

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

A. CALL TO ORDER:

The meeting was called to order by Mayor 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~~
Angela A. Torres, City Clerk-Treasurer
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Kristie Wilson, Finance Director

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:

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

C. PUBLIC COMMENT (3 Minute Rule Applies):

Gina Kelly, GTSB Director addressed the Commission with comments related to:

- (1) She is in support of the Turtle Back Trail master plan. She feels that it will bring a lot more visitors and give them more to do so they will want to come back.

Jay Armijo, SCCOG addressed the Commission with comments related to:

- (1) He is in support of the Turtle Back Trails master plan. He believes that it fits well with the Comprehensive Economic Development strategy for our economic development regions which are the Socorro, Sierra, and Dona Ana counties.

D. REPORTS:

City Manager Swingle reported the following:

- He gave kudos to the city staff. They are doing a fantastic job. Most offices are working shorthanded, but they are really stepping up and providing service to the community.
- The new City Manager will start on April 3rd. That will give us 2 months to transition together.
- ~~At the last meeting he spoke about the economy and the GRT that is coming through.~~ Everyone is concerned about what is going on in the market and the banking industry right now. Things can change in a heartbeat, but as of February 2023 we were up over \$500,000 in GRT revenue. The revenue from business sales in January which include our two NMDOT construction projects were \$100,000 over what they were last year in January. We have over \$100 million dollars of construction going on in the community right now. There was \$2.5 million of construction projects going on out at the Spaceport. New businesses are being built. Existing homes and commercial properties are being updated and remodeled. Properties that have sat dormant for months, years or decades are being remodeled and restored at this time so things are going very well economically in the community.
- We have talked about our New York developers who are locating to T or C and Sierra County. Thus far they have invested many millions of dollars into the community. To date, they have acquired 13 commercial acquisitions including two hotels, restaurants, a golf course and a 77,000 square ft. shopping center. They acquired 37 single family residents in the community, and 50 land development parcels ranging from single lots to 1450 master plan developments. That's 100 properties that they have acquired in the short time that they have been here. These folks are doing everything they can to get involved in this community and they are trying to get imbedded in this community. They have invested thousands of dollars in our school programs, nonprofits, and local projects in our community.
- We are working with the NMSIF and going over premiums for next fiscal year. We are going to realize about a \$55,000 decrease in our insurance premiums.

We take risk management serious at the city, and we are doing what we can to ensure that we reduce our losses across the board.

- We did not receive any funding from the legislature or the governor. It is pretty disheartening that we didn't. We had a number of articles written at the local and state level, as well as the national level on the predicament that we are in. It is not for the lack of trying. Kudos to Senator Diamond. She worked very hard, and she pulled every string that she could to try and get us the funding. Jay Armijo and the SCCOG were also there with us in dealing with the Governor's Office and trying to communicate with them. He was also there during the legislative session promoting our cause, so we really appreciate their efforts.
- We will have a lease agreement for the Geronimo Trails Scenic Byway Visitor Center at the next meeting. We have a location that the Visitor Center is in support of. The owners are doing some re-modeling to the building and they are going to put in some modifications that the Visitor Center would like to see.
- We still have vacancies on various city boards. We have two vacancies for the Golf Recreation/Course Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have one vacancy on the Planning & Zoning Commission. One vacancy on the Library Advisory Board.
- We received \$450,000 in Capital Outlay funds from Senator Diamond for our Animal Shelter improvements. This will allow us to do some serious improvements and grow the size of the facility. Thanks to Senator Diamond for all that she has done for us.

City Attorney Rubin reported the following:

- It is great to back here in person. It is a lot easier for him to be here in person.

City Commission Reports:

Commissioner Mitchell reported the following:

- We have our Casino Night Fiesta fundraiser event coming up on April 1st. They are looking for volunteers for that event. They are offering dinner and drinks for anyone who wants to volunteer. There is also still enough time to get the vendor and parade forms in.

Commissioner Harrelson reported the following:

- She attended the school board meeting, and they reported on the fence line that they are looking at closing down on Pershing, and putting in a guard gate so that they can close the school when needed. Thoughts and comments from the public are welcome. They also discussed the behaviors in the schools. She doesn't think that people really understand the behaviors that are happening in the schools. She thinks that we need to support teachers and what they are doing because it is very hard to do academics when you are dealing with certain behaviors all day. They also talked a little bit about IT risks, and they had some information about the new IT person coming in, and grants that are coming out that are going to be supported through the next PED.

Commissioner Fahl reported the following:

- She apologized for missing the last meeting. She informed everyone about the rock and gem show that Saturday and next door would be the Geronimo Springs Museum membership drive.

Mayor Pro-Tem Hechler reported the following:

- Rebel Roadrunner just moved and they had their new grand opening. He attended it and it was nice to see the Chamber of Commerce group there. He wishes them success. It is nice to see things happening in the downtown area.
- He was looking for sponsors for fiesta he met the T or C guided tours LLC and included that they do new things like local T or C tours for our visitors, historic ghost town tours, etc.

Mayor Forrister reported the following:

- She wasn't going to be here today.
- June 14-16th is going to be our regional livestock school, and thanked our commission and lodgers' tax for funding some of it.
- Ag day will be on April 14th
- She followed up on City Manager Swingle's comments earlier regarding our New York investors. They sponsored our volleyball sweatshirts this year, and they were also at the fair buying projects that the kids worked really hard on so it is really nice to see that they are trying to be a part of our community, and I hope that our community realizes that they are probably here for the long haul.

E. CONSENT CALENDAR:

1. **City Commission Regular Minutes, March 8, 2023**
2. **Acknowledge Regular Planning & Zoning Minutes, January 9, 2023**
3. **Acknowledge Regular Planning & Zoning Minutes, February 13, 2023**
4. **Take Home Vehicle Forms**

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

F. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Final Adoption 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: The item today is the long-term lease for the easement for the cell tower at the softball and baseball fields. The lease would be with Sun State Towers. They are currently paying \$11,400 per year this agreement would be for \$175,000. We have 5 towers in total, and this is the first one we are going through the process on, but we will eventually get to all of them. We are having appraisals and surveys done on 3 of the properties as we speak.

City Attorney Rubin: The legal analysis today is identical to what we talked about when it went to publication two meetings ago, and actually when it went to publication on a similar ordinance for another piece of property. When we contemplate the sale lease of a real property, we are required to hear to the provisions of state statute 3-54-1. That statute contemplates that you need to have an appraisal done which we did and the board recites that the appraisal was in fact done by Lee Morris of Morris appraisal services, and the appraisal indicated a value of \$15,000 per year. Talking to the City Manager and Ms. Álvarez there can be a dispute on whether \$15,000 is really a good figure or not, but at least for the purpose of section 3-54-1 we did get the appraisal done, and it allows us to move forward with the ordinance. Paragraph H is an important paragraph because it explains the basis as to why it would be justifiable to accept the proposals before you. Number one, the proposed payment of \$175,000 would be upfront. We are not going to get a stream of payments. We are getting the consideration on one large payment at the beginning. Two, proceeding with the proposed transaction represents the best use of the property. It would be otherwise difficult and costly to develop the property. Number three in the absence of entering into the proposed long term lease agreement, it is very speculated that the property could be used as a cell tower in the distant future, in other words it would be impossible to predict what the best use of property would be 20-30 years from now. Number four, operating and maintaining the property in its current use has been a labor intensive endeavor for the city, entering into this proposed transaction would relieve the city of significant time consuming burden, and that is something that I have been advised about; maintaining these properties does involve a lot of work. Two things I want to mention about the ordinance is if we go back to paragraph B, I am pleased to advise you that we were able to obtain the survey, and I mention that in B-1, it is attached to exhibit 1. Page 2: section 2-A, I make reference that the lease will be attached to the ordinance, and when speaking with the City Manager, I believe that the leases have not been prepared yet, and that will be forthcoming, so if you approve this you will be doing so subject to the fact that an appropriate lease will be attached.

