

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, APRIL 13, 2022**

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
Angela A. Torres, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Pro-Tem Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Forrister called for Commissioner Hechler 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. PRESENTATIONS:

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

City Manager Swingle and OJ Hechler, Community Services Director presented an Employee Service Anniversary Award to George Rea for 1 year of service with the City of Truth or Consequences.

City Manager Swingle and Benny Fuentes, Sanitation Director presented an Employee Service Anniversary Award to Frank Aguirre for 1 year of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Jesus Navarro for 15 years of service with the City of Truth or Consequences. Jesus could not be present at the meeting.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Klaus Wittern addressed the Commission with comments related to:

- (1) His comments pertained to the comment that was made by the newspaper that the price of \$10 million dollars could be considered to sell the electric company. He is deeply concerned about that because he feels that \$25 million would be a more appropriate offer.

Kathleen Sloan addressed the Commission with comments related to:

- (1) The Copper Flat Mine Resolution. (Complete copy attached hereto and made a part hereof).

Rick Dumiak addressed the Commission with comments related to:

- (1) He is opposed of Resolution No. 05 21/22 that pertains to the \$50 trip fee for anyone who does not want an AMI Meter. (Complete copy attached hereto and made a part hereof).

Ron Pacourek addressed the Commission with comments related to:

- (1) He is concerned about the area on the other side of the river could be a fire hazard. East Riverside is a fare hazard as well.

Steve Zeschke addressed the Commission with comments related to:

- (1) He commented on the Frisbee Golf Tournaments and noted that there were a lot of people from out of state who attended. He suggested that we advertise Frisbee Golf a little bit more so people can play more often before the rates are raised.
- (2) He agreed with Mr. Wittern that \$10 million dollars is too low of an offer for us to sell the electric company.
- (3) He gave a shout out to Police Chief Rodriguez. He feels that he is doing a great job. He's happy about the revised ordinance that passed regarding RV Dwellings.

Torres, Angela

From: Kathleen Sloan <kathleen.sloan@gmail.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Swingle, Bruce; Fahl, Merry Jo; Mitchell, Destiny; Forrister, Amanda; Harrelson, Shelly; Hechler, Rolf; Torres, Angela
Subject: NMCC resolution of support

Dear City Commissioners, City Manager and City Clerk,

Please consider this public comment for the April 13, 2022 city commission meeting, from Kathleen Sloan, living in Williamsburg, NM at 708 Olivo St.

I ask that the city commission not support the draft resolution that suggests the New Mexico Copper Corporation's Copper Flat Mine will bring local jobs.

Please be aware that in 2018 the city commission repealed its resolutions in support of the Copper Flat Mine after hearing an informed presentation on the project.

There will be few local jobs

--NMCC promised the Jicarillo Apache it would hire their people as part of the deal it made with the tribe to lease and release 1,200 acre feet a year of tribal water into the Rio Grande. The release is supposedly to partially offset the 7,500 acre feet a year of proposed water use by the mine.

--NMCC, in the Environmental Impact Statement prepared by the BLM on the project, states it will recruit employees from Silver City's mining workers as well as workers from Las Cruces.

--The Australian family that owns the mine made its money by setting up RV parks for mining projects. It will likely do the same for the Silver City, Las Cruces and Jicarillo employees. The sites include restaurants, convenience stores and beer parlors, so no trickle-down money will go off site since it will be a small company town.

--The Environmental Impact Statement states the project will last 12 years--a boom/bust unstable and unsustainable economy that will do little to help the Truth or Consequences economy.

Water and environmental impacts

--NMCC has been fighting since 2014 to use up to 7,500 acre feet of water a year--nearly four times the 1,300 acre feet a year the whole City of Truth or Consequences uses. The city should not support an industry that will use massive amounts of water in the desert. The water used can never be returned to the aquifer because it will be utterly toxic. Instead, the water must be allowed to evaporate over about 100 years, making the site vulnerable to toxic spills for generations. The city should not encourage highly polluting industries.

--The Environmental Impact Statement shows even 2,400 acre feet a year will impact the Rio Grande, which will in turn affect the Texas compact agreement, which will require that more water be released from Elephant Butte Lake and Caballo Lake to offset Copper Flat Mine's water use. Low lake levels will become a greater problem, causing the loss of more tourist dollars.

--The New Mexico Interstate Stream Commission is arguing that any water offsetting the mine's water use must come from nearby Caballo Lake, that the Jicarillo water offset will never reach this area.

--The Interstate Stream Commission makes the argument in legal briefs submitted to the Office of the State Engineer hearings' officer who will preside over the 70 or so protests filed against NMCC's application to transfer 2,400 acre feet a year from a Sta. Theresa site to the mine site.

--New Mexico Copper Corporation will use any resolutions passed by local governments in the OSE hearings to bolster its arguments that the Copper Flat Mine will be to the people's benefit. Water applications can be turned down if it is proven the water use will not be good "for the public's welfare."

--The people have spoken by filing suits and protests against the NMCC's proposed water use, paying a lot of money in legal fees over many years to protect their water. Please do not vote against the people and in support of a wealthy foreign corporation.

Sincerely,

Kathleen Sloan

Good morning Madam Mayor and City Commissioners

Rick Dumiak
705 Charles
TorC

For public comment.

Once again I come before you to ask that you repeal or revisit resolution 05 21/22.

In my opinion, resolution 05 21/22 unfairly charges a completely unreasonable and unjustified fee of \$50.00 per month to read my own as well as several other residents non smart electric meters.

Since this resolution was passed after my appeal to remove the smart meter from my residence was granted I personally have had to pay \$ 550.00 in meter reading fees, my average monthly utility bill averages \$115.00 per month but I am being penalized an extra \$50.00 per month or increase of about 45% per month. I ask you, does this seem fair to you?

I believe I should not have been subjected to the meter reading fee as there was no meter reading fee when my appeal to remove the smart meter and install a non smart meter was granted on June 23rd. 2021 prior to the passing of resolution 05 21/22, however I continue to fight this resolution for all of the residents that have asked for a non smart meter for whatever reason they have.

In my opinion, this ordinance was passed in retaliation to a few outspoken residents with numerous legitimate concerns with the smart meters that were purchased by the previous city commission without an expected vote that a \$ 1 million dollar purchase should bring about.

To continue to charge a few residents the outrageous penalty fee of \$50.00 each month to read an electric meter is a slap in the face to anyone that wants to get involved with local government. There is an understandable fear of retaliation to speak out in public against something that our city commission may or may not act on.

I hope you aware that the \$50.00 monthly meter reading fee is the highest meter reading fee in the entire country, not just the state but in the US.

This penalty fee was not arrived at after a proper cost analysis was performed or with input from the cities electrical department as to the actual labor cost and time needed to read an electric meter, and in fact our own Public Utility Advisory Board stated the \$50.00 fee was not justified and recommended charges ranging from \$0.00 to \$25.00 per month.

I feel there should be no charge to read our non smart electric meters as our meters were being read before the smart meters were purchased and installed.

In fact a electric meter reading fee seems to be built into our monthly utility bill as there is no extra charge shown to read our water meters and in fact, aren't we are all still paying an electric meter reading fee in our current utility bill?

As to my knowledge no one has gotten a reduction in their utility bills for not having to manually read the smart electric meters. Since our utility department is owned by the city and therefore the cities residents we should not be charged extra for something we have already been paying for.

The \$50.00 penalty charge was deemed a proper fee after one former city commissioner picked an amount to charge and in my opinion that was done as an emotional response to criticism of that former city commissioner. I can only assume the amount was picked to show those residents who the boss is, which is ironic since the city commission is supposed to represent its residents not punish them if a commissioner does not agree with them.

I implore this city commission to do the right thing and repeal resolution 05 21/22 as it is not only unfair but a continued bad memory of the animosity the former city commission generated between its residents and some of those former commissioners.

