



CITY OF ELEPHANT BUTTE REGULAR CITY COUNCIL MEETING MINUTES

Wednesday, March 16, 2022, 2:00 pm
103 Water Street, Elephant Butte, NM 87935

The city also opened the meeting to the public through Zoom.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mortensen called the meeting to order at 2:00 p.m.

2. ROLL CALL

Mayor Phillip Mortensen
Mayor Pro Tem Kim Skinner
Councilor Travis Atwell (Absent)
Councilor Cathy Harmon
Councilor Edna Trager

Clerk-Treasurer Cantin announced a quorum is present.

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

**Mayor Pro-Tem Skinner moved to amend and approve the agenda removing Item 13b.
Councilor Harmon seconded the motion. Motion carried unanimously.**

4. STATEMENT OF OPEN MEETINGS RESOLUTION & 3 MINUTE LIMIT PER SPEAKER ON ALL ISSUES

5. PUBLIC COMMENT

None.

6. PRESENTATIONS (Limited to 10 Minutes)

- a. Chamber of Commerce – upcoming events (Earl Greer)
Earl Greer, Elephant Butte Chamber President gave a brief overview of the events they have planned. They will be posted on the Chamber Website.

7. PUBLIC HEARINGS

Approve/Disapprove: Ordinance 202 – establishing a Short-Term Residential Rentals Overlay Zone

Mayor Mortensen opened the Public Hearing for Ordinance 202 establishing a Short-Term Residential Rentals Overlay Zone.

Clerk-Treasurer Cantin gave a brief overview of the Ordinance which will establish an Overlay

Zone. The Planning and Zoning Commission has gone through their process, and they recommend approval. Additionally, they requested the Ordinance to be posted an additional 30 days to allow more time for the comment period which has been done. The Ordinance was then published two more weeks prior to this public hearing and to date no comments have been received.

Mayor Mortensen asked if any Members of the Public, Staff or City Manager would like to comment on this Ordinance, and with there being none, Mayor Pro-Tem Skinner made a motion.

Mayor Pro-Tem Skinner moved to approve the Intent to Adopt Ordinance 202 establishing a Short-Term Residential Rentals Overlay Zone and the intent is to approve it at our next regular council meeting in April. Councilor Trager seconded. Roll call vote:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

Mayor Mortensen closed public hearing.

8. BOARD AND COMMITTEE APPOINTMENTS

a. Planning & Zoning Commission (2 Regular Vacancies and 2 Alternates)

i. Applicants

1. Vicki Ballinger
2. Matt Casas
3. Sheridan Fuss
4. Lee Morris
5. Lowell Pierson
6. Cathy Vickers
7. Mike Williams

Mayor Mortensen recommended to appoint Sheridan Fuss & Lee Morris to the Regular positions and Matt Casas & Lowell Pierson to serve as Alternates.

Mayor Pro-Tem Skinner moved to approve the mayor's recommendations to fill two regular positions with Sheridan Fuss & Lee Morris and fill two alternates with Matt Casas & Lowell Pierson to serve as Alternates. Councilor Trager seconded the motion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

9. MAYOR AND COUNCIL REPORTS

- Mayor Pro-Tem Skinner has been busy working with New Mexico Tourism, COG, attended Sierra Tourism, MRGDA, Economic Development.
- Councilor Harmon reported South Central Regional Transit did not meet but they made eleven trips up here to distribute government food boxes to senior centers April 2020 - Nov 2021.
- Councilor Trager just notified them of the Easter Egg Hunt.
- Mayor wanted to thank two ladies: Barbara Webster and Josie Duvall, he caught them picking up trash while they were walking their dog.

10. CITY ENGINEER REPORT

David Shields reported on the projects including:

Wastewater Treatment Plant- contacted Aqua Aerobics to schedule and send a technician down to do a complete of evaluation to note all the items that need to be corrected and base their design on those corrections.

Water System improvement project design analysis report is recommending portion of Skyline water line replacement, Northern, Superior and Mimbres increasing those size. Those are the areas that will bring us most results as far as the IFC fire code. Fire flows ten fire hydrants. Purchase of two generators. Will turn in report for review.

Warm Springs initial phase is complete, we did a change order of \$100,000.00 for additional drainage work and some road turnouts paved, some drainage work on side and headwalls where we are getting a lot of washouts. Map project hopeful will fund the rest of the Warm Springs project with phase 2. Carry over funding from this year to go next year to finish this project. If that does not happen it will continue to another year. TPF and looking around \$1,000,000.00 to mill and fill Warm Springs to the intersection.