Mayor Forrister opened for Public Hearing

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Mayor Forrister closed the public hearing.

Mayor Pro-Tem Hechler: City Manager Swingle, how many cell towers do we have?

City Manager Swingle: We have 5, and this is the first one we are going to get approved.

Mayor Pro-Tem Hechler: Is there an equation that we use to gage the value of it. For instance, \$175,000 at \$11,400 a year is about 15 years, so we are gambling that in 15 years we got our money up front, and that technology may change and cell towers may no longer be viable. Are we going to negotiate the same with other properties?

City Manager Swingle: They are all individually based on the location of the tower, as well as the area that is going to be included for the easement, and this happens to be .23 acres for the easement, so they will be done on an individual basis.

Mayor Pro-Tem Hechler: So, some may expire in 15 years and some may 30 years?

City Manager Swingle: Correct, overall, all of the towers combined, and all of the money together is a little over \$1.1 million, and it's about 35 years to where we would actually collect that money, then we would be made whole if we were to continue to lease, but that would not address the staff time that we involved in it. It is very labor intensive to manage these towers on staff. There is the manager's office, utility billing office, and finance is involved in this as well. My hope is that you will invest the money when you get the lump sum, you will invest that money. Currently we are getting around \$33 thousand dollars in rent for the 5 towers combined. If we invest the \$1.1 million at 3% interest, we are still ahead of what we would get in interest on an annual basis for the rent that we are currently getting, so then you would still have the \$1.1 million available to you at your discretion.

Mayor Forrister: I'm glad you pointed that out, because in 35 years are we going to need cell towers, or are we going to be all satellite. Some may think that taking this lump sum up front, when you look at the numbers it is not as much as it would in 99 years, but are we really going to be using those cell towers in those 99 years and investing it, and still getting the money that we are getting now makes really good sense.

City Manager Swingle: I think if you look at the properties, let's just take the ball field. That is in area where we are not going to be able to use that property. The Pershing Street tower is up on top of a hill, and that property has no value. If we were to actually sell that property, we would probably only get up \$1,000 to \$2,000 for the acreage in that location. Tank hill just off of Second Street is not an ideal site for anything other than cell towers, so I think that we are really getting the best bang for the buck, and we are reducing our overhead on it as well.

Commissioner Fahl: Why is it a 99-year lease if we think that the industry will be done in 35 years?

City Manager Swingle: That is the industry standard. You are not looking short-term at this, if the money is invested properly, it has a community benefit.

Mayor Pro-Tem Hechler moved to approve final Adoption 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.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 35 22/23 Budget Adjustment Resolution:

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

Commissioner Fahl moved to approve Resolution No. 35 22/23 Budget Adjustment Resolution. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Amendment to Park User Fees, Resolution 68 21/22, adding the use of the concession stand located at the Louis Armijo Sports Complex:

OJ Hechler, Community Services Director: As you know, last year we passed the resolution for our park user fees, and this is just an amendment to add the use of the concession stand located at the Louis Armijo Sports Complex. We also wanted to take this opportunity to add some verbiage in for the use of the rental of the chairs, and the tables and the bleachers. We want to give a limit on the use of those items which will be for an event lasting 4 days. We also ask for specified location of the event to be added to the rental agreements so we can know where our chairs and our tables are going to be located.

Commissioner Mitchell moved to approve the amendment to Park User Fees, Resolution 68 21/22, adding the use of the concession stand located at the Louis Armijo Sports Complex. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Approval of the Turtleback Trails Master Plan:

Attila Bality, Turtleback Trails Network Steering Committee reviewed the Turtleback Trails Network Steering Committee's plan for the development of a comprehensive and collaborative trail/foot bridge. (Complete copy of presentation attached hereto, and made a part hereof).

Mayor Forrister: I think that I am all for it. I love the outdoor recreation opportunities. I live and breathe out there, but my concern is why we haven't ever considered making it a vehicle bridge. A footbridge means we are going to put more people on that side of the river, but we will still have the constraints of emergency vehicles getting over there or law enforcement.

Atilla Bality: I understand through riverwalk feasibility study which you approved last year, that there is potentially a vehicle bridge that would go in somewhere in the Ralph Edwards Park zoned area. If that had a vehicle bridge there, it would probably have a pedestrian walk way attached to that bridge. No one in the community wants a vehicle bridge at Rotary Park. It is dead on arrival. I think that there could be another vehicle bridge down the stream, and upstream because you probably do want two vehicle ingress-egress on the other side of the river, but not at Rotary Park. The bridge could be wide enough to accommodate a UTV or Emergency access vehicles so EMS could get across the river for anything that is necessary. We did have a discussion with the EMS first responders in this community about how we address rescues, and recovery's so that is the section of the plan that addresses strategies for that. We also talked about the need for the mutual aid plan for the river and everything else in here to work with the State Police and the local PD and Fire Department.

~~Commissioner Harrelson: When we are looking at a community that does not have a lot of funds, and we are looking at grants, it seems in the best interest of everyone to bring funding so you can have one bridge that just needs two different accesses. We already have people that live over there, and we have communities that need utilities and I know that it is not on your plate, but I like the idea of not having so many bridges across the river. Bringing funding in some other way would be best so that you could make one access area for emergency vehicles, Utilities, or walking. I think that needs to be communicated and negotiated out. If there is some sort of grant system that is already in place and bringing those two funds together and coming up with some sort of resource that really works for both sides would really be the best interest of our community.~~

Atilla Bality: I believe, for example, if you are pursuing a vehicle bridge there at Ralph Edwards Park, you could provide some of the (TAP) transporting alternative funding program that has the bicycle enhancement's part to add a pedestrian bridge onto a vehicular bridge.

Commissioner Harrelson: Secondly, what types of administrative costs are involved with the types of grants you are looking at, because if we have this many different types of construction going across, we are going to probably have to at some point hire somebody within our community that is involved in the city to manage that, because I do not think that our departments right now can completely manage all of the intermission that is going on with that.

Atilla Bality: There is some administrative costs, but not as heavy as for example, health grants which require quarterly, daily, or hour reporting. If it is federal funds or state funds there is some recording requirements to make sure that gets done, but not as heavy as other grants I have seen.

Mayor Pro-Tem Hechler: I would like to address the river fluctuations and the unreliable water releases that we have. How would we deal with some of that? Last year they would have been high and dry for 9 months out of the year, so how do we anticipate and deal with that?

Atilla Bality: That is a good question. It could be phased. Rotary Park for example, since it is damned, you could have a nice long narrow lake in a matter of time. If you were to for example spend money on that side, you could put in an accessible launch so you could actually have people with disabilities, or kayakers paddle up river. There are no accessible launches in the state that I am aware of, so if you created that system here, you could do standup paddle boarding or things of that nature. If you had a nice launch site at Rotary Park and maybe that is the one investment you make to start off with. You could still do the signage and information without the heavy investment and the ramps to let people know where they are and then see how things play out.

