

CITY COMMISSION WORKSHOP MINUTES
CITY COMMISSION CHAMBERS
JANUARY 12, 2016 at 5:00 p.m.

The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for a workshop in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, January 12, 2016, with the workshop starting at 5:00 P.M.

Mayor Sandra Whitehead called the workshop to order at 5:00 p.m.

Present were Mayor Whitehead, Mayor Pro-Tem Green, Commissioner Richter, Commissioner Clark, and Commissioner Peterson. There was a quorum present.

Also present: City Manager Juan Fuentes, City Clerk Cantin.

1. Interviews for Applicants to serve on the Recreation Advisory Board.

Mayor Whitehead said she will call them down in the order the names appear on the agenda. She would like each of them to approach the podium, give their name and address, tell them a little bit about themselves, and why they have chosen to submit their application to the board, and also what recreational activities they are involved in or have been in the past and what you can contribute to the board

a. Joe Cavosie

Mr. Cavosie presented his reasons for serving on the Recreation Advisory Board. He has lived in Williamsburg for 3 ½ years and before that he lived in T or C for 3 ½ years. When he moved here he had a bicycle on the back of his van when he pulled in. He found that he loved T or C, so he stayed. Back then when he rode his bike, he ran into other people riding their bikes. There are fewer people riding today. He thinks about a year ago a man named George got up and talked about the decrease in population since Ron Fenn started his political adventures. He had a chart of when people moved out of T or C. He believes the same decrease in population started when a woman west of T or C, was attacked and killed by the dog. Since then it seems people have gotten bigger dogs and less people have been riding bikes. He mentioned being chased in the past. Mayor Whitehead asked him to please stay on topic. Mr. Cavosie said he has tried to get the topic brought up and have not been able to. He would like to be an active member of the Recreation Board which has had problems with having a quorum. Almost nobody rides a bicycle in the area and he would like to be an advocate to start the discussion.

Commissioner Clark asked how he pronounced his last name. She said about a year ago Assistant City Manager Slettom and her put in a grant to put in a dedicated bike path and we were unfortunately turned down. That concept is not lost, so mentioned whether he's on the Recreation Board or not Commissioner Clark would be honored to have him call her to help work on getting a bike path established and talk about some other ideas she's had on that also.

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Mr. Cavosie said he believes there is a good way to get to Walmart without riding on Date Street.

Mayor Pro-Tem Green asked what role or purpose he sees the Recreation Board in? Why do we have a Rec. Board in the city and what is its purpose.

Mr. Cavosie responded he's only been to two meetings and only one actually occurred. He believes they look for things people in the city can use. For instance, the swimming pool. It took many years to get the cover for the pool. Advocacy for it was important. He mentioned the BMX Bike Park, which perhaps was a program started but didn't have enough enthusiasm. We lost our bike repair shop and that's too bad. It's an indication of how few people utilize the bicycling. He really hadn't given any thought to that idea.

Mayor Whitehead restated her comments from the beginning of the workshop for Mr. Montoya.

b. Kathleen Gurnsey

Ms. Gurnsey introduced herself and gave some of her background. She came to Williamsburg/Truth or Consequences about two years ago. She retired from Lockheed Martin Aerospace in 2014 and she left in Colorado a set of triplets with mild cerebral palsy and one child a bit older. She needed to get as far away from them as she possibly could. Being retired she would have been home 24/7 and the dishes would have been done, the laundry folded, and the refrigerator would have been stocked because she would have been there. Her Mother retired here with her Father in 1980. She found out with her little pension from Lockheed, she could live here comfortably and still help her children in Colorado. She left them in a Ranch Style home without stairs so the palsy doesn't affect them as badly. Her background has been raising those four children and understanding the needs for the handicapped. She is interested in this board because she's seen the kids playing at the basketball court at the park on Riverside Dr. but she doesn't see much for the handicapped. She would like to introduce sports that aren't as rigorous as softball or basketball. She is a member of the Sierra Twirlers Square Dancing Club. With her church she worked at Christmas time teaching them to sing Christmas Carols. She's attended the line dancing also, and she attends the adult aerobics class in Elephant Butte, where she has helped with leading the workout sometimes. She knows of some special needs adults and they don't have things to do.

Commissioner Clark mentioned the Special Olympics. Many years ago there was a group here and it saddened her heart when it fell apart. She appreciates her concern in wanting to do that.

Ms. Gurnsey said one of her sons was involved in the Special Olympics.

Commissioner Clark said ours was a short running marathon. Destiny Mitchell confirmed from the audience it was a very small event.

Mayor Pro-Tem Green asked the same question he asked Joe. He understands everyone has their own special interests that drives them. He noticed in her resume, she talks about

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being a team player. He asked what role and purpose she sees the Recreation Board playing in the life of T or C.

Ms. Gurnsey responded what she sees is a group of people who are very busy with things in the city and what she would like to see is other avenues. Such as, wheelchair basketball or ideas of different things to do to give children exposure. It makes them think and move and have rhythm. The board for her would be continuing with traditional things that work and introducing new things.

Commissioner Peterson asked if she has had any complaints or problems with the city that may pop up.

Ms. Gurnsey responded she has a lot of confusions to bring up. She reads both papers and sometimes the articles are confusing. Her work with Lockheed, she installed software systems in the field and she worked with men and military and working late hours so the Service Men would be ready in the morning. She is a non-spin kind of guy. But she doesn't have any animosities or the time or energy to carry grudges. She's not sure what he's thinking of but it's not worth it, times to short.

c. Buddy Montoya

Mr. Montoya first said thanks for letting them be interviewed in front of the City Commission and welcome to the other candidates. He has been a resident of T or C all of his life which is over 50 years. He is a former member of the Recreation Advisory Board and he was removed quite some time ago because of politics. As a lot of people know in the community, he is very vocal and he voices his opinion. He is very in to how things are run as far as politics and policies. He has been trying to get on the Recreation Board for quite some time, his application has been shot down several times. He's very involved in the community as far as Recreation, he's been an umpire for the Coed and the Men's League. He has a UAAA traveling Softball team that he coaches and he also umpires for them. He is registered to be a coach and an umpire. He has helped Hatch with umpiring through UAAA. He's served on several boards here in T or C and in Albuquerque. He's a former President of AFSCME which is the American Federal State County and Municipal Employees for about six years. Then he became a Trustee for Council 18 out of Albuquerque also before he was in the job he is right now. Since he wasn't in the union anymore, he was removed from the council. He was President for six years for the Ojo Caliente Restoration Society which is the fiscal agent for the Chihene Nde Apache Native group here in T or C. He was with the New Mexico Activities Association as an Umpire with the Las Cruces Umpires Association. He umpired High School sports through NMAA. He's an announcer for the High School Football here and has positive feedback on what he does there. He played and umpired Little League in the area. He was with Youth Basketball and he refereed for them also. When they had the local TV Station, he filmed youth sports for them and he also went to Hatch and this was all volunteer. He grew up around the swimming pool before any of the dome was put up. There was something said about a bicycle path and walking path, when he was on before they talked about putting a path and he's not sure what happened with that.

Commissioner Clark thanked him for all of his years of volunteerism.

