

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MARCH 13, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem was absent.
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Arnie Castaneda, Water/Wastewater Director
Jaffee Blomquist, Truth or Consequences Police Sergeant
Tyler Knull, Code Enforcement Officer
Tammy Gardner, Executive Assistant

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Commissioner Hoepfner to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Fahl moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Legislative Invite/Presentation regarding revenues for Sierra County entities from the legislative session.

Mayor Hechler: We put out the request for our representatives and our senators to be here this morning. I don't recall a time when the City of Truth or Consequences and our county received the funds that they've received this year, and it is through the hard work of our senator and our representatives that we got those funds this year.

State Senator Crystal Brantley and State Representatives Tara Jaramillo, and Gail Armstrong reported the following:

- They collectively represent Sierra County and areas beyond.
- The biggest accomplishment that they had this legislative session was funding for the priority water infrastructure needs for Truth or Consequences. They had conversations that led up to the legislative session about the importance and the relevance of that. It was actually a priority county wide, as the seat of Sierra County. They also realize that additional funding is needed. They certainly are not done with appropriations to build Sierra County's water source. This is a long-term project, but they hope to secure the funds for the improvements. Anytime they can find matching funds, they are quick to make those changes to do so. There are \$20 million appropriations to start putting on the ground.

2. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Gonzales presented an Employee Service Anniversary Award to Bo Easley for 23 years of service with the City of Truth or Consequences.

City Manager Gonzales and Alan Hansen Begg presented an Employee Service Anniversary Award to Martin Towner for 4 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Joseph Daley for 6 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Kathleen Martinez for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Chelsea LeClair for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales and OJ Hechler presented an Employee Service Anniversary Award to Richard Hadder for 1 years of service with the City of Truth or Consequences.

City Manager Gonzales and Alan Hansen Begg presented an Employee Service Anniversary Award to George Rea for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales and Jaffee Blomquist presented an Employee Service Anniversary Award on behalf of Shane Jeffers for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales and OJ Hechler presented an Employee Service Anniversary Award to Ashley Galacia for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales and Jaffee Blomquist presented an Employee Service Anniversary Award on behalf of Brandon Villarreal for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales and Jaffee Blomquist presented an Employee Service Anniversary Award on behalf of Levi Eilers for 1 year of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Marilyn Szigeti addressed the Commission with comments related to solar permits. Complete copy of comments attached hereto and made a part hereof.

Ron Fenn addressed the Commission with comments related to:

- I was here last night, and I was refused the opportunity to speak. This is the most authoritarian government that I have ever seen in my life, and it is right here in Truth or Consequences. When the people who are responsible for the referendum on Ordinance 756 are denied the right to speak in public, to the public, while you campaign, Mr. Hechler. I must say, since you were here in 2017, and so was Attorney Rubin, nobody seemed to correct the Chief of Police on September 13th when he said (which are included in the minutes) "back in 2017, the city paid to get architects and the entire planning of the Armory to be renovated for a Police Station. However, something happened to where it didn't proceed forward". The something that happened was a referendum by the people, and a vote against that project that at the time was \$2,188,000, and it has now escalated to supposedly \$4.5 million dollars, but that is not the truth or it. The truth is that you were going to be paying off the city's obligations to the NMFA. It has been hidden and it was denied last night, and there was not going to be enough money to do this project. No new tax? Where do you think the \$4.5 million is going to come from. Where is the Police

Department going to get money to do all of the things that they have spent millions of dollars on over the past 11 years since they had that tax put in. Where is that money going to come from when they are paying off the city's obligations for water, wastewater, and any other project that you got money from NMFA. Where is that money going to come from? This is ridiculous. This city is ridiculous, and to be forced out of here last night was also despicable.

Steve Green addressed the Commission with comments related to:

- We need to replace our old leaking and bursting water pipes, but not at the expense of the Police Department. This problem can be addressed now. That money has been appropriated solely for that purpose. Thanks to Senator Crystal Diamond Brantley, Representatives Jaramillo, and Armstrong, and Governor Grisham for the \$12.4 million from Capital Outlay, plus \$16 million more from the New Mexico Water Board. Thanks to Mayor Hechler for your perseverance up in Santa Fe. \$20.4 million that we can only use for water pipe replacement and all that entails. In 2011, the Commission voted unanimously to pass one-fourth of one percent increase in our GRT. Those funds would be used by the Police Department for retention of officers to pay a decent wage, and any other projects that are needed. Voting for Ordinance No. 756 will not cost the citizens any increase in taxes. It will give the Police Department the opportunity to explore different options for their much needed new home. Going into the public bond market pertaining to this project, and will get the city a bond rating, and open up possibilities of funding for other needed projects at lower interest rates. Could their new building, yet to be determined, become a safety center with other organizations as paying tenants be part of the quarter of 1% that we use to pay down the bond. It is all about options and possibilities. There is one way that this community can show their appreciation for the service our Police Department gives and provides to us, by passing Ordinance No. 756. Vote Yes.