Mayor Pro-Tem Hechler: So, what you are saying is that if we do approve this plan, we can adopt a phased-in approach where we can identify the direst needed area first, if we wanted to deal with Rotary Park, we can enhance that and see how it goes first, and if we want to move on from that point on, we can. My final question is on page 56 of the plan. There is a key recommendation to ensure that private property owners on the east side of the Rio Grande have secured legal access to trails at strategically located access points, because they cannot access it straight from their property. If you look right across the river, people are accessing it straight from their property. In fact, some of them have piers atop of the river and things of that nature. How is that done, do we pay for easements?

Atilla Bality: Yes. The piers are all illegal egresses into the bureau land, so it is not an argument that the bureau wants to take on. The Rio Vista tracks shows a trophy home lot right across from Rotary Park down to the middle of the river, and so we work with that land owner and secure an easement on the river's edge. We can protect the river corridor with the area, and have the trail in there, but what I have seen in too many places where if there is a linear corridor, and everyone builds their own trail down to the trail, it becomes a management headache because of the erosion and ingress and egress to that trail, so it's better to have every 4 or 5 homes have a little connector trail down to the main trail, and not allow every resident to have access, because it is difficult to manage from that. So yes, if the land owner/ the developer was interested in pursuing recreation use trail easements, either they could pursue that with the city or the county. There is a land trust organization that can help negotiate that easement. Then the question becomes, who develops a trail on that easement, and how is it managed and maintained, and is there an agreement to do that.

Commissioner Mitchell: Several years ago, we had talked about putting in ramps to get in and out of the river, and there was this big headache about who is going to become liable for them. I know you mentioned earlier that right now, it is kind of the city or the county as far as liability goes, but if we do put in these ramps, who has that ownership/responsibility of them in case of an injury or something along those lines?

Atilla Bality: I would say if within a city jurisdiction it is the city would have that responsibility. The things that parks and recreation departments never recognize is, if we are having regular inspection programs, and we adhere to that, it would take care of the problem. Everyone applies to National Recreation Trail destination, and they will ask, what is your trail maintenance plan? If you actually go out twice a year and check before and after flood season, and check these things, and risk management sees that, then you would be covering yourself as best you can. If we spell out all of the safety information on the signs, you've done the work as a municipality.

Mayor Forrister: What are we approving today, because I would not personally want to buy river front property on the other side of the river knowing that there would be a trail going through my back yard and having people come in and out of my view of the river? Also, another concern is the money situation and having one bridge that brings funding, and that is feasible to all, not just hikers and bikers. If we are talking about outdoor recreation, we also need to tap into RUTV, which is huge. I think that these people you were talking about this morning would be in so much favor of having a bridge right there that also accommodates what they are trying to do in the community. So I love the idea of this, but what are you asking us to approve?

Atilla Bality: You are approving the concept plan that lays these ideas out. This is all recommendation, and there is nothing that says the city must do A, B and C. There are recommendations on what we think is the best way to approach stuff, so it is the concept plan that we are approving. I told the developer on the other side that if you are going to develop your property, and you think that the trails are a good part. You need to lay the trail system up before you put any houses down, because once the trails are in place, people know what they are getting, but if they build the house and then the trails is done later, that is a recipe for trouble. So if the developer wants to make that work, he has to lay out the trail system prior to that.

Mayor Forrister: I also want to consult our staff, because I feel that a lot of this would be on their backs.

City Manager Swingle: I think that the one thing you have to watch for in the long term is that we are not trying to create a new trail system that is going to adversely impact existing interest right now. People have spent many thousands of dollars on their ATV's, and off road vehicles, so there is a huge effort in this community to bring more of that into the community, and we have go to make sure they can co-exist with the trail system, and that it is not damped in any way. The other thing is the river itself, and the individuals who come in to float the river so we have to make sure that they co-exist and we support both.

Atilla Bality: The only reason I brought up the river management stuff is because I have seen that it is easier to address issues in advance. So let's say, the river is up 6 years in a row, and you've got great ideas, and all of a sudden you have problems. If the community in advance, had said, here are some management strategies, and if we get to a point to where we've got an hour wait to get on the river, if we already identified strategies in advance, we could employ those without having a whole public process, because we already agreed to what those are. That is just good business to think of in advance.

Mayor Forrister: If we approve this today who starts looking for funding for this?

Atilla Bality: It would be the Turtleback Trails Alliance, which is under formation. I believe that will become a non-profit organization that represents all of the local interested parties in the river. If the plan is approved right now, the next step is to reconvene in the near future, then decide what our priority is, and what is the most important piece of this.

Mayor Pro-Tem Hechler: Will the group that brought us this plan still be together at that time?

Atilla Bality: Yes.

Mayor Pro-Tem Hechler: As we reach milestones in this plan, will we as a Commission have the ability to approve it before it gets done?

Atilla Bality: Yes, each project will come before you.

City Manager Swingle: Atilla we have a letter from the Sierra Soil and Water Conservation District, and I don't think you have seen it. It is a letter of support for the project, but the second paragraph of his letter says, while we do support the idea of this local project, we adamantly oppose the SCORPS goal regarding the acquisition of private land for conservation easements and/or protection through legislation. Is he talking about the trails going through those properties along the river?

Commissioner Fahl *speaking on behalf of the Turtleback Trails Network Steering Committee*: The staff called me, and that is a statement that is in the SCORP plan. They are supportive, and they have been attending all of the meetings, but when they read that that is an excerpt plan we put in there, they as an entity do not want to worry about land transfer ship, but I said that it is not part of our plan. It is just a reference from that plan, not the intent of this one.

Mayor Forrister: Jenny Shephard called me about it as well, and I think the personal property rights is what they are concern is about.

Assistant City Manager Alvarez: My concern is always funding. People who go into my office on the planning and zoning side are pushing for the infrastructure over on that side, so in order to get infrastructure we have to look at vehicular bridges to get that infrastructure over there. That is one portion. The next portion is recreation funding. I have to look at recreation funding as something that is always going to more than likely require some type a cash match or in-kind services, then I have to prioritize what is going to better service the larger group. Our recreation funding focus needs to be our ballfields, and the stuff that is going to be servicing our youth, and the stuff that we already have that we need to bring up so it is not such a heavy maintenance on our parks department. We do not want to bring in more work or more stuff for them to have to take care of. If I am going to allocate, or match funding, or match in-kind services out of our parks department or our city departments, I have to do it where it is going to serve the larger good. So my question is how are we going to prioritize the course ultimately?

OJ Hechler Community Service Director: I've sat on this group for the last couple of years, and I appreciate being able to participate. I've expressed the city's concerns with this group so we have to really look at it, and be careful. We cannot obligate the city for more than what we can do. We need to look at the maintenance, and Traci's concerns about funding. Our next priority for the city, coming from a parks and recreation standpoint is the soccer field. That has to come first. The soccer field has been brought up since I have started with the city. It is in the top 5 of our IGIP. That has to be the city's priority. We currently only have 3 employees in the park and recreation department, plus myself. I help them when I can, but we cannot obligate the park and recreation department solely. The city will ultimately be responsible for most of this in the future, if we are being totally honest. That is just how I feel.

