

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, FEBRUARY 22, 2023

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister 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. Amanda Forrister, Mayor
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance Director
Jay Rubin, City Attorney via telephone

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

2. SILENT MEDITATION:

Mayor Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Forrister called for Commissioner Mitchell 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. Certificate to LaRena Miller for 27 years as the Executive Director of the Geronimo Trail National Scenic Byway. Mayor Forrister:

Mayor Forrister presented a Certificate of Commendation to LaRena Miller for 27 years as the Executive Director of the Geronimo Trail National Scenic Byway.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Kathleen Sloan addressed the Commission with comments related to:

- (1) She asked why the hospital bill is so high, and if it is atypical. If so, why is it atypical?

E. REPORTS:

City Manager Swingle reported the following:

- He gave kudos to those who were listed as the Sierra County's best of the best. Tammy Gardner was selected as the 2023 best of the best winner for Administrative Assistant. Well deserving. She does a great job. Mayor Forrister was selected for Coach of the year. Sgt. Blomquist was selected for Officer of the year, and the Truth or Consequences Fire Department was selected for the Volunteer Fire Department of the year. Congratulations to all of them. Thank you to the Sentinel for recognizing the best of the best in this community because there is a lot to be recognized in this community.
- He thanked the T or C residents for their patience and understanding with the recent water outage. One of the phases for the NMDOT Roundabout project was for NMDOT to move a line and it created a water outage for a period of time. We were in an area where we didn't even know the pipes existed, and we were not sure just how wide spread the outage would be, but it was very limited. Everything worked perfect. Thank you to the contractor that were there working on the project, as well as NMDOT and the water staff. They all worked together very well to make sure that the problem didn't cascade downstream.
- He attended the school board meeting, and he encouraged parents to attend these meetings because these educators and the school are doing everything they can. They have a lot of barriers in the way. I believe that the educators are using every tool they have available to them to ensure that kids succeed in their education. The meeting opened his eyes to how much of an impact the pandemic had on the kids. We all have a vested interest in ensuring that we have a good education system here in Sierra County, and that we support it, and collaborate with our school board, and school employees to see that, that happens. We as a Municipality should also be attending these meetings, to see what is going on, and look at the challenges that the school district is dealing with, and help out where we can.

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- There was a comment made in public comment about the Sierra Vista Hospital bill. We finally trued-up. The City of Truth or Consequences has never paid its bill to the hospital for inmates and prisoners that are taken to the hospital for medical clearances, and things of that nature. The bill was hundreds of thousands of dollars, and we negotiated an amount because we were so far in arrears, but we did pay that bill. The county never paid their bill many years ago, and we trued-up that bill as well. The hospital is glad that we paid our bill, and now we are current and correct.
- He, the Mayor, and Assistant City Manager Alvarez went to Santa Fe on February 10th to meet with Senator Crystal Diamond and the Governor's Staff concerning a \$20 million dollar request needed to replace the old water lines that were experiencing the most water leaks. We had our engineers look at where our water leaks are occurring, and we identified 2 major areas which are Veater and all of the metal streets attached that, as well as 3rd street to 9th street, and Cedar to Gold street. Those are the areas that have extremely dated water lines, and those are the areas that are experiencing the most leaks. Things are a bit calmer here in the winter months, but as it gets warmer, and water consumption goes up, we are going to see more and more water leaks. We made the request, and we are working with Senator Diamond. There is a two prong approach that is being taken. She sponsored a Senate Bill 359 which is titled the T or C Waterline Improvement Project, and it is requesting \$20 million dollars for those waterlines. The other approach is working with her and the governor to get capital outlay. Senator Diamond is willing to pony up \$1 million dollars of her capital outlay money to contribute if the governor will come up with \$19 million dollars out of her capital outlay. We have been told that the governor will make her announcement this week on what project she is going to fund for capital outlay. Let's hope that we are one of those projects. If we get less than the \$20 million, then we will be able to handle a smaller area, and we will still continue to have the water leaks. We are losing 43% of water that we are producing. Not all of it is water leaks, but a vast majority of it is water leaks, so we are hopeful that we will see a positive outcome with that.
- We met last week the Public Utility Advisory Board at their last meeting and we talked about water rates. Our water rates are ridiculously low. We are the 3rd lowest rate in the State of New Mexico. Artesia and Hobbs have the two lowest rates. Their revenue comes from the oil and gas industry. We are well below the state average for the water rates so what we are going to do is recommend a water rate study so we can determine where we need to be. We have to get authorization from USDA for everything that we do because they loaned us money based on our water rates, and I don't think they will argue if we increase that revenue, but they would have an issue if we decreased it.
- Everybody is out of the Lee Belle Johnson Building other than the Visitor Center. I am going to meet with the owner of the old DWI building tomorrow to see if we can use that building to re-locate the Visitor Center. If it is suitable, we will come back to the Commission because it will require some Lodgers Tax funding to pay for the rent of the old DWI building. If everything works out well, then we will work

on getting everyone moved out of the Lee Belle Johnson Center, and then we can start moving forward with the mitigation that needs to occur in the building.