Shelly Harrelson submitted a copy of her public comment. (Complete copy attached hereto and made a part hereof).

Mayor Hechler: I would like to make one comment regarding Mr. Fenn's statement. Last night's meeting was brought to fruition by a local news editor. It was advertised in the papers. We were guests, and we were allowed to speak. I did mention the referendum back in 2017, and that we lost that referendum. Aversion to the fact that Mr. Fenn and Ms. Dougherty were here. I know they understood the rules that we had for the meeting before they got here. The rules were that questions from the public were entertained, and they were looked at ahead of time so the appropriate staff would be here to answer the questions. Our financial advisor and our attorney regarding the bonding were here to answer questions. Mr. Fenn and Ms. Dougherty had the opportunity to submit questions, and they chose not to. This was not going to be a debate last night. That was the reason the meeting was orchestrated the way it was done.

E. REPORTS:

City Manager Gonzales turned over her reports to her senior staff members.

Arnie Castaneda, Water/Wastewater Director gave an update on the AirVac Station on 608 N. Riverside. (Copy of presentation attached hereto and made a part hereof).

Commissioner Mitchell: I see that it is a classic city thing where the system is in place. It is not exactly perfect. We have to shell out some money to put a band aid on it in order to move forward with replacing the entire line. Is that a correct statement?

Arnie Castaneda, Water/Wastewater Director: That is a correct statement.

Commissioner Mitchell: We have to fix it now, meaning we can't take this \$473,000 and apply it to the \$2 to \$3 million that it is going to cost to get a whole new system because we don't have the funding for that right now?

Arnie Castaneda, Water/Wastewater Director: We are in a state to where everything is failing on us every couple of weeks.

Mayor Hechler: Our strategy this year was to fix our water lines, and we were pretty successful, and we've got enough money now to keep us busy for a couple of years on the water side, but we all know what comes in, goes out, and that is the sewer side. I talked with Senator Brantley a little bit last night, and this is kind of a suggestion to our management, this year we should work on getting our ducks in a row to concentrate on the wastewater side. The strategy for me, would be to focus on the wastewater side, and bring those things up together so that we can move forward with our community because we already had some success on the water side which is not going to fix the whole problem, but we've got enough to keep us busy for a while. Our efforts should be on the wastewater side, and looking for the big dollars for not only the Third Street area, but also Riverside. That is where we have our Vac System. It seems like those things are antiquated systems that need to be replaced and if we have a better solution, we should find those things.

Commissioner Fahl: The wastewater treatment plant as whole has a lot of issues, so what do you do first? Do we fix the wastewater treatment plant first? How are we going to prioritize what we need to do first?

Arnie Castaneda, Water/Wastewater Director: As far as priorities, this would take priority. I think that the treatment plant needs some work, but this is much more important.

Commissioner Hoepfner: I think in the future, we need to ask for money for both water and wastewater so we can get them done at the same time.

Tammy Gardner, Executive Assistant reported the following:

- The back story on Matthew 25 is that last year you guys were thinking about making some cutbacks on the subrecipient funding, so Matthew 25 approached us and said that they were losing their building because it was being sold, so we thought that we could maybe do an in-kind contribution instead of the subrecipient grant funding. That went through the whole process. It was approved through the commission. It was executed on our end, and it was sent over and I never heard anything back, so I followed up, and they informed us, that since then, they didn't sign the contract because their landlord decided to not sell the building and offered them the building this year, and next year they are offering them a 2 year lease, so they are secured for 3 years, and they no longer need this contract.

City Commission Reports:

Commissioner Hoepfner reported the following:

- The movie is going on down town, and business this weekend was good for me, so it was a positive impact when it comes to revenue. The people working on the movies are really nice.
- Art Hop was great. It was one of the best and most visited Art Hops.

