Tuesday, August 20, 2007

REGULAR MEETING

Minutes

TIME & PLACE: The Public Utility Advisory Board of the City of Truth or Consequences, New Mexico, in the County of Sierra, and State of New Mexico, met in Regular Session in full conformity with the Law and Ordinances of said Board, at the Commission Chambers of said City, on Monday the 20th day of August, 2007 at 5:30 P.M.

PRESIDING OFFICER: The meeting was called to order by Alvin Siffring, Chairman and Hazel F. Peterson acted as Secretary.

ATTENDANCE: Upon calling the roll the following members were reported present:

Alvin Siffring, Chairman
Lola Polley, Vice Chairman
James Hunt, Member
Bill Jacka, Member

Also Present:

Bernadine Garcia, Utility Office Manager
Gil Avelar, Electric Superintendent
Chris Nobes, Building Inspector
Hazel F. Peterson, Deputy City Clerk II

Absent Was/Were:

QUORUM: There being a quorum present the Board proceeded with the business at hand.

APPROVAL OF AGENDA: Alvin Siffring, Chairman called for approval of the Agenda.

“Lola Polley moved to approve the Agenda as submitted.”

Seconded by Bill Jacka
Motion carried unanimously.

APPROVAL OF MINUTES: Alvin Siffring, Chairman called for review and approval of the minutes of the Regular meeting held Monday, July 16, 2007.

“Bill Jacka moved to approve the minutes of the Regular meeting held Monday, July 16, 2007.”

Seconded by Lola Polley
Motion carried unanimously.

VARIANCE – BURFORD: Chris Nobes approached the podium and stated there are three tracks involved. He stated that in 1998 the original owners of this entire parcel sold the middle parcel to Sunland Steel, and at that time without consulting the City they left a 30’ wide road easement as access to Tract 1. Now it has come about that this 30’ easement is not compliant with City Subdivision Code. He stated the narrowest easement would be a local road which would be a 50’ easement and would be required to have 36’ of pavement.

He stated that Mr. Hogan who has power of attorney from the owners has initiated this variance application which has been to the Planning & Zoning Commission and was approved.

Discussion ensued.
“Bill Jacka moved approval of the Variance Application submitted by James Burford with the stipulation that the City retains access to utilities and submit it to the City Commission for their consideration.”

Seconded by Lola Polley
Motion carried unanimously.

VACATION OF ALLEY – RIVERSIDE DR.: Alvin Siffing stated this vacation looks like there could be problems with protecting the city utilities if approved.

He stated this runs on the east side of the substation and there is a local service line on the west side which is on the border of the substation.

Chris Nobes stated that the need for this request came to light when the property, 415 E. Riverside was offered for sale and did a survey. It was discovered that an addition to the house encroached into the public alley by something less than 2'.

He stated it was brought to the City Commission because there is a provision in the city zoning code that there be no permanent structures on an easement without permission of the City Commission. Rather than using this provision the City Commission recommended the alley be vacated.

Mr. Nobes stated this vacation of alley has been before the Planning & Zoning Commission and was approved.

He stated he understands this Boards concerns and there is a 2” gas main in the alley, and there is city sewer as well. He stated that if in fact this recommendation for a variance was approved the city would never permit owners to fence that additional 10’, each of the property owners. He stated there are three to the north of this subject parcel, they would gain ten feet of the alley, but the city would never approve fencing that to restrict access. He stated that in fact all that would really happen would be an arbitrary line would move over and access would have to be maintained.

Discussion ensued.

Mr. Siffing stated he finds it very difficult to approve a vacation of this particular alley. He stated his suggestion would be that maybe the city sell two feet of the alley to the property owner.

Further discussion ensued.

Gill Avelar stated that initially he was totally against the idea not only for the cities pole line through there and access to that pole line, but because of a gas line that meanders through that alley. He stated the gas line starts out in the middle of the street on Broadway and snakes through the alley.

He stated that he is afraid that when the adjacent property owners find out about the vacation, unless somebody keeps an eye on them twenty-four seven they might inch a fence line through there.

He stated he understand this might be the easiest way to help the person out that has the building jotting out, and maybe the most inexpensive way.

Further discussion ensued.
“Bill Jacka moved to deny the vacation of the alley on Riverside and recommend to the City Commission for their consideration that the City look into selling two feet of the alley to the property owner after a resurvey of the property has been done.”

Seconded by James Hunt
Motion carried unanimously.

WATER CONSERVATION STUDY: No discussion.

FINANCIAL REPORT: Bernadine Garcia, Utility Office Manager approached the podium and reviewed the Electric Utility Operating Report.

Discussion only, no action taken.

Ms. Garcia stated that in the current City Code the wording that is in it was done back in 1962, revised in 1994, and again in 2002. She stated the part that is in question was not changed. She stated this has to do with when a person opens an account the Utility Office is required to get a deposit. Before the city code stated it would be a minimum of fifty dollars. What they implemented in 2006 was a hundred dollars per utility if there was nothing to go back on. So if the home didn’t have a history for a year for them to utilize based on the ordinance they at that time it was fifty dollars, now it is one hundred dollars per utility. The only way to avoid this deposit is to provide a letter of credit from a previous utility company or utility.

She stated that her concern is that the city ordinance doesn’t say that specifically.

Discussion ensued.

Ms. Garcia stated what she would like to have changed or looked at is what is considered acceptable funds of credit.

Further discussion ensued.

After a lengthy discussion it was the consensus of the Board that Ms. Garcia compile a draft to amend Section 14-37, Security deposit, guarantees of payment of the Utility Code and bring it to the September meeting.

ADJOURNMENT: There being no further business to come before the Public Utility Advisory Board Alvin Siffring, Chairman declared the meeting adjourned.

APPROVAL: PASSED AND APPROVED this 30 day of October, 2007, on motion duly made by Bill Jacka, seconded by James Hunt, and carried.

Alvin Siffring, Chairman
Public Utility Advisory Board