

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC ARTS ADVISORY BOARD
MINUTES
Tuesday, April 15, 2025**

REGULAR MEETING

Regular meeting of the Public Arts Advisory Board of the City of Truth or Consequences, New Mexico to be held on Tuesday, April 15, 2025 at 4:00 p.m. in the City Commission Chambers, 405 W. 3rd St, Truth or Consequences, NM 87901.

ROLL CALL:

Sid Bryan, Tourism - Chairman
Cary "Jagger" Gustin, Sierra County Arts Council – Vice-Chairman
Eduardo Alicea, Art Representative
Andy Underwood, Business Community – Arrived at 4:20
Suzanne Carlstedt, Member

ALSO PRESENT:

Gary Whitehead – City Manager
Katy Martinez – Deputy Clerk

1. APPROVAL OF THE AGENDA:

Member Carlstedt made a motion to approve the agenda with the amendment of moving item 4.a after reports. Member Alicea seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a. January 21, 2025

Member Carlstedt made a motion to approve the minutes with amendments. Vice-Chairman Gustin seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC: (3 minute rule applies)

There were no public comments at this time.

4. NEW BUSINESS:

a. Discussion/Action: Engineer on Geronimo Spring Museum.

Item was moved after reports from the board.

5. REPORTS FROM THE BOARD

Member Gustin: I was wondering if there was a way to hold over the allotted funds that this board is provided by ordinance. We get 2% to purchase public art for the city and things are just so expensive. A major piece of sculpture is like \$70,000 to \$80,000. With the smaller amount

that we are allotted we are not able to do that. I'm wondering if there is a way to hold that fund over so that I can build up so that it doesn't revert back to the general fund because if you don't use it the money goes back to the general fund. Is there a way to do that? Is there some mechanism so that the city can help us so we can build that fund up so we can have \$60,000 or \$70,000 so we can buy a major piece of art for somewhere in the city like one of the parks. That is what our intent is to put more artwork in the parks.

City Manager Whitehead: The funds that you receive come from lodgers' tax they do not come from the general fund. I want to make sure you guys have a clear picture. The dollars that you get for the public art is 1% of the revenue is what the ordinance calls for.

Member Gustin: I think it's 2%.

City Manager Whitehead: Its 1% I have been reading over it and studying it so its 1%. The ordinance also allows you to carry those funds forward for a second year. The reality would be if there was a piece of public art that you wanted to purchase that was more than this year's budget. We could say we are going to take that amount of money not spend it this year add it to next years and we could do that. That mechanism currently exists. The weakness would be it wouldn't allow you to build up to \$70,000 or \$80,000 because it's really only 2 years that you could accrue those funds. Potentially we would want to look back and see if the commission could amend that. I don't know that they would be averse to allowing those funds especially if we identify the project. We are going to talk about one that is coming up here on the agenda. I think they would be ok with doing that. Last year it looked like the 1% public art was \$18,000 but that number is kind of strange because the revenue from lodgers' tax that we project was about \$450,000 so really 1% of that would only be \$4,500 so it does look like there is a little carry forward balance in lodger's tax. We cannot co mingle lodgers' tax with anything else. The state ordinance does indicate that if we don't use those funds, they are subject to reversion to the state. I don't think that any one in any municipality or county in the state has seen that happen. We have carried a balance it looks like for a long time so I don't think there is an immediate fear that the state next year is going to come and take our money. I'm building a lodger's tax budget with that in mind to say I'm going to take the projected revenues. I'm going to take a percentage of the balance forward and that is going to make my lodgers tax fund for this year. What we want to invest in marketing, in our building and in public art. I think the number you are going to get this year would be probably \$15,000 to \$18,000. I will tell you. I will carry forward whatever you have that you haven't spent this year it will be an addition to the money you get next year. The ordinance calls for that. We don't need permission to do that because that what the rules already say we can do. I think you have about \$6,000 left in that fund from this year.