Commissioner Mitchell reported the following:

- I want to send my condolences out to the friends and family of James "Slim" Whitlock, the Mayor of Hatch. He was a great man. I got to work with him for several months, and he was just the heart of that town, so my condolences to the entire community for that. It was a major loss.
- I want to thank the Truth or Consequences Municipal School District for allowing the casting call to be hosted at the high school last week. We had over 300 people from the community turn out to sign up to be an extra in this film that is going on, and that was very positive encouragement for the community and for the schools because they are looking for teenage actors and children 9 and up. That was really encouraging. Thank you to Superintendent Nicole Burgin for making that happen last minute.
- I attended a meeting at Truth or Consequences Contemporary which is a new art gallery and workshop place downtown next to Jay Rubin's office. The presentation was from a group from Albuquerque called Tree New Mexico. It is a grant funded program to put trees in residential and public areas and plant them around the community in a structured way that they adopted by the residents and the city to sign a contract to maintain and take care of these trees for the next few years. They have people who that come down and monitor them, and so forth. It was a really positive meeting. There were probably 30-40 people from the community there from everywhere that was interested in volunteering for the program. In signing up, they would be giving us 50 brand new trees that are all picked for the climate of New Mexico and Sierra County in particular. The project started in Albuquerque. They planted 100 trees in what they call the Albuquerque neighbor-woods projects. They go to specific neighborhoods and get these volunteers. It's a huge program.

They have pretty much unlimited funding for the next 5 years to get these native trees planted to increase air quality, water quality and shade across the board to help our community. They are calling for volunteers. People can reach out to me or to Kyle or Jeanie and the Truth or Consequences Contemporary to get in touch with the program. November 2nd will hopefully be the plant date, and they are also giving away an additional 100 trees to anyone in the community who wants to plant them. This is something I want to talk to OJ and the city about to see if we can get some of these in places where we already have sprinkler systems. The group specifically spoke about Ralph Edwards Park and Rotary Park. I think this is a great opportunity for us to jump on as a city and as a community.

- Fiesta is really gaining momentum and attraction. I keep bringing it up because this year is going to be phenomenal, but next year is our 75th anniversary, and there are not a lot of organizations or community events that can celebrate 75 years. We are trying to get it out there, and we need volunteers and support. We need people to support our fundraisers. We have a cash party coming up on the 30th with the Yarbrough Band, Bullocks beer garden, a gun raffle, a \$10,000 prize winner if you get the last ticket drawn, so it is going to be a huge event. After that is Miss Fiesta on April 6th, followed by a Circus on April 11th and April 12th. There will be an Art Hop on April 13th. We are doing a fundraiser for Mainstreet and the downtown businesses. We are doing a gallery runway show, and the week before Fiesta on April 25th and April 26th will be the Fiesta Golf Tournament. The sponsors, the Fiesta Knuff party on that Friday night before that and then the full 3-day Fiesta weekend. We are hoping to have \$50,000 in our account after this Fiesta so we can put on our 75th Anniversary Fiesta. Thank you to all of the Fiesta board members and Mainstreet Truth or Consequences and the Chamber of Commerce and the Sheriffs Posse and all of the community organizations coming together to make this happen. Rolf thank you too for all of the magic that you do.
- She attended the Olive Tree collaboration last Thursday. They do it once a month. There were 10-15 people at the first couple meetings. Last month there were 20-25 and this month there were 35-40 people. This is a collaboration of all these resources in our community that meet monthly that have all kinds of events going on, from the Housing Authority, to CYFD to Little Things Matter to CASA. This Saturday, they are hosting an Easter Egg Hunt at Ralph Edwards Park at 10:00 a.m. Another one is going to be at the lake, but this one is specifically for these local resources. It was really informative to meet all of these different people and get an understanding of the underlining issues in our community. These resources are very important for our community. We also have a Fiesta meeting tonight at 4pm at the Chamber of Commerce.

Commissioner Fahl reported the following:

- Commissioner Mitchell and I would like to start meet the resource groups, and come back to the Commission at some point with a conceptual idea on how to deal with the homeless.
- The Geronimo Springs Museum had their annual membership dinner last Saturday at the Moose. The speaker who presented the movie was an archeologist studying

the travels of Coronado. There is a site that they found in Arizona that was established in 1540. They are also tracking him to the Gila.

