CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Monday, February 28, 2005

REGULAR MEETING

Minutes

TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Monday, February 28, 2005 at 7:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Rainey who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

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

Hon. Jimmy L. Rainey, Mayor
Hon. Lois Reaver-Black, Mayor Pro-tem
Hon. Evelyn B. Renfro, Commissioner
Hon. Glen E. Stevenson, Commissioner

Absent was:

Lori S. Montgomery, Commissioner

Also present:

Richard R. Ramsey, City Manager
JD Norby, Assistant City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

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

CEREMONY: Mayor Rainey called for fifteen seconds of Silent Meditation.

Commissioner Stevenson called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Rainey called for approval of the Agenda.

“Commissioner Black moved approval of the Agenda as presented.”

Seconded by Commissioner Stevenson.
Motion carried unanimously.

APPROVAL OF MINUTES: Mayor Rainey called for review and approval of the minutes of the Regular Meeting held February 14, 2005.

“Commissioner Renfro moved approval of the minutes of the Regular Meeting held February 14, 2005, as presented.”

Seconded by Commissioner Black.
Motion carried unanimously.
City Manager stated that the Public Utility Board has submitted a Proposed Ordinance, Amending Section 14-36 – Pertaining to Billing Procedures for Utilities, for their consideration.

City Attorney Rubin provided the Commission with the current copy of Section 14-36 – Billing Procedures for them to reference.

He stated that in the Proposed Ordinance, paragraph (c) – Customers are required to pay the entire past due amount of their delinquent utility bills, and in the current ordinance in paragraph (b) it states that all bills are net and payable within ten days from date of bill and are delinquent 30 days from date of bill.

Brit Maxwell, Utility Office Manager came before the Commission and explained the reason for the change is currently they are loosing about $5,000 a month in write-offs of bad delinquent utility bills which is on average about $60,000 a year.

He stated it is the feeling that the City cannot afford that kind of loss and raise rates when they are not able to collect a good portion of these past due bills.

Brit stated the way it is set up now they start with a payment plan, and indicated they pay their current bill plus an amount of the arrears, which would result in complete payment within 3 months.

He stated it is difficult to keep track of and results in customers getting farther behind, and that in the past they have worked with individuals.

Brit stated there are legitimate people but unfortunately, the majority of the individuals are using the system to get by. He stated they are being stuck with $5,000 a month.

City Manager Ramsey read paragraph (d) Exceptions may be granted on a case-by-case basis upon showing good cause before the City Commission provided that a reasonable repayment plan can be agreed upon.

On Section 2. Sections 14-36 (a), (b), (e) – (m) remain unchanged, and stated they have some proposed changes. In paragraph (d) where it reads City Commission that, they change that to City Manager.

Commissioner Renfro agreed as she thought it would be embarrassing for an individual to address the Commission in a public meeting, and stated she feels it should be the City Manager.

City Manager Ramsey stated in Section 2 where it reads (e) – (m), and stated (m) has not been adopted, and indicated that should be changed to read (e) – (l).

He stated he would recommend approval with the changes.

Commissioner Stevenson asked how they would handle the individuals that are currently delinquent.
Brit stated he would like to give the individuals that are familiar with the system some time and possibly implementing a date, maybe 6 months.

He stated then he could let the public know that their policies would be changing.

City Attorney Rubin stated the general rule is that the ordinance would go into effect 5 days after it is voted upon for final approval, and indicated he does not think they can go retroactive.

"Commissioner Black moved approval for publication of the Proposed Ordinance, Amending Section 14-36, and Pertaining to Billing Procedures for Utilities with the changes."

Seconded by Commissioner Stevenson.

Commissioner Renfro wanted to know if this could be handled as one ordinance since it is the same ordinance.

Motion carried unanimously.

City Manager Ramsey stated they have also submitted a Proposed Ordinance, Adding Section 14-36 (m) – Pertaining to Billing Procedures for Utilities, for their consideration.

Brit Maxwell, Utility Office Manager explained that when they turn an individual off for non-payment, and stated then they will get a friend, family member, or whoever to come in and have it turned back on in their name.

He stated it was another way to by pass the system, and stated they would not turn it back on at that same address unless they receive a statement from the owner of the property that the person(s) for which utilities were disconnected for nonpayment are no longer residing or paying rent at that particular property.

Commissioner Renfro questioned the 15 days, and asked what happens if somebody comes in 16 or 17 days afterwards.

City Attorney Rubin stated they addressed this and suggested they delete that phase.

Brit read the section that they would like to add, and explained the 15 days, as they believe someone could not live at the residence without utilities for 15 days and would move on.

City Attorney Rubin stated that Brit asked him about this, and after he thought about it, he thinks it would be appropriate to strike that language.

