



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

103 Water Avenue, Elephant Butte, NM 87935

Wednesday, April 9, 2025 – 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 – Absent

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

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

Mayor Pro Tem Skinner made a motion to approve the agenda as submitted. 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.

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 (l.cobleigh@cityofebnm.gov) before the meeting.

Johanna Tighe – 207 Jade Loop. Tighe noted to the council that the Rio Grande Yacht Club will be hosting a 65th Anniversary Celebration on May 17, 2025, at Turtleback Mountain Resort. Tighe extended an invite to all members of the council. Tighe publicly gave a nuisance complete for the property located at 307 Jade Loop. Tighe stated that this property has been vacant for 5 years and is dilapidated. Tighe stated she has reported this situation to three separate councilors previously. The Sierra County Sheriff has also been to the property. Tighe stated she filed a code complaint again today.

5. CONSENT ITEMS

- a. Amended Meeting Minutes February 12, 2025
- b. Regular Meeting Minutes March 12, 2025
- c. Special Meeting Minutes March 19, 2025

Mayor Pro Tem Skinner made a motion to approve the Consent Items a, b, and c as presented. 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.

6. PRESENTATIONS

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

Sheriff Baker reported presented a written report about the last month's activities. Sheriff Baker stated there had been reports of child sex crimes in Elephant Butte and reports of a burglary ring operating county wide effecting Elephant Butte.

b. Bohannon Huston

Eric Hamilton presented a report on behalf of Bohannon Huston to the governing body. Hamilton reported that there had been an addition to the water improvement project to add services to Santa Fe Court. It is currently under funding analysis and design. The back up generator is currently on its way. Wastewater Phase 4b is substantially complete with the proposed wastewater extension on Santa Fe Court. Hamilton stated that the notice of connectivity can be sent out to the residents impacted by the WW4B project. Warm Springs Phase 2 project, a punch list was submitted to the contractor for corrections. There was a timeline of 30 days for the corrections to take place. The rip rap apron that was placed is approximately 24" higher than the project design. The low water crossing concrete pad is 7" higher than the project design. Hamilton stated that Bohannon will be submitting the design plans to the contractor by the end of the week for the 18" culvert. Hamilton covered the two options for the Butte Blvd project: 1. Mill & Fill or 2. Chip Seal. Ocotillo Drive BHI to deliver final project plan by April 11, 2025, working with state contractors to finish out. Hamilton stated that the LGRF was awarded at \$150,000.00 by NMDOT – City match of \$37,500.00. NMDOT – Rock Canyon project request is \$760,000.00 and the application process is lengthy. This application is due by the end of May. Councilor Williams asked Hamilton if he had found the drainage plans from 2012 for Rock Canyon Road. Hamilton stated he had found a lot of information and learned a lot about Rock Canyon Road.

7. PUBLIC HEARING

a. Cielo Entrada Final Plat Submittal – Case N0. 25-030

Mayor Mortensen requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Mortensen – Present

Mayor Pro Tem Skinner – Present

Councilor Harmon – Present

Councilor Williams – Present

Mayor Mortensen introduced the hearing for the Final Plat Submittal of Cielo Entrada as case number 25-030. The applicant is requesting approval of the final plat of the Cielo Entrada Subdivision located within the Turtleback Mountain Resort. Mayor Mortensen stated that City Staff will present the matter and then the Zoning Commission Chairman will present the findings

of fact from the zoning hearing and then the applicant would have a chance to add any additional evidence needed.

Mayor Mortensen addressed the Council in asking if they had received any ex parte communications of case number 25-030.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Williams – No

Mayor Mortensen – No

Mayor Mortensen addressed the Council in asking if they had any interest in the matter of case number 25-030.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Williams – No

Mayor Mortensen – No

Mayor Mortensen swore in all parties as a group who wished to testify at this public hearing. Lindsey Cobleigh City Clerk, Lee Morris Zoning Chairman, and Sam Senn and Michael Carducci, Representing Integrated Environmental Services-Applicant were sworn in. (Sam Senn and Michael Carducci were present via zoom.)