- We had another Turtleback Trails Network meeting yesterday. We were going over the tasks assigned to the various members and trying to move forward. There are different components that the city will be working on, but the other members of the community have other things that we can do.

Mayor Hechler reported the following:

- The school district had a planning session meeting last week for members of our community. It was a very thoughtful progress that kind of guides the direction of the school district over the next 5 years or so.
- He met with the geotechnical architect team for the Lee Belle Johnson Center. We will be addressing that later on in our packet.
- He met with Virgin Galactic again in preparation of the Spaceport meeting that was the next evening, so he could get some information and speak intelligently on behalf of our community to Spaceport.
- He drafted a letter addressing the New Mexico State Park fees which is in your packet, and he's hoping to get approval on that today.
- He met with Mayor Mortensen regarding Animal Control and they have a MOU here that we are going to deal with.
- He met with the US Forestry last week on National Parks, and we got a letter written asking for support when we move forward in support of the Turtleback Trails Network.

City Attorney Rubin had no reports.

F. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, February 14, 2024**
- 2. City Commission Regular Minutes, February 28, 2024**
- 3. Acknowledge Special Recreation Board Minutes, February 8, 2024**
- 4. February 2024 Accounts Payable**

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. PUBLIC HEARINGS (5 Minute Rule Applies)

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority.**

Bo Easley, Electric Division Director: I bring back to you Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances,

by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority. The only change was in paragraph B: *It shall be unlawful for any person who by theft of, or by intentionally damaging or altering without applicable department approval, communications or public utility equipment, whether customer - or utility-owned, creates a public safety hazard or causes a disruption of communications services or public utility services to one or more households, customers or subscribers or causes monetary damage equal to or greater than twenty five dollars (\$25.00) in value of equipment.*

City Attorney Rubin: When we met for publication, I made a comment that suggested some minor changes, but when I went back to my office and spoke to Mr. Easley, I decided that it was fine the way it is, so I am willing to recommend this.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Commissioner Mitchell moved to approve Final Adoption of Ordinance No. 759 an Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System.**

Chris Muirhead, Modrall Sperling: This is the USDA financing for \$4,811,000 which is the loan, and then \$2,720,000 is a grant. When the USDA finances this in the next 3 years to finalize this, the fourth-year bond at 1.375% interest rate. You could not find the interest rate or term if you went somewhere else. What we have before you today is the interim financing, the construction financing for this project. USDA will approve the project, and you get your design financing, and then once that is done, you'll get your

construction financing. Bank of the Southwest has done a couple of these for the city and they have offered to lend the city the \$4,811,000 for the construction. The term of this interim bond is three years. It accrues interest at 5.5% based on the drawing, so they don't start earning interest on it at \$4.811. They earn interest as you draw it down. Interest starts accruing with a monthly interest payment, but a one lump sum principal payment at redemption of this bond up to 36 months, and possibly shorter than that, depending on the construction. There is an origination fee of \$36,082. That is the cost of this. That is the portion part of the interim financing. You have a considerably higher interest rate for the interim financing and there is that one origination fee, but ultimately This debt will be paid off with the USDA bonds. This 5.5% will be in place for up to three years, if not yes. This is a pledge of your water system revenues. You pay to keep it operational and maintained, and the net system revenues is what the lien is that the bank has. They can't look at your gross receipts tax. I know came up last night. There is no pledge of gross receipts tax. There also is no pledge of your property tax revenues for this. One thing that needs to be clear on the gross receipts tax, is that this is your debt. These are important comments that came up that the gross receipts tax bonds that we talked about would pay off all of your NMFA debt. That is not the case. Just so you are clear of what you approved in that ordinance in October, was the \$4.5 million for the police facility, and there was a very small portion for the potential refunding of two small MFA loans totaling no more than \$50,000 out of \$4.5 million, the part that might be refunded, subject your decision is \$50,000. It is not all of that debt. I think it is important to know that so there is no confusion because debt is important to people, and it is public funding. What you are looking at is just the water system revenues of \$\$4,811,000 up to 3 years at 5.5% until the construction is complete, and then USDA comes into that at 3.75% up to 4 years.

Commissioner Mitchell: Is this money working in conjunction with the money that we got (the \$16 million)?

Chris Muirhead, Modrall Sperling: What the letter of conditions from USDA talks about is to install water meters and water line replacements, including pressure release valves throughout the city in order to address systemized pressure issues. It will replace approximately 5 miles of failing water lines, so the extent of this overlaps with some of those appropriations.

Mayor Hechler: This has its own engineering report.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Commissioner Fahl moved to approve final Adoption of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 40 23/24 Budget Adjustment Request.

Assistant City Manager Alvarez reviewed the budget adjustments provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 40 23/24 Budget Adjustment Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Letter of request to State Representatives and Natural Resources Department (EMNRD) to amend proposed fees at the Elephant Butte Lake State Park.

Mayor Hechler: Once I heard that the New Mexico State Parks was going to work on raising their fees, and I became aware of the amount that the State Parks wanted to raise their fees. Being intimately knowledgeable about the park and its fees from the past, I was compelled to write a letter. I had some help from Dean Lamana with MainStreet. He is a wonderful writer. The ideas that I had was that I would like to present a letter that would favorably demonstrate support of the parks. There should be a fee increase, but I also want to support our communities such as Williamsburg and Elephant Butte and Truth or Consequences because we depend heavily on the visitation to the parks. I don't want to have the fee increases cause less visitations. We want to invite folks here and be receptive to that. I am also very well aware of our average income in the state as compared to other states. I know that we have some of the poorest numbers as far as people making money in the surrounding states. I don't know if the State Parks took that into consideration when they did their fee study. It looks to me like they just used their fee study to compare to other state parks that had

fees, but they didn't give into the demographic information, which I think they should have done. The letter reflects some of that. If you guys have read the letter, and you have any questions about it, I'll be happy to answer them. (Letter attached hereto and made a part hereof).

Commissioner Fahl: I thought it was an excellent letter. You really addressed the questions, and like you said, everything costs more money. However, what I understand from somebody that was in Santa Fe, was that they needed to work more closely with the legislators, and they could have had some of their funding increased because that wasn't a topic that had much discussion up there until the last minute. The whole thing about part of this was getting rid of the annual pass. I can't understand how that was a benefit to anybody?

Mayor Hechler: The annual pass does provide some income to the state, but here's the problem with the annual pass. Many folks would take advantage of that pass by parking their RV's on the beach, with an annual pass, a week before the major holidays and then leave them unattended. They would park them on the beach at the exclusion of others, and they would pick the best spots on the beach, which isn't fair. It isn't fair to the rest of the public who come on a first come, first serve basis. That was one reason why I didn't advocate for the annual passes. If they want to do away with it, I am okay with that because it does two things for me. One thing that it does is open up our beaches to folks on a first come, first serve basis which is important. The second thing is that folks that want to live in our community shouldn't be living in our parks, and the annual pass allows you to stay 14 out of 30 days. Folks would move from one park to another, so they could stay within our park system full time, which might be okay, but the other half of the coin to me is that snowbirds that come here that want to stay in our community can stay in one of our RV parks that we have available outside of our community which is another economic driver for us. The snowbirds can have weekly or monthly rates or summer or winter rates, so they can bargain for those rates with those RV parks that are in our community, but close to the park so we get the benefit of both. With that we would get to increase our population with the snowbirds because they are staying outside the park, but in our community, and we get to open up the park for a first come, first serve basis so people don't have to deal with RV's that are left unattended for a week at a time before a major holiday. That was the reason for it.

Commissioner Fahl: We used it because we could go to parks all over New Mexico, and I liked that.

Mayor Hechler: It did have its benefits.

Commissioner Mitchell: What are the suggested proposed changes?

Mayor Hechler: The basic just of the change was that they wanted to increase the primitive camping fee from \$8 to \$20. If you go North of Lions Beach away from the developed area, those are all beaches. There are few amenities there. It's sand. It's water. You might have a couple of vault toilets there but going from \$8 to \$20 is a 150%

increase. If you equate that to a normal weekend stay for two vehicles used to cost \$32, but it would now cost \$80 with the cost increase. That is quite a sizable increase. Especially when you are going to a place where there are few amenities. The other thing is that Elephant Butte State Park is the largest park of the 35 state parks in the system. It seems to me that the state parks are trying to make all of their money off of one location. I don't think it is our job to bear the brunt of that in our community, so I wanted to make it more affordable for the folks that come here. There isn't anybody who buys an RV, a camper, a jet-ski, or a paddle board within 300 miles that doesn't come to Elephant Butte Lake State Park. It is a great economic driver everywhere and we need to make it an affordable destination.