Chairman Bryan: I'm not sure if we apply to lodgers' tax for this. Not to have anything to do with this committee but yesterday the chamber of commerce and Mainstreet we were talking about trying to have a thing like Jack Whit had done many years ago where business in the down town are would have the option if we had \$500 to give to any owner for the refreshing up of their building if they put up \$500 of their own. That worked pretty well when Jack Whit did it. The ones I have talked to they like and it seems like Mainstreet likes it. You didn't have any objections to that did you Jagger?

Member Gustin: No, I didn't.

Chairman Bryan: I don't know who we would talk to.

City Manager Whitehead: I would need to look into that. Remember lodgers tax it has legislative components 60% of what you get has to go to marketing. I'm challenging the board to make sure they balance out local marketing as well as out of town marketing. There is a value in making sure everybody in town knows about all the events as well. It does us no good just to advertise out of town and then the locals don't know what is going on so they don't attend. We are going to challenge that a little bit make sure we are doing something there. But 40% of the funds come to the city to use for our convention/civic building that also contribute to the ability to get more people to come to town. I would just have to look and see if doing some kind of an economic development project would fit into that. If not, we might have to find another way that is certainly a good idea. I will look into that. Lodgers tax may not be the spot for it but potentially there could be something. We are allowed under economic development. Under the Local Economic Development Ordinance, we are allowed to contribute funds that benefit and help business. We could donate electricity. We can donate things that we have as long as we are getting some type of a job or something out of it. That is what that ordinance would allow us to do.

Vice-Chairman Gustin: Isn't that referred to bricks and mortar? Where you can do repairs on a city building?

City Manager Whitehead: It potentially could be but that the risk. That stuff is for city operations and there may not be a conduit to get it to a private business. You always skirt the anti-donation clause. We have to be cautious, there are work arounds you have to get something for your money but that one would be pretty close to that potential.

Vice-Chairman Gustin: The reason brought up the holdover of funds for buying sculptures. The Veterans home recently chose sculptures for their new ground and they chose 5 different pieces and they were all in the \$80,000 to \$114,000 range. They are quite expensive that is why I'm wondering if we could hold that over so we can build it up and buy a major piece because it is expensive. You don't get much \$4,000 anymore. Those sculptures are very expensive. They are beautiful, they are going to be really nice but again they are expensive.

City Manager Whitehead: We have some projects that require the 1% for art. That is where the Veterans home would be able to pursue large pieces because they build that facility multimillion dollars I would assume and the 1% for art would have given them a significant amount of money. Any other questions.

Vice-Chairman Gustin: We see that there are other areas in the city like Evelyn Renfor Park, Ralph Edwards Park, there are several places. We put piece in healing waters plaza which is absolutely beautiful and we need more of that. We need to continue to do that.

Member Carlstedt: Was there a dedication for that?

Vice-Chairman Gustin: Yes, there was.

City Manager Whitehead: It was a nice gathering.

Vice-Chairman Gustin: We would like to do more of that. There are parks everywhere that need pieces like that. There is no reason why we shouldn't do that. That is what our mission is to place art in city areas. Evelyn Renfor Park that would be a great place for art. Ralph Edwards Park it has been worked on and its nice for kids now and its maintained beautifully by city people and it deserves a nice piece of art.

Chairman Bryan: Like Suzie was saying in the where we did the dedication to the Carol Pleck piece so that there is more than one piece of art for the public to look at while they are sitting there instead of spread out too much.

City Manager Whitehead: Healing Waters is a great park I'm fortunate to walk outside and see it every day and your right it could hold a few more pieces. It's nice I see people walking through daily. People have come across and ask what time they turn the water on. OJ tries to balance that out and make it work.

Vice-Chairman Gustin: That's why it's so important to try and fix the springs at the museum because that's the first introduction that people have to out wonderful hot mineral water and they are always asking why it doesn't work and we tell them we are trying.

The following item was moved on the agenda.

4. NEW BUSINESS:

a. Discussion/Action: Engineer on Geronimo Spring Museum.

City Manager Whitehead: I have not heard anything from the engineering firm. We have multiple engineering firm that work for the city. We have one that does the construction side, so when you submit your building permit for zoning, we would send I to the company called StanTec. They have a civil engineer and inside the organization they have a structural engineer. The civil engineers came we went to the site we removed both of the benches. They took some samples they took a lot of photos. I tasked them to say I want you to look at this project from a perspective of how do we save it, how do we keep it and is it probable. I don't want to give any fails hope. I will tell you that when they looked at, they did not appear as optimistic as I was. They really felt that the rust has created some material failures and that no matter what we do inside of it. Its potentially never going to stop rusting to a spot that it is going to potentially fall down. That's not their answer. One of them spoke about an epoxy resin that could potentially be put on the inside. He said he had seen some stuff like that. Some kind of rubberized material that potentially could help. They are going to go back and I expect to see a report on what their anticipated out comes are.

Vice-Chairman Gustin: What's that company called?

City Manager Whitehead: StanTec is the engineering firm.

Member Carlstedt: When were they out to look at it?

City Manager Whitehead: They were out last Wednesday or Thursday. We looked at multiple projects throughout the day that I had. We were there about 45 minutes. They took lots of photos. They were able to get sample from the mesh and stucco from the outside.

Member Underwood: Well, all we can do is wait then.

City Manager Whitehead: That is really we can potentially do.

Member Carlstedt: Do you have an idea of when you expect a report back from them?

City Manager Whitehead: I think in a couple weeks. I asked them to expedite it. I would like to get to something sooner than later. I asked them if they thought we could maybe open it up from the top by where one of the channels are and could we fill it with a flowable fill and make it solid on the inside. That kind of got them thinking maybe we could but they were also concerned that the weight of the fill could make things worse. I asked if there was a foam, a Styrofoam or anything that you can do that we can make it a permanent structure. I hope they will take us serious and at least try give me something that's more positive than negative. The sense was that it's not in good health.

Member Underwood: It sounds like you represented us really good.

City Manager Whitehead: I hope so. It's a tough spot. I'm not trying to make light of it.

Member Carlstedt: You said they took the benches out was that for a better look?

City Manager Whitehead: On each side of the display on the outside there are 2 benches and you can drawl those back and there is an access port on so you can go inside the piece of art. I crawled and stuck my head in there and you can see it. That's the part that they came out and said it was rusted. It's just like on the outside the lad is falling off on the inside as well. Andy you might have gone in there and seen it.

Member Underwood: I have. I bet it never looked that great on the inside. It probably could have been epoxy coded when it was built and saved all this.

City Manager Whitehead: It might have and saved us on cost. We never do things thinking that will be a big deal. The art was probably the bigger part. When we opened up the well it did seem to be pretty low. Is that normal condition?

Member Underwood: I never known it to have more than 30 inches of water. It's not full by any means. We did test it and we do think we could maintain 6 gallons of water a minute for this or anything in the future.

City Manager Whitehead: Have you guys explored opportunities to change it. What it would look like if we did something different?

Vice-Chairman Gustin: We haven't.

City Manager Whitehead: Could it be rebuilt? Could the artist effectively reconstruct it or start over?

Member Underwood: What was the original cost of that do you know Jagger?

Vice-Chairman Gustin: It was \$100,000. That was the total cost. The chamber of commerce, The Economic Development Group, The Geronimo Springs Museum, and the arts council all pitched in and that come up with the total of \$100,000. The state gave us \$90,000 I think is how it worked out. But I was \$100,000 total to the artist.

Member Carlstedt: I thought we had discussed if it had to come down it would be a setting area or something of that nature.

Member Underwood: If for some reason we have to take it down do you think it will be up to this board to try and replace something there.

City Manager Whitehead: As long as I'm here. I think that is only fair to lean on you guys and this board what we would do. I think Jagger you said there is a process to decommission it. We would say let's take that seriously let's find out if we couldn't get more help. Hopefully we would take it on as a whole city-wide project to try and solve it. The commission could definitely change that on me. They could override but I would have no desire to do it different. I was talking about the healing water plaza. When I look at it that feels like a pretty nice plaza. We did something there where we still honored water and we did something different. That could be good maybe there is a way to do both.

Member Underwood: There has always been a hot spring there accessible to the public. I think that is a main thing that we need to stay with.

Chairman Bryan: The artist is still around to come down and give his opinions, pricings or whatever it needs.

City Manager Whitehead: Maybe it can be changed in its structure but take the top off and rebuild it smaller and different. Maybe there is a way the artist can render it and keep the concept. Part of me is trying to make you guys aware that is more likely not going to go as well as we hoped.

Member Underwood: If it has to be decommissioned, we won't be using our art money to do that it will be a city issue.

City Manager Whitehead: I think that's probably something we would need to talk about.

Member Underwood: It could be pretty expensive to take that down. The physical demolition of it is not a big deal but the process of decommissioning the art I think is complicated and lots of paper work.

City Manager Whitehead: I think that part we could be supportive of and if we had we could do that. I would think if we had to take it down unfortunately it would be easy a backhoe would take it down in a minute and that solves it and that's not expensive. They're maybe something that everyone wants to do that's more respectful to the piece that allows it to be taken down in a meaningful way and potentially what is there salvaged for something else and I get that.

Chairman Bryan: It just brings so many people in here. We have had people staying at the hotel say they have come for weddings there. We have pictures from a group from Holen where it was cold and raining and they all has umbrella and they are putting their hands in the water. they came back and they though it was really exciting. It will be too bad to lose.

Member Alicea: Maybe we can do something with names like at Healing Waters Plaza.

City Manager Whitehead: I guess I would hope just in thinking through is that the space can be saved to be it just feels like the 2 structures are the weakness and how could we remove those and do something else there in those spaces and maintain the park. We can fix the little bridge, the other benches that are just wrapped that to me feels like stucco work. And the exterior of that can be rejuvenated?

Member Underwood: Probably so. Seems like all we can really do is wait to see what they say. Then start thinking of alternatives or a path of repairing it. If they do come up with some kind of plan for repairing it would that fall back on our board's money also?

City Manager Whitehead: I would think so. I would think it would be a combination. I think the commission would look at using lodgers tax art money and potentially some general fund money or parks money. If it's within reach we could advocate for that.

Member Underwood: We don't have a lot. If it is repairable we probably don't have enough to do that. This board by itself wont.

City Manager Whitehead: We talked a little bit about the budget and the one thing that we will do is carry money over because the ordinance does allow it. Potentially you would have \$6,000 if we didn't spend any more this year and somewhere between \$15,000 and \$18,000 for next year's funding so that's \$20,000 there. You probably have a few things that you are thinking about though.

Member Underwood: This is our main focus right now because of the fact that we only have limited funds. We have to hang on to what we have until we know what's going on. If something was to happen to that I think we would all want to immediately start on some kind of a replacement.

City Manager Whitehead: The artist can still be contacted?

Vice-Chairman Gustin: Yes, he lives up north by Espanola. He is willing to come down and do repair work and help in any way he can to see it repaired if that the decision.

6. REPORTS FROM STAFF

City Manager Whitehead: I got to go to the art hop this weekend I haven't got to do that in a while it was a lot of fun. It was a nice evening. It was really nice to see people out and using everything it was really great.

6. SET TIME, PLACE AND DATE FOR NEXT MEETING:

Deputy Clerk Martinez advised the board that the next meeting is scheduled for Tuesday, May 13, 2025 at 4pm.

7. ADJOURN

Member Carlstedt made a motion to adjourn the meeting at 4:46pm. Member Alicea seconded the motion. Motion carried unanimously.

PASSED AND APPROVED this 17th day of JUNE, 2024.


Sid Bryan, Chairman