Commissioner Harrelson: When I go back to administrative costs, and that sort of thing through grants. What I am thinking is that if the grant itself comes in, and has some sort of ability to pay another human being to monitor some of the outdoor stuff like picking up the trash, that may help. Will the grants come in with funding to support the project, not only to get the project done, but the ability to pay somebody to take care of the trash or maintain the things so the responsibility of that is not put on the city like OJ mentioned.

Commissioner Fahl *speaking on behalf of the Turtleback Trails Network Steering Committee*: We know the obstacles that we are facing so if you approve it then we can start figuring things out.

Mayor Pro-Tem Hechler made a motion to table the Turtleback Trails Master Plan for a legal review. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Rolf Hechler, Mayor Pro-Tem voted aye

Hon. Destiny Mitchell, Commissioner voted aye

Hon. Shelly Harrelson, Commissioner voted aye

Hon. Amanda Forrister, Mayor voted aye

Hon. Merry Jo Fahl, Commissioner recused herself from the vote.

Motion carried with a 4-0 vote.

2. Discussion/Action: Approval of Volunteer Fire PERA:

City Manager Swingle: This is an annual request that the Fire Dept makes. They have to submit their PERA reports for each volunteer to PERA. This is just to allow staff to go ahead and process those forms as we do annually for PERA.

Commissioner Fahl moved to approve the Volunteer Fire PERA. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

**3. Discussion/Action: Approval of Purchase Requisitions over \$20,000.
Kristie Wilson, Finance Director**

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

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

4. Discussion/Action: Approval of Lease between the City of T or C and the Sierra County Flood Commission for office space located at 400 W. 4th Avenue:

City Manager Swingle: This is a lease agreement between the City and the Sierra County Flood Commission. We have not had a Flood Commissioner for a number of years in this community. The Governor has made the appointment of Sandy Jones, and he has been trying to find office space for his office. There is no space available at the county right now, so he has talked to us about leasing some space. This would be at the Civic Center in the office to the right as you enter closest to the main building. The rent would be \$400 per month for the space for that office. It would be for a 12-month period, and it would have 3 renewals, should all of the parties agree and consent to it.

Mayor Pro-Tem Hechler moved to approve the Lease between the City of T or C and the Sierra County Flood Commission for office space located at 400 W. 4th Avenue. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Memorandum of Understanding (MOU) between the City of Elephant Butte and the City of Truth or Consequences regarding Provision of Animal Shelter Services:

City Manager Swingle: I reported to you in the past that our Animal Services agreement has expired with the City of Elephant Butte. We have been in negotiations for quite a long time, but we worked it out based on what the Commission approved in the past, which is based on our fee structure on population. The cost of the agreement is \$18,771 per year which is basically \$1,564.25 per month. This is strictly for the Animal Shelter Services. They have an advertisement out right now so they can provide their own Animal Control Officer, and tie that into Code Enforcement. This is considerably more revenue than we would be getting from Elephant Butte under the old contract, and it is strictly for the Animal Shelter.

Commissioner Fahl moved to approve the Memorandum of Understanding (MOU) between the City of Elephant Butte and the City of Truth or Consequences regarding Provision of Animal Shelter Services. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approve and execute the NM DFA Local Government Division, CDBG Program Agreement for Project No. 22-C-NR-I-01-G-01:

Assistant City Manager Alvarez: The city received an award letter in January of 2023 for \$750,000 with a \$75,000 cash match. The project is for water meter replacements. This is just the grant agreement now that we have to execute. I wanted to give a big shoutout to our local SCCOG. I would not apply for CBDG funding if I did not have their support. It is a huge time horrendous grant to oversee, but our local SCCOG takes care of that and they are doing an amazing job. I am requesting approval and signature on the grant agreement so we can proceed.

Mayor Pro-Tem Hechler moved to approve and execute the NM DFA Local Government Division, CDBG Program Agreement for Project No. 22-C-NR-I-01-G-01. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Request from Planning & Zoning Commission to create a Rules of Procedure Manual for their board:

City Clerk Torres: The Planning & Zoning Vice Chairman Susan Buller requested that the Board adopt a Rules of Procedure. She initially wanted them to adopt the manual from Sandoval County, but after reviewing it, City Attorney Rubin and I recommended that they not adopt that actual manual and maybe do some workshops to implement some of wording from that manual as well as our Battershell Process. We already have some of the rules and procedures in our city code of ordinance, so we wanted them to include those as well. This item is to allow them to proceed forward and create a Procedure Manual for their board.

City Attorney Rubin: I attended the Planning & Zoning meeting, and you are correct that they requested that the Planning & Zoning Commission vote to adopt Sandoval County Rules of Procedure. I made the point that it actually needs to come from the City Commission. I will draft a Procedure Manual for their board and we will take it to the board so they can review it and make any adjustments they feel are necessary.

Commissioner Fahl made a motion to allow the Planning & Zoning Commission to move forward with creating a Rules of Procedure manual for the board and to include the recommendations made by City Attorney Rubin and City Clerk Torres. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Approval of the Truth or Consequences Housing Authority Board's recommendation to re-appoint Dr. Greg D'Amour to serve another term on the board:

City Clerk Torres: Dr. Greg D'Amour has been on the Housing Authority Board for over 25 years and the Board submitted a letter of recommendation to reappoint him.

Commissioner Fahl made a motion to re-appoint Dr. Greg D'Amour to serve another term on the Housing Authority Board of Commissioners. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. EXECUTIVE SESSION:

- 1. Threatened & Pending Litigation (*Erica Baker*) pursuant to 10-15-1(H.7).**
- 2. Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8).**

Mayor Pro-Tem Hechler made a motion to go into executive session at 11:35 a.m. to discuss Threatened & Pending Litigation (Erica Baker) pursuant to 10-15-1(H.7) and Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8) Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 12:42 p.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Threatened & Pending Litigation (Erica Baker) pursuant to 10-15-1(H.7) and Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8) was discussed in Executive Session.

J. RETURN TO REGULAR SESSION; ACTION (if any)

1. Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8).

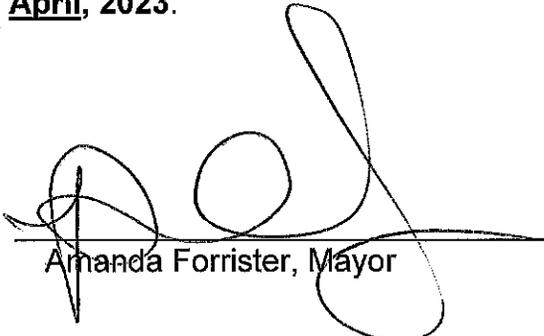
No action was taken.