Thank you,
Rick Dumiak

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- (4) He doesn't feel that the city should give Elephant Butte money for fireworks since we are cutting the budget, and it just drives people out of town.

Commissioner Mitchell read a comment submitted by Dimmitt Hayes. (Complete copy attached hereto and made a part hereof).

Commissioner Mitchell read a comment submitted by Ariel Dougherty. (Complete copy attached hereto and made a part hereof).

E. REPORTS:

City Manager Swingle reported the following:

- We received our audit from the state auditor's office. He gave city staff kudos for the work that they have done. Everyone is working multiple jobs. We have so many vacancies within the city and everyone is carrying more than their share of the water for this organization and they need to be recognized for that.
- They met with the Recreation Advisory Board regarding the softball league and putting some protocols in place that they felt would benefit the city. The board recommended safety waivers be put into place so Community Development Director Hechler is taking the lead on that. The goal is to get the league organized into some sort of designated sanctioned event.
- We received some complaints regarding sidewalks throughout the city. He explained that the business owners/property owners are responsible for the sidewalks in front of their property. It was suggested that we give exemptions and allow people to build without sidewalks then does the city then become responsible for sidewalks down the road. He would like to research what other communities are doing because he doesn't think that property owners realize that they are responsible for the sidewalks.
- We still have a number of vacancies on the boards. We still have vacancies on various city boards. We have two vacancies for the Airport Advisory Board. We have five vacancies on the Golf Course Advisory Board. We have two vacancies on the Lodgers Tax Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have two vacancies on the Planning & Zoning Commission.
- We submitted for \$45 million dollars in congressional direct spending in grant funding for Water, Waste Water, and the Multigenerational Facility. Bo Easley in the Electric Department submitted for \$8.5 million dollars in direct spending funding for electrical needs.
- We only received one bid for the downtown MSD Project, and that bid was around 65% above of what the engineers estimate was on the project so we will send it back out to bid. The engineering firm is going to try and solicit more interest from other contractors to submit proposals.
- We received the final quotes for the cost of the redesign for the Main Street, Foch Street project. We are looking at about \$59,000 of additional cost for that so he talked to Carrie at MainStreet T or C, and she is looking for additional funding opportunities to cover that gap.

Torres, Angela

From: destiny m <destinydawn14@hotmail.com>
Sent: Tuesday, April 12, 2022 8:41 AM
To: Swingle, Bruce
Cc: Torres, Angela
Subject: Fw: Reopening of the copper mine in Sierra County

From: DA Hayes <dmdhayes@gmail.com>
Sent: Tuesday, April 12, 2022 8:37 AM
To: Destiny Mitchell <Destinydawn14@hotmail.com>
Subject: Reopening of the copper mine in Sierra County

Dear Commissioner Mitchell, fellow commissioners and City Manager Swingle:

As a 25 year resident and business owner of TorC I have had many conversations with fellow citizens about the need for economic development and the creation of jobs. I think we can all agree on the importance of these two factors to the future of any place we call home.

Unfortunately some think that mining is the answer. If the mine were opened it would create temporary jobs for others brought in from outside of the county. Data shows when the mine was operating in the '80 it had very little economic impact. Also, there is nothing more precious than our limited water supply, especially in the historic drought we are in. The pollution of our water and air by extraction of minerals does not go away. There are plenty of examples of short term jobs which pollute our environment and we, the tax payers, are left to pay for the clean up.

TorC and Sierra County are already experiencing economic development and growth. I ask you as commissioners to focus on the economic benefits of recreational cannabis, the construction of new homes in the city, Spaceport tourism , outdoor recreation opportunities, the robust real estate market, the increased interest in the hot springs. These are all clean sources of income, keep the monies local, and create a future to benefit us all and our children to come.

Thank you.

Sincerely, DImid Hayes

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Sent from my iPad.

Truth or Consequences City Commission Meeting April 13, 2022
Public Comment – from Ariel Dougherty Caballo Road, TorC

On Item G. 3 – the Proposed Resolution No 56 21/22 on Commission Support for the Copper Flats Mine.

Water, water and more water.

There is no water to support this boondoggle of a proposed effort to revive this mine.

Please include the attached information from Max Yeh who made this powerpoint presentation in 2018 before this Commission. Especially, the 15th slide is telling:

NO NEW WATER RIGHTS MEANS

NO NEW WATER

MEANS

NO DEVELOPMENT BEYOND T or C's

40 YEAR PLAN

There was public hearing on this matter in September 2018 held at the Ralph Edwards Auditorium. The public was overwhelming opposed to the re-opening of this mine.

I urge this Commission to follow the lead of the public and oppose this Resolution.

Thank you. Respectfully submitted by Ariel Dougherty

COPPER FLAT MINE

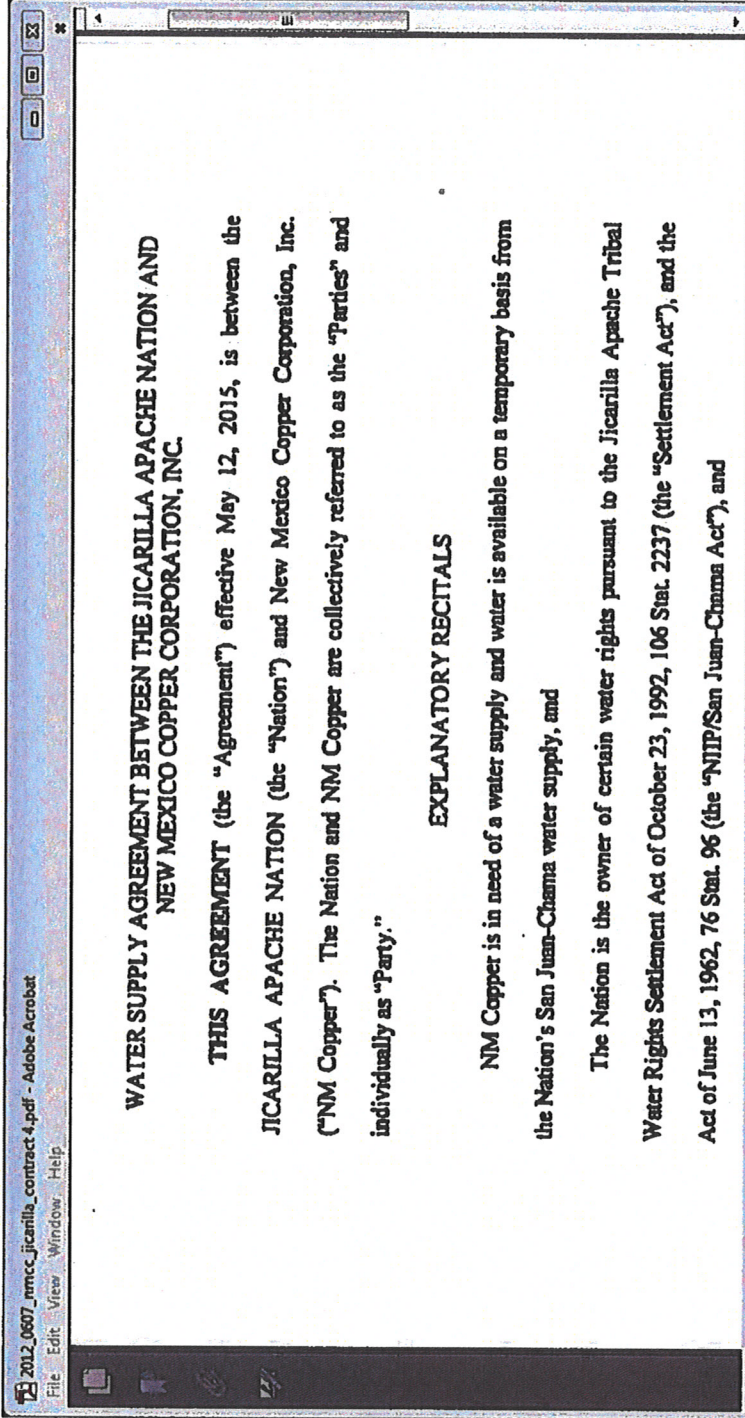
Problems?