City Presentation

Lindsey Cobleigh, City Clerk & Land Use Administrator for the City of Elephant Butte, presented this case to the commission as case number 25-030 Final Plat of Cielo Entrada
Timeline of Due Process for:

Public Hearing Case #25-030 Final Plat Submittal of Cielo Entrada Subdivision within the Turtleback Mountain Resort Planned Unit Development.

Wednesday, March 5, 2025 – The Final Plat of Cielo Entrada was submitted to City Hall.

The Final plat was paid for in the amount of \$50.00 as per current adopted resolution 23-24-114.

Tuesday, March 11, 2025 – Notice of Public Hearing were drafted and posted online and at all adopted posting locations; Inside City Hall, Outside City Hall, Post Office, and Community Center.

- Notices were additionally uploaded to the Official City of Elephant Butte website, www.cityofelephantbutte.com
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM

Tuesday, March 11, 2025 – Notice of Public Hearing was sent to the Sentinel via email to be published as a legal notice for three consecutive weeks. This notice covers both the Zoning Commission Hearing as well as the City Council Hearing.

Thursday, March 13, 2025 – Letters to property owners within 100' of the proposed subdivision site were sent out. Letters of notification were drafted and sent to all legal property owners within one hundred feet of the subject parcel of land. There was a total of three landowners within the code required one-hundred-foot mark. All three landowners received a copy of the notification of public hearings for the submittal of the final subdivision plat of Cielo Entrada.

Thursday, March 13, 2025 – Public Hearing Notices posted on the property.

Thursday, March 20, 2025 – All required signatures from utility providers have been received.

Tuesday, April 1, 2025 – Public Hearing before the Zoning Commission. The Zoning Commission made the unanimous decision of recommendation for the final plat to go before the City Council on Wednesday, April 9, 2025, for final approval.

Documents Included in Public Hearing Packet:

1. Draft Meeting Minutes for Zoning Commission Meeting April 1, 2025
2. Findings of Fact of the Zoning Commission Meeting April 1, 2025
3. General Land Use Application Packet – App., letter from Mike Carducci, final plat, and payment.
4. Copy of Letter Notification Letter – Letter and Copies of envelopes sent out.
5. Posting Locations Notice of Hearing
6. On-site Posting Pictures
7. Legal Notices – Public Hearing for Zoning Commission and City Council for Final Plat Submittal of Cielo Entrada.
8. List of E911 Assigned Addresses for Cielo Entrada
9. Final Plat Submittal – Cielo Entrada

No Questions.

Zoning Commission Presentation

Lee Morris, Zoning Chairman presented to the Governing Body the written findings of fact as well as the draft meeting minutes from the Public Hearing held by the Zoning Commission on April 1, 2025. (The City Council were provided copies of the written findings of fact and draft minutes in the public hearing packet.)

No Questions.

Applicant Presentation

No further evidence was presented.

Public Hearing closed at 2:32pm.

Councilor Williams made a motion to approve case number 25-030 Final Plat Submittal of Cielo Entrada. 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: Ordinance 222 Utility Right-of-Way Management – *Approval for Final Adoption*

Mayor Mortensen requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Mortensen – Present

Mayor Pro Tem Skinner – Present
Councilor Harmon – Present
Councilor Williams – Present

Mayor Mortensen introduced the hearing for the Final Adoption of Ordinance 222 Utility Right-of-Way Management.

Mayor Mortensen addressed the Council in asking if they had received any ex parte communications regarding Ordinance 222.

Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams – No
Mayor Mortensen – No

Mayor Mortensen addressed the Council in asking if they had any interest regarding Ordinance 222

Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams – No
Mayor Mortensen – No

Mayor Mortensen swore in all parties as a group who wished to testify at this public hearing.
Lindsey Cobleigh City Clerk.

City Presentation

Lindsey Cobleigh, City Clerk presented the due process of Ordinance 222.