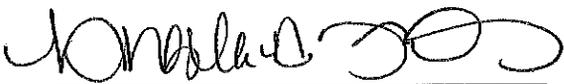
K. ADJOURNMENT:

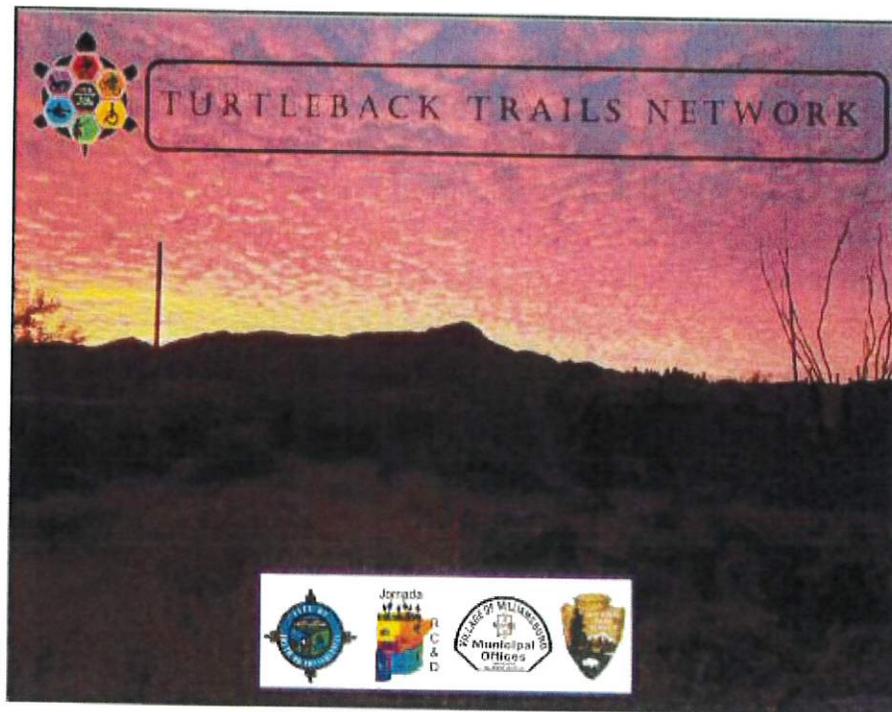
Mayor Forrister adjourned the meeting at 12:43 p.m.

Passed and Approved this 12th day of April, 2023.




Amanda Forrister, Mayor


Angela A. Torres, CMC, City Clerk



The Turtleback Trails Network Master Plan provides a vision for several proposed recreation and conservation projects centered around the Rio Grande in Sierra County, New Mexico. The Master Plan assesses the potential benefits to the community, addresses community concerns, and sets out a framework for developing the project components.

The Master Plan is intended to become a tool for city and county officials along with partnering community groups to use in order to coordinate trail development and associated infrastructure, to improve opportunities for outdoor recreation and exercise for residents and tourists in Sierra County.

How it originated:

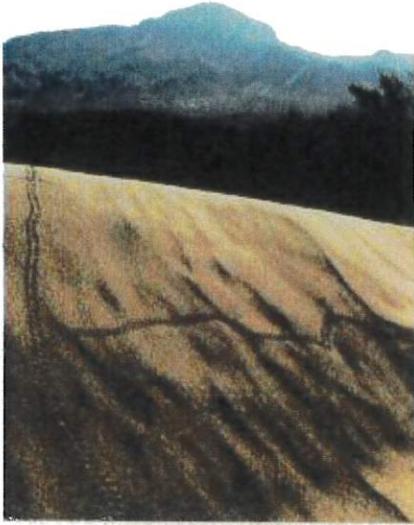
In June 2019 City of T or C Commissioners passed resolution No 46 18/19 supporting an application to the NPS RTCA program for technical assistance in the development of a comprehensive, collaborative trail/footbridge plan. The resolution recognized the City and Williamsburg have a shared interest in the development of footbridges that would connect the RGT system, and the trail system would provide excellent potential for economic development and recreation

An application to RTCA was submitted during the summer of 2019 by the City Manager. In summarizing the goal statement: it was to develop a multi-use trail system on the East Side of the Rio Grande through the communities of T or C and the Village of Williamsburg. The City recognized the health, economic and environmental benefits to the community. The City committed to providing mutual support along with co-sponsors Village of Williamsburg and Sierra County. The City also committed to working with private and public landowners to secure any necessary trail easements and could potentially be a fiscal agent for future grant funding.

The NPS accepted the application based on scoring well on our project criteria and the NPS began convening partners in the late fall of 2019



TURTLEBACK TRAILS NETWORK



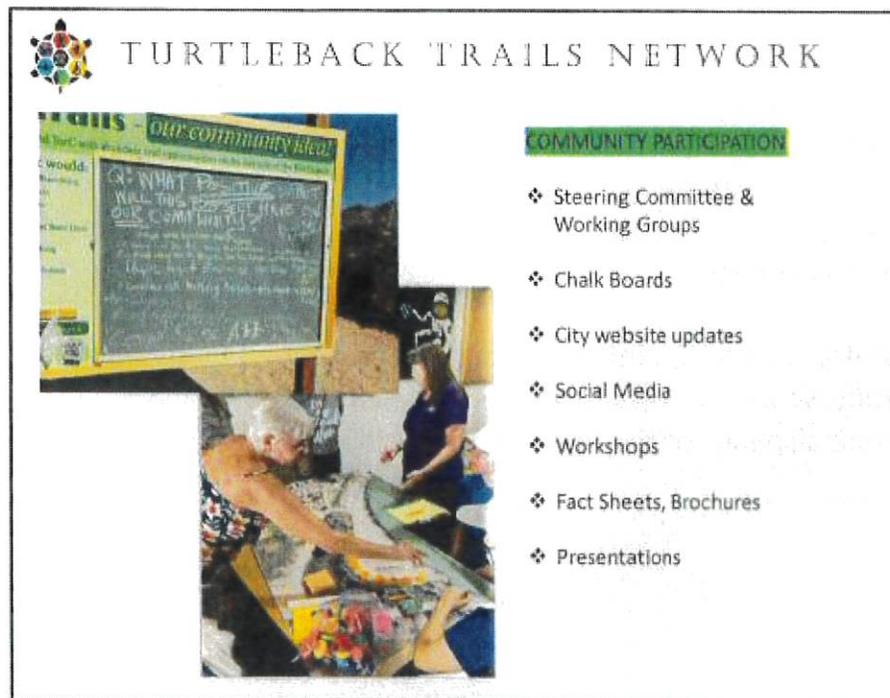
VISION & GOALS

*Pedestrian bridges, trail, and river access improvements along the Rio Grande in Truth or Consequences and Williamsburg provide access to the natural environment that helps our community grow **healthier and wealthier.***

This plan will have a positive impact in the following aspects of life in this community:

- **Recreation:** Our community benefits from amenities that increase access to and safety of our public lands near the Rio Grande. The project will provide outstanding outdoor recreation for all our community members, including those who cannot afford destination recreation opportunities.
- **Health:** Our community grows healthier through new opportunities for physical activities and the mental benefits of getting outdoors in the natural environment.
 - Within Sierra County 34.2% of the population is identified as morbidly obese, 18.4% are affected by chronic diabetes and 51.7% of the population fail to meet vigorous exercise recommendations.

- **Economic Development & Tourism:** Our community grows wealthier through the additional tourism dollars spent and associated gross receipts and Lodger's tax collected.
- **Conservation & Education:** Our Rio Grande is healthier with enhanced wetlands and improved native habitats that support wildlife and fisheries while serving as an important outdoor classroom for everyone.
- **Stewardship:** Our community, inspired by better access to the Rio Grande, readily partners with the City, Village and public land managers on projects that improve access, maintain trails and river access sites, and monitor trail and resource conditions.



A foundation of the Turtleback Trails Network planning effort has been to engage community members as much as possible to hear their ideas and concerns about outdoor recreation opportunities along the Rio Grande corridor. A number of organizations have participated in the planning process, and feedback has been sought from individual community members.