He stated he also had a couple of changes, one being change the word notarized to a sworn statement.

Brit asked for an explanation on the difference. City Attorney Rubin stated that when a person signs on the notary seal that the person is signing under oath. He stated if there were a Court action that they had to take, they would have a sworn statement from the owner.

City Attorney Rubin stated where it reads... a sworn statement from the owner, that it read ... from the owner, or owners
authorized designee.

Commissioner Renfro moved approval for publication Proposed Ordinance, Adding Section 14-36 (m), with the recommended changes by City Attorney Rubin – Pertaining to Billing Procedures for Utilities."

Seconded by Commissioner Black.
Motion carried unanimously.

“Commissioner Black moved that they combine Proposed Ordinances 14-36 to amend 14-36, and add section 14-36 (m).”

Seconded by Commissioner Renfro.
Motion carried unanimously.

PUBLIC HEARINGS:

None.

LETTER OF SUPPORT – Geronimo Trail Scenic Byway:

Ms. Larena Miller, Executive Director with Geronimo Trail Scenic Byway came before the Commission, and stated that Geronimo Trail Scenic Byway is making an application to be recognized as a National Scenic Byway.

She stated this enhanced designation would be added exposure on the Federal Highway Administration National’s Scenic Byway Website as well as advertising by the Federal Highway Administration.

Ms. Miller stated there is no cost incurred for the process, and indicated it would be a benefit to the City of Truth or Consequences as well as the other communities in Sierra County to receive this distinction.

She explained each letter of support must be referenced in a section in the Byway Nomination, and stated she submitted a suggested draft focusing on the resources within the City of Truth or Consequences that she would be discussing in the historic narrative section of the nomination form.

Ms. Miller stated she would appreciate the Commissions time and consideration of this request as the benefits would be favorable to the tourism industry in Truth or Consequences and Sierra County.

Commissioner Black moved approval of a letter of support for the nomination for Geronimo Trail Scenic Byway.”

Seconded by Commissioners Stevenson/Renfro.
Motion carried unanimously.

Ms. Nola Kent, DWI Coordinator came before the Commission with two requests, Reimbursement request LDWI January 2005, and a Memorandum of Understanding.

She stated the first request was for the LDWI reimbursement for January 2005, for $5221.84.

“Commissioner Black moved approval of the Reimbursement Request LDWI January 2005, for $5221.84.”

Seconded by Commissioner Renfro.
WHEREAS, in accordance with the Housing and Community Development Act of 1974, as amended, the State of New Mexico, through the Community Development Council and the Department of Finance and Administration, Local Government Division, has elected to exercise its option to administer the FY 2005 Small Cities Community Development Block Grant to plan a municipal water system improvement project, and;

WHEREAS, the City of Truth or Consequences desires to apply for such funds for the project described in the application attached hereto, and;

WHEREAS, the City of Truth or Consequences City Commissioners have selected said project for an application for funding a plan based upon information gathered at a public hearing(s) as described in the project application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, that the Commissioners hereby authorize the submission of this FY 2005 CDBG Planning Grant Application for a Planning Grant to Study and Design Improvements to the City Owned Water Tanks as described in the application, and authorize the Mayor to execute all necessary documents for the submitting of the application.

PASSED, APPROVED AND ADOPTED this ______ day of __________________ 2005.

JIMMY L. RAINEY, MAYOR

ATTEST:

MARY B. PENNER, CITY CLERK
Motion carried unanimously.

Ms. Kent stated the second request if for a Memorandum of Understanding, and explained it is a general memorandum of understanding for the HIPAA Regulations.

"Commissioner Stevenson moved approval of the Memorandum of Understanding for the City of T or C & DWI Program."

Seconded by Commissioner Renfro.
Motion carried unanimously.

RESOLUTION #23-04/05:
City Manager Ramsey read Resolution #23-04/05 in its entirety.
(Complete copy attached hereto and made a part hereof.)

He explained that this is the project they had previously discussed to install a booster pump at the new 3 million gallon tank, and a pipeline to pump to the north 1 million gallon tank.

City Manager Ramsey stated this would be for a planning grant for $50,000.00 for the preliminary engineering report for that project.

"Commissioner Black moved approval of Resolution No. 23-04/05."

Seconded by Commissioner Stevenson.
Motion carried unanimously.

OLD BUSINESS: Status Report – AppleTree Learning Center (Tabled from 2/14/05 Meeting) –

Mr. Ramsey stated Assistant Manager, Norby has been working on this and they were provided with the status on the AppleTree Learning Center.

JD Norby, Assistant City Manager and stated there was some question as to whether AppleTree Educational Center would be interested in purchasing the property or leasing the property.

He stated after discussing some different options with AppleTree they chose an option of leasing the property, and stated they are going through some negotiation processes and the terms of that lease.

Mr. Norby stated there has been a draft of the lease prepared. He stated legal counsel is reviewing it as well as staff and they will be finalizing it and will have AppleTree review it, and then a consensus brought to this Commission for consideration.

"Commissioner Black moved that the matter of the AppleTree Lease status be postponed until such time that it is brought back to them by the City Attorney and Assistant City Manager."

Seconded by Commissioner Renfro.
Motion carried unanimously.

REPORTS:

CITY MANAGER –

City Manager Ramsey stated that the CDBG Application Hearing’s are scheduled for March 8th, and stated he would be attending them with Mr. Delbert Frassinet, Council of Governments Representative.
He stated they have the two application’s that would be presented, one for a $500,000 CDBG Grant for the electrical work on the Ash Street electric system along with the loan they received from NMFA, and the other would be for a Planning Grant for an engineering study for rehabbing the old water tanks.

City Manager Ramsey also reported that Sierra Vista Hospital have scheduled a Special Meeting on March 7th, 2005 at 4:00 P.M.

He stated COG held an RPO Meeting last week, indicated Commissioner Black due to illness was unable to attend, and that he and Assistant Manager Norby attended the meeting.

JD Norby, Assistant City Manager stated they addressed three different items.

He reported some good news and stated he had a chance to visit with Mr. Alvin Dominguez and during the meeting he announced to the RPO that the State Highway Department has submitted with their State Transportation Improvement Plan $3.2 million dollars and allocated these funds for the re-construction of the two bridges, one crossing Cuchillo Creek, and one crossing the Rio Grande on Highway 51 east of town.

Mr. Norby stated they are anticipating construction in the Fall of 2007 based on if environmental documentation goes well.

He stated the second item they addressed is they submitted a PIF form, a Project Identification Form for 3rd Street, Highway 51 from the intersection of the business loop in town proceeding east 3.11 miles up and inclusive to the bridges crossing Cuchillo Creek and the Rio Grand for possible improvement or re-construction.

Mr. Norby stated during his visit with Mr. Dominguez he asked if they would be interested in looking at these projects as being on the State infrastructure and if the State would be the lead agency and take care of the design, and he stated they would look at it.

He stated there was a request letter sent out for safety projects, and indicated that last year the City of T or C submitted sidewalks along 3rd Street for .85 miles from the intersection of the business loop going East, and although this was submitted again, for the 3.11 miles, in case it is not funded, they will re-submit the same project through the Safety Funding and see if they could have two chances at it.

City Manager Ramsey stated at their last meeting there were some questions about fish at the Ralph Edwards Pond, and that Mr. Gorrell is here to report on that.

Mr. Leon Gorrell, Recreation Director came before the Commission and reported that he contacted the Department of Game & Fish, and they would stock the pond with 200 trout for the fishing derby on Sunday, May 1st.

He stated he was told that he needed to maintain the water at 70 degrees or below, and that it had to be checked daily.

Mr. Gorrell stated that Brown’s Fish Farm from Puma, Arizona would be delivering approximately 100 catfish and 200 hybrid blue gill within the next 2 weeks.
He also reported when the river is stocked they also stock the pond with trout.

Mr. Gorrell reported that the pool cover should be in on March 9th, and stated the Youth Center should be opening on March 6th.

Commissioner Stevenson asked if the solar heater for the pool was in operational and ready, and Leon replied, “yes sir.”

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Black stated at their last meeting they recognized Ms. Pat Rocco for putting together the Historic District. She stated it was mentioned tonight in conjunction with the Scenic Byway.

She suggested and asked them to think about this, and wondered if it would be a good idea to concentrate on the Historic District for cleaning the area.

Commissioner Black stated she thinks that City Manager Ramsey should be commended for selecting JD Norby. She stated she had two people go to her and stated, “that guy was so nice, and so helpful when they went in to see him.”

She stated it never hurts to give both of them a pat on the back.

Commissioner Renfro – No report.

Commissioner Stevenson stated he was at the Airport today, and stated that the paving project around the Auge hangars was about 95% complete.

Mayor Rainey stated that he and City Manager Ramsey attended the Soil & Water Conservation & Salt Cedar Eradication Registration Meeting last Thursday.

He stated that in talking with the Soil & Water Conservation group they informed them they would be restoring the area behind the Veteran’s Center and the Rotary Park.

Mayor Rainey stated there would be trees available for planting and they are going to need help in planting the trees.

EXECUTIVE SESSION: None.

ADJOURNMENT: There being no further business to come before the Commission the meeting was adjourned.

APPROVAL: PASSED AND APPROVED this 14th day of March, 2005, on motion duly made by Commissioner Black, seconded by Commissioner Renfro, and carried.

JIMMY L. RAINEY, MAYOR