Timeline of Due Process for:

Public Hearing Case #25-032 Final Adoption of Ordinance 222 – Utility Right-of-Way Management

Amending the provisions of section 150 General Provisions – Beginning with 150.50 Utility Right-of-Way Management.

Thursday, February 13, 2025 – Right-of-Way Management Workshop. This workshop was held at City Hall with staff and local utility representatives and contractors.

Tuesday, March 4, 2025 – Draft Ordinance 222 went before the Zoning Commission for review and recommendation to City Council.

Wednesday, March 12, 2025 – City Council reviewed Draft Ordinance 222 and approved it for publication for public hearing.

Tuesday, March 13, 2025 – Notice of Public Hearing was drafted and posted online and at all adopted posting locations; Inside City Hall, Outside City Hall, Post Office, and Community Center.

- Notices were additionally uploaded to the Official City of Elephant Butte website, www.cityofelephantbutte.com
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM

Tuesday, March 18, 2025 – Notice of Public Hearing was sent to the Sentinel via email to be published as a legal notice for two consecutive weeks.

Documents Included in Public Hearing Packet:

- Posting Locations Notice of Hearing
- Legal Notices
- Final Draft of Ordinance 222

No Questions.

Closed hearing a 2:39pm.

Councilor Williams made a motion to approve case number 25-032 Final Adoption of Ordinance 222 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.

c. Discussion/Possible Action: Ordinance 223 Amending Ch. 50 General Utilities – *Approval for Final Adoption*

Mayor Mortensen requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Mortensen – Present

Mayor Pro Tem Skinner – Present

Councilor Harmon – Present

Councilor Williams – Present

Mayor Mortensen introduced the hearing for the Final Adoption of Ordinance 223 Amending Ch. 50 General Utilities.

Mayor Mortensen addressed the Council in asking if they had received any ex parte communications regarding Ordinance 223.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Williams – No

Mayor Mortensen – No

Mayor Mortensen addressed the Council in asking if they had any interest regarding Ordinance 223.

Mayor Pro Tem Skinner – No

Councilor Harmon – No

Councilor Williams – No

Mayor Mortensen – No

Mayor Mortensen swore in all parties as a group who wished to testify at this public hearing. Lindsey Cobleigh City Clerk.

City Presentation

Lindsey Cobleigh, City Clerk presented the due process of Ordinance 223.

Timeline of Due Process for:

Public Hearing Case #25-033 Final Adoption of Ordinance 223 – Amendment to General Utility Ordinance 70, Chapter 50

Amending the provisions of section 50.05 of general utilities – failure or refusal to pay charges imposed for utility service.

Wednesday, March 12, 2025 – City Council reviewed Draft Ordinance 223 and approved it for publication for public hearing.

Tuesday, March 13, 2025 – Notice of Public Hearing was drafted and posted online and at all adopted posting locations; Inside City Hall, Outside City Hall, Post Office, and Community Center.

- Notices were additionally uploaded to the Official City of Elephant Butte website, www.cityofelephantbutte.com
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM

Tuesday, March 18, 2025 – Notice of Public Hearing was sent to the Sentinel via email to be published as a legal notice for two consecutive weeks.

Documents Included in Public Hearing Packet:

- Posting Locations Notice of Hearing
- Legal Notices
- Final Draft of Ordinance 223

No Questions.

Closed hearing a 2:43pm.

Councilor Williams made a motion to approve case number 25-033 Final Adoption of Ordinance 223 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.

8. REGULAR ITEMS (DISCUSSION POSSIBLE ACTION)

- a. Discussion/Possible Action: Draft Ordinance 224 – Amending Ch. 155 Zoning Definitions – *Approval for publication.*

Lee Morris, Zoning Chairman presented this draft ordinance 224 – Amending Ch. 155 Zoning Definitions. Mayor Mortensen raised a question on what the process for approving and accepting responsibility of streets is and asked if city attorney had reviewed this draft. Ben Young, City Attorney, stated he is currently reviewing it.

