code Enforcement, Tudy Romero briefed the council on his written and submitted report. There were 23 new cases opened during this last month for various items. Romero stated there were a lot of cases opened for storm water runoff. Romero stated that he is working on several properties that are needing to be condemned. Mayor Pro Tem Skinner requested an update on the property around the corner from her house. Lindsey Cobleigh stated that it was scheduled with Lynn's Landscape for a full cleanup. Cobleigh stated that she had made a lot of good code enforcement contacts at the NMLZO that can assist Tudy in his further trainings.

10. EXECUTIVE SESSION

- a. Closed pursuant to NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property.
- b. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Maintenance Department*.

Mayor Pro Tem Skinner made a motion to enter into executive session for the discussion of NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property and Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Maintenance Department*. 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.

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)(8) for discussion of the purchase, acquisition, or disposal of real property and Discussion of limited personnel matters – closed pursuant to NMSA 1978,

11. ACTION

- a. 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.
- b. Action required following discussion pursuant to NMSA 1978, Section 10-15-1(H)(2) – *Maintenance Department*.
No Action.

12. MAYOR AND COUNCIL REPORTS/COMMENTS

Mayor Pro Tem Skinner attended the NMML Training on 9/13, Tourism Board Meeting, attended the Groundbreaking Ceremony at SDR, attended the OHV Meeting, NM Hospitality Meeting where various bills were discussed, NM Disability Board. SCRDA Mobile Command Unit – SCRDA is requesting a donation from another entity to save money on starting this mobile command unit. SCRDA is going to be utilizing Star Link Satellite services to prepare for natural disasters.

Councilor Harmon attended the Groundbreaking Ceremony at SDR, Construction Meeting, and SCCOG at Sunland Park next week.

Councilor Williams – No Report.

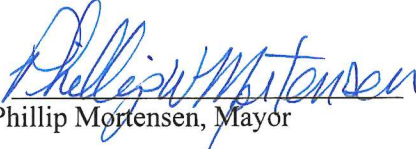
Councilor Arnold stated she will attend the SCCOG meeting in Sunland Park next week and will be attending the NMML Training on Infrastructure Finance.

Mayor Mortensen stated that NMDOT had sent letters stating that the requested funding was not approved for Country Club, Cimarron, or Chama. Mayor Mortensen would like to see workshops before the meetings and/or jointly with the zoning commission.

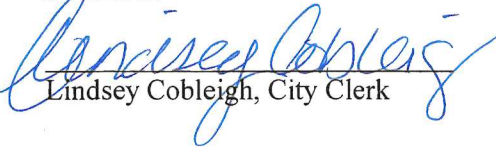
13. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on October 16, 2024.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk



