

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MAY 23, 2018

**A. CALL TO ORDER**

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, 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. Steve Green  
Hon. Sandra Whitehead  
Hon. Kathy Clark, Commissioner  
Hon. Rolf Hechler, Commissioner  
Hon. Paul Baca, Commissioner

Also Present: Juan Fuentes, City Manager  
Renee Cantin, City Clerk-Treasurer

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

**2. SILENT MEDITATION**

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep the families and citizens of Santa Fe, Texas in our hearts and minds.

**3. PLEDGE OF ALLEGIANCE**

Mayor Green called for Commissioner Baca to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Commissioner Hechler requested to move Item H. 3 for the Sierra Joint Office on Aging request for a new Memory Wall to right after the approval of the agenda and then Item No. H.4 for the Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City after No. 1.

Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

**H.3 Discussion/Action: Sierra Joint Office on Aging request to create an outdoor memory wall on the East Side of the Commission Chambers. Carol Tavis, SJOA Executive Director**

Ms. Tavis presented the item. This would be in the patio of the SJOA. On the top of the wall they would put, "Please remember" and the names of the people who have been a big influence on the Senior Center, which include: Ken James, Patty Lester, and Jane Green. And it would allow people to purchase space if they have other's they would like to have memorialized on the wall. They plan to make it safe, and they will help maintain the wall to make sure it stays sealed and name is protected.

Commissioner Clark knows the three people who you are wanting to put on that wall and she can't imagine a more kind gesture in their memory than to do something like this for them.

**Commissioner Hechler moved to approve Sierra Joint Office on Aging request to create an outdoor memory wall on the East Side of the Commission Chambers. Commissioner Baca seconded the motion. Motion carried unanimously.**

**C. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)**

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Diane Lombardo, Truth or Consequences addressed the Commission related to:

1) Asked Mr. Fuentes if when he's looking into volunteers at the Shelter does he mean hands on or hands off, because we want hands on. Do you know that cage grading, depressed, stressed, low disease resistant makes animals un-adoptable because they are actually neglected and that makes them dead. She also asked if they have been to the shelter, if not they should because she was appalled and disgusted. Did you know that they are breaking an ordinance of T or C? The ordinance under "shelter" reads: Any animal habitually kept outside... I don't want to hear that they are not habitually because they are rotated. That is not true. The cages are being double used, so the animals outside are outside. Animals kept outside should be provided with a structurally sound, waterproof enclosure large enough to accommodate the animal. This is in the ordinances and on the city website. There was no paperwork. Every dog or cat that comes in there should have paperwork and that paperwork should follow that animal to every cage and always be on that cage. Maybe 4 or 5 were done but the rest were not identified. She asked that the animals not be sent to Dawkins to be killed, because two wrongs don't make a right. We are paying two people who have no clue how to run the shelter, and that is costing us about \$100,000 how about we get somebody in there who knows what they are doing. Learning day by day doesn't work, we've had lots of time to work with rescues to get all of this put together before the shelter even accepted one animal. We could have a volunteer who would be hands off, but could do rescue work every day, but they don't do that which is why we are overcrowded. So please take yourselves over there

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today and take a look at it and maybe sit down with us and learn how to really run a shelter.

Diana Tittle, concerned animal lover addressed the Commission related to:

1) She would like to lend her support to the concept that the city, work with the communities animal lovers and animal welfare organizations to ensure that the shelter is run according to best practices, thus reducing friction between the city and the community, the oversite burden on the Police and possibly avoiding a PR fiasco.

She is formally asking the Commission convene a gathering of all stake holders around the animal shelter to lay the ground rules for the establishment of a volunteer advisory and support group and that this gathering be shared by the city's dog lover and chief Mayor Green. Having run a small nonprofit in my previous life I know that working with volunteers is indeed work but I also know that the benefits outweigh the negatives. She can point you to a dog park which is an excellent example of the city and citizens pulling together to accomplish something important. I've also done a lot of research that she would like to share. She provided some information on Volunteer Research for Animal Shelter and one of the things that the handout did not mention is that the friends of the animal shelter could be very instrumental as a nonprofit organization to raising funds for the enhancement of humane sheltering.

Ron Fenn 316 N. Foch addressed the Commission related to:

1) Read the letter he sent to Mr. Green which stated:

Mr. Green, I accept your "Report statement" apology. That said, I totally disagree with what supposedly precipitated your "frustration" induced attack. Contrary to your portrayal of ADHD like behavior, I actually pay more than enough attention to the City's business to understand what is really happening. A video review of my public comment of Wednesday, May 9<sup>th</sup>, will conform that I made no mention whatsoever of City employee salaries, However, that the substance of your entire rant, indicating who really has the attention problem. When I briefly spoke of the April 10<sup>th</sup> workshop, I was referencing the Meeting's Minutes and items such as the money wasting Golf Course, meeting times for the City Commission that pays the City employees to attend, new employee uniforms, awards 7 summer picnic, the election process (which maintains our governmental status quo), an unnecessary new City Hall, annex parking lot, a vehicle for administration, and utility meters, Very little, if any, public benefit can be gleaned from these topics, which expended a fair amount of workshop time.

I no longer stay for meeting past public comment because I have other things to do (in the morning) rather than being forced to listen without comment or question opportunity. As far as you're not liking to do battle/debate with me, let me remind you of the Public Debate which I organized during the 2016 campaign for the City Commission and of your refusal to participate. When was the last time you or any commissioner researched the "fact's" surrounding City management and staff proposals? Yet, the Commission all too often approves unsubstantial and unbeneficial actions. Last meetings harangue was clearly your way of diverting attention from the real issues I addressed: the solar facility, City Management and unresponsive police protection (by the City Manager's private

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security force). As frequently given, my offer of information and assistance on these matters and others still stands. I'm a phone call away. If answers/information regarding my "actual Comment" are not forthcoming by the next Commission Meeting, then it's time for you to resign Mr. Green. You should end the pretense if you're improving the City of Truth or Consequences. It will take decades to recover from your undermining influence and the wasting of T or C's limited finances.

Audon Trujillo, 506 W. 3<sup>rd</sup> St. addressed the Commission related to:

1) A follow up on the article by Publisher Mike Tooley requesting the resignation of Mayor Steve Green from this body. Since his return to his home town in 2009 Mr. Tooley, or Mike as those of us who grew up here call him, has been fairly silent on the "going-ons" of this City Commission. He rarely has spoken out on matters before the Commission. He calls to attention Mayor Green's remarks which he termed "personal attacks" on one of our citizens. He is not sure why Mike chose to speak out at this particular juncture about harsh remarks by a member of this commission criticizing a citizen of this community. It certainly is not the first time a member of the commission has voiced harsh remarks against a citizen during a city commission meeting.

Regardless of why Mike chose to call for the resignation of Mayor Green, he fully support the statement by Mike that a personal attack by a standing City Commissioner on a citizen of this community is a violation of the office of an elected official. We function as a Republic where our citizens elect the best person to represent them. Attacks by an elected official on a citizen during a meeting should not be permitted and should somehow be sanctioned. Perhaps the Procedures for a City Commission should be rewritten to specifically prohibit a standing commissioner from personally attacking a citizen of this community. To be fair he believes that it is all too often that he has witnessed our citizens being very rough on commissioners. In any case, he want to suggest that we place a motto over the heads of the commissioners for everyone to be reminded how everyone should comport themselves during our community meetings. Simply stated it would say ... **"Strong on Issues. Soft on people."** Thank you for your consideration.

2) He is shocked that the commission has agreed to extend the golf course contract for another year. He handled thousands of contracts and he has never heard of a contract being extended past the end date when the contract has ended. He's gone out to the golf course, he doesn't play there anymore, but he's gone out there and looked at it and he doesn't think that any of you did because there are no metrics in what you did in extending the contract. I told you that the golf manager only goes there 2 days a week. Did you require him to be there 7 days a week or 5 days a week? He requested that the commissioners go out there and take a look at it.

Susan Curry addressed the Commission related to:

1) Chamber of Commerce – She volunteers at the chamber of commerce and there has been many people coming in who loves this town. I give them all the information they need and they are very happy, they're moving here. She sends out visitor's guides to people who live in New Mexico but want to come to a smaller town.

2) This thing about the animal shelter, we should be able to work it out. You have volunteers who want to do it. You have a police force, Sabrina, everybody should want to make this the best shelter that we have. We all have animals and luckily mine are not at

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the shelter but I got all of them from a shelter, either from this town or where I came from, Florida. There has to be a way to work it out where the police force and the volunteers can work together.

Sara Frothingham addressed the Commission related to:

1) She knows that most, if not all of the Commissioners, have in home animals. She's really unhappy about the treatment of the animals. This is a small town, people come here because of the way the animals and people are treated. She believes this will go viral because animal rights are so important in this country and that is one thing that we can seem to be able to work on and agree with is how we treat our animals and hopefully that is going to go on to our citizens. We can't pay a lot in this town but we can mentor and that doesn't cost anything. We certainly have incredible people in T or C who would volunteer and help coach mentoring within the city so that all of our citizens who work for the city can also enjoy their time at the city.

Carole Wheeler addressed the Commission related to:

1) She is a member of the Sierra Twirlers Club and they hosted the most successful event ever square dance festival this week and she has some notes she would like to read. First of all, there is no way to prioritize the list of "thank you's". The 71<sup>st</sup> annual New Mexico Square and Round Dance association was according to the 150 plus dancers we had in attendance, the best and most successful festival they can remember and these people are dancing longer than I am old. What a great town, the hotels, motels, RV Park everybody was so welcoming and nice to us. I can't believe the Mayor came to our dance and spoke. What a great choice of restaurants, everything you can want. The hot springs are perfect after a day of dancing. There is just so much to do here and the facility was perfect and the decorations were wonderful. Our festival was an example of success by teamwork and communication and cooperation. The people involved in our festival was the City of Truth or Consequences and staff Peter Baca, Mayor Green, Police Chief Mike Apodaca, and his officers for traffic control, the State of New Mexico for the use of State Highway 85 (known to us as Date Street), the Sierra County Detention Center personnel, and Mrs. Virginia Lee for letting us dance in the jail, Geronimo Springs Museum and the Geronimo Trail Visitor Center for the generous donations of the fliers and brochures, Frances Luna of the Sierra County Sentinel for lending us the beautiful western mural (they just brought you right back to the past, it was wonderful), the dancers at this festival were from all over New Mexico, Arizona, Texas, Colorado, California, and our couple who danced on the Elephant Butte Dam from Sweden were also here again this weekend. They will be great ambassadors for the city when they arrive back at their homes. The Sierra Twirlers of T or C thanks you all for making this event such a great success. There were many people in the background that I have no idea who they were but Mr. Green does and I would like to extend our thanks to them. Thank you very much, it was a great time.

Joey Solis addressed the Commission related to:

1) Thanked the Commission and City Manager for their support on the Sierra Twirlers event it was a total success. Our 150 plus dancers stayed here at least a couple of nights some 3 nights, they stayed over and enjoyed everything that was here. They received

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nothing but accolades for the event. Ms. Wheeler didn't get a chance to give accolades to the Visitor's Bureau and the Lodgers Tax, we were able to receive some funding on that which helped promote our square dance festival. As she mentioned, it was one of the largest ones we had in many, many years. It was the most dancers we've had for the trail in, trail out dance and those are kind of letting people start come in at different times. We've had great participation with the evening dances which are our main dances. We want to give thanks to a gal who sang the National Anthem she was superb. What Carol didn't have time to mention, was that we were able to dance in the street and we were able to dance in the jail. Square dancers are kind of like boy scouts, we do things to earn merit badges, and we call them fund dangles. I do have some here, one is for dancing in the street, and one is for dancing in the jail. These dancers stuck around an extra afternoon and evening and spent the next day just so they could earn these. These are hard to earn. As you know dancing in the street is not easy. We would like to thank the Chief of Police and the Officers that supported that, and the jail. I have some for each and every one of you and I also have a program so you can get an idea of what we have. In conclusion, again, we received nothing but positive accolades about the city's friendliness in every manner.

Charlie Warren addressed the Commission related to:

1) About the Off Highway Vehicles. He announced which other communities have already passed the OHV Ordinance. He announced there are several speakers who would like to come before you today are unfortunately in other 9 am meeting including Representative Rebecca Dow, Jared Bartoo, Elephant Butte City Council member Edna Traeger, Rex Ploederer (who was instrumental in informing Elephant Butte's OHV ordinance) and Dean Tulk, President of New Mexico Off Highway Vehicle Alliance who is ill today. If this consideration goes forward, these individuals and others would be available to assist the City Commission in any capacity. He would like to thank the City Commission for their consideration to allow OHV's on T or C city streets. If adopted, T or C would join the following NM cities in harvesting its share of money being spent on this and up and coming sport: Alamogordo, Angel Fire, Chama, Clayton, Cloudcroft, Clovis, Dona Ana, Elephant Butte, Farmington, Gallup, Grants, Questa, Red River Roswell and Ruidoso. The Money we spent on this sport nationally amounted to \$51.5B in 2017. I've placed excerpts from a 2017 publication by the Outdoor Industry Association called "The Outdoor Recreation Economy". The web address to this document is on the front page so you can look at the full 27-page report. We have valuable recreational opportunities available here. The fact that the Rubber Chicken ride is so popular here in T or C is proof that our natural resources are very inviting to OHV/motorcycle enthusiasts from NM and our neighboring states. These 100+riders spent approximately \$40,000 in T or C last October and are already signing up to return this year. Cedar Cove RV Park has had several 'Poker runs' for OHV's over the last couple of years and they are heavily attended as riders look forward to each new adventure planned by their staff. Opening T or C to OHV's would open the door to opportunities these riders can't currently access and this would lead to similar OHV activities bringing more revenue to T or C. Allowing OHV's on T or C's roads affords access to lands south of town where riders can explore the east side of the mountains via Palomas Gap or follow numerous trails and investigate old mine sites in the west side. These individuals rent rooms, try new restaurants, buy gas, soak

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in the hot pools, and visit the brewery as demonstrated by the last years Chicken Ride folks. Like the motorcycle owners, OHV owners are very secure financially and spend freely which on vacation if we just give the, a chance. It's his opinion having traveled and spent my money in the OHV friendly states of Arizona, Utah, Idaho, and Colorado that T or C and the surrounding area would be very inviting to these enthusiasts just like to tis to me.

Hans Townsend addressed the Commission related to:

1) Every time he goes north on Foch St. and he need to cross Main, he feels his life is in danger and the reason is because the cars are parked on the Southside of Main you cannot see the traffic that is coming. He feels that if we put a traffic mirror on the lamppost on the North East corner of Main Street would be a cheap alternative solution. He thinks that would make a big difference to the safety in that corner.

2) We have a lot of people who do a lot of work in the back ground and sometimes he knows sometimes there are personalities that clash, he is referring to the Golf Course. I would like you to look behind that and look at what those people do and what they are worth because we used to have Howie Tucker at the Golf Course and he knew how to run the Golf Course, and did a good job. We had a great Golf Course. There are a lot of things that are done in the background around here that you may not even know of that are actually beneficial to the city.

Carla Johnson, Elephant Butte addressed the Commission related to:

1) She offered support of the Off Road Highway Vehicles and opening the streets. Financially Sierra County isn't rich but it is rich with history and beauty and good hearted people. Many of the rare gems that are in our county can only be found on trails through the desert and canyons and mountains that can only be reached by the way of public roads in the county and the city. Having that access without having to trailer an OHV would let others know that we want them to come and visit us and experience Sierra County's richness as we know it and stay in our RV Parks and Hotels, stock up on supplies in our stores, and buy fuel here before they head out on a day's adventure. Then they can come back and soak in our hot springs or raft the river or go jump in the lake and go home with treasured memories and a desire to explore even more. This is an opportunity for more year round tourism that allows folks that can't hike or ride a trail bike to safely share in our riches which include retired folks, folks with special needs families and anyone that loves the outdoors. Who knows, this welcoming gesture could incise more folks to move here or open a door for a business that rents, sells, or repairs OHV's.

Howie Tucker addressed the Commission related to:

1) Several days ago they had a meeting and he asked if there were any answers to the questions they had.

2) He sees that you haven't reached an agreement for the Golf Course. The Golf Course has had problems for many years and he has talked to the City Commission and the City Manager about the problems about the water system. If you want to control your effluent water problem, you can't do it with just chemicals. You need to do it with a filter system that is recommended by the State and Federal Commission on the use of Effluent Water that touched public ground because you have impurities and it needs to be purified. The

fresh water pond was needed and when I worked there I used the fresh water pond to help flush out the waste that was in the effluent water system. That's how he corrected the problem he had. He talked to Silver City and they've lost 3 of their ponds because of the problems with the sulfur.

Mrs. DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

1) The Shuttle will be starting this weekend. The full schedule and details can be found at [wvs.sierrashuttle.org](http://wvs.sierrashuttle.org). She thanked all of the staff who helped with the logistics for the Hot Springs Festival.

2) She encouraged them to support the Lodgers Tax Board and their recommendations for the funding they've suggested for MainStreet Truth or Consequences. We have some new projects which include co-marketing with Elephant Butte on holiday events. We are looking very hard how to put heads in beds. We will also be working on our downtown business directory and re-location packets.

Steve Zesche, 1019 Parway addressed the Commission related to:

1) He doesn't agree with Mr. Ashbaugh much especial since the price of his gas gives him heartburn. But he does agree with him about the sewer and the water. You need to have a comprehensive plan. Five or six weeks ago there was an article that the Hospital construction was stopped because there was a pipe that wasn't on nobody's map and they had a problem with the Healing Water's Plaza. He has an article about the MooseHeart campus and they mapped the whole system before they did anything and they found out they could mothball about a half mile of sewer because they tore down a bunch of buildings in the 70's and they didn't really need it anymore. So he can't underestimate the importance of getting the water and sewer systems lined up. A Comprehensive Plan will cost some money but a couple of years ago you had the Hot Springs Aquifer System assessed to make sure you don't run out of Water.

2) The Races this weekend. He knows Outlaw Racing are there to make money and you have 70,000 at the lake, but even 1% of 30,000 on a non-holiday weekend is good. If all of these guys are camping at the Airport, he doesn't know how much money the city will make. If you're going to do it, it should be on a Non-Holiday weekend.

LaRena Miller, Geronimo Trail Scenic Byways and Visitor's Center addressed the Commission related to:

1) She was delighted to provide the bags for the square dancers. The DVR will be having something in June that they've already promised to provide bags for. She wants them to keep in mind when reviewing her lodger's tax application, this past year all of their city lodger's tax was allocated between the re-printing of the daytrips and our website. They get some from the County for small projects, but they ran out of the Geronimo Trail Brochures and the County Lodgers Tax didn't have enough money for them, and their city lodgers tax was allocated so that was a little over \$1,000 out of my own pocket. I am asking for more money this year, simply because there is going to be an end to my pocket at some point and I want to provide this because we need these brochures. 80% of their visitors are first timers. She asked them to keep in mind that she is doing everything she can to keep everything stocked for visitors.



2) And in response to Mr. Townsends comments, when you've lived here long enough you just learn to avoid the bad spots and you just go down main to Jones St. and avoid that intersection.

Stanley Rickert, 1705 Carrie St. addressed the Commission related to:

1) Beating a dead horse still. There is nobody enforcing the codes over there in the Residential Zone for a commercial business. He was wondering how come a man's opinion rates more than what the codes are? The City Attorney's opinion doesn't stand. He would like to see something getting done. They have unnecessary trips into their residential area and if anything should be done, it would be helpful. It's getting to a point where other neighbors are starting to see what's going on, so he would like to see something done about it.

Maggie Allen, Veterans Memorial Park & Museum addressed the Commission related to:

1) Was late with her Lodger's Tax Application. She has had too much tragedy lately and missed the deadline. She would appreciate money if they can approve it. She has only had enough for one billboard and if it's cut they won't have enough for that one. It's the City's Park, they are all volunteering there. They had almost 100 kids on Monday and they are usually closed on Monday. The El Paso kids came every year and didn't come this year because of funding. They even have students from Socorro come to visit. People here haven't even been there and don't even now it's here. They have a beautiful Museum and Park.

Liz Hanson, Elephant Butte addressed the Commission related to:

1) She wanted to give them an update on the Off Highway Vehicle community of today. They are not the same group that used to run crazy of the 60's & 70's. They have families that were brought up with this and have learned safety and they wear helmets. The state now has made them able to register their vehicles and they have to carry insurance. They are not dangerous like the old ones with three wheels. The new vehicles are very safety conscious, with headlights, tail lights, horns, and other things. They look for ways to let their families enjoy the communities around us and they would appreciate the city helping them out. Elephant Butte and Sierra County passed these laws. They don't want to run rampant in the City, they just want to get to their trails from the camping spots and RV spots and hotels.

Sophia Peron, T or C Citizen and Taxpayer addressed the Commission related to:

1) Listen to the KCHS live stream while she was in Washington D.C. So it was real fun listening to that democracy. She wants to make another comment on Mr. Green about his comments. The other day Ron Pacourek and Jeff Dornbusch came from the PUAB as citizens and spoke at this meeting. Mr. Green told them they did not have the right to speak up as Citizens and they did not have the right to speak during the meeting. It was disgusting. She is sorry Mr. Ashbaugh that the people he chose for the Commission are all yes Manning to Mr. Green. Mr. Hechler whose son works for the city and Mr. Baca who is going to have ATV's, that's a big deal. She gave Ms. Whitehead a kudo, the meeting at Hillsboro the Blank Range Lodge, she said maybe since we have a Dog Park now, she said maybe we should keep the dogs out of the other parks. So the whole town

is not one big fat Dog Park. And this time when you go to the Farmers Market, you can go to Ralph Edwards Park and see how many blades of grass there are. And see how many dead trees there are and how beautifully it's been taken care of. And the Bountiful Alliance only drive through the Park 22 times in the Spring with their trucks. If we went to their farms and drove over their farms, they wouldn't be very happy. We have a town that is falling apart. We have no Code Enforcement, the only place the codes have been enforced is next to Mr. Rubins and Mr. Fuentes' and next to the Mayor's house which was actually taken care of first. And it was sold to some local person for \$20,000 or whatever. But the rest of them who have problem properties, forget it. They get the citations, the Police coming over, the Fire Chief coming over who can't do anything about pig sty's. And she worries about Rotary.

Bill Fink, T or C addressed the Commission related to:

1) Didn't realize how long the problem was going on at the Golf Course. Mr. Tucker mentioned 2007 when they wanted to address the water issues. We have a man that has proven he cannot maintain the grass and do the Golf Course. He drove by on his way home and it looked worse than when he left. He can see fixing sprinkler heads if we take the time and unclog the lines first. Chemicals are not the answer. He spent 40 years working at the Dairy Industry where they thought chemicals could fix everything, when it actually boils down to good management. He would just like to see a positive course takne on the Golf Course. He has to agree with Mr. Tucker and it's just not working now. He knows the Commission has a tough job and he doesn't envy them at all. Decisions are hard to make and it's a tough place to be in. But first we should look at replacing those filter lines and the water. He's also heard we are losing water. He asked if we have put a meter at the pump and another one down line to check it. It's very easy to do.

#### **D. RESPONSE TO PUBLIC COMMENTS**

Mayor Green responded to the following comments:

- Sophia Peron's comments - Unfortunately Ms. Peron is not here, but he has never attended a Public Utility Advisory Board Meeting in his life, so he believes she has him confused with someone else. As for her other remarks about his home, he does not know what she is talking about.
- Steve's comments – In relationship to the Hot Springs aquifer Study that was not on citizens dimes. That was a grant that Professor Pierson from New Mexico Tech offered the City. And he did issue a report.
- Hans Townsend's comments – What I would like you to do on your idea for Foch and Main Street is to send a letter of your suggestion to City Manager Fuentes. I serve as Vice Chair representing the city on the Regional Planning Organization which is attended by NMDOT and that meeting is the 2<sup>nd</sup> week in July.
- Ron Fenn's comments –During part of Ron Fenn's Public Comment on May 9<sup>th</sup> he stated, and I quote "The meeting at the Black Range Lodge, which cost the city hundreds of dollars was all about what you can do for the city employees. What you can do for the city employees that will cost the residents more money". I did not understand how that statement could be made since Ron was not in attendance of the 6 hour meeting and since the report that Commissioner Hechler

presented at the April 25<sup>th</sup> Commission Meeting had 53 bullet points of discussion which only one referred to the city employees and yet by his statement, Ron would have you believe that the retreat was all about what we can do for city employees. I believe the distortion of facts was meant to cast the Commission and City Manager Fuentes in a negative light and frustrated, I used inappropriate language that I regretted afterwards and sent the following email the next day, *which reads as follows: Ron, Please accept my apology for my uncalled for statement that was uttered in frustration during response to Public Comment Yesterday. It seems my mouth was running ahead of my brain.* With that said, he has always supported the right for the public to express their opinions. However, he does not believe the Commission should tolerate misrepresentation of the truth.

Commissioner Clark responded to Mr. Trujillo's Comments on the Phrase he suggested. It's so much easier as a Commission to listen to someone who has a real concern about an issue rather than a direct personal attack. That is just her personal preference.

2) The other comment she has was to Mr. Townsend. She does Main and Foch St. a lot and was responsible for planting a tree right there and DOT was concerned that that tree would be a deterrent from being able to see oncoming traffic where, in fact, right now it's the cars parked on the south side of the street. And she likes the idea of a traffic mirror and she didn't even know that was an availability. But she thanked the Mayor for wanting to take that directly to DOT.

3) The other one she wanted to mentioned was the once from Mrs. DeMarino. She had the opportunity to have her walk her through some Digital Marketing she used for the Hot Springs Festival and it's extraordinarily successful. She was very surprised when it was 8 or 9 days out and she had 65,000 hits on it and that's a lot for a couple of hundred dollars of investment. She was kind enough to offer it to her personally and mentioned it's the direction we are taking and she thinks its an extraordinary way for us to get a much bigger bang for our buck.

Commissioner Hechler thanked everyone for coming to give their public comments. It's nice to see the audience of this size and nice to see the fresh and new faces. Sometimes they get the same people here and he thanked them all for coming out. At the planning meeting, they discussed the Golf Course for the better part of an hour to decide where they wanted to go with it. And this is the direction they wanted to go through for now. They also checked with their attorney's and we were in compliance with our contracts and didn't break any rules or regulations and they extended the contract. He has been out to the Golf Course five times in the last month and three times were unannounced and management was out there. The last time he was there, he actually notice it was in better condition than it's been for quite a while. So there's been positive movement. He urged the public to stay patient with us and let us work through the process and next year they will have hard decisions to make.

2) He also wanted talked about the Animal Shelter and volunteerism. Having worked with volunteers for many years, he knows the value of volunteers in any capacity. So it's important to establish policies for volunteers and job descriptions for volunteers and to start getting that ball rolling. He thinks it's an important part of what we should do to be responding to the public. He would recommend if we have support groups for the Animal

Shelter, it should not be Advisory but it should be a "Support" Group or a "Friends" Group. He thinks they are easier to work with and having everybody under the same room that is dedicated in the same direction is important.

Mayor Green announced that City Attorney Rubin has to be in court at 11:15 a.m. so depending upon where we are, at 11:00 he might stop the agenda and they will move into Executive Session and would bring everyone back after that.

#### **E. CONSENT CALENDAR**

1. City Commission Regular Minutes, April 25, 2018.

**Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.**

#### **F. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Ordinance No. 696 for publication adding Section 4-226 to the Municipal Code related to the Property Maintenance Code. Jay Rubin, City Attorney

City Attorney Rubin presented the need to adopt the International Property Maintenance Code. He originally had it, by adopting this code they would repeal sections 4-226 – 4235 on our current code which deals with dangerous buildings. He wanted to keep sections 231-233.

Building Inspector Travis stated that this follows the International Building Code and all of the specifics in it. Since we will no longer have a certified Building Inspector, this code will help take care of properties that are dilapidated, falling down and need repair, or need to be removed.

Planner/GIS Tech Diller added the biggest thing with Robbie leaving is that they would not have that Building Inspector sort of approach to it, but this code would allow them to move forward with a great deal of consistency, which will be a good thing with the follow through on getting the city cleaned up.

Commissioner Clark said the concern she has is we have been following a procedure, then maybe we should keep that. She asked how many of the Commission has read the International Property Maintenance Code. She's not sure she is ready to make that decision today until we have a chance to read the code.

Mayor Green asked Attorney Rubin if he is correct by saying that this guideline does not supersede the process the city has presently in place in relation to identifying a structure and having the owner of that structure be able to talk about it.

City Attorney Rubin agreed and that is why he is specifically exempting sections 4-231-4-233, we would maintain the same procedures we've been following and that procedure was taken from our State Statute 3-18-5.

City Manager Fuentes would like to add for the benefit of the Commission and the public, in a lot of our communities, especially smaller communities, it's not only because of the Building Inspector leaving or that we are not going to hire a Building Inspector. But the state has passed a law to have all of their industries under one roof. For example, we have to have a General Building Inspector, an Electrical, a Mechanical. And in a lot of the smaller communities, we can't afford that. So this is happening across state and unless you're Albuquerque or Las Cruces, you can't afford that. The communities are relying now on the Construction Industries Division (CID) for inspection. So we are having to adjust the permitting process which are now going to have to be reviewed by the state. The other part is this is the International Property Code, the International Building Code has already been adopted by the city. And that code will be followed by the state CID Inspector. Building Inspector Travis conformed that is correct. So this is another mechanism because we are not going to have a code that we can apply for staff or qualified inspector to apply the maintenance code. It's kind of another layer of doing things without having to call in an official state Inspector.

Building Inspector Travis agreed and they don't have any provisions for condemnation, so they can't perform any condemnation. If it's a dangerous condition, they could come in and stop it until it's protected with fences or barriers. They are three to four weeks behind. There will be some transition in getting the permits done. This will help and it's what other communities are using and it's been done since before 2012. We just put in the ordinance that we were adopting the most recent code. If we don't do it, there will be big issues in town with building.

Commissioner Clark thinks it's important to have a standardized system, she asked if we could put this off for two weeks so they have more time to reread this. She feels if they can understand this, then any other lay person can.

**Commissioner Clark moved to postpone this item for two weeks. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

City Attorney Rubin said in the meantime if anyone has any questions, they can contact him. Mayor Green asked for it to be distributed to the Commission as soon as possible.

2. Discussion/Action: Resolution No. 33 2017/2018 Approving the FY 2018/2019 Preliminary Budget. Melissa Torres, Finance Director

Finance Director Torres started from the last budget workshop they had a pretty dark cloud and with that being said with the new budget we are looking at our estimated revenues to be at \$3.3 million, our estimated expenses will be \$5.2 million, transfers in will be \$1.2 million. With a Revenue and net of \$4.1 million which give the General Fund \$444,000 and the DFA requires a reserve of \$400,000. This will give us an ending cash balance will be \$3,758.00. She reviewed the preliminary recap page in the presentation. The overall tax for General Fund they are estimating at \$1.5 million and the state share taxes are estimated at \$1.3 million. As they reported at the Budget meetings the benefits

will be going up 4%. One of the questions the Commission had was referring to the debt. She reviewed the debt breakdown page.

City Manager Fuentes reported the projects and equipment. It's a challenge to seek funding for infrastructure with the very little resources we have. So we need to look at what we are going to be focusing on for the next year. One of them is the downtown improvements. One of the projects is the Sims and McAdoo Project which we received State Appropriations money for. Because we are replacing the entire road, we are looking at replacing the water line and sewer line at the same time which is being shared with our ending cash balances. The Law Enforcement Complex did not pass but it's still on their list. He reported on the other items and the possible funding, including: WWTP, phase 2B; CDBG Sewer Rehab Project; Water System – Cook Station/Lines; Water System Improvements; Fuel Farm, phase 3; Water/Electric Meter AMI; Soccer Field Improvements; Ballfield Improvements; and LGRF project. It will not all be grant but some will have to be done with loans. Other projects and equipment requests include: Cielo Vista Electrical Project; USA Equipment App.; SW Collection Center Paving; SW Side Loader Truck; SW Commercial dumpsters; Water Well Rehab; Electric Pole Replacement; Public Works Dept. Yard Imp./Ref; Electric Dept Office Rehab; New Mexico Clean & Beautiful Grants (Parks); Civic Center Ground Improvements; and the Veteran's Wall

Commissioner Clark had a special thank you to City Manager Fuentes, Finance Director Torres, and Mr. G who took the time to meet with her since she missed the Budget Hearings. She complimented Finance Director Torres and for getting us away from the \$400,000 deficit. She also wanted to comment that all of the Enterprises are working in the black without raising the rates. The questions she had were answered and she feels very confident in the numbers they presented. The other issue would be separating Code Enforcement and the Animal Shelter so we can see those separated instead of combined in the budget.