Commissioner Mitchell: I know that they did this during COVID, when the governor shut down the state parks to locals only, and I remember if we wanted to go to the lake we had to show a local drivers license. Is there any kind of way that we could put in a proposal for locals to get a discount if you present a Sierra County or New Mexico drivers license?

Mayor Hechler: Funny you should ask. One of the stipulations that the state parks were doing is that they were going to do away with the day use pass, and if you have a New Mexico drivers license or a New Mexico license plate, you get free entry into the park, which is great, and it benefits those folks living right next to the parks. Staffing at the state parks has been problematic. I think they have a 27% staffing vacancy right now. That makes it difficult for them. I understand that. So, they need to move into the modern era as far as fee collections go. I used to work there for 28 years. I also played there. I still play there, but I have yet to see a Ranger come to my camp when I camp there over these past few years. I understand that they are short staffed, so they have to be more efficient in how they collect those revenues. Modern day efficiency includes a state parks app where you can get online and pay electronically. It can be a QR code where the code is pasted on the kiosk everywhere in the parks. You can load it and pay for it, and the receipt is on your phone, so when the Park Rangers come to check and see if you paid, you could show them your phone receipt. It makes it so much easier, so if they would modernize it, that would eliminate some of the extra work that they would have to do. The policies have to be in place to where we encourage folks to come here, and not to sway folks because of the cost.

Commissioner Mitchell moved to approve the letter of request to State Representatives and Natural Resources Department (EMNRD) to amend proposed fees at the Elephant Butte Lake State Park. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approval of Purchase Requisitions over \$20,000.

Assistant City Manager Alvarez: There is only one purchase requisition over \$20,000 and it is for the impact fee study that we need to have done. Impact fees are extremely specific on what we can expend the funds on. If we do this impact fee study, I want to check into the possibility of a Vac Station, since it would be not be a replacement of an existing system, but an entire new sewer system which would allow more people to connect, because right now as the Vac Station sits, nobody else can connect to it because it cant handle it, so maybe we can use our impact fees to go towards that, as well as seeking other funding. That will all be part of the study. In the study proposal, they are proposing a couple public meetings to make sure that the public is involved, as well as the Commission.

Commissioner Fahl moved to approve the Purchase Requisitions over \$20,000. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: MOU between the City of Elephant Butte and the City of Truth or Consequences for Animal Control Services.

Jaffee Blomquist, Truth or Consequences Police Sergeant: This is an MOU between the and the City of Truth or Consequences and the City of Elephant Butte for Animal Control Services. The city shall receive an annual fee of \$18,255 and it is for a term of three years. If this is approved, the City of Elephant Butte will receive animal control services in the same manner as the city has provided them in the past. We will be able to issue citations for animal ordinance violators. We will respond to resident inquiries, complaints, and concerns in a professional, courteous, and timely manner. We will also respond to any routine inquires or routine reporting requirements of any governmental authority, Elephant Butte's Councilors, or attorney in a prompt professional manner.

Mayor Hechler: How is your current staffing going, and what is your anticipation of staffing?

Tyler Knull, Code Enforcement Officer: We currently only have one Animal Control Officer, and he is still in training. He currently has 5 more weeks of training left. As of right now, as far as I know, we haven't had any applicants for Animal Control other than one that is still in the process of background checks, and things like that. Hopefully we will get another Animal Control Officer to help cover calls, because as of right now it is just me and him, and I am still working on Code Enforcement things as well. As the temperature gets warmer, and more people are outside with their animals, that means more animal control calls.

Mayor Hechler: When I get a motion, I would like the second part to say "approval pending their ability to fill the second position" because I don't want to cause too much work for one Animal Control Officer to have to go out to the City of Elephant Butte and take us away from our city when we only have one ACO. I don't know if they can handle the workload both ways. Would you be able to handle a May 1st deadline?

Tyler Knull, Code Enforcement Officer: I can't personally speak on that because I don't know how long the hiring process takes.

Jaffee Blomquist, Truth or Consequences Police Sergeant: We do have one in the hiring process right now, so I think that May 1st would be a good start date.

Commissioner Fahl moved to approve the MOU between the City of Elephant Butte and the City of Truth or Consequences for Animal Control Services effective May 1, 2024 to give the Police Department time to hire an additional Animal Control Officer. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: McAdoo Street Construction Delay.