JOBS

NMCC SAYS IT WILL CREATE 270 JOBS

OVER 11 YEARS

BUT ...



TRICKLE ECONOMY

WILL THESE OUTSIDE WORKERS SPEND

MILLIONS OF DOLLARS IN T or C?

HAVE YOU HEARD OF

“COPPER FLAT VILLAGE”?



Karratha Village features 208 standard rooms. Three meals daily and full access to fitness and recreation facilities make working away from home healthier and more productive. The unique feature about this village is that all buildings have been designed to Cyclone Category D rating – the highest wind category in Australia. Located just 8 km from Karratha airport and within Western Australia's Pilbara region, at Madigan Rd, Karratha, WA 6714. *Stay for a day, a week, a month or more!*

Check-in: 2:00pm / Check-out: 10:00am



NMCC SAYS THAT IT WILL BUILD

“COPPER FLAT VILLAGE”

IF THE MARKET IS THERE

SO IF MONEY CAN BE MADE

NMCC, NOT T or C, WILL MAKE IT

STOP 'N GO MINING

NMCC SAYS IT WILL MINE FOR 11 YEARS

**BUT NMCC CAN'T RUN FOR 11 STRAIGHT
YEARS**

BECAUSE COPPER PRICES FLUCTUATE

NMCC'S TARGET OPERATING PRICE

\$3.00 per pound

HOWEVER

AVERAGE COPPER PRICE FROM 1900 TO 2012

\$2.50 per pound in 2012 dollars

NO CONSECUTIVE 11 YEARS ABOVE \$3.00/LB.

TODAY'S PRICE

\$2.65 per pound

STOP 'N GO MINING MEANS

PEOPLE'S LIVES ARE DISRUPTED

THE ECONOMY IS STRESSED

SOCIAL SERVICES AND FOOD PANTRIES CAN'T COPE

NMCC'S FINANCES

WORKING CAPITAL (6/17):

-\$81,000,000

ESTIMATED COST OF CONSTRUCTION (2013):

\$360,000,000

THEMAC'S SHARE PRICE:

6 ¢

THEMAC ENTERS INTO LETTER OF INTENT WITH YUNNAN HALILIYA

POSTED: 04/28/2016

| POSTED BY: NEWS RESOURCE/PUBLISHER

**WHAT WILL IT COST US
TO GET THESE FEW TEMPORARY AND
SOCIALY DAMAGING JOBS?**

**WATER
AND WATER RIGHTS**

WATER

NMCC WANTS TO USE 2 BILLION GALLONS A YEAR
THAT'S 22 BILLION GALLONS
DURING MINING

WATER RIGHTS

WATER RIGHTS ARE LIMITED

IF NMCC GETS THE RIGHTS THE COUNTY DOESN'T

NMCC'S WATER RIGHTS

WILL LEAVE THE COUNTY

NO NEW WATER RIGHTS MEANS

NO NEW WATER

MEANS

NO DEVELOPMENT BEYOND T or C's

40 YEAR PLAN

AND NO GROWTH IN THE COUNTY

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- He provided a calendar from the Fire Department. Fire Chief Tooley was supposed to be on the agenda today to talk, but he got tied up in another meeting and couldn't make it. The T or C fire apparatus in the ladder truck is in the calendar. It is a nationwide calendar that is distributed around the country. That truck cost us around \$780,000. Chief Tooley saves every penny that the fire fund gets and he paid cash for the fire truck through fire protection funds. Not a city dollar was used.
- He updated on the glitch with the utility billing again. When we tried to do the net metering for the prior month it caused a lot of downstream problems within the Tyler system. What it did was instead of taking the traditional 30-day period for billing, it took a 40-day period for billing on Cycle A. It was caught in the processing of billing, but there were several that were sent out for a 40-day cycle. They were billed for actual usage, but it was for a 40-day cycle instead of a 30-day cycle. Those individuals who were affected can go into the utility office and billing can correct that for them or they can just go with the 40-day cycle and they will only be charged for a 20-day usage on their next billing cycle.

City Attorney Rubin reported the following:

- He reported on the lien process, and specifically on 1515 and 1517 Corzine. We obtained a judgement on Monday that allows us to continue. The process is that the City Commission will adopt a Resolution where they find a building that is dilapidated or may cause a threat to the safety and health of the community, and cannot be repaired in an expeditious manner so we will move forward with a resolution to demolish the building. After giving due process and notice to the property owners we will then proceed with the demolition, and then there is a statute that allows us to put a lien on the property for the cost of the removal of the rubble and the cost of demolishing the building. After the lien has been filed, he then has to file a law suit to seek a judgement allowing him to foreclose the lien for our cost of removing the rubble.

City Commission Reports:

Commissioner Harrelson reported the following:

- They are still working on their Junior Commissioner. They are in negotiations on who they are going to assign for this year and then they will be voted out next year.
- The High School Tennis Team has been having local tournaments. There was lots of interest. Today we had Silver City, and last week it was Chaparral. They had double and single tournaments. If you want to come out and support your youth there is a tournament today so you can go out and buy yourself a bag of chips and Gatorade and that money will go towards a pizza party at the end of the school year for the Tennis Team. It's bringing in income because the competitive teams' busses have to fill up their busses here and they ate at one of our restaurants.
- She thanked OJ Hechler and Sean Barnes for going down to the Tennis Courts and flipping on the lights for them.

CITY COMMISSION APRIL 13, 2021 REGULAR MEETING MINUTES

- She wanted to congratulate all of the girls that were brave enough to come out and stand in front of everyone, and answer questions. City Manager Swingle and Kathy Vickers did a great job of announcing it. She thanked them both for that.

Mayor Forrister explained that this is the first time that our high school has had a Tennis Team.

Commissioner Mitchell reported the following:

- She enjoyed the newly elected officials training. She had a great time. She feels that it was a great training, and she learned a lot. There were a lot of really good resources that were presented there. The PowerPoints had a lot of great information on them. It was also great for networking. She got a lot of cards because people want to copy our animal code ordinance. She joked that City Manager Swingle should be happy to have them because there is a lot of drama going on in other communities in New Mexico.
- She announced that they will be having their very 1st annual Mr. Fiesta competition this year for Fiesta weekend. It will be the Friday night of Fiesta.

Commissioner Fahl reported the following:

- In her ongoing position with the Jornada Conservation and Development. In her previous job she led efforts on preparing for community wild fire protection and at one time Sierra Soil had banned all salt cedar on the other side through the state. She thinks that there are funds available to do that and won't have a burden on the city. She will make a more concerned effort to get funding to do that. An ember wash from salt cedar can go over half a mile. She thinks that we all need to be more aware if you have salt cedar on your property. If you cut it, you need to treat it with an herbicide so it doesn't grow back. It is very volatile, and we all need to protect ourselves from a wild land fire because it spreads really fast. Salt Cedar is considered a weed by city code.
- She asked City Manager Swingle to provide the Commission with a list of what the city has funded for the Public Arts Board for in past 5 years.
- She attended the Sierra County Recreation and Tourism Board meeting. They promote events for the County, and they have a really good webpage. The Forrest Service has been attending the meetings so they get more activity and information about their goings and work.
- She attended the last Airport Advisory Board meeting and it was very interesting, and she learned a lot. She wants to attend a few more meetings as well as other advisory board meetings so they can get a feel for that because if they are going to promote people to be on the boards, they need to have a handle on what they do.

Mayor Pro-Tem Hechler reported the following:

- They had a cash party for Fiesta at the Civic Center. He appreciates that the city stepped up and assisted them with the event and cleanup. They also have a wonderful Fiesta Committee who helped clean up as well. It was a great community and Fiesta effort.