During 2020

Steering Committee meetings
Chalkboards installed
Summer Project Factsheets distributed
Briefing to City Commission

During 2021

Steering Committee meetings
Working group meetings
Media Outreach
Rotary Park Workshop

Project Brochure development

During 2022

Steering Committee meetings

Working group meetings

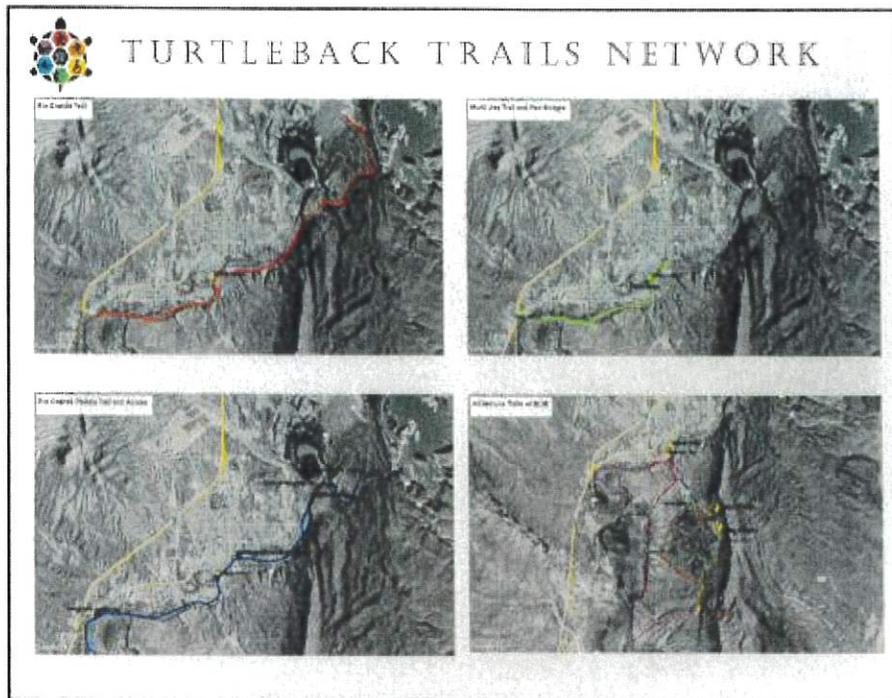
Project outreach to community organizations and local boards and commissions

Project Prioritization activity

Tribal outreach

City Website project page

We also paid attention to the information being developed by the River Walk Feasibility Study, some participants in the Turtleback Trails Network steering committee were also part of the River Walk Feasibility Study steering committee



Major components of the Master Plan include:

- A designated segment of the Rio Grande Trail from Elephant Butte dirt dam to Village of Williamsburg (slide 1)
- construction of a pedestrian trail between Williamsburg and Truth or Consequences on the South side of the Rio Grande (slide 2)
- construction of two pedestrian bridges to enable river crossing (slide 2)
- enhancements to river put-in/take-out sites and signage along the river to direct floaters (slide 3)
- restoration/conservation of the wetlands in Rotary Park.
- designations of trails on BLM land on the south/east side of the Rio Grande (slide 4)



TURTLEBACK TRAILS NETWORK



RIVER ACCESS IMPROVEMENTS

- ❖ River access informational signage
- ❖ River Mileage signs
- ❖ Highway directional signs
- ❖ Establish loading/unloading zone
- ❖ Concrete ramps or steps to river edge
- ❖ Jetties to reduce flow at river take-out areas

A Rio Grande Paddle Trail could be developed from the Paseo del Rio Campground river access area downstream to the Seco Creek river access area, a distance of about 20 miles. Many of the amenities and facilities are in place, all needing improvements for safety and better visitor experiences. River access sites requiring improvements include Paseo del Rio Campground, Hwy 51 Bridge, Rotary Park, and Seco Creek. River access sites requiring development include Ralph Edwards Park and Village of Williamsburg Community Park area. A new river access site could be developed along Hwy 51, across from Mescal Canyon to relieve potentially crowded conditions at the Hwy 51 Bridge site.

Key Issues

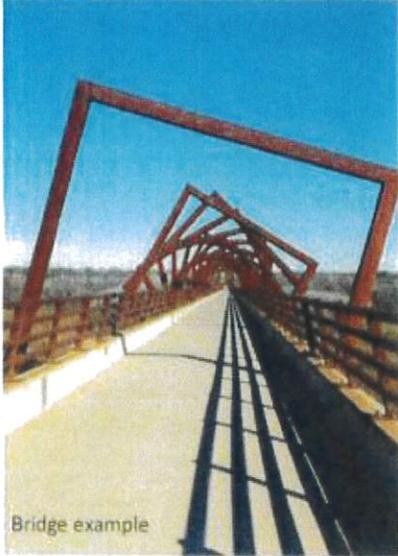
- Lack of signage along the river (directional, safety)
- Noise along river that disturbs residents/businesses
- Crowded launch sites with lack of parking and facilities (trash, restrooms)
- Steep river banks at launch sites

KEY RECOMMENDATIONS for most sites

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board.
2. Develop a long-term parking area and a separate 30-minute unloading zone. Loading Zone signage should educate floaters to prepare equipment prior to arriving at the loading zone.
3. Construct a concrete ramp or steps to the river's edge. Install railings for user safety and as a conveyance to slide hardshell boats down to the river.
4. For take-out sites, Construct a rock jetty upstream of the ramp to create an eddy. The jetty would slow the water velocity near the bank, allowing for several floaters to exit the river at one time.
5. Rotary Park could also benefit from an accessible boat launch so kayakers could even paddle up river in the winter when the dam is in place



TURTLEBACK TRAILS NETWORK



Bridge example

MULTI USE PATHWAYS & PEDESTRIAN BRIDGES

- ❖ Multi-Use pathway from Rotary Park to Village of Williamsburg
- ❖ Two pedestrian bridges
- ❖ Multi-Use pathway connecting Rotary Park to Ralph Edwards Park

A survey conducted by Wilson & Co for the Riverwalk Feasibility Study confirmed community sentiment, of approximately 300 respondents

71% want bike & pedestrian paths

61% want a river crossing (non motorized)

68% want to participate in hiking/walking

62% want to participate in floating/tubing

48% want to participate in fishing

The main features of this part of the project are:

A multi-use non motorized path connecting Rotary Park to the Village of Williamsburg

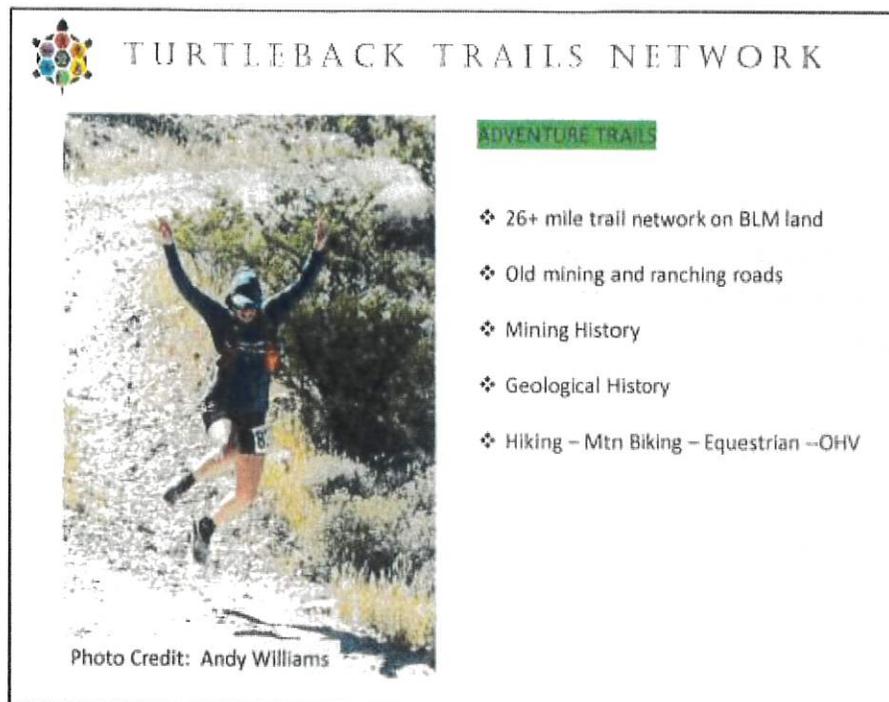
Two pedestrian bridges would allow people to complete a loop hike from Williamsburg to T or C using the river trail, Healing Waters Trail and roadway sidewalks

A secondary element, pending agreements with private landowners could be a riverside pathway connecting Rotary Park to Ralph Edwards Park. This trail could make it easy for short tubing runs without needs for shuttles.

The pedestrian bridges should blend into the river environment and be aesthetically pleasing

Key Issues

- Maintenance/vandalism/trash
- Private land - need signage to inform trail users
- Archaeological site adjacent to the planned trail needs to be protected
- Handicap accessibility - possibly construct an accessible pier at either Ralph Edwards or Rotary, accessible river launch sites, and consider accessibility in trail construction
- Private land easement to access County Road A005
- Maintenance of County Road A005 - currently has some portions maintained by the City of T or C and other portions maintained by Sierra County
- Trail user conflicts - manage potential conflicts between runners/bikers/hikers/dogs and wildlife



The trails and pedestrian footbridges component include three trail segments and at least two pedestrian footbridges crossing the Rio Grande to access the trail segments. Trail segments are: a riverside multi-use path from Rotary Park to the Village of Williamsburg community park; a riverside multi-use path from Rotary Park to Ralph Edwards Park; and a 26+ mile trail network on Bureau of Land Management lands using existing routes and roads.

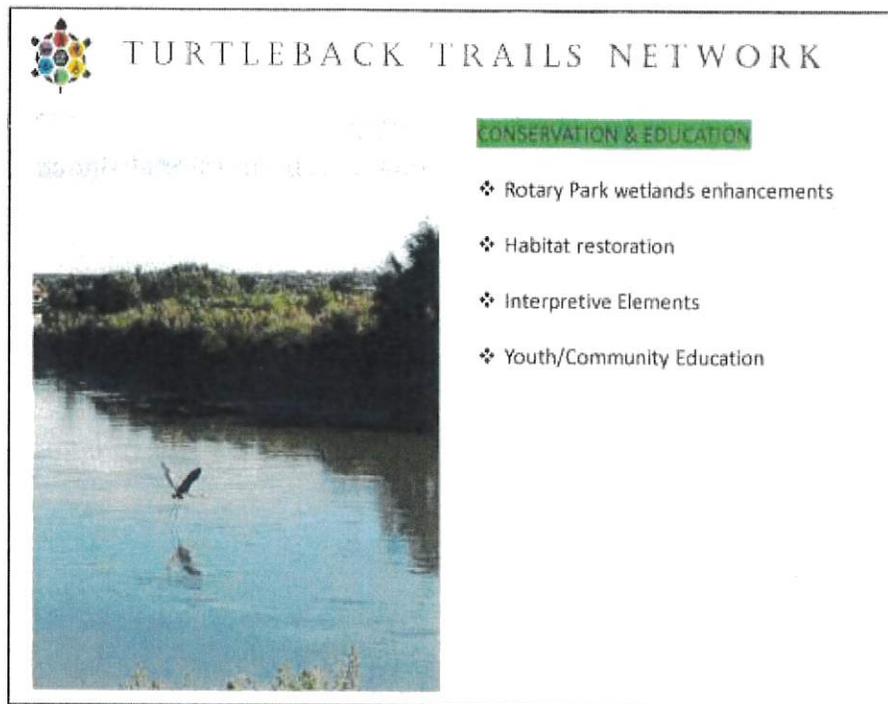
Key Recommendations

- Trail development - need to coordinate with BLM and BOR in their prescribed planning processes for developing trails
- The City of Truth or Consequences should work with the Las Cruces District Office of the BLM to include the recreation opportunities and proposed pathways described in this document in the BLM's TriCounty Resource Management Plan and subsequent travel management planning.
- The City and County should formally adopt the recommendations described in Chapter 5: Visitor Safety.
- The City should ensure that the outdoor recreation opportunities and pathways

described in this document are included in any relevant regional marketing projects.

- Local trail users (non-motorized and motorized) should collaborate on creating trail experiences without adversely affecting trail user goals. This would involve evaluating trail segments for sustainability and user experience and presenting concepts to the Bureau of Land Management.

- In coordination with BLM, determine if temporary trail directional signage could be installed to improve the visitor experience.



The Rio Grande is a key corridor for wildlife movement and habitat.

Some of the issues are:

- Vehicle flow in wetland area
- Invasive plant species
- Slash piles
- Impact of footbridges on bird species - U.S. Fish and Wildlife Service should be consulted in the planning of footbridges
- Determine which entities own which portions of land within/around Rotary Park
- Potential impacts to Archaeological and Historical sites/areas

Key Recommendations

- The City of T or C and the Bureau of Reclamation should clarify land ownership issues at the wetlands area. Currently, each entity believes the other is the legal landowner.
- City leaders should adopt a final concept plan for Rotary Park wetlands and pursue

funding to develop a master plan with construction and engineering drawings

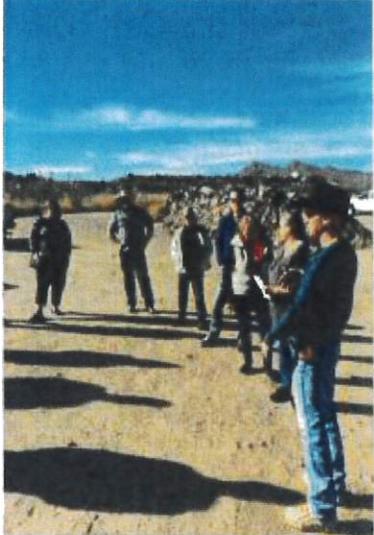
- Identify potential human-wildlife interactions and plan trails accordingly. Route trails away from potential high conflict areas. Provide signage in areas of potential conflict between people, dogs, and wildlife species. Monitor wildlife encounters for adaptive management.
- Identify wildlife impacts caused by dogs on- or off-leash. In addition to expanding their human's zone of influence, dogs can chase, harass and kill wildlife, or become prey for carnivores. Consider restrictions to dogs if necessary, and leash laws to keep pets safe and minimize impacts to wildlife.
- Some sensitive species, such as amphibians and nesting songbirds, might require minimum buffers. Other species, such as nesting raptors or grouse, usually require buffer distances that range from a quarter to one full mile, or greater.
- Address potential interaction between trail users and hunters with proper signage, notifying all parties of hunting seasons and related safety protocols/precautions.

This project has the potential to educate the public in natural resource conservation and the importance of agriculture and its impact on the community. Local historians and affiliated tribal leaders should be consulted to create meaningful stories connecting people to place and landscape.