Michigan Drive project has been awarded, contractor has turned in bonds and insurance, scheduling a pre-con, will start directly after pre-con.

Mescal drainage phase 1 project report is due at the end of the month. Will have the report for the council to review and will design what is approved. LGRF \$265,000 for Mescal.

San Andres and Ocotillo Road improvements from last year T.P.F. project it is ready for the council to review and see if there needs to be any changes. paving and drainage will be done on both streets. Council needs to consider if they want to pave before we put in sewer. Hopefully, we can get funding for sewer with the Colonias grant application.

Fire Station 1 needs to get with state fire marshal to find minimum requirement for fire station.

Water tank, WW phase 4 b project are waiting on the Colonias grant.

11. CLERK-TREASURER REPORT – Clerk-Treasurer Cantin

- Week 1 – Learned as much as I could from Rani while she was still here. And I am thankful she is a good teacher.
- Week 2 – Worked on learning the filing system (as I go) each time something new is coming up. It was packed with each new request, and I have already got a timeline to make sure each task gets done. Although the list was long, most of the priority was putting the agenda packet together. I beg forgiveness for this meeting, but assure you that once we have the organization in place for meetings, each will be “well-oiled machines”
- Week 3 – Has mostly been focusing on the Council Meeting including Agendas & Minutes and the audit items we need to submit to the Auditors, and they assisted in drafting a letter which was executed and submitted to the Office of the State Auditor as required quarterly as to where they are on submitting the audits.

12. CITY MANAGER REPORT – City Manager Archuleta

Added to Clerk-Treasurer report. There will be a drop-dead date for the audit for April 1st. Audit should be completed and submitted by April 1st.

\$2.9 mill, \$150,000.00- Public thank you to Senator Diamond and Representative Dow

Small city distribution- Budget \$240,000.00 Actual \$308,000.000

Collection on delinquent Utility account- collected \$5,252.00 in the last 2 weeks. Outstanding balances for utility accounts is \$38,939.00

Public Works Report- cleaning culvert, putting in silk catches and grading culverts. Waiting on a part for the water truck to start grading roads. Looked for drainage issue areas and will work with David Shields to incorporate those drainage items as we move forward.

State of affairs across the country/world- not sure how it will affect us, so we are keeping our city vehicles topped off. Looking at cyber security. Working on getting generators for lift station and city hall.

Budget- working on cross training. Hopefully, budget will be in place by April 15th to present back to the council.

Fire Department Report- 7 applicants for the Fire Chief. Structure fire on 3/8/2022 electric fault house was a total loss.

Bi-monthly meetings- with City Manager of T or C and County Manager so we can work together for one common goal in the community.

Land Use/Code Enforcement Report- Javelina or wild animals that are causing a nuisance, the residents should contact State Police Dispatch at 575-382-2500 to send out game wardens to tend to the nuisance animal(s).

13. CONSENT ITEMS

- a. Approval of Special Meeting Minutes, February 22, 2022
- b. Approval of Special/Workshop Minutes, March 3, 2022 - **Removed**
- c. Approval to order a new City Credit Card to be issued to Clerk-Treasurer Renee Cantin

Mayor Pro-Tem Skinner moved to approve 13a and 13c of the consent items. Councilor Trager seconded the motion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

14. REGULAR ITEMS

- a. Discussion/Possible Action/Next Steps: OHV Park Updates – OHV funding and current needs. (OHV Committee)

Roger Pattison presented his overview.

Councilor Trager moved to authorizing the City Manager to evaluate with the committee to bring it back to the council for discussion for approval.

Mayor Pro-Tem Skinner amended Councilor Trager's motion and moved to allow the City Manager to make recommendations regarding environmental study and a 3-D topographical study on the OHV Park. Councilor Trager seconded the amended motion.

Additional discussion on clarification on motion and grants.

Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

- b. Discussion/Possible Action: Resolution 21-22-107 Governing Body Rules of Procedure

Mayor Pro-Tem Skinner moved to have a discussion on Resolution 21-22-107 Governing Body Rules of Procedure. Councilor Harmon seconded for discussion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

Mayor Pro-Tem Skinner moved to approve Resolution 21-22-107 Governing Body Rules of Procedure. Councilor Trager seconded motion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously

- c. Discussion/Possible Action: Resolution 21-22-115 Establishing Procedures for appointing Volunteer Officials to Commissions and Advisory Boards

Mayor Pro-Tem Skinner moved to have a discussion on Resolution 21-22-115 Governing Body Rules of Procedure. Councilor Trager seconded for discussion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

Discussion was held regarding Mayor's suggestion to have staff review this and create a more thorough policy with engaging anyone who applies for any board like we do employees and hold interviews with each of them.