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- Fiesta is 3 weeks away, and they are meeting 2-3 times a week to get everything together. He met yesterday with Fiesta Chairman Nick Williams, and Virgin Galactic, and Virgin Galactic is going to be a major sponsor. This is their first effort with is in this regard so things are looking up, and he thinks we will have a wonderful event.

Mayor Forrister reported the following:

- The cash party was awesome, and it was neat to see the women of the wheels for education that were there assisting with the party. She also attended the newly elected training with Mayor Pro-Tem Hechler and Commissioner Mitchell, and their phones were blowing up with calls that were Fiesta related. They are working very hard along with the board, and she really appreciates that. She thinks that our community is really looking forward to an amazing Fiesta event.
- The newly elected officials training, and it was very helpful. They learned a lot. She hopes that they get the PowerPoints so we can send them to our advisory boards so they can learn how a meeting is supposed to be ran, and for them to understand which parameters they need to follow as well. She collected lots of cards, and it was good to have awesome networking, and hear how other Municipalities do business, and to see what kind of problems they are facing in their cities. We are not the only ones who are fighting an outdated infrastructure.
- She thinks it is great that Commissioner Fahl is incorporating the Forest Service into the Tourism Board because she feels that will open up a lot more tourism.
- We hit the fires in the city head on a few years ago with the big fire we had on Mims so if you think that large fires cannot happen here in our city you are very mistaken, and we all need to make a better effort into cleaning up our area around us.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, March 23, 2022
2. Acknowledge Regular Airport Advisory Board Minutes, January 4, 2022
3. Acknowledge Regular Planning & Zoning Minutes, February 17, 2022
4. March 2022 Accounts Payable
5. Take-home vehicle form for Police Department

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

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 54 21/22 for the Sale of Surplus Property to be sold at the May 17, 2022 online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers:

City Clerk Torres explained that this is the Resolution process to sell city surplus in an auction. The auction will be held online on May 17, 2022 through J.J. Kane Associates,

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Inc. If approved the list of items provided in the packet will be advertised twice in our local newspaper, posted on the city website, posted on the City Clerk's bulletin board, and will be available at the City Clerk's Office.

Commissioner Mitchell moved to approve Resolution No. 54 21/22 for the Sale of Surplus Property to be sold at the May 17, 2022 online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 55 21/22 approval of Resolution 55 21/22 confirming the City of Truth or Consequences to participate in the New Mexico Department of Transportation Project Fund Call for Projects:

Traci Alvarez, Assistant City Manager explained that there is a typo correction. "Park" should not be included in the wording. This resolution is for the city to participate in the New Mexico Department of Transportation Project Fund Call for Projects for FY 2023. We would like to submit for multiple roadway and drainage improvements which are listed in attachment A. The total funding amount of \$2,965,358 (including our 5% required local match). However, staff is requesting a waiver from the cash match.

Mayor Pro-Tem Hechler stated under the second "whereas" the second line says finding. He thinks it should be "funding", unless he stands corrected.

Commissioner Mitchell moved to approve the approval of Resolution 55 21/22 confirming the City of Truth or Consequences Park to participate in the New Mexico Department of Transportation Project Fund Call for Projects with the change noted by Mayor Pro-Tem Hechler. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 56 21/22 for Commission support of the Copper Flat Mine:

Jeff Smith gave a presentation regarding the Copper Flat Mine. (Copy of presentation attached hereto and made a part hereof).

The Commission addressed the concerns with Mr. Smith regarding the concerns submitted by the public.

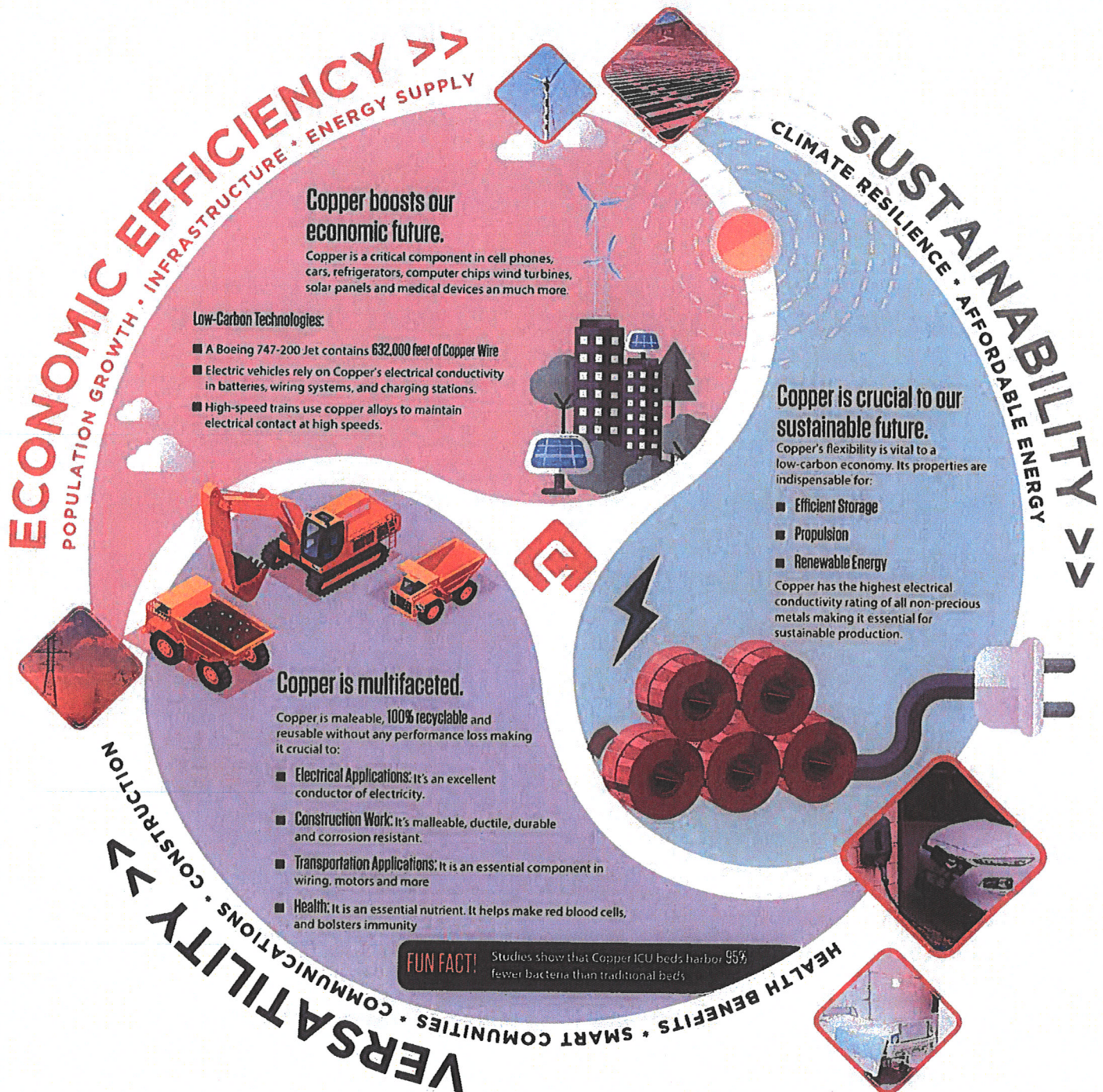
Commissioner Mitchell stated that she is concerned with employment because every business in town has a help wanted sign. Everyone here is looking for employees so to invite a company that wants to create 200 more jobs is dangerous to the economic development in Truth or Consequences and the County. She is also concerned on an environmental perspective. Mines are not good for an environment. The water also concerns her. She also feels that another main concern is that Hillsboro will not have any

Why Copper?

EFFICIENT, SUSTAINABLE AND VERSATILE:

THE BENEFITS OF COPPER

Copper is crucial to economic development and to a sustainable future. Copper can be used in so many versatile ways: Copper's role in civilization is evident; it is one of the oldest essential metals. However, its value and uses continue to grow and play an indispensable role in shaping modern life. Whether for electrical and thermal conductivity, healthcare, communications, transportation, construction, infrastructure, or equipment, copper is one of the most diverse and vital metals on the planet due to its efficient physical properties.