Mayor Pro Tem Skinner made a motion to approve Draft Ordinance 224- Amending Ch. 155 Zoning Definitions for publication of public hearing. 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: Resolution 24-25-119 Budget Adjustment #3 FY24-25

Laura Whiteside, City Treasurer, presented this resolution to the Council. Whiteside noted that she had considered the predicted 4th quarter expenses. Mayor Pro Tem Skinner asked if there would be another BAR. Whiteside stated that she is hoping this is the final BAR for FY24-25.

Mayor Pro Tem Skinner made a motion to approve Resolution 24-25-119 Budget Adjustment #3 FY24-25. Councilor Harmon second 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 24-25-120 Approval of Allowance of Bad Debt

Janet Porter-Carrejo, City Manager, presented this resolution to the Council. Porter-Carrejo stated that this resolution would correct debt accrued within the water and wastewater accounts. These accounts and outstanding balances are uncollectable due to there being no proper lien filing and the property having changed ownership.

Mayor Pro Tem Skinner made a motion to approve Resolution 24-25-120 Approval of Allowance of Bad Debt. 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.

- d. Discussion/Possible Action: Sierra Sanitation

Janet Porter-Carrejo, City Manager, presented this item to the Council. There are ongoing issues with Sierra Sanitation with trash trucks, missed collection days. Friday collection was not picked up until the following Wednesday.

Ben Young, City Attorney, noted that he would review the contract on the default clause.

Councilor Harmon made a motion for the City Attorney to review the contract on the default clause and pursue other options for sanitation services as available. 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.

9. CITY STAFF REPORTS

a. Discussion of Department Reports

(There was no discussion or presentation of the written reports provided including: City Clerk, Land Use, Code Enforcement, City Treasurer, and Fire Chief.)

10. EXECUTIVE SESSION

- a. Closed pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss possible threatened/pending litigation – *Road Project Claims*
- b. Closed pursuant to NMSA 1978, Section 10-15-1(H)(9) for public hospital committee discussion of strategic and long-range strategic and long-range business plans of Sierra Vista Hospital
- c. Discussion of limited personnel matters – closed pursuant to NMSA 1978, Section 10-15-1(H)(2) – *City Clerk Office and Land Use Office.*
- d. Discussion of the Audit Process and Management's Responsibility Relating to the Financial Audit FY2023 and FY2024.

Mayor Pro Tem Skinner made a motion to enter an executive session for Executive Session items a, b, c, and d. 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.

Mayor Pro Tem Skinner made a disclosure statement that there was no discussion of items other than the discussion of items 10a, 10b, 10c, and 10d.

11. ACTION

- a. Action required following discussion pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss possible threatened/pending litigation – *Road Project Claims*
- b. Action required following discussion pursuant to NMSA 1978, Section 10-15-1(H)(9) for public hospital committee discussion of strategic and long-range strategic and long-range business plans of Sierra Vista Hospital
- c. Action required following discussion pursuant to NMSA 1978, Section 10-15-1(H)(2) – *City Clerk Office and Land Use Office.*
- d. Action required following the discussion of the Audit Process and Management's Responsibility Relating to the Financial Audit FY2023 and FY2024.
No Action Taken.

12. MAYOR AND COUNCIL REPORTS/COMMENTS

Councilor Williams – No Report

Mayor Pro Tem Skinner – No Report

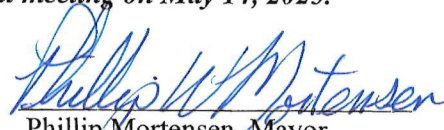
Councilor Harmon reported that she had attended the JPC meeting, the SCCOG meeting in Socorro regarding ICIP and Budget. Councilor Harmon stated that there was a presentation from Manny Luna from the State Auditors' Office. The next quarterly meeting for SCCOG will be held in Elephant Butte in June.

Mayor Mortensen reported that he had attended the JPC meeting and the Turtleback Mountain Resort Day.

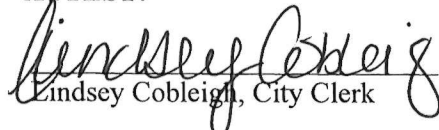
13. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on May 14, 2025.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk