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Mayor Pro-Tem Green said he had an impressive resume of volunteerism. He then asked him why do we need a Recreation Board and if we do need one what is it's role?

Mr. Montoya said he knows why we have a Recreation Board and he doesn't like to be negative and that's one of the reasons he gets in trouble with his mouth. At this time, he feels the Recreation Board isn't doing their job. He feels it became political. He wants to be appointed for what he knows not who he knows. He wants to be appointed for what he knows. The Recreation Board is just what it says, they get information from the public and advise and bring it to the Commission. He feels there is some retaliation and discrimination on the board at this time. We had a situation when he was an umpire for the Men's League this year. He had to call one of the Commissioner's because he was upset about one of the policies which is the Open Meeting Act. He had to get them to interfere because he had the Recreation Board coming and trying to supervise the League he was putting on. They even interrupted his tournaments because they kept coming out there. He said it's a really sore thing right now. He brought part of the newspaper, he feels the article where the Recreation Board had approved to appoint the sole applicant which was his. He feels the reason he has not been able to get on the board is because he doesn't see eye to eye with some members of the board. He said that's his take on the Recreation Board.

Commissioner Peterson asked if he has any unresolved issues.

Mr. Montoya responded yes he does, he would rather meet in private on these problems he sees going on and what we are up against. If we put our differences aside, he feels the Recreation Board can go a lot longer way in accomplishing things he sees need to be done.

Commissioner Peterson asked if there are still members on this Commission that created some of his concerns in the past.

Mr. Montoya said no, when he was removed there were several on the Commission where we didn't see eye to eye. He is not very well liked around town because he states his opinions.

d. Ed Ragsdale

Mr. Ragsdale presented some of his accomplishments. He lives in Las Palomas. He is the former Recreation and Parks Director for the city from five and a half or six years ago. He has a farm and ranch he has to take care of, as well. He has seen that the Parks & Recreation Dept. employees have gone down and he thought he would volunteer for a Part Time position to help the city. As the Director, he was the one who got the bid to get the lighting at the Ball Fields and the New Tennis Courts. He's also an umpire at the Ladies Softball League and he helped them organize their League and helped them with their bylaws so everybody new what they were supposed to do. Prior to moving to T or C 12 – 15 years ago, he came from Alamogordo New Mexico where he was the President of the Otero Youth Football League where they formalized Contact Tackle Football. They had a Peewee League, and a Youth League ran from 10 ½ up to when they went to Middle School. They had a very successful program over there. He's coached Little League Baseball, Softball, and he was an umpire for USSSA, since we don't have a certified sanctioned league here, he dropped his certification. He was the A, B, C, D Softball Leagues and they also had a Gold, Silver, and Bronze League. He was the UIC (Umpire in

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Charge for the church league. He has accomplished a lot since he's been here. He helped get a new children's playground equipment in Williamsburg, as well as, Ralph Edwards Park. He's been working with his former boss who use to work with him about replacing the playground equipment at the swimming pool. When he was the Director he also ran the swimming pool, it was his responsibility. He worked very closely with Destiny to order the Sand Filters and Filtration System to make it more efficient. Right now he is working with the Youth Soccer for the city to start their season. He also brought in the District 5 Barrel Racing Association to the Rodeo Arena. And he has been working with the 4-H Coordinator, the FFA Coordinator and the County Extension Officer. He just got his granddaughter a new pony and have been working with the City Arena to keep it up to date. He works with Jim Cana and does the arena work for them. He works as a part time employee with the Parks Dept. and he has people come to him all the time and he refers them to the Recreation Board to bring their ideas so it can go to the Commission to see what the community wants. He doesn't like to create problems, he likes to solve them. He's got the background for it, and he has the management for it. He is a Retired Air Force Senior Sergeant. He has been around the block and worked civil service and city government so he knows how it works. He likes to look at the cup as half full, not half empty.

Mayor Pro-Tem Green asked if he feels the board is going in the right direction or if you are appointed, what direction would you like to see it go into?

Mr. Ragsdale responded more publicity to get community involved. You need to come up with a plan that will try to please everybody. You're never going to be able to do that but you should look at the majority of people and what they need. Is it physically and financially possible to do something, See if there is a grant we can get. The City has a grant writer, and we should put it in writing and send it to the Commission and see if there is something we can do. The main thing is you have to get the community involved.

Commissioner Peterson asked working with the city for so long, are there any unresolved issues you have.

Mr. Ragsdale said there is, but he doesn't know if this is the time to bring it up. The Parks & Recreation Department is really undermanned. During the winter months it's not too bad but two and a half employees during the Summer not enough to take care of everything. In the Winter it's not as bad. In the Summer it takes 2-3 days to start in Williamsburg and work your way all the way through to get to the Rodeo Arena. The Weed Eating, Mowing, Weed Control, the Ball field (is used four nights a week), the two smaller fields are used for little league (used two to three nights a week). Every day those fields have to be worked to make everything ready including the infield for the kids or adults who are going to play on it. When he ran the Department he had six people including himself. From his personal management background and work ethics, if we had one more full time person and two part time people you would have four full time people. A lot of this boils down to money. You have aerating and weed control and it all takes money to buy that stuff. Unfortunately, everything keeps going up. He doesn't know where we can draw that money from but he's sure there are grants for the upkeep of these things. We just have to put our heads together and find a solution for it.

Mayor Whitehead closed the meeting at 5:45 p.m.

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, JANUARY 12, 2016

The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City on January 12, 2016 with the meeting starting at 6:00 P.M.

A. CALL TO ORDER

Mayor Whitehead called the meeting to order at 6:00 p.m.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Russ Peterson, Commissioner

Jay Rubin, City Attorney
Renee Cantin, City Clerk-Treasurer

2. SILENT MEDITATION

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Green moved to approve the agenda. Commissioner Clark seconded the motion. Motion carried unanimously.

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

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

Sue Penner, Finance Director at SJOA addressed the Commission to report on how money was spent. The report is on file with the Agenda Packet for this meeting.

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Carey "Jagger" Gustin addressed the Commission related the Sierra County Arts Council and an update on what they are working on and doing. This is their 20th year bringing their events and musical performance to Sierra County. He is very honored to be a founding member of the council. In 2016, they will bring the World Famous Santa Fe Opera back to the Civic Center in April. They are trying to assist the MainStreet Group to plan and build the cities Art Park slated for MainStreet. The Committee started work on the Stainless Steel Sculpture by Artist Jeff Barber. The City of T or C's Public Art Board is helping to fund this sculpture. The big news for 2016 is the Arts Council will offer lectures, workshops, and classes in figure drawing and water color instruction. The classes will be affordable at \$25 and will be open to any student or resident. There will be scholarships for instruction. January 23rd at the Grapes Gallery the Council will host its annual membership event. It's a good way to learn about the programs and events. The Double Clutcher's will be playing for your listening pleasure. He thanked the Commission.

Irvin Valdermore addressed the Commission related to closing the Senior Center. They would like three days' notice when it is going to be locked. They also asked the temperature to be changed. Some of the Line Dancing Ladies asked if it could be set at 66 degrees. There's no reason to have it at 70 or better unless someone is in those rooms. The building was left open during the thanksgiving weekend when Jimmy was off on vacation. The pool table balls disappeared and somebody traded and put part of them back but not the rest of them. They were put into an ice chest, where they had two sets. Both sets are now gone. They have more now. The back door was left open and completely swinging one morning when he came. He tried to call the city and Jimmy and could not get them. He thinks we have a new guy taking care of the building and if we have a new trainee it's probably a good idea to have not to have someone who is ready to retire train them because of the work ethics. He thanked them for letting him voice his opinion.

Michael Hogue stated Sue Penner has done a fantastic job with the Senior Center's Finances. He's been over them and they are very well organized. He went on to ask who is responsible for the administration of the SJOA Board members. He said Rita Johnson has been a board member for at least nine years based on SJOA's Federal Tax returns. Their bylaws have member terms which were revised in 2014 changed to the total of 6 years term eligibility requirement. He asked why she is still a board member despite her ineligibility. Clearly Rita knows she is ineligible to be a board member and the board knows. During her tenure the SJOA has conservatively lost \$925,967 in state and federal funding. His comments in no way reflect upon Rita's qualifications to be a board member. It's merely that she is a board member and is ineligible. He believes other members of the community should be given an opportunity to be considered. The purpose of term limits is to bring fresh perspectives to governing by restricting the influence of incumbency. A new perspective would be beneficial to both the SJOA and the community at large. For the record, all financial amounts are based on public financial records. They haven't filed the 201 bylaws with the New Mexico Attorney General's office.

Linda DeMarino, Executive Director of MainStreet Truth or Consequences gave an update. They are moving forward on their USDA Grant to put together training and workshops for businesses. They are excited about getting the grant for the Healing Waters Plaza. Tomorrow is the Groundbreaking and she's here to invite the Commission to that. It will start at 11:00 a.m. at the Healing Waters Plaza, refreshments will follow at the Spaceport Museum. They are starting the Buy-A-Brick program, they can be purchased

and personalized and placed around the Boulder Fountain in the Healing Water's Plaza. Forms will be available, and they will also be online at www.torcmainstreet.org She thanked the Commission.

D. RESPONSE TO PUBLIC COMMENTS

Mayor Whitehead thanked everyone who commented.

E. PRESENTATIONS

Mayor Whitehead read and presented Certificates of Appreciation to Ralph Bascom and Sharon Lacy for their efforts in the Incident at the Pool.

1. Presentation: Code Enforcement Update. Bill Slettom, CDD/ACM

Assistant City Manager Slettom addressed the Commission. He gave a recap of Code Enforcement starting with Chapter 6, Article 3, Weeds. In 2015, 104 Owners were sent letters stating they were in violation of one or more codes relating to weeds. They had 62 owners who cleaned up without any further action. That's not a bad response but we hope in the future we will do better with voluntary compliance. We had 20 that were turned over to the City Attorney or put directly into Court. Of those 12 complied and cleaned up. It works wonders when people see their name in the paper. Two were arraigned in court and six were cleaning up by a cleaning crew hired by the city. Part of the process is they send out the notice with a Return Receipt/Certified Mail. Then they wait until they receive that back before they take action. When that happens they go out and re-inspect, a handful of those were just before the holidays. Four of those have been cleaned by a crew hired by the city. When we see we have no other choice, we get estimates from independent contractors to clean it up. We take that out of our demolition and clean up budget. So we have set some goals for next year; one is to improve our recordkeeping. We have found a terrific software program called I work for Code Enforcement, it will also work for Building Permits. It's very user friendly, we think it will help us keep track of where we are in the process of notifications, inspections, court appearances and whatever it takes. We will be getting that software somewhere in the next month. We also want more publicity of these violations. Some properties have not made it into the newspaper, we will make sure anybody in violation is put in the paper. Another goal is additional fees for repeat offenders, we have some properties that are just plain chronic. Sometimes several times a year we have to send notification to them and they comply. It's getting aggravating and we need to find some way to revise our codes to increase fines for these repeat offenders. In the area of building removal in chapter 4, we had 17 property owners who were notified. Two of those owners cleaned up and removed the building without any further action. Two others are in the process of cleaning up, we are working with them on cleaning up. Eight properties have yet to be brought before the Commission. We also have two properties that are ready for demolition and we are in the process of getting bids for that demolition. Some of our Goals for Building Codes violation is also looking at the records. That same software programs will help. Another goal is to have more eyes in the field, so we are working with the PD and Animal Control on a system of observation reports where we will have more eyes looking for things and this will include cross training and what to look for. They also have a goal to remove dangerous structures and one of the ways will be to streamline the Resolution process. They are not quite sure of the details but they are looking at ways

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without amending the ordinance too much to speed up the process. They showed some pictures which were included in the Agenda Packet.

Building Inspector Travis said the address of the first picture is actually 601 Pine St. the owner has made some changes and it turned out really good, he is renting out one part of it now. At the property on Ash, the owner took it down and cleaned the lot. 306 Tingley property was taken down and a new structure was built. 518 Elm was one we dealt with for several years and the owner finally agreed to take this down and clear the lot. There is room to put a mobile home or storage unit. 719 Elm, we did a resolution and finally found the owner they have cleaned the lot. 613 Gold is the most recent had a doublewide on it and the daughter in Dallas didn't have authority to do anything on it, but she said just do what you have to do. So we went ahead and had it removed and cleaned the property. A few of the neighbors saw us and came up and thanked us for cleaning it and may be interested in buying the lots. We have put a lien on this and may foreclose to recoup the cities money. One on 3rd and Caballo off Corbett was interesting we worked with a gentleman for about a year and a half and finally got it taken down. It's right on the Route to the Spaceport.

Assistant City Manager Slettom said with that they will stand for any questions.

Commissioner Peterson said on the first two pages, how many people do we have working on these projects. Building Inspector Travis responded Ray Chavez is our Code Enforcement Officer, he mainly does weeds and vehicles, and Building Inspector Travis takes care of buildings and RV's.

Commissioner Richter said it looks like we have had a lot of success and positive results. It looks like we are just enforcing the codes and it's been years and years since we have the the community is looking better for it. He thanked them.

Mayor Pro-Tem Green agreed with Commissioner Richter's comments. He commented on how they mentioned they bring in outside work crews when they can't do it. That's taxpayers dollars and everyone is paying to clean up someone's yard who doesn't want to pay or is just turning a blind eye. He's wondering if there is a building located on that property, if we could put that cost of the weed removal on the utility bill. And if they don't pay that bill, they don't have any electricity or water. He wonders if there is a legal way to get the city's money back. Number two, he noticed driving around there is a house with 15 junk cars in a residential area. He knows we've gone down this road before about what's antique cars, but 12-15 junkers on blocks that are going nowhere.

He asked if there is a way to handle these junk cars or draft up an ordinance to give them enough time. The people who own that property on the side of I-25 before exit 79, they hire a big car crusher, and they put it in a big trailer and haul it away. There's got to be a way we can do something.

City Attorney Rubin said our ordinance is patterned after state statute 3-18-5 as far as filing the liens. We are allowed to record a lien on the property for a reasonable cost. That includes weeds, junk cars, whatever we are doing. Then we can decide if we want to foreclose the lien. The ordinance allows for 8% interest on the recorded lien. He is not aware of a provision where we can assess an amount on the utility bill.

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Commissioner Peterson said we do have an ordinance that says you can have a barrier so you can't see the stuff from the road.

City Attorney Rubin said yes we still have the rights to enforce those in place.

City Manager Fuentes had no questions but commented on what Bill, Robbie, and Ray are looking at giving us a better way to track these properties and in 2016 we can look at the properties more aggressively.

F. CONSENT CALENDAR

- 1. City Commission Regular Minutes, November 10, 2015.**
- 2. City Commission Regular Minutes, December 15, 2015.**
- 3. Public Utility Advisory Board Minutes, November 16, 2015.**
- 4. Golf Course Advisory Board Minutes, October 12, 2015.**
- 5. Accounts Payable: December 2015.**

Mayor Whitehead read each item on the consent calendar.

Mayor Pro-Tem Green moved to approve Items No. 1, 2, 3, 4, & 5 of the Consent Calendar. Commissioner Peterson seconded the motion. Mayor Pro-Tem Green commented on page 4 of the Public Utilities Advisory Board it recommends bringing rates back to the Commission. Motion carried unanimously.

G. PUBLIC HEARINGS

- 1. Public Hearing: Final Adoption of Ordinance No. 668 related to the Amendment to the Local Economic Development Act (LEDA). Juan Fuentes, City Manager**

City Manager Fuentes gave an overview of the ordinance. The ordinance was presented to revise the LEDA act. The revisions amend our code to be closer to the state statutes. It allows the city to participate in a public/private partnership for economic development activities. Whether we use property to attract manufacturing businesses or any sort of job creating entity as well as retail. The current ordinance No. 447 adopted in 1997, is a little outdated and more complicated. Sierra County has adopted a similar template that follows state statutes. It would give the city more flexibility to create projects to bring before you all.

Mayor Whitehead opened it up for public comment. There was no public comment received. Mayor Whitehead also asked for questions or comments from the Commission and there were none.

Mayor Whitehead closed the public hearing.

Mayor Whitehead noted for the record Commissioner Richter has stepped out for this agenda item.

- 2. Public Hearing: Variance for a Billboard located at I-25 Northbound-East Exit. Robbie Travis, Building Inspector**

City Attorney Rubin stated since there are no opponents, we can waive the battershell process.

Building Inspector Travis said this variance is for 1,000 feet in our Code and they want to reduce it to 500 feet. Section 11-13-2.5 Off Premise Signs in C.2 Billboards. The background the Billboard was going to be removed for the Spaceport Welcome Center but the property owner feels the center may not be built so they are asking for the variance to leave the billboard up to bring people into our city. He asked Mr. Gustin what would happen if the Spaceport moves forward and he indicated they would take it down. He doesn't want to say it's a temporary thing, but it would be if the spaceport comes in. It would block the view of the Welcome Center. Staff would recommend approval just because we would like to see people come into our town on the North end. They paid their fees, and site plan and we did the notice of public hearing and posted it for 15 days.

Commissioner Clark commented on something he said the sign is on a property owner's property, not Mr. Gustin's property, correct. Building Inspector Travis confirmed this. She said this person was kind enough because we had to put an interim Space Port in our Downtown because of the issues with Spaceport America. This property owner is aware enough that we need to have traffic into our community so she would say that's a magnanimous gesture.

UNFINISHED BUSINESS

- 3. Discussion/Action: Final Adoption of Ordinance No. 668 related to the Amendment to the Local Economic Development Act (LEDA). Juan Fuentes, City Manager**

City Manager Fuentes said if there are no questions, this item is before you for action.

Commissioner Richter joined the meeting again at 6:43 p.m.

Commissioner Clark moved to approve Final Adoption of Ordinance No. 668 related to the Amendment to the Local Economic Development Act (LEDA). Mayor Pro-Tem Green seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

- 4. Discussion/Action: Resolution No. 20 15/16 supporting the Copper Flat Mine. Juan Fuentes, City Manager**

City Manager Fuentes said the Bureau of Land Management has issued the Environmental Impact Study for the Copper Flat Mines. There is a 45 day Public Comment period, the Public Hearing was held last month to provide an update and hear the details of the plan. The majority of the public in attendance included Sierra County Officials voicing their support and some residents in the county voiced their concerns; the other members in attendance were in favor of this project. The information presented showed little impact for T or C and our Water Resources. The Mine operation is expected to bring jobs to the area and will benefit our city. The proposed Resolution basically will support Copper Flats efforts to obtain the necessary permitting to begin the operations. Which we hope will be towards the end of this year or early next year. With that, he will stand for any questions.

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Commissioner Clark has a problem with this. 1) The period of time for BLM has been extended again until March. 2) She understands the water rights for FEMAC are in litigation and she's not certain it's a good idea for the city to take a side if there's litigation going on. She understands the original study done by FEMAC is where Ore is selling for \$1.95 per pound and she wonders if they are going to open up like they were in 1982. She reiterated that she has a problem with the fact they are in litigation already over water rights and that has not been solved. She doesn't believe it's in the cities best interest to pick a side one way or another. Commissioner Clark requested we postponed this item.

Mayor Pro-Tem Green doesn't think there is anyone who doesn't want good paying jobs for people who want to work or anyone who doesn't want new business to come to our community.. The three major revenue industries are the Extractive Industry (#1), Tourism (# 2), and Farming & Ranching (#3) and that's what drives our state, the revenue that produces. The study talks about a very dangerous impact to our aquifer, that after they finish pumping 22,000 acre feet of water a year for the life of the mine, which might be 10-12 years. They are going to recycle a large portion of that water, and they are only going to use 6700 acre feet per year, every year. That's four times our annual usage. He certainly wants to support jobs unfortunately when you have jobs tied in with water and you're talking about a one hundred year recovery of an aquifer, what is that going to do to the people who live in the county and do their shopping and use the retail we have. One hundred years from now he has a problem with the legacy he is leaving because of one vote for his community and his county as well. He thinks we postponed it once and we don't have enough information on how they will use the water and clean it, and get it back into the aquifer. He doesn't see a thing in the draft about where the money is to reclaim the land when they leave 12 years later. Somebody's got to pay for that. Yes, we want jobs, but if it wasn't tied to our water he would vote for it.

Commissioner Peterson asked him to reiterate the EIS stated there would be no impact on the city. And the County official have already voiced their approval.

City Manager Fuentes said that was the information presented and Bruce Swingle the County Manager voiced their approval. Commissioner Peterson asked if the County Commission voted on it yet. City Manager Fuentes responded it was his understanding they supported it but as of whether they took official action, he could not tell them. He can say the County Manager on record expressed support.

Commissioner Peterson worked there back in 1979, 1980, or 1981 and there were a lot of concerns about the water at that time. It was closed down because of the price of copper. They couldn't give it away at the time it was sold, so it closed. It was a great economic development for our community and for people needing jobs. He voiced his opinion because he feels if the county thinks their constituent is safe, so does he.

Commissioner Richter said for the city and county to have no industry. Whether it happens for three months or three years, he doesn't care. The opportunity is there. This opposition to mines have happened all over the state. This mine has the opportunity to be productive. The draft EIS, these operations are nearly forced out of business because of the high cost to comply with federal regulations. He spoke about the dumping into the Animas River was caused by the Federal Government, not the mining operation. This isn't a nickel and dime

investment. It's a chance for real jobs, real prosperity. Any sort of action on this, we should make a statement one way or another on this.

City Manager Fuentes had no further comments and he recommended approval.

Commissioner Peterson moved to approve Resolution No. 20 15/16 supporting the Copper Flat Mine. Commissioner Richter seconded the motion. Roll call was taken by the Clerk. Motion carried by a vote of 3-2-0. Mayor Pro-Tem Green and Commissioner Clark voted nay.

5. Discussion/Action: Approve the appointment of one vacancy for the Recreation Advisory Board. Greg D'Amour, Chairman

Mayor Whitehead asked for clarification from City Attorney Rubin on the process to select the appointment. City Attorney Rubin responded they can do it however they want but they should take action on the process.

Commissioner Peterson would like to write on a piece of paper, and have the Mayor tally

Commissioner Peterson moved to approve using a piece of paper to vote and submitted to the Mayor. Mayor Pro-Tem Green seconded the motion.

City Manager Fuentes asked for clarification would be submitted to the Mayor, she would tally the names. Commissioner Clark asked what happens in the event of a tie. City Attorney Rubin said you would have to deliberate further. **Motion carried unanimously.**

Votes included 3 for Ragsdale, 1 for Kathleen, and 1 for Montoya.

Mayor Pro-Tem Green moved to approve Ed Ragsdale be appointed. Commissioner Clark seconded the motion. Motion carried unanimously.

H. NEW BUSINESS

1. Discussion/Action: Variance for a Billboard located at I-25 Northbound-East Exit. Robbie Travis, Building Inspector

Commissioner Richter stepped out for this item.

Building Inspector Travis said he will stand for any additional questions on this item.

Mayor Whitehead gave an update on the Public Hearing.

City Manager Fuentes had no questions or comments.

Mayor Pro-Tem Green moved to approve the Variance for a Billboard located at I-25 Northbound-East Exit. Commissioner Peterson seconded the motion. Motion carried with a vote of 4-0. Commissioner Richter was absent for the vote.

Commissioner Richter joined the meeting at 7:03 p.m.

2. Discussion/Action: To accept and approve for Publication Ordinance No. 669 amending Chapter 14, Article II, Section 14-30 Access to Property; Inspection. Christina Bruch, Electric Dept. Admin. Asst.

Christina Bruch, Electric Dept. Admin. Asst. presented the item. On December 21st, this ordinance was submitted to the PUAB. Their recommendation was to submit this ordinance for publication to the Commission. This ordinance amends Chapter 14, Article 2, Sections 14-30 regarding access to property. The original code was vague and didn't give details on what we needed access to why, when, or who needed access. Section A now states "City Employees will have the right to access property at reasonable times. Such refusal of granting that right may result in disconnection of services." We would then create internal procedures to implement that. Section B states, "All meters and accessories shall be accessible and free of any obstructions and hazards." The old code didn't say anything about possible hazards the meter readers and city staff could run into. All installations shall be supervised and inspected by the Electric Department. The Electric Department already does this but it never stated anything in the ordinance. It also talks about new and existing installations, we added in "All new Electrical meter installations shall be installed outside of the house." We've had issues getting to meters that are built inside additions and this should prevent this happening in the future. We also added "Meters shall not be installed on company poles or other structures." It creates a problem for our Linemen when they have to work on the equipment. And the last part of this section states, "If our employees feel it's necessary and the meter needs to be moved, we will take action to get that done." At this time the city recommendation is to approve this ordinance for publication and she will stand for any questions.

Commissioner Richter asked if this will retroactive to back after those meters that have been built around or have been improperly placed. We have more specific powers than we had before to accomplish this. Is that correct?

Mrs. Bruch responded she didn't think it would be retroactive, it would be anything from this point forward. We can't go back and tell them they have to move it now. Electric Department Director Easley added other than if it is a problem for us to go in and read the meter, then yes they could make the change.

Commissioner Richter said so it's just expanding our ability to do this.

Commissioner Clark appreciates their efforts in doing this. She thinks it's uncool that people hide their meters in their house area so you can't get to them. She was reading this again when the meter reader from the city came into her back yard. And because she has it fenced off and has dogs there. You have dogs in here it doesn't say dangerous dogs, it just says animal. She would like to see it be more specific when it comes to animals. She knows they've made an effort to that. What she is also reading into this is giving us an awful lot of ability to go in and look at electrical systems, where meters are placed, to bringing in the building inspector to condemn property, if we don't like the placement. She concerned about buying new meters that we're doing and they won't fit on the electrical systems that are on some of these houses. That we're giving permits by the inspectors and now they are not going to be up to code, and all of the Federal and City Code regulations in there the people are going to have to meet up to. She's concerned about all of the impoverished people in the community so if you gave them a 30 day letter to bring

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everything up to code, they don't have \$9,000 or \$20,000 in the bank. She feels like this is very important, but she doesn't feel like we are protecting our citizens by this open-ended ability to go in there and look at all of the water meters and all of the electric meters. And knowing we really do need to replace some of the meters in this community, because they are so old, she has a real problem with the way it's written. She thanked them again for the effort but it doesn't really work for her at the moment.

Mayor Pro-Tem Green responded Commissioner Clark's comments were an interesting take on the ordinance. He referred to the last sentence in the last paragraph which reads, "Moving the meter shall be done at the property owner's expense." He asked if they have the option to do it themselves and contract out to a licensed electrician or is it mandatory that it must be staff that does that.

Electric Department Director Easley responded it is the customer's responsibility. All they do is supply power to the weather head for setting the meter. The meter can and riser is their responsibility and they would have to hire an electrician to do it.

Mayor Pro-Tem Green said if they don't do it and this ordinance is passed in its same form or like form, then we do it and bill the customer.

Electric Department Director Easley responded no, we are not licensed electricians so we would not do any of that.

Mayor Pro-Tem Green reiterated that moving the meter at the property owners expense is their responsibility and we cannot do that at all. Electric Department Director Easley confirmed this.

Commissioner Peterson asked the City Attorney if this meets the basic approval. City Attorney Rubin responded yes, we had a meeting with staff and he feels comfortable with this. He is willing to address Commissioner Clark's comments and asked if she is referring to the first sentence in paragraph B for animals. Commissioner Clark confirmed this. City Attorney Rubin clarified they are not saying they cannot have dogs, they are just saying the dogs cannot interfere with the accessibility. Commissioner Clark responded that's not how it reads to her. City Attorney Rubin said he doesn't want to argue with that, but this is what we were trying to come up with. In his opinion, he felt comfortable with this.

Commissioner Peterson asked Police Chief Alirez if he is comfortable with the enforcement. Chief Alirez confirmed.

Mayor Whitehead thanked them for their job and work in putting this together.

Mayor Pro-Tem Green moved to approve the ordinance #669 for publication. Commissioner Peterson seconded the motion. Motion carried 4-1. Commissioner Clark voted nay.

3. Discussion/Action: Election Resolution No. 21 15/16 appointing Precinct Boards and Polling Places. Renee Cantin, City Clerk

City Clerk Cantin stated Item 1.3 is the Election Resolution No. 21 naming candidates; designating polling places appointing Precinct Boards; and including a Notice of Election

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School. She handed out a revised Resolution which has some minor corrections including the removal of candidates who filed last Tuesday but have decided to withdraw their candidacy, which include Tony MacRobert for the Position 3, 2-year term and also Sophia Peron from Position IV for a 4-year term. We did not have anyone come in to file today as a Write-in Candidate so that will be the final slate as of 5:00 p.m. The Revised Resolution also includes the Spanish version of the Resolution, which was not attached to the original packet. She further stated approval of this notice is required by Section 3-8-19.c which relates to appointing a precinct board and 3-8-21 of the Election Code, which refers to the required notice of election school. As per section 3-8-21.C Two or more municipalities may jointly conduct election training, so I will be conducting the Election School for T or C, the Village of Williamsburg, and the City of Elephant Butte. Election School will be held here in the Chambers on February 22nd at 2:00 p.m. This notice is required to be published twice between February 2nd and February 28th. Staff is recommending approval of this Resolution and she asked for any questions they may have.

Mayor Whitehead asked if there were any questions or comments

Mayor Pro-Tem Green moved to approve Resolution No. 21 15/16 appointing Precinct Boards and Polling Places and notice of Election School for the Precinct Boards. Mayor Whitehead seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

4. Discussion/Action: Election Resolution No. 22 15/16 Setting Fees for Recount/Recheck. Renee Cantin, City Clerk

City Clerk Cantin stated this item is for setting fees for Recount/Recheck for the March 1, 2016 Regular Election. This is not a required resolution, but the New Mexico Municipal League had determined that one of the problems that can occur after an election is determining the cost of a recount/recheck. We are recommending to use the costs list approved by the state in 2014 and adopt that as our recount/recheck costs for the election. The Commission has previously passed this resolution for the 2014 Regular Election.

As you can see on the attachment from the State Canvassing Board the Estimated Actual Cost of a recount for one Election Day Precinct can be anywhere from \$670 to \$1,020; and the cost of a recheck of voting machines (one or more) per precinct is also between \$670 and \$1020. Once you get into a breakdown of paying each precinct board member which by statute can be up to \$200 per person, plus the cost of sending a summons to each one, you would be well over the \$670 estimate. The Costs are based on only one day of proceedings; additional costs would be assessed if the recount/recheck proceedings extend beyond one day. She feels this is a good resolution to have in place just in case we run into the situation. Staff is requesting you to consider approval of this Resolution, and she stands for any questions they may have.

City Manager Fuentes had no questions or comments and recommended approval.

Mayor Pro-Tem Green moved to approve Resolution No. 22 15/16 Setting Fees for Recount/Recheck. Commissioner Clark seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

5. Discussion/Action: Contract Award Request for Proposal #15-16-001 Solid Waste Hauling Services. Pat Wood, CPO

Finance Director Montgomery will be presenting this item for the Contract Award Request for Proposal #15-16-001 Solid Waste Hauling Services. Proposals were received until November 10th, 2015 at 2:00 p.m. wherein we received two proposals for the RFP. The responses were received by South Central Solid Waste Authority and New Mexico Waste Services. The selection committee was Bill Slettom, the Assistant City Manager and Community Development Director, Andy Alvarez, the Solid Waste Director and herself. They reviewed all proposals and selection was made to award the contract to the South Central Solid Waste Authority. In the packets you have the proposals with totals as well as the contract for the South Central Solid Waste Authority. She stated Mr. Peck is in the audience if there are any questions from the Commission.

Mayor Pro-Tem Green asked Jay about the extension which cannot extend beyond a total of 8 years. So we're good with the 8 years. City Attorney Rubin responded yes, and again every year we're required by mutual consent of the parties and he would anticipate this contract coming back every year for approval.

Commissioner Richter asked Mr. Peck if he could go over the time on this contract and the charges on the previous contract and how this is a better deal.

Patrick Peck, Director of South Central Solid Waste Authority had a point of order for the city attorney, this is the West and we break ties by cutting cards or flipping coins, we don't litigate. He responded to the previous question when they went over the previous contract with City Manager Juan Fuentes. They worked on a formula that charged for the equipment and on the manpower they gave a fuel surcharge because fuel prices were crazy at that point. There was a tipping fees that was based on the tons you brought in. We didn't understand at that time how many tons of trash you would generate. That price range at the height was about \$55 a ton when fuel prices were high. The last time he looked at the prices was in the Spring when fuel prices started coming down. The \$46.50 is where he thinks it should be, this is a much better deal for you because it will lock us into a long-term contract. The Authority cannot raise above the CPI index with is 1.5 percent. So even if we passed a two or three tipping fee increase, you're protected under that. This is what we wanted to get to two or three years ago with a long term agreement. You stand to save up to \$50,000 a year at this price. He wanted to say thank you to Andy and to Juan because they have a good working relationship with the city and they want to continue that. They are looking forward to this partnership.

Commissioner Clark asked if they raised their tipping fee too, she is hearing it will cost more to take our trash down to this place than it did the year before. She asked if she's missing something. Mr. Peck responded at \$46.50 a ton it's almost a \$6 savings or reduction in pricing. It's basically an adjustment in the equipment. Commissioner Clark trusts Ms. Montgomery's suggestion. Mr. Peck said the other thing is there is no limit on Solid Waste. If you can figure out how to pull the recycling, we'll take that too.

City Manager Fuentes thanked Patrick Peck for his assistance services with PR and Notices to the public and he had no comments and he recommended approval at this time.

Mayor Pro-Tem Green moved to approve Award Request for Proposal #15-16-001 Solid Waste Hauling Services. Commissioner Clark seconded the motion. Motion carried unanimously.

Mr. Peck said this will go before his board next Thursday for approval.

6. Discussion/Action: Request for Authorization to assist the Village of Williamsburg to prepare applications for planning grants for Water/Sewer Line Replacement Projects. Juan Fuentes, City Manager

City Manager Fuentes met with the Mayor and one of the Trustees of the Village of Williamsburg. They are requesting assistance to prepare applications for the replacement of water and sewer. Within the boundaries of Williamsburg the city owns the water lines, but they own the sewer lines. That's the agreement we have with them. The Village is designated for a Colonias so they are eligible for the USDA funds and state funding as well. Assisting them with funding could approve both their infrastructure and our infrastructure as well. They are our customers, so it would benefit both entities. Our staff with the help of Bill Slettom, Traci Burnett, Jesus, and Lori as well have worked well together and have been able to obtain some of the funding we need to upgrade our own infrastructure. He is happy to report we received word on the Water Trust Board which is on the list already to be put on the Legislative list for this session for funding. With some of the work we've done, helping the Village of Williamsburg will be in our best interest. Being a small county we should pull our resources and help each other out. We are asking authorization from the Commission to allow staff to help them get funding which in turn will be GRT and construction money for the city as well.

Mayor Pro-Tem Green moved to approve the request for Authorization to assist the Village of Williamsburg to prepare applications for planning grants for Water/Sewer Line Replacement Projects. Commissioner Clark seconded the motion. Motion carried unanimously.

7. Discussion/Action: Proposed Ordinance amending the dedication of Municipal Gross Receipts Tax related to Hospital Funding. Sandy Whitehead, Mayor

Mayor Whitehead stated as most of you know the CEO Michael Zimmerman has been working with the New Mexico Finance Authority to secure loan funding for the new hospital. Sierra Vista and member entities met to discuss the details of the project and the hospitals ability to repay the loan. The consensus of the committee was to move forward with the planning and construction of a new hospital. The city has dedicated a portion of the GRT to the Hospital for operations and maintenance. The city would like to maintain that dedication to the hospital to be used as specified by the New Mexico Finance Authority loan documents to secure the funding for the new hospital. Action requested is to authorize staff to work with the hospital to amend the ordinance and to continue the dedication of the gross receipts tax for the new hospital. She requested Mr. Zimmerman to come forward and update the Commission on what's going on.

Michael Zimmerman, CEO of Sierra Vista Hospital said at this point we are moving ahead on the project subject to the final votes of their operating board and the Joint Powers

Commission on January 26th. They are working with their bond counsel to draft the appropriate resolution for each Joint Powers Commissions to pass at their meeting. All Commissions have different levels of commitment that are longstanding and have been in place since 1997. As he has said publicly, they are not asking for any additional money from any JPC member, but rather to continue the support they have graciously provided for the last 18 years.

Commissioner Richter asked if the GRT will be used for debt service.

Mr. Zimmerman said in this particular case the language is very specific. It is the existing three quarters of one quarter are specifically earmarked for repayment of the loan; and just like the current structure its three quarters of one quarter is for operation and maintenance; then one quarter is for general purposes. We're asking for that language to be amended to say three quarters of the one quarter is used specifically for the debt repayment, and the additional one quarter would continue to be used for general purposes. That's what NMFA built their financial models on and what we are asking for.

Commissioner Richter said what he's read on the quarter is the hospital is flush now or approaching that platform, so what point can we put that other quarter percent to debt service.

Mr. Zimmerman responded flush is a relative term. They are in December in the black in the operating line by \$110,000. The net operating income was about \$1.4 million. Because they are a governmental entity in a quasi non-profit, that's how they fund their growth in terms of equipment. They've had the same CT Scanner for seven years and they are shopping for a new one for new technology. It's close to \$800,000 and they have to pay for those out of their equipment income. They are not throwing parties to celebrate their good fortune, but when they have some left over they put it in the best place they can. Everyone of the physicians and technologists have a waiting list and we have to shape the spending for what we have. He said as a rule the auditor's require them to spend 20% on equipment and the life span of equipment is no more than five years and that's what we can count on. They do have some equipment that is 15-20 years old and not too long ago there were not the resources to upgrade the equipment. We keep a tight handle on it. The way the Medicare Program funds new construction and critical access hospitals, they have a special funding component and special payment system to reimburse UNM Hospital or Memorial or Mountain View does not work in small rural hospitals. So we can designate the full one quarter percent and medicare will reward us for doing that. He envisions at the inception the full one quarter will be earmarked by the board for debt service.

Commissioner Richter asked how much one quarter percent amounted to. It's seems GRT runs pretty static and pretty low here.

Mr. Zimmerman said the full GRT earmarked from the city was about \$175,000 for FY 2015. 20% goes to operations.

Commissioner Richter asked him to break that down for him. One quarter percent goes to operations, and the rest will go to the debt service. Mr. Zimmerman responded about \$40,000 to \$50,000.

Mr. Zimmerman said for the record the GRT will go solely to the construction of the new hospital, not to any new staff we bring in which we will do. We are looking at \$33 million in construction costs. It's about a two and a half year construction project.

Mayor Pro-Tem Green had a couple of comments. He has sat on the board for six years and NMFA would never have entertained building a new hospital. We are really pleased to have Michael Zimmerman here at the hospital. You do not do these things without a good team. This hospital is going to be the cornerstone in our community in bringing in new Physicians and he absolutely applauds the Governing Board, Mr. Zimmerman, and his staff for taking this ink and making it thick black ink so we become a viable customer to borrow roughly \$30 million to build a new hospital. We absolutely need it and he wanted to say thank you Sir.

Mr. Zimmerman thanked him for his kind words.

Commissioner Peterson added the same thing. He's used every facility in that hospital and he's amazed at how far it's come. He appreciates what they are doing there and thanked him.

Mayor Whitehead thanked them and commended their hard work. As Mayor Pro-Tem Green said the governing board also for their hard work.

City Manager Fuentes had no comments or questions and recommended authorization to work with the Sierra Vista Hospital and NMFA to present the necessary documentation and ordinance to bring back to the Commission for publication and approval.

Mayor Pro-Tem Green moved to approve authorizing staff to work with Mr. Zimmerman and to bring back an ordinance as quickly as possible so we can approve it. Commissioner Clark seconded the motion. Motion carried unanimously.

8. Discussion/Action: Land to be appraised for Economic Development Opportunities. City land by Solar Array. Steve Green, Mayor Pro-Tem

Mayor Pro-Tem Green recapped the approval to the LEDA Act and the suggestions of Christine Logan from the Economic Development Department related to having property available.

Mayor Pro-Tem Green moved to approve authorizing staff to get that land appraised and bring it back so we know the value to use for businesses. Mayor Whitehead seconded the motion. Motion carried unanimously.

9. Discussion/Update: Proposed Ordinance related to empty buildings and/or window care and displays. Steve Green, Mayor Pro-Tem

Mayor Pro-Tem Green announced last night MainStreet voted unanimously to take over this project. They are going to partner with the Arts Council, the Geronimo Springs Museum, and an individual in town who has window washing equipment who will help clean them, and they will be responsible for putting some art in windows. They have not come up with a

time schedule and he would like to give it three or four months to work. If it doesn't work, then we can always go the ordinance route. But the non-profits are giving it a try.

I. REPORTS

1. City Manager

City Manager Fuentes asked Finance Director Montgomery to give an update on the Utility Billing issue.

Finance Director Montgomery reported as everyone is painfully aware of the transition we're doing on the computer system. There has been a period of time they have not been able to send out the bills and she just wanted to give an update and what they have been doing to deal with the situation. They did put a notice on the website, they did PSA's in the newspapers, and they put information in the bills as well. They did get Cycle B out last Friday and the other two cycles should go out this week. Part of the problem they are having is the conversion is taking the computer side out of it and they are having to do a lot of things manually. They've had discussions of what they are going back to Tyler with on what are they going to do for us and what are we going to do. So they have been working really closely with Tyler and Korie has been working with them daily doing the behind the scenes to get everything up to date. She just wanted the Commission to know staff is working extremely hard on these issues. People come in on a daily basis and they discuss the issues with them. Most everyone she has encountered understands what's happening. She requested to have people pay the same amount they paid last month so they don't get too far behind and people have been amendable to that.

Mayor Whitehead asked if she had any opposition to the payment of the previous month because they don't have a bill at this time. Are there any people fussing about that.

Finance Director Montgomery said surprisingly they are a little upset they are not getting a bill, there are a lot of people on a fixed income and they want to know exactly down to the penny what is happening. She has explained the situation to individuals, the last two months temperature has been about the same. So trying to get them to pay as close to the same amount as last month, they won't get hit with a huge bill to deal with.

Mayor Pro-Tem Green asked if it's Tyler's fault we are in this situation. He's not trying to put blame but obviously the city is getting beat up over this. Are we justified or where do we point a finger.

Finance Director Montgomery said she doesn't know there is a finger to be pointed. It had to do with the conversion. Was it staff's fault, she said adamantly No. There were huge amounts of data transferred and then it gets put in the right places by the computer techies. Everything went over correctly and there are certain things that are being picked up incorrectly. For example, the reason they didn't send out this month's bills is because it's picking up data from two months ago. You don't get December's bill based on October's readings. We caught that right away so we didn't send the bills out. It's just data being picked up incorrectly and you multiply that by the thousands of accounts we have. When staff is catching that they are having to fix it manually. It's taken an inordinate amount of time while Tyler is working in the background on the computer aspects of it. So everybody is working together. Is it a software issue? She is not that savvy on computers either. But it

appears to her something was input wrong or picked up incorrectly on the software side of it.

City Manager Fuentes added in some cases they have come across setting or specific customization in ADG, even with the financial reports that created some issues in the transfer over to Tyler. For example: Customers that have multiple accounts were sending all of the bills all at once rather than sending them in their individual cycles. Any transition you are going to come across those bumps. He commended Lori and her staff and when we find some of those issues and we anticipate it's going to delay the billing, let's send out a notice and get it on the website. We are trying to take that action ahead. Yes we're still going to take a hit, but we are trying to keep the public informed on what's happening. Fortunately to some extent it has helped, but we are working hard and we are looking at bringing Tyler back to help us resolve some of the issues quickly. We will get there hopefully soon where we will have smooth operating utility office and financial system in place. Anytime you transition over, you're going to have some of those issues to deal with.

Commissioner Clark said it was this Commission that approved the Tyler Program. And we kind of knew at the outset there would be some bumps in the road. And she thinks it's imperative to acknowledge the amount of work that Utility Office has had to go through to do this. And she feels the Commission would be remiss if they did not. She doesn't know how to put that out to them but she hopes they get that message.

Commissioner Peterson said it makes him feel so bad to know our employees are doing everything appropriately and the software program is causing such havoc. The information going to the public and they are making things up. Such complaints spread like wildfire through the town. And he feels if we can't get a handle on it, bring that computer software company before this Commission and let us see if there is something we can do to encourage them to get this thing fixed. He knows Lori too well and the people working on this and it frustrates him that he has to send her things from the internet.

City Manager Fuentes said another item he wanted to update them on is a walk-through on the Land Closure with the Solid Waste Bureau. Andy Alvarez will share some of the pictures of the landfill closure.

Solid Waste Director Alvarez presented some of the pictures of the Landfill Site. City Manager Juan Fuentes showed them right above the pit where you take the dirt out. Solid Waste Director Alvarez added 100 cu. Yds of fill dirt to cover the open pit. He stated they also got new fencing around the borough site and around the landfill.

City Manager Fuentes announced Gordon Environmental did the walk through and she was very pleased with the work that Andy and Gordon did on it. She was even excited about possibly using that field for another solar farm or some other activity rather than just leaving it there. We will move forward with getting the final letter from NMED for the closing and we will have 30 years of monitoring but the cost will be a lot less. We still have an obligation for upkeep in the years to come, but that will be less. He commended Andy on his work on this project.

City Manager Fuentes reminded them of the Groundbreaking ceremony tomorrow. This year will be an exciting year because we have a lot of projects in the works and we will see

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a lot of activity. He commended and echoed some of the comments made by Commissioners about the hospital and some of the successes Mike has been able to present to the Commission and the other entities. And he can tell them our staff has done an amazing job dealing with some of the challenges, Bill, Robbie, Traci, Bo, and Christina have been helping with these projects and he commended them for the work they do, he thanked them.

2. City Attorney

None.

3. City Commission

Commissioner Peterson said that is unbelievable. Many years ago when he was running the JULC pick up papers, it was a mess. He knew we had to get it back to a certain level. They should be proud of us for maintaining a Landfill that looks that good.

Commissioner Clark said Steve and she attended the Tourism Board meeting this morning. They received some great statistics from the State of New Mexico and some are from the Visitor's Center. She said the Visitor's Center has gone up substantially, in some cases from 200 to 441 visits. The reason the state is so willing to give us such high amounts in awards is because of tourism. So to her the money we've put into tourism is well spent.

Mayor Whitehead reported we attended and kicked off the first Centennial Event of the year. There were at least 100 plus people who filtered in. She thanked Sandi Chatfield and her team for the biscuits and gravy and great cinnamon rolls. Just the fellowship with those you don't see on a day to day basis was great and the volunteers. She hopes the other Centennial Events will be just as great.

Mayor Pro-Tem Green wanted to talk about Christmas. He thanked all of the churches, the non-profits, the stores and individuals who volunteered to make the season happier and they all did a great job. And talking about Christmas he added to Solid Waste Director Alvarez's comment and someone from Elephant Butte Lake is going to take the Christmas trees free of charge and use it for habitat in the lake. They are going to sink the trees so that the mama fishes can lay their eggs and not get eaten up immediately by the big nasty striped bass. That is recycling at its utmost and it also saves us money. So please if you have not disposed of it yet, bring it to the collection center and it will be disposed of properly.

J. EXECUTIVE SESSION

Pursuant to 10-15-1(H)(8)

- 1. Sale or Disposal of Real Property (NWC Roberts St. and 3rd St.)**
- 2. Sale or Disposal of Real Property (City of T or C, Lot 23, Sun Country Estates, Sierra County, 0.207 acres)**

Mayor Pro-Tem Green moved to approve going into Executive Session at 8:09 p.m. to discuss Sale or Disposal of Real Property (NWC Roberts St. and 3rd St. and City of T or C, Sun Country Estates Lot 23) pursuant to 10-15-1 (H)(8). Commissioner Clark

seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Whitehead stated that the Commission was now in Open Session at 8:26 p.m.

Mayor Pro-Tem Green certified that only matters pertaining to Sale or Disposal of Real Property (NWC Roberts St. and 3rd St. and City of T or C, Sun Country Estates Lot 23, Sierra County, 0.207 acres) was discussed in Executive Session and no vote was taken.

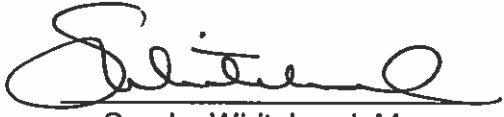
Mayor Pro-Tem Green moved to have staff do the following with the 3rd St.: Authorize staff to move forward to see what options are available that might ascertain the disposal of this property. Mayor Whitehead seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Green moved to approve authorizing the city attorney to move forward with the sale of property to Charles Druce for City of T or C, Lot 23, Sun Country Estates, Sierra County, 0.207 acres. Mayor Whitehead seconded the motion. Motion carried unanimously.

1. ADJOURNMENT

Mayor Whitehead moved to adjourn at 8:32 p.m. Commissioner Peterson seconded the motion. Motion carried unanimously.

Passed and Approved this 9th day of February, 2016.


Sandra Whitehead, Mayor



ATTEST:


Renee L. Cantin, CMC, City Clerk