Maleable | Ductile | Durable | Conducts heat | Conducts electricity | Non-corrosive | Antimicrobial

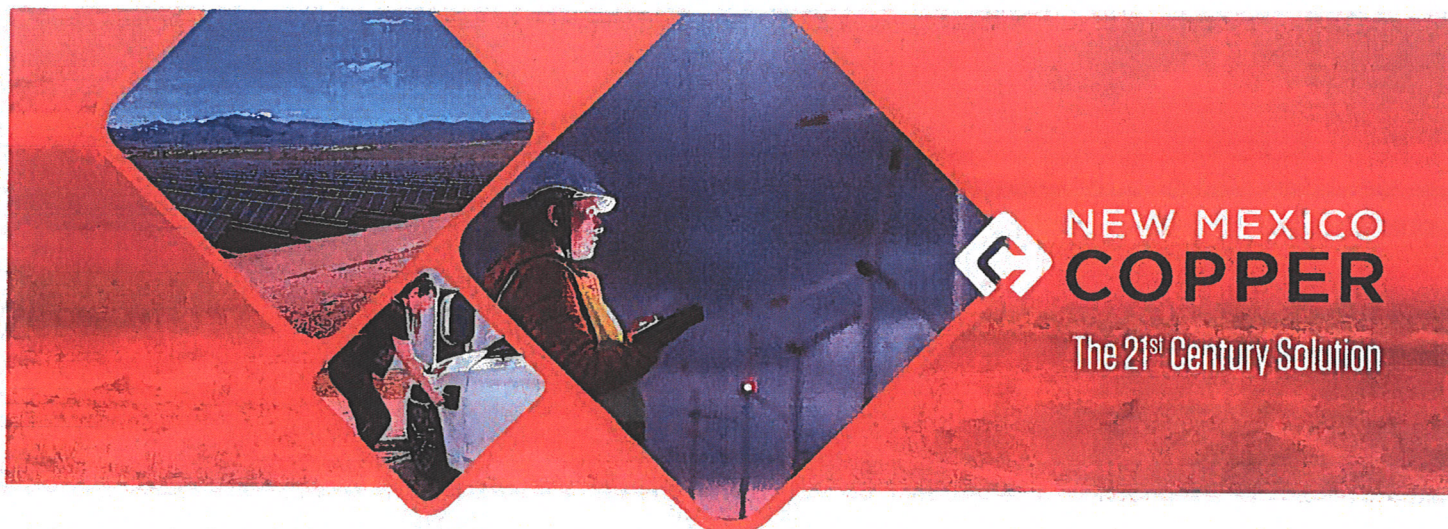
Copper Forever

COPPER APPLICATIONS WILL CONTINUE TO GROW AS THE WORLD SHIFTS TOWARDS CLEANER ENERGY, RAPID COMMUNICATIONS, HEALTHIER LIFESTYLES, AND MORE EFFICIENT MODES OF TRANSPORTATION.



**NEW MEXICO
COPPER**

www.newmexicocopper.com



**NEW MEXICO
COPPER**

The 21st Century Solution

New Mexico Copper Corporation to Bring Jobs, Sustainable Operation to Sierra County

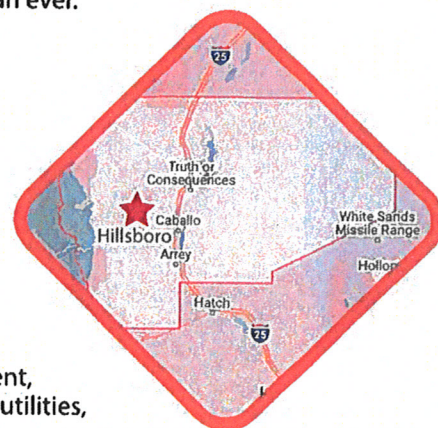
About the Project

New Mexico Copper Corporation (NMCC) has been working to develop the Copper Flat Project in Sierra County since 2010. Since that time, NMCC has been performing environmental studies, planning for construction, operation and reclamation and looking at economic feasibility. Since 2012, the project has received several key permitting approvals, including federal environmental studies and air quality and groundwater discharge permits from NMED.

In Sierra County, Copper Flat will produce high quality copper concentrates that also contain significant quantities of molybdenum, gold, and silver. Copper is needed for the transition to clean energy and new technologies and is projected to be in massive short supply in coming years making copper mining more important than ever.

Economic Impact

- ▶ The project will bring **181 full-time, high-paying jobs** to Sierra County.
- ▶ In total, it is projected that NMCC will spend **\$45 million in Sierra County** alone.
- ▶ The economic benefits extend to the entire state:
 - Investment of more than **\$400 million in initial capital**
 - Creating **1,300 construction jobs**
 - Hiring **270 employees** for the operation
- ▶ To date, NMCC has invested **\$6 million in Sierra County**, including expenses like rent, vehicle maintenance and fuel, hotel and restaurants, banking services, contractors, utilities, land payments, property tax and donations.



Sustainability

- ▶ NMCC is committed to creating an operation following strict protocols in the following areas:
 - **Water conservation**
 - **Water quality**
 - **Air quality**
 - **Wildlife protection**
 - **Protection of cultural resources**
 - **Site Reclamation**
- ▶ NMCC has developed a robust closure and reclamation plan with the assurance to reclaim disturbed areas, returning land to post-operation uses that match existing uses and the needs of the area.

For more information, visit www.newmexicocopper.com.



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more water left after this. She also suggested that this be heard during a public hearing due to the lack of community support.

Commissioner Mitchell made a motion to table this item until we can have a public hearing on it because she would really like to get the public's input.

Motion died for a lack of a second.

Mayor Pro-Tem Hechler explained that he was on the Commission in 2018 when they took more of a neutral stance in regards to the Mine. He met with the attorneys, and the thing that has changed since then is that they have had a census since then, and we have lost population since then. Economically the city is suffering, and we need to figure out a way to develop and harness economic growth for this community, and this may be one of the ways we can get it done.

Mayor Forrister stated that even if they were to not approve the resolution to support the Copper Flat Mine, that doesn't mean that they cannot move forward doing the Mine. This is only to give our support and that would allow us to give our opinion, and bring information back to T or C.

Commissioner Fahl explained that this should not impact the water in Hillsboro according to tons of studies that have been done.

Mayor Pro-Tem Hechler moved to approve Resolution No. 56 21/22 for Commission support of the Copper Flat Mine. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Destiny Mitchell, Commissioner voted nay
Hon. Shelly Harrelson, Commissioner voted aye
Hon. Merry Jo Fahl, Commissioner voted aye
Hon. Amanda Forrister, Mayor voted aye
Hon. Rolf Hechler, Mayor Pro-Tem voted aye

Motion carried with a 4-1 vote.

4. Discussion/Action: Publication of Ordinance No. 730 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 6-77 pertaining to Storage on private property.

Traci Alvarez, Assistant City Manager explained that staff wishes to amend the code pertaining to storage on private property, and eliminate the section allowing residents to store dilapidated furniture, appliances, machinery, equipment, building material, junk, or other items which are either wrecked, junked, dismantled or in inoperative condition behind a fence creating a public health and sanitation issue.

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Commissioner Fahl feels that as long as what they are doing does not affect the value of their neighbor's home, and it is behind a fence, she does not feel it should be an issue.

City Manager Swingle explained that covering the items with a fence does not alleviate the issue, and the public health and safety hazard is still there whether it is fenced or not fenced. That is the main purpose of the amendment to this ordinance.

Commissioner Mitchell moved to approve publication of Ordinance No. 730 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 6-77 pertaining to Storage on private property. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Shelly Harrelson, Commissioner voted aye

Hon. Amanda Forrister, Mayor voted aye

Hon. Merry Jo Fahl, Commissioner voted nay

Hon. Rolf Hechler, Mayor Pro-Tem voted aye

Hon. Destiny Mitchell, Commissioner voted aye

Motion carried with a 4-1 vote.