- We still have two vacancies on the Impact Fee Advisory Board. We have one vacancy on the Library Advisory Board. One vacancy on the Recreation Advisory Board, and one vacancy on the Planning & Zoning Board.

City Attorney Rubin had no report.

City Commission Reports:

Mayor Pro-Tem Hechler reported the following:

- I don't want people to get the impression that the hospital bill was neglected for years and years, and that is why it is as high as it is. There was some due diligence that had to go into negotiating that bill over the years. We went through another CEO. We have a new CEO now, and there were some issues that had to be ironed out. If an arrestee had a pre-existing condition and had to go to the hospital, the city should not have been responsible for that bill. Things like that had to be ironed out, and over time through negotiations, I think we finally got into a situation where we can pay the bill and feel good on both sides. I commend City Manager Swingle for finally getting that done.

Commissioner Mitchell reported the following:

- They have a pretty strong Fiesta Board, and this year they have more volunteers. We will be doing a fundraiser on March 4th at the T or C Brewery. It will be called a taste of Sierra County, and we will be inviting local restaurants to contribute a dish, and we will be doing a little fiesta game show to raise funds for the upcoming event. We will also be doing a casino night. Instead of a cash party, it will be more like casino games and fundraiser. We talked about selling Miss Fiesta a week before Fiesta weekend. We have tons of stuff lined up. The music is almost all set. We are getting lots of shade structures, and negotiating everything else. We are on target this year and everything is coming together.

Commissioner Fahl reported the following:

- She commended City Manager Swingle for the work that he is doing with the water rates. I don't think the public, and certainly not myself, had any idea of the status of our infrastructure, and the big things that we have to do. We are not doing it to be spiteful, we need that money in order for us to have water so I really appreciate everything you are doing for getting our rates the way they need to be.
- She thanked City Manager Swingle, Assistant City Manager Alvarez and Mayor Forrister for going to Santa Fe working with the state on our water structure. She also saw Senator Diamond during Ag Fest and she was 100% supporting us, and working with the governor's office, so hopefully we have a good chance. We couldn't have done that without all their hard work.

Commissioner Harrelson reported the following:

- She wanted to piggyback on what City Manager Swingle was saying about the schools and how difficult it is for our teachers. One of the things that I don't think the community ever knows about that happens at the school level is the behaviors that happen in the classroom are kind of like the closet things that teachers don't talk about because it is so bad. Teachers get beat up. They have a lot of bites and kick marks on them. Lots of things happen that we never share with the public because it is part of keeping that sacred and in the classroom, and keeping it sacred at the schools so when we talk about it being rough for the schools and the teachers, we really mean it. It is very rough and our community is very rough. It starts at the elementary school and leads all the way up to the high school. We have a lot of suspensions happening. We have a lot of kids who need emotional support and COVID did not do us any favors with those kids, and it has been very difficult for them to re-socialize and become part of a group again, so we really need to thank a teacher when we see them because it is rough in there.
- She went to Ag Day with the high school and Julian Marta took his leadership team and a few others to the roundhouse. Senator Diamond pulled them on the floor during the senate and had them speak a little bit and say their pledge that they have for the FFA. It was a really great experience for the kids. Senator Diamond does a great job. We also sat in on one of her sessions where they were discussing some issues that came up around gross receipts tax for other communities so I just wanted to thank her for accepting our kids and talking about the good things we do in Truth or Consequences. We were one of the only two schools who were guests in the roundhouse that day.