City Manager Gonzales: We are so fortunate and happy to host this movie that is being filmed downtown, and we really want to help them out, as well as our community. They want us to pause the McAdoo Street construction for their film. We jumped through so many hoops and we made phone calls to our funding agency to get the job completed, however, due to the film, we called the contractor and asked them to pause their activity on McAdoo so the film can be made in that area. In your packet is the cost change proposal which will be our expense. I just want to make sure that you understand this and I am asking for an action item on this because this is \$41,000. The funding agency will not meet until April. I contacted the director, and a board member, and they are very interested in the film process. The expense in your packet is what the contractor is charging us to de-mobile while the film is being done, and then they will come back in the middle of May and complete the project.

Mayor Hechler: And then you have a commitment from the movie company to reimburse us. Correct?

City Manager Gonzales: Joe Cross for Mayor, LLC would like to directly pay our contractor due to the fact of a New Mexico film credit. There will be some documentation on our side of it because we want to make sure that everything is documented.

Commissioner Fahl moved to approve the McAdoo Street Construction Delay. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Lee Belle Johnson Visitors Center Facility Assessment Geotechnical Engineering Services and Lodgers Tax Allocation.

Assistant City Manager Alvarez: The facility assessment report dated back in January 2023 recommended vacating the Lee Belle Johnson Center until we repair it or demolish it. In a effort to take a look at the repairs, the Mayor asked us to look at what may be needed to do the repairs. One of the first things we would have to do is a geotechnical engineering service report, and because that is a visitor center, we looked into the potential of allocating lodgers tax funds to pay for that assessment.

Mayor Hechler: I feel that this building is iconic to our community, and we need to do everything we can to try and save this building if we can but it has to make sense. If the cost is too exhorant, we will need to figure that out. The first thing we need to do is determine if the foundation of that building is going to be able to be rehabbed, and firmed up so we can continue with the rest of the construction and refurbishment of that building. That is the first step. I am pleasantly pleased that the price is under \$10,000. We have enough lodgers tax from the city's portion to afford to do this, and I think that would be money well spent.

Commissioner Fahl: Are they just looking at the soil composition?

Mayor Hechler: They may have to perforate the concrete (which would be replaced) and then they are going to drill down as far as they need to and evaluate the subsurface conditions. They will have to get down where it is solid so they can set the pilons, and then set the foundation on those pilons, then the next step would be re-forming the foundation. That would give us the information that we need because we have people in this community interested in finding us funding.

Commissioner Mitchell made a motion to approve the Geotechnical Engineering Services provided by Lodgers Tax Allocation for the Lee Belle Johnson Visitors Center Facility. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Amended Memorandum of Understanding Between Sierra County, The City of Truth or Consequences, And the City of Elephant Butte to Share Costs for High Resolution Geo-Referenced Aerial Imagery from Pictometry.

Assistant City Manager Alvarez: The city entered into the MOU back in April 2022. This is just an amendment to that original MOU. The cost shares used to also include the Sierra County Flood Commission. They have opted out of their portion of the cost. Sierra County will pick up their portion. There is no change to our cost. They are just making the amendment to eliminate the Sierra County Flood Commission.

Commissioner Fahl moved to approve the Amended Memorandum of Understanding Between Sierra County, The City of Truth or Consequences, And the City of Elephant Butte to Share Costs for High Resolution Geo-Referenced Aerial Imagery from Pictometry. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. EXECUTIVE SESSION:

Threatened & Pending Litigation (Diane Gunning) pursuant to 10-15-1(H.7).

Commissioner Fahl made a motion to go into executive session at 11:25 p.m. to discuss Threatened & Pending Litigation (Diane Gunning) pursuant to 10-15-1(H.7). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 11:46 p.m.


Commissioner Fahl certified that only matters pertaining to Threatened & Pending Litigation (Diane Gunning) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken in executive session.

K. ADJOURNMENT:

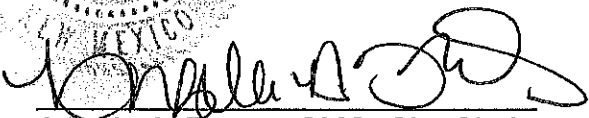
Mayor Hechler adjourned the meeting at 11:47 p.m.

Passed and Approved this 10th day of April, 2024.





Rolf Hechler, Mayor



Angela A. Torres, CMC, City Clerk