- 5. Discussion/Action: Publication of Ordinance No. 731 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Sections 11-10-4 and 11-10-5 and adding Section 11-10-6 to the Planning & Zoning Code Pertaining to Storage Units/Shipping Containers with the added language as noted:**

Traci Alvarez, Assistant City Manager stated that staff wishes to amend the code to include a section pertaining to shipping containers. Currently our municipal code does not address shipping containers. We've had a lot of phone calls pertaining to the use of them for storage units as well as for dwelling units. She did a lot of research from various Municipalities within New Mexico, and what is presented is pretty much a combination of those that would best fit the city. Storage containers as dwelling units would not be allowed. That is pretty much universal across our state. There are a few areas that allow them in specified rural districts. Our code will not allow them as storage units in residential areas except for in the case of moving or construction, and then it would be for a short period of time. We would allow the use of the shipping container within our commercial district as long as it is not in the downtown historical district as defined in our comprehensive plan. They would however have the option to go in front of the Planning & Zoning Board to get a conditional or special use permit to allow that.

Discussion ensued about different requirements that can be added to the ordinance for the allowance of the Shipping Containers.

The Commissioners had concerns with us not allowing them as storage units or tiny homes because a lot of places have them nowadays, they are great for storage, and that would encroach on people's property rights not to allow that.

Assistant City Manager Alvarez asked the Commission if they would like to see a revision similar to the commercial downtown areas that says that placement with a commercial and industrial district and residential would require a conditional use permit.

Commissioner Mitchell asked if they should add a size restriction to the property.

Assistant City Manager Alvarez stated that they can do it on a case by case basis if it is done as a conditional use permit.

Commissioner Mitchell made a motion to table this item of Publication of Ordinance No. 731 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Sections 11-10-4 and 11-10-5 and adding Section 11-10-6 to the Planning & Zoning Code Pertaining to Storage Units/Shipping Containers so that the language discussed can be included to the proposed ordinance. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Publication of Ordinance No. 732 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Article 5 Pertaining to Motor Vehicles:

Police Chief Rodriguez explained that the purpose of the amendment to this ordinance is to beautify the city, and economic development. This section addresses the issues when it comes to junk motor vehicles that are out there. It talks about hoarding vehicles, unhitched trailers, and the casual sale of vehicles. We have residents that are selling cars out of their front yard. What we are trying to do with this is improve the quality of life. The Police Department deals with Code Enforcement and they constantly get calls from your constituents that are tired of other people infringing on their property rights and quality of life. This is not about the few, it's about the majority, and how we can impact the quality of life for the majority of the community.

Commissioner Mitchell moved to approve Publication of Ordinance No. 732 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Article 5 Pertaining to Motor Vehicles with amendments as noted. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Presentation, review, and approval of the Law Enforcement Aided Diversion Programs Memorandum of Understanding (MOU):

Lisa Daniel, Olive Tree Executive Director and Victor Rodriguez, Chief of Police presented the Law Enforcement Aided Diversion Programs Memorandum of Understanding (MOU). (Copy of presentation attached hereto and made a part hereof).



LAW ENFORCEMENT ASSISTED DIVERSION

Law Enforcement Assisted Diversion (LEAD) is a community-based diversion program with the goals of improving public safety and public health, and reducing unnecessary justice system involvement of people who participate in the program. In a LEAD arrest diversion program, police officers have the option to divert individuals to a community-based intervention for law violations driven by unmet behavioral health needs, substance use disorders, or poverty.

For some of our community members, untreated substance use disorders, behavioral health needs, and poverty lead to a path toward the criminal justice system. When we can safely and appropriately provide treatment and interventions instead of incarceration, we can create a community that is both healthier and safer. The Law Enforcement Assisted Diversion (LEAD) program is designed to do just that - to provide access to treatment and social services while still being accountable to public safety. Evaluations have shown that participants in LEAD are 58% less likely to return to jail for this behavior than non-participants, creating a safer community and better health outcomes.

The general goals of the LEAD program are to: 1) improve public safety and public order, 2) reduce law violations by individuals who participate in the program 3) help individuals achieve sobriety, mental health balance and treatment, then ultimately stability in our community.

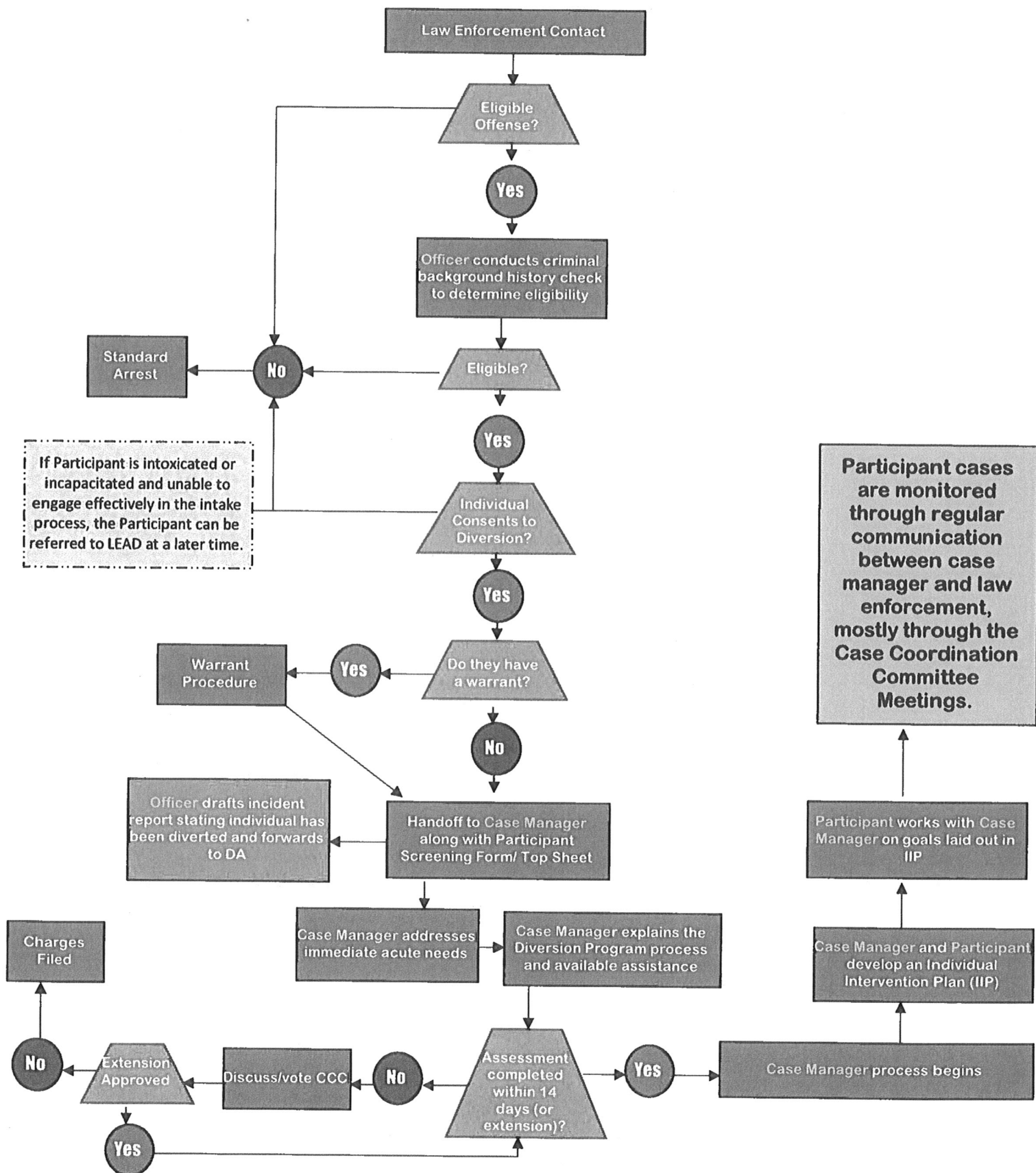
LEAD community partners include, but are not necessarily limited to: Sierra County, The Olive Tree, the City of Truth or Consequences, law enforcement agencies and jurisdictions throughout all of Sierra County, the Sierra County Detention, service providers, and elected officials.