Mayor Forrister reported the following:

- She was also at the roundhouse and there were a lot of FFA kids from around the state in the gallery, and on the floor Senator Diamond had her guests from here who were also the volleyball girls so it was really neat to get to see them all dressed up. The Las Cruces FFA was also there. It kind of gave you chills when Senator Diamond banged her gavel and all of the FFA kids stood up and recited their pledge. It was really neat to see Sierra County being represented.
- Senator Diamond did a really good job at getting the meeting set up and supporting the needs of our community. She said that it is not just a problem in the city, and everyone is recognizing that it is a team effort so she really wants to be on board to help us with that.
- I was in the paper twice. Not only was I coach of the year, but I was also best of the best Elected Official.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, February 8, 2023
2. Take Home Vehicle Form

Mayor Pro-Tem Hechler moved to approve the Consent Calendar as submitted. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 31 22/23 Budget Adjustment Resolution:

Kristie Wilson, Finance Director reviewed the Budget Adjustments provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 31 22/23 Budget Adjustment Resolution. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 747 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to Sun State Tower:

City Manager Swingle: We are requesting publication of the ordinance for the lease of real property. The agenda request form has it listed as the water tank site on Pershing. This is not. This is the Louis Armijo Sports Complex tower lease. You are going to see several of these ordinances come forward over the next couple of meetings. We have a total of 5 towers that we are trying to get into long term leases. These leases are extremely labor intensive on our part, on staff. My time, the assistant city managers time, the utility billing office, accounts receivable, as well as finance. We had a company come in who wanted to purchase the long term lease for all 5 towers, but two of the towers (*this one, and the one on Kopra*) have first right of refusals with different companies (Sun State being one of them). This is the first one, and they are wanting to purchase a long term lease with the city for \$175,000. What we are currently getting in this tower (*this is the tower that generates the most revenue*) is \$11,400 a year in fees for that tower so when you think about it, \$175,000 adds up to about 15-16 years, but if you combine all of them together, we are looking at receiving over \$1.1 million dollars from the three tower companies for the long term leases of all 5 towers. That in itself when you equate that to years, with the current rates we are receiving is 35 ¼ years of revenue. There are a lot of steps that we still have to take as far as title searches and getting this ordinance and moving forward with it, as well as seeing agreements coming forward before the Commission before we actually execute the documents. So, if this is approved, I would hope that the Commission would use this money and invest it. If we invest it at 3% we are going to get more back just in the investment and interest, than what we are receiving in all of our towers combined. You will still come out ahead just using the interest. These companies come and go so this is one way for us to secure

some revenue, investing that revenue, and just using the interest for the betterment of the community.

City Attorney Rubin: State Statute 3-54-1 is the statute that we have to follow closely. That statute contemplates an appraisal is performed. There was an appraisal was done in August 2022, and they determined that the appraised rental value of the property is \$15,000 per year, but as pointed out by City Manager Swingle it is possible to argue that is actually really what the market value would dictate. The purpose of this ordinance is relying on the appraisal of \$15,000, and so the question becomes whether or not the \$175,000 you will be getting is anymore greater than the appraised value, and I would say yes because you are getting money upfront, and obviously getting money upfront is better than a stream of payments that may or may not come in later on.

Commissioner Fahl made a motion to approve the publication of Ordinance No. 747 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to Sun State Tower. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Update: Wyona Street Development Update:

Nate Stevens, Wyona Street Contractor: I am addressing you this morning concerning the development of parcel # 30220794151 and the false claims of code violations presented by Diane Gunning at the February 13th Planning & Zoning Meeting. No one on the 700 block of Wyona lives on a dead end street. The 800 block of Wyona has never been developed. This is not to say that it was never part of the Las Palomas Hot Springs, Townsite Plat. The plat map provided to the Commission shows that block 30 of the Las Palomas Hot Springs, Townsite has been approved, and part of the planning from the beginning. The year on the map is 1929. Long before any of the residents on the 700 block were owners. This means that in 1929 the city approved, and recorded this map with the county, which is where I obtained it, and where anyone who was worried about living on a dead end street could have researched it, and found that the development of that street could happen at any time. There is no need to hold a public hearing to hear about a planned street development that has been recorded at the county for 94 years. The preliminary plans provided to the city are just that, preliminary. I am in constant contact with the City Manager and Assistant City Manager, and by an independent engineer approved by the city. Changes to the plan are being made to ensure that they meet or exceed all state building codes and city requirements. The zoning on block 30 is R3 which allows for multi-family dwellings. All of these discussions have been had and rehashed multiple times. The fact that I am wasting the city councils time by having to deal with Diane Gunning's complaints is unfortunate considering the city is working to better the life of its citizens with the multiple improvement projects happening at this time. The laws which were re-plated and approved by the Planning & Zoning Board, as well as the City Council have been recorded with the county and stand as 7 legal lots on block 30. There is no need to go back and re-visit this complaint

