



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

103 Water Avenue, Elephant Butte, NM 87935
Wednesday, December 11, 2024 – 2:00PM

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Skinner called the meeting to order Councilor Arnold to lead the pledge of allegiance.

2. ROLL CALL

Mayor Phillip Mortensen – Present by Zoom at 2:22pm

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 Williams made a motion to approve the agenda as submitted. Councilor Arnold seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – 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.

Steve Berkstresser, 608 Butte Blvd NM Water. Berkstresser stated there had been turmoil regarding the recent letter sent out about the cutting of roadways recently resurfaced and paved. Berkstresser stated that the recently paved roadway of San Andres has no utility stub outs for the vacant lots present on that roadway.

Shirley Potasnik, 603 Country Club Blvd. Potasnik addressed the council with concerns over the condition of Country Club Blvd. Potasnik stated she is a daily walker, and the conditions of the roadways need maintenance on them, the intersection of County Club Blvd and Fiesta Place is especially rough. Potasnik also brought up the need for culverts on Country Club Blvd.

Helon Lyon, Representative of Falls Properties. Lyon spoke regarding the recent letter sent out about cutting of recently resurfaced and paved roads. Lyon stated that with this new letter undeveloped lots can no longer connect to the utilities.

Randell Bell, 807 Warm Springs Blvd SBE Inc. Bell spoke on the recent letter sent out for cutting of recently resurfaced or paved roads. Bell stated that by requiring permits the city is cutting its own throat. Bell stated he is the only one locally to place sewer taps and that with this required permitting it will take his average sewer tap of \$1,500 to \$3,000. Bell then stated he agrees with the permitting but not the required time frame to fill the cut road. Bell stated the whole regulation is trash and a \$25.00 fee is fair.

Bruce Swingle, 1007 Poplar. Swingle stated that he had had a conversation with the city manager regarding the roadway maintenance and was satisfied with the answers provided.

Tawny Bell, 807 Warm Springs Blvd SBE, Inc. Bell stated that with the letter that went out regarding roadway maintenance it is effecting realtors, property owners, insurance companies etc. Bell stated that the City of Elephant Butte is not allowing development, and this letter prevents new development. Bell stated that it is unfair to make property owners wait until 2006 to connect to utilities. *(The date of 2006 was what was stated in the opening meeting.)*

A statement was made that the City Manager, Janet Porter-Carrejo will be addressing the concerns of the roadway maintenance letter in her report.

5. CONSENT ITEMS

- a. Regular Meeting Minutes November 20, 2024
Councilor Harmon made a motion to approve the meeting minutes as submitted. Councilor Arnold seconded the motion. 3-1.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams – Abstained

Motion Carried.

6. PRESENTATIONS

- a. Sierra County Sheriff's Office – Sheriff Joshua Baker
Sheriff Baker presented to the council that during the last month there had been a total of 139 patrol hours logged. Sheriff Baker stated that they are continuing to work on a traffic map to pinpoint areas where patrols are the most needed. Sheriff Baker requested the council and staff to let him know of anything specific they would like to see of the traffic map presentation in January.
- b. Bohannon Huston
David Shields reported to the council about current projects. Shields reported that Warm Springs Phase 2 is complete. Shields reported there is a \$16,000 change order for Warm Springs Blvd for Lynn's Landscaping. There was a total of \$70,000 remaining at the end of this project. Shields reported that San Andres is completed with \$300,000 remaining after the project. The remaining funds are going to be used to design an arroyo crossing and take

Ocotillo from the original chip seal design to 2" paving. Ocotillo and San Andres were in the same project. Shields reported that the water project is nearing completion with one last fire hydrant to place. Shields stated that the wastewater project has been installed and is operational. Shields addressed the public comment regarding Country Club. The city had applied for TPF funding for Country Club Blvd, and it was not approved at this time, but they will reapply. This project will cover both drainage and paving. Shields stated that the Butte Blvd project is in the early stages of design, and it is being worked on currently. Shields stated that he will be retiring from BHI at the end of this year. With that statement Shields introduced Eric Hamilton to the council and staff.

Councilor Williams requested copies of all change orders on Warm Springs, both phase 1 and phase 2.

7. PUBLIC HEARING

a. Ordinance 221 Amending Ordinance 127 Water

Mayor Pro Tem Skinner requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Pro Tem Skinner – Present

Councilor Harmon – Present

Councilor Williams – Present

Councilor Arnold – Present

City Clerk Cobleigh swore in City Manager, Janet Porter- Carrejo.

City Manager Janet Porter-Carrejo introduced this matter to the council, staff, and the public. This ordinance comes before public hearing as an amendment to the original ordinance 127 Water. This amendment will allow the utility department to hold property owners accountable for outstanding water bills on their property. This amendment will mirror the water code to the wastewater code.

City Clerk Cobleigh asked if there was any public comment on the public hearing at this time. There was none.

Mayor Pro Tem Skinner closed the public hearing.

8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

a. Discussion/Possible Action: Ordinance 221 – Amending Ordinance 127 Water

Councilor Harmon made a motion to approve Ordinance 221. Councilor Williams seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams - Yes

Motion Carried.

b. Discussion/Possible Action: Resolution 24-25-113 Open Meetings Act

Councilor Williams made a motion to approve resolution 24-25-113 with amendments noted by the City Clerk. Councilor Arnold seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams - Yes

Motion Carried.

- c. Discussion/Possible Action: Resolution 24-25-114 Holiday Calendar
Councilor Harmon made a motion to approve resolution 24-25-114 as presented. Councilor Arnold seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams - Yes

Motion Carried.