The LEAD program is designed to offer services to individuals in lieu of arrest. These services include: Case Management, individual and group therapies, substance use disorder programs, anger management and other programs as identified by the individual's assessment, and assistance with general health

and living needs such as food, clothing, and hygiene supplies. The program offers housing for homeless individuals, assistance with obtaining documentation, such as a driver's license/ID or Social Security card and transportation for all these services.

As each individual's needs are addressed and treatment is provided, the individual starts their path to recovery and we are one step closer to achieving the program goals.

Sequence of Arrest/Diversion



Mayor Pro-Tem Hechler moved to approve the Law Enforcement Aided Diversion Programs Memorandum of Understanding (MOU) with the correction of the word data instead of date on the 3rd whereas. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Presentation, review, and approval of the Crisis Response Team Memorandum of Understanding (MOU). Lisa Daniel, Olive Tree Executive Director and Victor Rodriguez, Chief of Police

Lisa Daniel, Olive Tree Executive Director and Victor Rodriguez, Chief of Police presented the Crisis Response Team Memorandum of Understanding (MOU). (Copy of presentation attached hereto and made a part hereof).

Commissioner Mitchell moved to approve the Crisis Response Team Memorandum of Understanding (MOU). Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approval of Contract with Parkhill:

Traci Alvarez, Assistant City Manager explained that the Commission has been presented these contracts before. This is when the previous Commission approved Multiple Engineering and Architecture firms for on call services. This is for approval of the contract with Parkhill under the RFP that was approved April 20, 2021. What you have in your agenda packet is a draft. There are a couple of revisions that we are waiting for this engineer to approve. Staff is requesting that you approve entering into a contract once it meets final revision with the City Attorney.

Commissioner Mitchell moved to approve the Contract with Parkhill subject to legal revision. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of NMED Engineering Agreement with Wilson & Co. for the Water Trust Board Project 5089, for the Booster Station Improvements (pending NMED approval):

Traci Alvarez, Assistant City Manager explained that this project was originally awarded back in October 2020. It is one of those projects that goes through NMED approval which has a tendency to take a long time. They have been reviewing the contract. This is a boiler plate required contract that NMED requires as part of the funding process. It is in review at NMED and so we are requesting that the City Commission approve this

Crisis Response Team (CRT) WORKFLOW

01. 911 call comes in and law enforcement is dispatched.
02. Law enforcement assesses individual for safety first then for CRT criteria if mental health related.
03. If law enforcement believes CRT would benefit individual than the CRT line is called.
04. Designated CRT Staff answers CRT phone (per on-call schedule) and obtains initial assessment from law enforcement. CRT Staff then determines if peer support or therapist is needed.
05. For mental health issues that are relatively minor and/or non-emergencies, scheduled designated CRT Staff can either connect with the individual via telephone, iPad, or send another on-call peer support worker/case manager to go out to the scene.
06. For mental health issues that are escalated, designated CRT Staff will call scheduled on-call therapist who will then call law enforcement and then either connect with the individual via telephone, iPad, or go out to the scene.
07. For mental health issues that seem likely to need hospital treatment, therapist collaborates with law enforcement. Individual is transported to Sierra Vista Hospital per law enforcement protocol for medical clearance and therapist assessment. Therapist meets Law Enforcement at triage area of hospital for mental health assessment.
08. Therapist handles mental health assessment and Release of Information, while designated CRT Staff on schedule navigates treatment services/bed, out of town, etc.
09. Hospital staff perform medical assessment for clearance.
10. Hospital staff provide medical assessment/clearance form to Therapist and/or case manager.
11. Law enforcement gives copy of CRT assessment form to Therapist and/or case manager.
12. Individual is transported to out of town treatment by EMS.
13. Therapist and/or case manager puts all forms related to CRT incident in folder and drops off at The Olive Tree next business day for CRT case manager follow-up.

NOTE: Social referrals will be accepted from law enforcement and community at large.

CRT ELIGIBILITY CRITERIA FOR CALL OUT

1. 911 Dispatcher sends law enforcement to incident involving a mental health crisis.
2. Law enforcement assesses level of danger and/or criminal activity.
3. If situation is mental health related and deemed safe, then CRT is called to either speak to the individual in crisis or go out to the scene.
4. CRT assesses situation with individual in crisis.
5. Many crises are resolved at this level with follow-up resources and support provided at a later date.
6. At some point, law enforcement is released.
7. For those that need inpatient treatment, Law Enforcement will take individual to Sierra Vista Hospital with support from therapist and CIT Lead Case Manager for communication/connection with out of town inpatient placement.

agreement pending NMED approval. Once we get NMED approval we can get started on this project.

Commissioner Fahl moved to approve the NMED Engineering Agreement with Wilson & Co. for the Water Trust Board Project 5089, for the Booster Station Improvements (pending NMED approval). Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of Summary Plat Amendment on Parcel 3022079415169, Palomas Hot Springs Townsite, Block 30, Lots 1 – 12:

Traci Alvarez, Assistant City Manager explained that the applicant is requesting to amend parcel 3022079415169 by reducing the number of lots. Currently the parcel is divided into 12 lots, and the applicant would like to widen the individual lot sizes, and reduce the parcel to 6 lots. This amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic. The applicant request, and public hearing was presented at the Planning & Zoning Meeting on April 7, 2022. The Planning & Zoning Commission recommended approval with a 3-0 vote. We had a concern regarding that a variance request should have been a part of it as well, and that will be done.

Commissioner Fahl asked that the area not be recognized as an arroyo. It is a discharge channel for a flood control structure. It's part of the city's discharge from drainage above 6th street which crosses over by the old Monette Ford.

Mayor Pro-Tem Hechler moved to approve the Summary Plat Amendment on Parcel 3022079415169, Palomas Hot Springs Townsite, Block 30, Lots 1 – 12 pending the future variance request. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of request to vacate on Hyde Street between South Broadway and Cook Street:

Traci Alvarez, Assistant City Manager explained that the County is requesting that the city vacate the portion of Hyde Street that runs between the Fair barn and the Albert J. Lyons building between South Broadway and Cook Street. The applicant request, and public hearing was presented to the Planning & Zoning Commission on April 7, 2022. The Planning & Zoning Commission recommended approval with a 2-1 vote.

Mayor Forrister recused herself due to the fact that she is now on the Fair Board.

Mayor Forrister left the room while the item was voted on. Mayor Pro-Tem Hechler ran the meeting in the Mayor's absence.

Commissioner Mitchell moved to approve the request to vacate on Hyde Street between South Broadway and Cook Street with a note of easement. Commission 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. Merry Jo Fahl, Commissioner voted aye
Hon. Amanda Forrister, Mayor recused herself from the vote**

Motion carried with a 4-0 vote and 1 recusal.

7. Discussion/Action: Designate a City Commissioner or City Staff Member to represent the city on the Regional Transportation Planning Organization:

Traci Alvarez, Assistant City Manager explained that this is a board that hasn't had any designation since a previous Mayor a few years back. She has been attending the meetings on behalf of the city when she can. Sometimes it does conflict with her work schedule. On the Regional Transportation Planning Organization, you would be a voting member and you would represent the city in hopes of speaking on behalf of the city for funding that we need for NMDOT street funds. Whomever sits on the board would have to work close with the City Manager.

Mayor Forrister volunteered to be the Regional Transportation Planning Organization city representative.

Commissioner Mitchell moved to approve to appoint Mayor Forrister to be the city representative on the Regional Transportation Planning Organization. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Assistant City Manager Alvarez reviewed the Requisitions over \$20,000 as submitted in the packet.

Commissioner Fahl moved to approve the purchase requisitions over \$20,000 as submitted in the packet. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Approval of MOU between the City of Truth or Consequences and the Hot Springs Cemetery Association:

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OJ Hechler, Community Services Director explained that this is an MOU between the City and the Hot Springs Cemetery Association. The Hot Springs Cemetery Association provides grounds maintenance at the Hot Springs Cemetery and the City provides monetary support in the amount of \$4,000 annually that is paid in quarterly installments of \$1,000.

Commissioner Harrelson moved to approve the MOU between the City of Truth or Consequences and the Hot Springs Cemetery Association. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

OJ Hechler, Community Services Director thanked the association for their support. \$4,000 is not a lot for what they do over there. He appreciates everything they do for the cemetery and the way they communicate with city staff.

10. Discussion/Action: Approval of Memorandum of Understanding (MOU) with Sierra County for Pictometry Imagery Services:

City Manager Swingle explained that the County has tried to solicit partnership between the County and other governmental entities in the region on this project. They hired a company to come in and do a flyover, and do the Pictometry of the area. The imagery is incredible. The cost is \$10,000 every 3 years should the city choose to continue in the future if you agree to enter into the agreement. The funding would come from the community development budget to cover the cost. The benefit would be to community development, code enforcement, fire, police, all utility departments, and parks. The program is incredible. It actually allows you to see the debris and the waste on a property in almost real time. He highly recommends that the city move forward with this agreement.

Commissioner Mitchell moved to approve the Memorandum of Understanding (MOU) with Sierra County for Pictometry Imagery Services. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Authorize City Manager Swingle to proceed with a Quitclaim Deed transfer with New Mexico State for property exchange pertaining to the New Mexico State Veterans Home:

City Manager Swingle explained that the New Mexico State Veterans Home is going to build some small buildings where the grassy area is. On the left hand side by the Veterans Memorial Wall they would need to encroach on our property. Ironically, just above that we are actually encroaching on their property. We have some storage containers that are at the Veterans Memorial behind a fencing. With the State of New Mexico wanting us to give them a Quitclaim on the property, we asked in return the same

thing for the Veterans Memorial, and they agreed to that. They will pay for all survey costs to make that happen.

Commissioner Fahl moved to authorize City Manager Swingle to proceed with a Quitclaim Deed transfer with New Mexico State for property exchange pertaining to the New Mexico State Veterans Home. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Review and Approval of request from AT&T and MD7 to facilitate modifications to the current cell site tower lease on Kopra Street:

City Manager Swingle explained that the last time this item was brought forward he asked that the Commission not approve this so we can have time to negotiate with them. After have the negotiations they feel that this is market value for the small amount of real state that they are going to be leasing, and the \$450 and some change is sufficient on a monthly basis with the increments included. After discussions, he tends to agree with them that this seems to be a pretty fair market value offer.

Mayor Forrister thanked City Manager Swingle for looking into it further before they approve this.

City Manager Swingle stated the difference between this opportunity and those others that we are working on that are several thousand dollars is what is on the property, and what the actual lease is for. This lease is not for the tower. It is only for the ground equipment at the site.

Commissioner Fahl asked if it is a good idea to lock ourselves into a lease that goes until 2060. She would hate to commit other Commissioners to that time frame.

City Manager Swingle stated from a corporate position they want to lock in the longest term they can so they can develop their business plan knowing that they have this site for a certain amount of years. That is something that the Commission should entertain. Should you wish to decrease that term, he doesn't see a problem with that at all. If the Commission chooses to change the expiration date, he will communicate that to them and then see where they want to go.

Commissioner Fahl made a motion to give City Manager Swingle permission to discuss modifications with AT&T and MD7 to the current cell site tower lease on Kopra Street with an expiration lease date of 2030. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Destiny Mitchell, Commissioner voted nay
Hon. Shelly Harrelson, Commissioner voted nay**

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Hon. Amanda Forrister, Mayor voted nay
Hon. Merry Jo Fahl, Commissioner voted aye
Hon. Rolf Hechler, Mayor Pro-Tem voted nay

Mayor Pro-Tem Hechler made a motion to give City Manager Swingle permission to discuss modifications with AT&T and MD7 to the current cell site tower lease on Kopra Street as proposed. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Amanda Forrister, Mayor voted aye
Hon. Rolf Hechler, Mayor Pro-Tem voted aye
Hon. Destiny Mitchell, Commissioner voted aye
Hon. Shelly Harrelson, Commissioner voted aye
Hon. Merry Jo Fahl, Commissioner voted nay

Motion carried with a 4-1 vote.

13. Discussion/Action: Approval of Cortez Gas Company Lease:

City Manager Swingle explained that several years ago the city thought it was in the best interest of the community to move the bulk propane out of the city limits. The City of Truth or Consequences accommodated Cortez Gas Company by letting them lease space across the street from the Airport. The contract is expiring, and the rent we were charging for the lease is \$100 a month. We increased the rent to \$250 a month. It is probably a little less than fair market value for what we are getting, but he feels that the safety of the community was the driving force behind the city. Cortez Gas Company is comfortable with the agreement and is willing to execute it should the Commissioners wish to do so.

Mayor Pro-Tem Hechler moved to approve the Cortez Gas Company Lease. Commission Harrelson and Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Approval of Geronimo Trail Scenic Byway Lease:

City Manager Swingle explained that this is the lease for the Geronimo Trail Scenic Byway for them to occupy the Lee Belle Johnson facility. We provide that building to them at no cost, and the public benefit to the city is that they provide staffing for the visitor center, and meet and greet guests, as well as provide information and resources to our visitors.

Commissioner Mitchell moved to approve the Geronimo Trail Scenic Byway Lease. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Approval of Senior Joint Office On Aging (SJOA) Contract Extension:

City Manager Swingle explained that this is an agreement extension to allow the Senior Joint Office on Aging (SJOA) to occupy the Ken James facility and provide SJOA services from the building. The contract expires in two days so it is rather timely. This would allow for eight one year renewals.

Commissioner Fahl moved to approve the Senior Joint Office on Aging (SJOA) Contract Extension. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

16. Discussion/Action: Approval of Lease Agreement between the Regents of New Mexico State University (NMSU) and the City of Truth or Consequences:

City Manager Swingle explained that the New Mexico State University (NMSU) would like to put a small weather station out at the Golf Course. It will be in a location that will not hamper golf activities. They will use it for educational and climate information. The agreement is for 5 years and it can be renewed each year thereafter in the interest of education and climatology. There is no rent involved in the lease because there is a public benefit in assisting our educational systems.

Commissioner Mitchell moved to approve the lease Agreement between the Regents of New Mexico State University (NMSU) and the City of Truth or Consequences. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

17. Discussion/Action: Approval of the Truth or Consequences Housing Authority Board's recommendation to re-appoint Lee Ann Tooley to serve another term on the board:

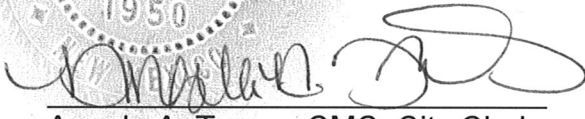
City Clerk Torres explained that Steven Rice from the T or C housing Authority contacted her for the re-appointment of LeeAnn Tooley to the T or C Housing Authority Board of Commissioners. He advertised the position back in November, and they received no response from the public. The Board met on March 24, 2022, and by motion approved sending a recommendation to the City Commission to re-appoint Ms. LeeAnn Tooley to serve another term as Commissioner on the T or C Housing Authority Board of Commissioners.

Commissioner Hechler made a motion to re-appoint Lee Ann Tooley to serve another term on the board. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES


Amanda Forrister, Mayor

ATTEST:


Angela A. Torres, CMC, City Clerk