Mayor Pro-Tem Skinner moved to adopt Resolution 21-22-115 Establishing Procedures for appointing Volunteer Officials to Commissions and Advisory Boards. Councilor Harmon seconded the motion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

- a. Discussion/Possible Action: Request for Stop signs on Beach St.

Mayor Pro-Tem Skinner moved to have a discussion. Councilor Harmon seconded for discussion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

Sheriff Hamilton reported there could be a couple of different ways to handle that problem to assist with correcting this problem. He also suggested the speed limit sign be moved a little further down on Beach.

Mayor Pro-Tem Skinner moved to approve to move the speed limit signs and to have Sheriff Hamilton assign some officers to that area.

Councilor Trager amended that motion to move our speed limit signs to a more appropriate spot, have Sheriff Hamilton assign some officers to that area, have public works to add two additional speed limit signs and a school bus stop sign. Councilor Harmon seconded. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

- b. Discussion/Possible Action: Direction to staff on Lodger's Tax (City Manager)

City Manager Archuleta asked for direction on the Lodgers Tax applications for funding timeframe.

Mayor Pro-Tem Skinner moved to approve having staff send out notifications to the folks that typically apply for Lodger's Tax to inform them of the deadline for May 1st and have staff meet with Lodgers Tax board and set aside reserve funds for brand new events with a minimum of \$5,000.00. Councilor Trager seconded. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

1otion carried unanimously

15. EXECUTIVE SESSION

- a. Discussion concerning purchase, acquisition, or disposal of real property or water rights pursuant to NMSA 1978, Section 10-15-1(H)(8).

Mayor Pro-Tem Skinner made a motion to approve going into Executive Session to discuss purchase, acquisition, or disposal of real property or water rights pursuant to NMSA 1978, Section 10-15-1 (H) (8) at 3:33 pm. Councilor Harmon seconded the motion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

***** EXECUTIVE SESSION BEGAN *****

We are back in Open Session and need a statement for items discussed.

Mayor Pro-Tem Skinner stated that the only item that was discussed was:

- a. Discussion concerning purchase, acquisition, or disposal of real property or water rights pursuant to NMSA 1978, Section 10-15-1(H)(8).

There was only discussion, no decisions were made.

16. ACTION ITEMS-

- a. Approve/Disapprove: Memorandum of Agreement Golf Course

Mayor Pro-Tem Skinner moved to have a discussion. Councilor Harmon seconded for discussion. Roll call vote conducted by Clerk-Treasurer Cantin:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously.

Ben Young presented a MOA for the sale of the Golf Course.

Mayor Pro-Tem Skinner moved to approve the Memorandum of Agreement with one modification where it says approximately 225 acres to have it have the legal description. Councilor Harmon seconded for discussion. Roll call vote:

Mayor Pro Tem Skinner- Yes
Councilor Harmon- Yes
Councilor Trager- Yes

Motion carried unanimously

17. COUNCILOR COMMENTS -

Mayor Pro-Tem Skinner- Thank you Renee and Steve. Thank you, Jessica, for attending the meeting. Thank you, utility staff and good job, on the delinquent accounts.

Councilor Harmon- no comments

Councilor Trager- no comments

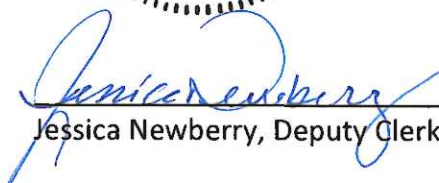
Mayor Mortensen- Thank you Council, Renee, Steve, and Jessica. Staff has been phenomenal in the office and the new energy has been exciting. Greatly appreciate that we are working for the good of the city. I like where we are heading, I am excited for what holds in the future, and I thank all of you.

18. ADJOURNMENT - The meeting adjourned at 4:09 p.m.



ATTEST:


Phillip Mortensen, Mayor


Jessica Newberry, Deputy Clerk

CITY OF ELI ANT BUTTE
CITY COUNCIL MEETING

Sign in Sheet

Thursday, March 3, 2022

Any Citizen wishing to address the City Council must sign in and indicate the topic on which he/she wishes to speak.
The time limit is **THREE minutes per speaker** on all issues.

Name PLEASE PRINT CLEARLY FOR THE RECORD	Address	Indicate in this column if you wish to address the Council and Topic.
Vicki Ballinger	101 Vista Verde EB	Yrs. employee Handbook
Charles Whitwell	Seneca	
DAVID SHAWL		
STEVE+ANNE BUCKLEY	510 TROUT	NO