- d. Discussion/Possible Action: Bank Account Signatories – Addition of City Manager
Councilor Williams made a motion to approve the addition of City Manager Janet Porter-Carrejo as a signer to the City of Elephant Butte's bank account at First Savings Bank. Councilor Harmon seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams - Yes

Motion Carried.

- e. Discussion: Elephant Days

City Manager Janet Porter-Carrejo introduced this discussion topic to the council and staff. It has been a discussion to bring back Elephant Days and have another organization take it over and the city assist and/or support them. Porter-Carrejo had mentioned that possibly the Chamber of Commerce would be a good fit as an organization to take over. Earl Greer, a member of the Elephant Butte Chamber stated that at this time they would need more information before committing themselves to such an event.

9. CITY STAFF REPORTS

- a. Discussion of Department Reports

City Manager

Janet Porter-Carrejo addressed the council, staff, and the public in regard to the much talked about letter about roadway maintenance. Porter-Carrejo stated with all of the newly completed resurfacing and paved roadways it was time to send out a reminder to the utility companies and contractors regarding the right-of-way code for opening a roadway. Porter-Carrejo stated that this was not a new code as it has been in effect for quite some time. Randell Bell became argumentative with Porter-Carrejo during her report.

City Clerk Cobleigh called a point of order to return attention to the agenda.

Randell Bell continued speaking out of turn as if it were public comment once more.

Mayor Mortensen via Zoom called point of order for the meeting and stated the meeting will be returning back to the agenda.

Porter-Carrejo continued her manager's report. The City of Elephant Butte has been approved for the new email addresses that she has been working to obtain. The city will be switching from .com to .gov addresses; cityofebnm.gov.

Code Enforcement

Tudy Romero reported on the previous month of code enforcement violations and code compliance cases. No questions from the council.

Fire Department

Chief Long presented the monthly fire department report to the council. Chief Long stated that the fire department had 27 total calls last month; 1 vehicle fire, 1 control burn, 3 MVAs, 22 EMS calls. Chief Long reported on the training that the department has been taking part in. Chief Long reported that the Elephant Butte Fire Department received a \$25,000.00 grant from NM Gas for community outreach. This money will be spent on smoke and carbon monoxide detectors. Chief Long stated that the fire department remains under audit with the state fire marshal's office. There was an additional finding of \$14,000.00 that the City of Elephant Butte will be required to reimburse to the state fire marshal as this was wrongful purchases made with the fire protection funds. These funds were expended from July 1, 2023 – January 2024. Chief Long stated with the previous findings the total is now up to approximately \$43,000.00 in audit findings.

Land Use

Lindsey Cobleigh reported on the last month of land use permits issued. At the time of reporting there had been a total of 164 permits issued since January 2024-present. Cobleigh stated that she will provide a full detailed end-of-year report at the January meeting with a breakdown of all the permits issued throughout the year.

Councilor Williams asked Cobleigh why the streets were changed from the original list that was approved in July 2024 as to what was actually included in the slurry project. Cobleigh stated that she was only provided the list of the roadways and was uncertain about the reason why it was changed. City Manager Janet-Porter-Carrejo addressed this question from Councilor Williams. Porter-Carrejo stated that the list changed due to a price change with the slurry. Porter-Carrejo stated she was unsure why this matter had been brought to the council for voting. Mayor Pro Tem Skinner stated that this item had been brought to the council by Stephen Archuleta to identify three streets that they would like to see being paved. There was clarification given on streets slurried within the golf course. Cobleigh clarified that a portion of Stagecoach Drive is still city owned, the old Oasis portion. Porter-Carrejo stated the other portion of Stagecoach Drive was paved and paid for by the golf course not the city. Councilor Williams began asking why these things are brought to the council for final decision if they are changed with the council knowing. Mayor Mortensen went to address Councilor Williams via Zoom and Councilor Williams asked him to hold on as he currently had the floor. Councilor Williams stated that this is a council manager form of government and that if changes are needed to be made then it should be the council making the changes not someone behind a desk. Councilor Williams requested that all change requests be brought back before the council within public meeting. Mayor Pro Tem Skinner agreed that the council should know when changes are needed.

City Treasurer

Laura Whiteside went over her submitted report with the council. Councilor Williams addressed on page 1 of the balance sheet a correction to payroll in the amount of \$55.79, page 5 deficit of \$228,000.00. Whiteside said she would look into the payroll correction and stated the deficit is for pending reimbursements from grant projects.

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.

Councilor Williams made a motion to enter into the executive session for NMSA 1978, Section 10-15-1(H)(8) for discussion of the purchase, acquisition, or disposal of real property. Councilor Harmon seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Arnold – Yes

Councilor Williams - Yes

Motion Carried.

Councilor Williams 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.

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.

12. MAYOR AND COUNCIL REPORTS/COMMENTS

Councilor Harmon gave a brief report on meetings she has recently attended.

Councilor Williams asked why there was an employment ad in the newspaper for an office assistant. Janet Porter-Carrejo stated that yes, the city is looking for office staff to fill positions that have not been filled. Councilor Williams stated that his main goal in his four years is consistency and transparency.

Councilor Arnold – No Report

Mayor Pro Tem Skinner thanked the staff for putting together the holiday potluck right before the meeting.

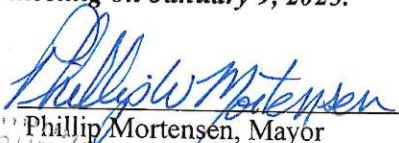
13. ADJOURNMENT

Mayor Pro Tem Skinner adjourned the meeting.

Minutes approved and adopted at the City Council meeting on January 9, 2025.

ATTEST:


Lindsey Cobleigh, City Clerk


Phillip Mortensen, Mayor