Mayor Green announced with Commissioner Clark's financial background he's even more comfortable than when he read this.

**Commissioner Clark moved to approve Resolution No. 33 2017/2018 approving the FY 2018/2019 Preliminary Budget. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 34 2017/2018 setting fees for Animal Shelter. Sabrina Day, Animal Shelter Manager and Lt. Erica Baker.

Animal Shelter Manager Day presented the fees amounts attached as an exhibit to the Resolution. Lt. Baker announced the way they come up with the fee schedule is basing it off of what Dr. Dokkins has now. The only thing they changed was the day keeping fee for someone who could not pick up their dog on the same day. That was to make it easier to get an animal back to the owners and that it's financially realistic so they could pay it. They also wanted to charge boarding if they are out of town or sick.

Commissioner Clark said being an adoption fan, everyone of her adopted animals she had to pay in advance for their spay and neuter. How do they handle that? Lt. Baker responded they partner with Dr. Dokkens who gives them a certificate for spay/neuter and they are required to pay for and make an appointment for it to be done before the animal is released or adopted.

Commissioner Clark thanked them for the tour because she missed the open house and they've done a good job. Lt. Baker added since they've only been open for seven weeks, they've already adopted seven dogs. The only ones they have had to put down were the ones who were sick or have attacked livestock, because they can't legally adopt those out. All feral cats are taken to Ranches and one with a broken leg and one with an infection. They are both ready to adopt now.

Mayor Green has a couple of questions and concerns. He has a problem with the boarding fees because he doesn't want us to be in competition with private businesses here. He can't express out important it is when the volunteers have time to do something that he hopes they will be part of the success of running that building. Lt. Baker said they are currently trying to get two Full-Time employees and they are working on getting a dog park on the property for those who want to adopt to be able to play with the animals. But right now they are working on the employees before they start a volunteer program plan. Mayor Green asked them to please communicate that to those who are interested so they are aware of the plan.

Commissioner Hechler thanked them for tanking a lenient attitude towards dog and cat owners if they have animals that get out. If we can save their lives and not charge the owners too much, he thinks that's great. He then asked how licensing is handled when they are impounded. Are they required to be licensed before they are released? Usually the Animal Control Officer helps them to look up a license if they need to, and the licensing is still being done at the City Clerk's Office.

Commissioner Clark asked why they can't issue the license from there also? Mayor Green agreed and maybe it could be part of the process. City Manager Fuentes said this is a whole new operation for the city and he commended staff and Ms. Day, Lt. Baker, and the Police Department. This is a learning process for all of them and with some of the details, these are things we can look into and incorporate if we need to, once the Accounts Receivable system is in place. Commissioner Clark asked how Mayor Green feels about the boarding fee issue. Lodger's Tax. Baker said they talked about it and just kind of offered the possible. Chief Apodaca wanted to concur with the Mayor, they do have a space issue and it could be conceived as a competitive edge to do the boarding. So they are willing to scratch that item.

Commissioner Clark thanked them for the perception of wanting to be helpful. Even if we do strike it, it was thoughtful for them to think of it. Mayor Green agreed and didn't want it to be perceived that we were taking money away from any local business.

**Commissioner Clark moved to approve Resolution No. 34 2017/2018 setting fees for Animal Shelter with removing the boarding fees. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

Mayor Green apologized, he didn't think public comment would take so long. He called for a recess and then they will go into Executive Session.

K.1. Sale or Disposition of Real Property (613 Gold & all future sales) Pursuant to 10-15-1(H.8)

**Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:53 a.m. to discuss Sale or Disposition of Real Property (613 Gold & all future sales) Pursuant to 10-15-1(H.8). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

**Mayor Green reconvened the meeting in open session at 11:04 a.m.**

**Mayor Pro-Tem Whitehead certified that only matters pertaining to Sale or Disposition of Real Property (613 Gold & all future sales) Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.**

**L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.  
ADJOURNMENT**

**Mayor Pro-Tem Whitehead moved to approve authorizing staff to move forward with the sale or process of 613 Gold and all future sales pursuant to 10-15-1.H.8. Commissioner Clark seconded the motion. Motion carried unanimously.**

Mayor Green recessed the meeting at 11:05 a.m. and reconvened the meeting at 11:08 a.m.

#### **G. UNFINISHED BUSINESS**

1. Discussion/Update: Mud Mountain Recreational Park. Mark Bleth, Airport Manager

Airport Manager Bleth provided an update. The Electric has been installed and the meter was put in this morning. The track has been worked on and is about 90% complete and they are working on soil preservation; agreements are in place for the land-use; the insurance policy is in place; the Police Department has been notified; so it's ready to go for the Saturday event. On Friday there is a Technical Inspection and the event is this Saturday starting at 7:00 a.m. They will have the awards on Saturday and clean up will be on Sunday. He thanked the Police Department, the Electric Dept; Public Works; Sanitation; Zoning; Finance; City Manager Fuentes; and other volunteers and businesses including Bartoo. They showed the Track Layout where it crosses over Kopra. They have a copy of the road closures and where they will be. The barricades have been



placed. There are two paths combined into one area. People going to the event will have to come through the Cemetery Road. Right now they have 15 teams signed up and those vary from 10—20 people each team, with one vehicle per team. He showed the area where parking will be allowed. They will have ATV shuttles running from the Parking Area. He explained how the races work. Mayor Green said let's hope for great weather and a great race.