There are a number of educational opportunities that could be developed after the creation of this trail. Programs could incorporate science, technology, engineering, art and math (STEAM) to help students



TURTLEBACK TRAILS NETWORK



MANAGEMENT & STEWARDSHIP

- ❖ Cooperation
- ❖ Maintenance Agreements
- ❖ Sponsorship
- ❖ Special Event /use Permit Fees
- ❖ Stewardship Opportunities

As the City of T or C and the Village of Williamsburg move forward with the planning, designing, building, and operation of existing and new trails, trailheads, restrooms, signs, and other amenities, local officials should develop appropriate management plans to protect and maintain these important community investments in the long term.

Cooperative Management also addresses visitor and resident safety! Better maps and access points. Allows people and first responders to get to someone quick and efficiently. It allows us to address noise issues or crowding issues as they arise.

While no one local jurisdiction will have complete oversight of the project implementation, the need to coordinate is essential. The trail system needs consistent management policies and a brand or identification that each jurisdiction adopts

None of the recommended projects should advance until management, maintenance and community stewardship strategies are agreed to. It won't leave you in the position of asking "who's going to maintain it."

What might be long term maintenance agreements?

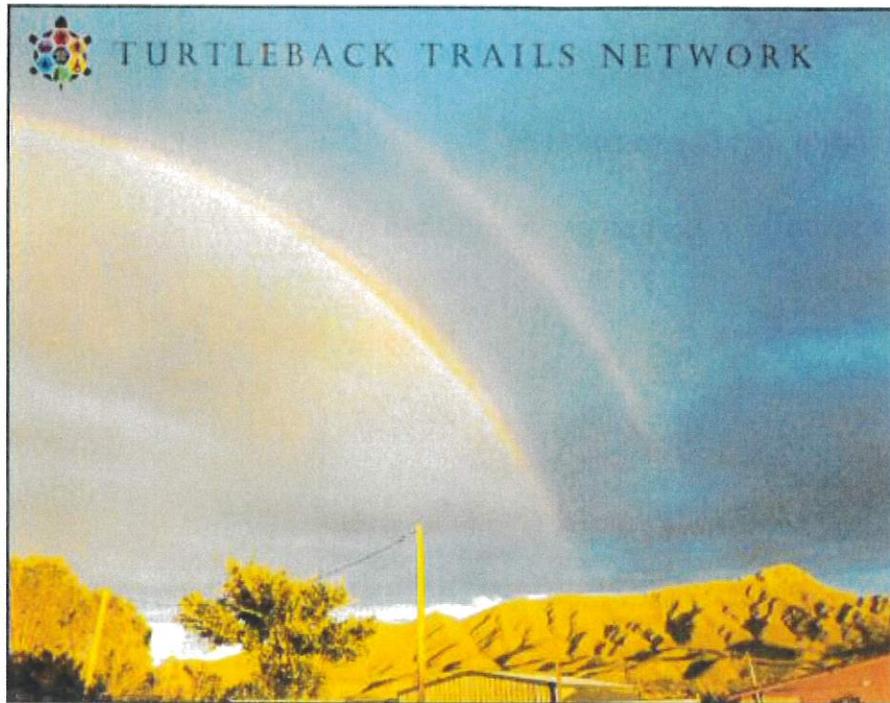
Bridge inspections

Launch site inspections

Trash collection

Restroom management (if constructed)

Acknowledge volunteers start off great and then it lags.



There is a pot of money at the end of the rainbow.

The current climate favors conservation and outdoor recreation. Attention to outdoor recreation has never been better. You've seen a NM Main Street and Recreational Asset Study, the NM SCORP and the NM Uplift Initiative focus on Sierra County. Federal and state funds are available to implement this project.

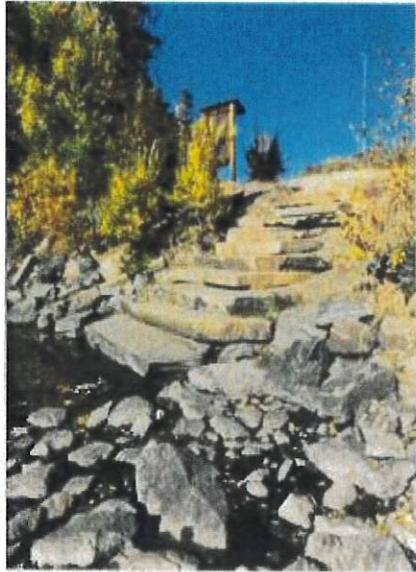
The project is eligible for the Stateside Land & Water Conservation Fund, not only for trail development, but for river access improvements and wetlands restoration

The Office of Outdoor Recreation Trails + Grant is awarding funds across the state for similar projects

The NM Land of Enchantment Legacy Fund, if enacted into Law is another great source to develop this project

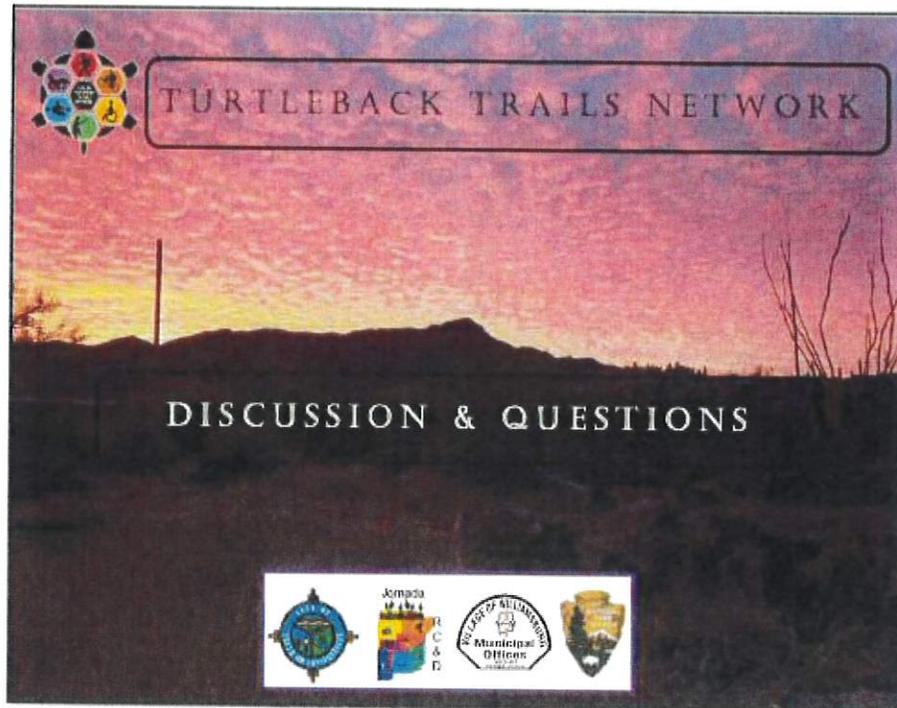


Turtleback Trails Network



NEXT STEPS

- ❖ Adoption of Turtleback Trails Network Plan
- ❖ Commitment to continue participating with Turtleback Trails Alliance
- ❖ Establish ACTION PLAN for 1-3 years



Turtleback Trails Network Points of Contact

John Masterson -- magnafix@gmail.com

Merry Jo Fahl – jornadaresourceconservationdev@gmail.com