as the deed is done legally and fairly with time for public comment at those meetings. The other document you were given was an elevation certificate provided and stamped by Chaparral Surveying. This document shows the base flood elevation, and the current elevation of my land after the dirt work that we have done. What this document shows is that we are 3 3/8 inches higher than the base flood elevation. We are continuing to bring it up and raise the elevation another 6 inches, and once the concrete is poured, the finished floor will be 16 inches above base flood elevation. Very few homes in the Hot Springs district can say that they are at that elevation. The picture provided by Ms. Gunning was directly after the clearing of the lot and before any dirt was hauled in. I find it deceitful that she would include a picture before dirt work to the Planning & Zoning Board and pass it on as if it were the current state of my property. With the growth happening and the potential for further development in the city, it is unfortunate that members of this community are in opposition. The fact is that we do not have housing for people and several of the motels in town are full of monthly renters with nowhere to go. The school is having trouble staffing because of housing issues. The hospital uses traveling nurses. The Veteran Home is understaffed and cannot move people here because of the housing issues. Truth or Consequences is growing, and that is a wonderful thing, but it has hit a brick wall when it comes to housing. There is simply not enough. The fact residents of the 700 block are fighting housing at the same moment our most important institutions are under staffed due to a lack of housing is despicable. The selfishness to say "stop this development" and not take into consideration the needs of the town you live in is atrocious. I myself am working to better this town. To summarize, the street, water, and wastewater that I have installed were always part of the subdivision plan. The street, including the bridge was always part of the plan. The buildings will be approved before the construction starts, and are in the process of being revised. Block 30 is not in a flood plain. It is above base flood elevation. I am building new homes in the Hot Springs in order to attract the professionals we need to operate our essential institutions. It is my hope that this will put an end to the gross waste of the city employees time dealing with false claims represented by Diane Gunning on behalf of herself, and the other near sided residents of the 700 block.

Commissioner Fahl: I think we all appreciate you giving us an update so we understand what is going on, and having the public hear that so that we know that you have a lot of thought in that and you are following all of the processes, so thank you. You are also right. We don't have sufficient housing and we need that to attract people. Our current housing that is for rent is high and people can't afford to pay it, so anything that we can do to address that is really a benefit to the community.

2. Discussion/Update: T or C Municipal Airport Operations:

Chad Rosacker, Airport Manager gave an update on the T or C Municipal Airport Operations. (Presentation attached hereto and made a part hereof).

3. Discussion/Update: T or C Municipal Airport Projects and Funding:

Cheryl Rodriguez, Delta Airport Consultants gave an update on the T or C Municipal Airport Projects and Funding. (Presentation attached hereto and made a part hereof).

4. Discussion/Action: Approval of Recreation Advisory Board recommendation for dirt and grass work on soccer fields to level playing surface:

Sean Barnes, Parks Manager: The soccer field has not been in the best shape. When I started it wasn't in the best shape. We mowed it the best we could, but since I started I fluctuated employees. I have full crew, minus one member. The plan for the soccer field is to get the soccer league off of the baseball field so we can let the baseball ground rejuvenate after the season. The plan is to rototill the soccer field first, and then go back and smooth out any holes that are there. Then we will start fertilizing and putting grass seed down. We also want to re-do all of the sprinkler systems that are not working correctly. In mid-March we want to put the grass seed down so that it has time to germinate, and by the time that soccer season comes in July, hopefully the grass will be good and stable for them to start playing on. After that, we can aerate and plant more seeds throughout the years to come. Right now there are a lot of rocks in it, so with the rototiller and the plowing we will be able to get a lot of the rocks out or removed in the same process.

Mayor Pro-Tem Hechler: I really appreciate the efforts, but here is my concern. When the soccer fields first went into play it was orchestrated with half measures. We had people donate seed and we had somebody come in and put in an irrigation system that wasn't quite up to par. It was kind of thrown together, and basically there are several rocks under the surface. Instead of us throwing more money and time into the situation because you guys have 25 properties that you take care of, so I would rather us approach the soccer field like we did Ralph Edwards Park. We did a phased in approach over 5 years. We received over half a million dollars in grants. It is a beautiful facility, and it is going to get better. Why can't we do the same thing with our soccer fields and develop a soccer complex. It is so easy for a community to take half measures sometimes because they want something and they want it right now so they don't think it out. You take a half measure, you have a half facility. The Arrey ball Complex just received \$277,000 to rebuild the Arrey ballfields. Why can' we do that with our soccer fields? I know there is money out there. I think we just have to approach it, and the way to approach it is develop a plan, phase in that plan, and then develop a soccer complex for our youth. I think it is important for us to do that.

Commissioner Fahl: I would suggest that you write a letter to the Jornada Resource Conservation and Development Council and they can perhaps buy the seed for you and that would lower the cost for the city or you can ask Sierra Soil and Water. I volunteer them for a lot of things. The Sierra Soil and Water or my non-profit will be glad to purchase the seed so that would reduce that cost, and it would just then be your labor.

OJ Hechler, Community Services Director: We are here because this was a recommendation from the Recreation Advisory Board. I have experience with the soccer field situation. I can tell you from my experience that we have to do it professionally, and we have to do it right. I love the ambition. I was there once too, but I dealt with a lot of the complaints of the rocks and the uneven surface. Digging up holes, and repairing lines, the grass covered all of the rocks up, but they are still there. It is not a professional playing surface. The work that the Recreation Advisory Board is recommending leads to expectations which ultimately would lead us back to where we are at right now. My suggestion would be to maintain what we got, and add it to our ICIP again. There were some opportunities last year and Ralph Edwards was out focus for phase 2, but this year our focus could be the soccer field. We are in need of it.

City Manager Swingle: The soccer field is on our ICIP and it is high priority. We are asking for \$400,000 or \$450,000 for basically a new field and the sprinkler system.

Mayor Pro-Tem Hechler moved to deny the recommendation of the Recreation Advisory Board for dirt and grass work on soccer fields to level playing surface, and have the city move forward with the development of a comprehensive plan for the Louis Armijo Sports Complex for the future so that we can apply for grants and things of that nature. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Recreation Advisory Board recommendation to remove the basketball goals and fencing around the courts located at the Louis Armijo Sports Complex:

Sean Barnes, Parks Manager: The area where the basketball goals and fencing around the courts located at the Louis Armijo Sports Complex always fills up with water. The surface of the courts is in really bad shape. The asphalt needs to be re-done. We would have to raise the ground in order to get it out of the food zone. We want to remove the fencing and goals and extend the parking lot so we can accommodate little league and soccer because there is not enough parking right now. The goals, and fencing will be kept at the Armory so we can re-use them. The gates will be trashed because they are in bad shape.

Commissioner Mitchell: In the future, I would like for us to look into bringing it back into an actual sports complex.

Mayor Pro-Tem Hechler moved to approve the recommendation of the Recreation Advisory Board to remove the basketball goals and fencing around the courts located at the Louis Armijo Sports Complex. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of a Memorial Donation & Gift Program Policy for the Parks Department:

OJ Hechler, Community Services Director: Our Parks and Recreation Department often gets gift requests for memorial donations, gifts, and things of that nature, and this is a policy for receiving those gifts for memorials. We have to be careful because the city becomes liable so this is what we came up with. The Parks and Recreation Department will determine if an area is fully developed and no more donations will be accepted. We will suggest an area for them. The City does not guarantee permanency of the memorial. If a memorial must be removed or relocated, Department staff will attempt to notify the donor in writing, from the address shown on the completed Memorial Donation & Gift Agreement Form. The City is in no way obligated to replace the gift if it is stolen, vandalized, worn out or destroyed. We want to accept donations and encourage it, but at the same time we also want to protect ourselves. The donor will fill out the form, and we will go over it with the Parks Manager. The Parks Manager may make a suggestion of we are not currently accepting these over here, but we are over here. They would then fill out the form and we would take it to the Recreation Advisory Board and then it would come to the Commission for final approval. We will take it on a case by case basis.

Commissioner Fahl moved to approve the Memorial Donation & Gift Program Policy for the Parks Department. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of an additional 18 disc-golf baskets to be installed at the Municipal Golf Course:

Rick Artman, Golf Course Superintendent: We were looking at the disc-golf situation here at our course and disc-golf itself is a very rapidly growing sport nationwide and worldwide. They have professional tours now and there are hundreds of tournaments that are happening each and every week, and we are looking to get part of that. Our numbers here at the course for disc players have been growing each and every month. In June we had 22 disc golfers, and in January we had 70 players, and there is a big difference in weather between June and January so I know that it is growing here, as well as nationwide. With that in mind, we wanted to install 18 more disc-golf baskets. That will give our course two complete 18-hole courses. The concept is to have the existing ones that are all red, and the new set will be orange so we can have two separate courses so the people who come out to play have a choice to do one or the other or perhaps both. That will also give some flexibility to our golfers. We are planning to use the entire facility and not only the golf course itself.

Commissioner Fahl moved to approve an additional 18 disc-golf baskets to be installed at the Municipal Golf Course. Commissioner Mitchell and Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Amended Agreement between the City of T or C and Quest Diagnostics Clinical Laboratories:

City Manager Swingle: This is an amendment to our existing agreement with Quest Diagnostics Clinical Laboratories. We ran into a situation where not everybody is capable of filling a cup (*for various reasons*) when they do their employment tests. Under the existing agreement we have no other mechanism of testing. The amendment is to allow quest to do analysis on hair collection. This is a much better way of testing, so this will give Quest another tool to do our proper pre-employment physical and other situation that may arise.

Mayor Pro-Tem Hechler moved to approve the amended agreement between the City of T or C and Quest Diagnostics Clinical Laboratories. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 that were provided in the packet.

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

10. Discussion/Action: Request for use of the Municipal Golf Course on June 9th through 11th for the 2023 Turtleback Mountain Music Festival:

City Manager Swingle: This item has been resolved so I would ask you to not take action on it. Initially, the Sierra del Rio Golf Course was in transition between ownership so the music festival organization had no commitment at the time to find a site for the second annual Turtleback Mountain Music Festival so they approached with a potential use of our golf course. Now that ownership at the Sierra Del Rio Golf Course has been taken care of, the new owners are very supportive of hosting this so this is an item that I recommend you don't take action on.

No action was taken on this item due to City Manager Swingle's statement.

11. Discussion/Action: Approve 2022-2024 National Museum of the United States Airforce Community Static Display Program Agreement:

Assistant City Manager Alvarez: The T33 Aircraft has been displayed for longer than I have been with the city, and this is just an agreement that normally goes through on an annual basis. This will be a two year agreement for this year, and then a five year agreement after this. This is nothing different from then what we have done before, we are just bringing it before the Commission rather than it being signed off by the Airport Manager.

Commissioner Fahl moved to approve the 2022-2024 National Museum of the United States Airforce Community Static Display Program Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Approve installation of a Septic Tank and Execute a Hold Harmless Agreement for El Terrero Construction:

City Manager Swingle: Several months ago you approved an agreement allowing El Terrero Construction to be on the property right immediately adjacent to the solar field. Part of that agreement was that they are responsible for restoring everything back to its original state when they leave. They are going to be here about 18 months. They moved a trailer in. We don't provide sewer services in that area. We have no infrastructure in place so they want to install a septic system. Talon is wanting the city to approve the installation of that septic system. We don't need to change anything in our original agreement. It is already covered that they will restore it back to the original state, which means removal of this septic system. It wasn't specifically listed in that original agreement, but them restoring it back to its original state is pretty self-explanatory.

Commissioner Fahl moved to approve the installation of a Septic Tank and Execute a Hold Harmless Agreement for El Terrero Construction. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

13. Discussion/Action: Approval of Parkhill Task Order for the purpose of Monitoring Well Replacement and Reconfiguration at the T or C BLM Landfill:

City Manager Swingle: What we have is a proposal based on our requirements from the environment department for the Landfill closure at the driving range at the golf course. You recently executed an agreement with Elephant Butte to continue the use of that area as the driving range. Andy has been wanting to address concerns our engineers have had for several years. Over the past 3 years, the sampling of well NNW5 (*which is monitoring well #5*) has failed to produce adequate quantities of water for sampling

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purposes, so they want to move that well approximately 100 feet to the north, and they will go another 10-15 feet deeper than they currently are. They will also affect some improvements to well 3R, 8, 9, and 10 which are currently constructed as subsurface wall dwells. They are going to make them above ground. Where you have grass that you are fertilizing, and you are watering it, those chemicals can actually bleed into the well, and it can give false readings of something that is not really at the well level where we are testing so they want to go above ground so that does not happen in the future. It will also be much more durable for the use, so that any activity out there aren't going to impact the above ground apparatus that can currently get ran over by golf carts. The engineers are anticipating that the cost will be somewhere around \$66,287.

Commissioner Mitchell moved to approve the Parkhill Task Order for the purpose of Monitoring Well Replacement and Reconfiguration at the T or C BLM Landfill. Commissioner Harrelson and Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Forrister Adjourned the meeting at 11:58 a.m.

Passed and Approved this 8th day of March, 2023.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Amanda Forrister, Mayor

A handwritten signature in black ink, appearing to read 'Angela A. Torres'.

Angela A. Torres, CMC, City Clerk