#### **H. NEW BUSINESS**

1. Discussion/Action: IFB 17-18-003 - Cielo Vista Subdivision Medium - Voltage Distribution Renovation Re-Bid Award Recommendation. Pat Wood, CPO

Central Purchasing Officer Wood presented the item with Electric Department Director Easley and Matt Thompson who is our Engineer on the project. The bid was for \$349,483 plus GRT. City Manager Fuentes added this project is in the preliminary budget and will be funded in house and the first they worked with Bohannon Huston on an electrical project.

**Mayor Pro-Tem Whitehead moved to approve the award of IFB 17-18-003 - Cielo Vista Subdivision Medium - Voltage Distribution Renovation Re-Bid Award Recommendation by Bohannon Huston to Bixby Electric, Inc in the amount of \$339,483.00 plus GRT. Commissioner Hechler seconded the motion. Motion carried unanimously.**

4. Discussion/Action: Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City. Paul Baca, Commissioner

Commissioner Baca presented the item. The County and Elephant Butte have both passed the ordinance and he believes it's a great idea to have this in place. He asked the Commission to consider this.

Commissioner Clark had a phone call from some people who expressed some concerns. She also had one herself. There is a Town of Moab who has put this into place and Farmington had gone and done the same one and we need to talk to them to find out what has been the positive and what has been the negative. There are a lot of variables, and we aren't sure what the noise level will be and the impact it may have on residents. So she wouldn't dismiss this entirely but she would suggest we contact some of the communities that have put this into place. She's not entirely for it, but doesn't want to say no yet. She also wanted to hear from the Police Department about it. Chief Apodaca said he talked to someone who spent the money so it's allowed for use, he has a muffler, windshield, and insurance. He's also talked to the Sheriff's Office about Elephant Butte. They have a long checklist of what is required and as long as we do that, he thinks it's going to grow new life with the cost of fuel for it. He's been told the Elephant Butte ordinance covers all of the bases for it. Commissioner Clark just thinks it would be good to do more research and talk to Elephant Butte and Farmington and other cities may have had trouble with. She also thinks as an experiment would be good to let people take

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their vehicles to the even on Saturday to see how it would work out. Chief Apodaca said it's worked in other cities and maybe we need to do more research and do a presentation.

Mayor Pro-Tem Whitehead thinks it's a great idea and everyone could use common sense as to what the ORV means and being safe on the streets. We need to follow up with this rather quickly and not just sit on it. And if we need to do a trial run, let's do that. We don't know until we try, we can always pull back if it doesn't work.

Commissioner Hechler feels its important for us to join the other communities that are for this ordinance. He wants to make sure we move carefully. It will change the traffic in the community and perhaps some signs where they can and cannot travel. They can't go on a state road, so how will they do to Wal-Mart. Chief Apodaca agreed and said, Elephant Butte worked on adopting part of the Highway so they can ride on it. Commissioner Hechler said he thinks it's preliminary now and he's not against it, but we need to take a look at all of the variables. Chief Apodaca responded the

Mayor Green feels we can make this possible for vehicle owners and feels we can put in the ordinance things that meet our standards. Commissioner Baca does already have a copy of the ordinance from Elephant Butte. Commissioner Hechler would like to see our City Manager get with them and put together a presentation and brought back to us. Mayor Green would like to set up a separate meeting to hear the concerns from the users.

**Commissioner Clark moved to approve to postpone the item Commissioner Baca put together a team and bring it back to the Commission. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

E. Discussion/Action: Lodger's Tax Funding Allocations. Juan Fuentes, City Manager

Commissioner Clark feels we have a good Lodger's Tax Board and she would like to support their recommendation.

**Commissioner Clark moved to approve the recommended allocation as submitted by the Lodger's Tax Board. Mayor Pro-Tem Whitehead seconded the motion.**

Mayor Green would like to have them entertain the idea for the Veterans Memorial Park to increase by \$1,000. Mayor Green would like to see us increase Veterans Memorial Park by \$1,000. City Clerk Cantin added part of the guidelines that were amended they requested to keep 20% for other events but all they ended up not using was the \$1,800. So that was the reasoning behind it. City Manager Fuentes said it's still up to the Commission's discretion on how they want to handle that. Mayor Green still feels this **Commissioner Clark amended her motion to increase the Veterans Memorial Park by \$1,000 for the advertising of the wall. Mayor Pro-Tem Whitehead agreed for her second. The recommendations at this time is \$46,000.**

F. Discussion/Action: Sierra Joint Office on Aging request to create an outdoor memory wall on the East Side of the Commission Chambers. Carol Tavis, SJOA Executive Director

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Moved before public comment.

- G. Discussion/Action: Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City. Paul Baca, Commissioner

**J. REPORTS**

a. City Manager

- 1) The Pool will be opening this weekend.
- 2) The Shuttle will be running this week.
- 3) We received the USDA Grant for Equipment and construction.
- 4) We received the NM Coop grant of \$23,000
- 5) We receive the LGRF project for \$64,000 for East 8<sup>th</sup> Street

b. City Attorney

None.

c. City Commission

Mayor Pro-Tem Whitehead asked for a follow up on the presentation that was made about SCRDA moving to the Fire Station. City Manager Fuentes responded they are working on that with the architects and design. It looks like they may require additional space. Mayor Pro-Tem Whitehead

Mayor Green thanked the 4-H Rodeo out at the Punk Greer, there were 83 contestants there. He had a special request from Frances to thank O.J. and Charlie from Parks and for them to keep up the great work. He also reported the Sierra Twirlers Events was incredible and also wanted to thank Geronimo Trails Scenic Byways and Geronimo Springs Museum. He thanked all of those who were part of all of the amazing events we have had going on.

**M. ADJOURNMENT**

Mayor Pro-Tem Whitehead moved to adjourn at 11:52 a.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this 21<sup>th</sup> day of June, 2018.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk