

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 12, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

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

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner arrived at 9:05 a.m.
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner was absent

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Arnie Castaneda, Water/Wastewater Director
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation. He asked that everyone keep Commissioner Hoepfner's mother in their thoughts and prayers as she is in the hospital.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Mayor Pro-Tem Forrister to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS:

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

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Jessica Halsey for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Ted Ontiveros for 19 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Chris Rees for 9 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Elizabeth Kelemen for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Jamie Forman for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Abel Sanchez for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Tyler Knull for 2 years of service with the City of Truth or Consequences.

Assistant City Manager Alvarez recognized David Johnson whose service anniversary was last month, but he was unable to attend the meeting.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Anthony Chavez addressed the Commission with comments related to:

- I am a lifetime member here in Sierra County, and I am here today to request further consideration for 500 Date Street for custom containers. The request was denied. I am here to explain that they are custom containers and not just shipping containers. They are 40ft. in length and 8ft. width with 9ft. inner ceiling. They will be divided into four compartments which have steel to divide the compartments. I think they are safe and clean. They are custom painted, and I think they would be a benefit to the city. I think they are the best for harsh

weather because they are watertight. I also think that they are built better than our panel storage units. I would really appreciate it if you could reconsider our request.

Nicole Burgin, T or C Municipal Schools Superintendent, addressed the Commission with comments related to:

- We are here to bring to your attention the water issues that we are having at both of our elementary schools, in case you are not aware. There has been several days where we have had students and staff without water for 2-3 hours at time, and there were a couple of days where I had to call parents to come and pick up their child because we can't take kind home on busses to homes that may or may not have people home to go to. We can't function that way. We've had two days where our cafeteria has had no water, which means we have to give the students the sugary pre-packaged foods that everybody loves so much. It is important to us that we are communicating with you because before we start the school year, we would like to see a resolution.

Chad Spitzer, T or C Municipal Schools Director of Maintenance, addressed the Commission with comments related to:

- We have been monitoring the water pressure. It's been about 30lbs of pressure. I don't know if it's due to the roundabouts, but it started around that time, and we are only having major issues at that one school. Our irrigation system won't work. When they put everything in, we were running off of 50 to 60 lbs. of pressure. We are just asking if we can get more pressure up to the school.

Nicole Burgin, T or C Municipal Schools Superintendent: We would really like to be able to flush our toilets.

Kathleen Sloan addressed the Commission with comments related to:

- I'm concerned because the County Commission is trying to put a flood control tax district on the November ballot, but they are not calling it a taxing district. They are also not stating the flood control that we already pay \$1.50 per \$1,000 for everybody in the County, incorporated, and unincorporated areas, and that flood control tax already existing will not go away. It will be a double tax. The new tax will be .05 mills, but they can increase that with a vote. That's not the scariest thing. Currently, with the \$1.50 per \$1,000 they can take out debt on it, but it is limited to the New Mexico Finance Authority, and state and federal agencies. I feel that is a check and balance and a safeguard for the people, but with this new tax of .05, they can borrow from it just like with our G.O. Bond that doubled the property taxes. That increases the taxes beyond the point of \$.50 per \$1,000. The other question that I am having difficulty getting answered is where the \$1.50 per \$1,000 revenue has gone. I don't recall that T or C, except for this year, received \$100,000 or is expecting \$100,000 from the flood control revenue. That is the only time that I recall the city ever getting any of this money, yet T or C taxpayers pay about 40% of that flood control tax, so to protect the citizens, I am concerned that low information voters will approve this on the ballot without much

information. They will just see flood control and think, yeah, that's a good idea. I would like you to please communicate with the county and ask T or C to be exempted from the incorporated areas, and the tax district.

E. REPORTS:

City Manager Gonzales reported the following:

- We just finished up the budget. The preliminary budget was uploaded to the local government budget management system, on the May 30th. Thank you to the Finance group for doing all of that and thank you to the Commission for approving it in a timely manner. You will get the final budget next month, and that will be uploaded per state statute at the end of July.

Commissioner Fahl asked about the progress on McAdoo.

City Manager Gonzales: They are moving forward on it. The filming for the movie ended on May 25th so I was wanting the road construction to begin on the 28th. They were here for the short week of Memorial weekend, and they were here last week, and I noticed that they were moving ground this week.

City Commission Reports:

Commissioner Fahl had no reports.

Commissioner Mitchell had no reports.

Mayor Pro-Tem Forrister reported the following:

- The Sierra County Fair Association is going to be having their cash party on July 13th at the Albert Lyon Event Center.

Mayor Hechler reported the following:

- There have been a lot of things going on. I reported a while back that we received \$1.5 million from Representative Vasquez. In a letter he informed us that it was going to be submitted to the appropriations committee, and he asked me for a statement. We did all of that, and then we were told that the project didn't go through, so I was a little disappointed in that. There were 150 proposals, and 15 were funded. \$40 million was funded. We are in Representative Vasquez' district, but we were not funded.
- I met with Melanie Goodman. She is a representative from Senator Ben Ray Lujan's office. We missed this year's opportunity for funding because there were some computer glitches that we couldn't get through, so we met with his representative Ms. Goodman and we made some good progress. I assure you that we will be requesting some funding from him next year. We got everything ironed out so that we will be able to do that. It was a good meeting, and although we missed this year's funding, we were pretty successful with some other stuff.

- On June 6th we met with the oversight and accountability committee with the department of homeland security. It was a group of 4 ladies that came from California. Their mission was to visit 10 communities nationwide, and one out of those ten communities was going to be a small community. Truth or Consequences was chosen, so we are honored in that regard. They also wanted to visit a community that was successful in getting some funding, and we were that. The meeting was to determine what the process was and how the process went through. Also, what our issues were and if we got through the issues okay, and what our continued issues are. We spent around 2 hours with them. The application and funding process went smoothly. Receiving the money and going through that process was a little bit cumbersome and so we let them know that. They are going to go through that. They have 9 other communities to visit. They will provide us with a report later on, but hopefully this will streamline the process so we can get the money easily if we are afforded the opportunity.
- We were finally notified that the grant agreement for \$1.6 million from Senator Heinrich is now in place and it is signed and fully executed so there is movement on it. This year as a result of our efforts, we received strong support from Governor Grisham, Representative Armstrong, Representative Armijo, and Senator Brantley. We were too late for Senator Ben Ray Lujan, but we will be able to work with him next year. We did not get funding from representative Gabe Vasquez. We tried but we did not get it. Overall, I think that we were very successful this year.
- On June 20th at the Civic Center from 6-7:30 pm, the New Mexico State Parks will hold a public meeting. If you would like to talk about State Park fees, regulations, and things of that nature, it's a good time to come.
- I spent a couple of days dealing with an abatement property. I am very proud of the city employees that volunteered their time and came to do the work. We had almost all of the departments from the city there. There were about 25 employees. I just wanted to commend the city employees for showing up. They were professional, and they were courteous when we were dealing with the property owner. These things are traumatic. They are traumatic for the property owner who spent a lifetime of gathering all of the stuff that this man gathered, and it just created a real issue for the neighborhood and for first responders. There were fire issues. We removed accelerants, plastics, and I bet you there were 30 treadmills in this property and various components. There were around 50 vacuum cleaners. There was so much junk there that you wouldn't believe it unless you actually got your fingers in the middle of it and removed some of it, and I did. It was horrific to have to deal with this stuff, but we got a lot of it done, and I will have Andy speak on that in a minute. Again, I want to commend our city staff. I look at the city as one organism. Everybody works together to some degree, and for the most part, the city came together as this one organism, and they worked together. They left their other duties in the city to come and work on this project. It wasn't fun. It was sweaty and dirty work, and you had to deal with some folks that weren't very happy with us being there, but we got through it. At the end, the property owner was actually helping us get some of the stuff cleaned up. I'd say that we are 80-90 % done with that property. I don't think that we are

going to go back as a city in the way that we did. I don't want this to be a way that we deal with other abatement properties because I don't want to put our city staff through it. In this case, we have been dealing with this project since 2014, so its been a long time coming, and I think we finally made some real progress.

Andy Alvarez, Sanitation Director: Thank you to all of the departments that helped with this process. We worked really hard and thank you to you Mayor. You got out there and set a good example for the other employees. Thank you to Chief Tavizon as well. On June 5th we removed 57,400 lbs. which is 28.7 tons of refuge. On June 11th we removed 18,540 lbs. which added up to 9.27 tons of refuge. It was hard work, but we got it done.

Mayor Hechler: Thank you Andy and thank you to your crew. You guys were spot on. The whole city worked on this thing. You provided us with dump trucks, and roll off trucks. We borrowed stuff from folks from other communities, and other areas. It was really a team effort that was very commendable. The fear for me was if the accelerants and other things that were found on the property would have caught on fire, we would have had to evacuate the entire neighborhood. It was stuff that had been in there for 15 years, and hadn't been looked at for 15-20 years. It was stacked up over your head. You had alleyways that were 30-40 inches wide from one end of the property to the other, and that was it. The rest of the property was covered. We are talking about 40 tons of material that was hand removed bit by bit. You guys really did a good job in that regard.

City Attorney Rubin reported the following:

- I am pleased to announce that we were able to quickly and successfully resolve an issue we had. There was a property owner on 1st Avenue who contended that we had improperly shut off their water. They hired a lawyer and submitted a tort claim. They went to court and got a restraining order, ordering us to turn the water back on. Our defense was simply that we were owed about 3 years' worth of utility services. I was able to work very successfully with Traci Alvarez and Chelsea LeClair. They were very helpful in getting me the records to show the agreement that was entered into over a year ago for the utilities, and all of the statements over the past year. That information was sent to the landowner's attorney and we were able to work out an agreement that we would keep the water on, and they agreed to the amount that was owed and a monthly payment plan has been established, and if they are ever to default, it is enforceable by a court order.

F. PUBLIC HEARINGS (5 Minute Rule Applies)

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 765 Series 2024 General Obligation Bonds.

Chris Muirhead, Modrall Sperling: The ordinance in front of you is for the second installment of your General Obligation Bonds that were approved in 2022 for a total of \$3 million. You previously issued \$790,000. This is another issuance of \$790,000 paid

from property taxes for the water system and road improvements. If you look at page 3 of the ordinance, it shows all of the pricing for these bonds which are paid off by 2040. These rates do correlate with the Finance Authority's AAA rating. These are very competitive rates. You can pay off the bonds early, on or after July 19, 2034, should that be an interest of the city. I think the important thing here is recognizing the different pledge revenues. This is a general obligation that's different than the water system or gross receipts tax. It is any revenues of the city. Although, it is intended that the property tax levy will pay the debt service.

John Archuleta, Bosque Advisors: Your net interest cost is going to be 3.48%. The last two maturities are going to be a 0% interest rate, so what this translates into is that you are going to borrow \$790,000 for \$163,710. That will be your total cost for this transaction. As Chris stated, you have the option to pay it off early after 10 years, but depending on what the interest rates are at the time, if there is an economic benefit, you can do that. At this point 3.48% is a pretty good interest rate considering the market conditions that we have right now.

Chris Muirhead, Modrall Sperling; This does lead some authority from the 2022 election, up to \$3 million we would be at \$1.5 million left that you could issue going forward. Mark and his team at Bosque Advisors has structured that so that it would be done in a way that it doesn't increase your mill levy as established for the G.O. Bonds.

City Manager Gonzales: This is \$250,000 for the water, \$250,000 for wastewater, and \$250,000 for streets, and we are putting it in the 300 fund for expense.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Mayor Pro-Tem Forrister moved to approve Final Adoption of Ordinance No. 765 Series 2024 General Obligation Bonds. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, May 8, 2024**
- 2. City Commission Special Budget Minutes, May 15, 2024**
- 3. City Commission Regular Minutes, May 22, 2024**
- 4. City Commission Workshop Minutes, May 22, 2024**
- 5. Acknowledge Regular Public Arts Advisory Board Minutes, April 16, 2024**
- 6. May 2024 Accounts Payable**

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

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 49 23/24 Budget Adjustment Request.**

City Manager Gonzales reviewed the Budget Adjustments provided in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 49 23/24 Budget Adjustment Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 50 23/24 Authorizing Acceptance of Water Trust Board (WTB) Project No. 6323-WPF Funding Offer; Water Storage, Conveyance and Delivery Project – Waterline Replacement Project From New Mexico Finance Authority (NMFA).**

Assistant City Manager Alvarez: We got our official award letter from the Water Trust Board for the application that the Commission approved us to submit back in September of 2023. The Water Trust Board does require a resolution to accept the loan and grant offer approving the cash match requirement and designating signatory authority. The city applied for \$16 million and we received a 10% loan in the amount of \$1.6 million, and a 90% grant in the amount of \$14,400,000 and a 10% cash match in the amount of \$1.6 million. The cash match will be offset by the \$1.6 million that we received from Senator Heinrich's Office. We had approximately a little over \$21 million in critical waterline replacements. I included that information in your packet. This will cover almost all of it, and it will leave us a little over \$4 million short, but we potentially have that coming in from other sources. We are expecting 6-9 months for full design and bid documents before we will be able to go out to construction.

Commissioner Fahl: Just to clarify for the public, can you explain how the \$1.6 million for the loan portion will be repaid.

Assistant City Manager Alvarez: That will be repaid out of our water department revenue that they receive. We are really taxing our water department with these loans, and unfortunately almost every single funding source that we get comes with a cash match or a loan. I think that's why I am getting tapped off with applying for any more funding for the water department, because they can't afford the debt.

Mayor Hechler: That's the bad news. The good news is that it is at a ¼ of 1% interest. That's pretty low interest, but we still have to pay it back.

Commissioner Fahl: I think its good for the community to re-affirm all the time that these are loan components, and the water department has to pay for it, and the public seems to not always be aware of that.

Assistant City Manager Alvarez: We might have been having a different discussion on this if we didn't have the \$1.6 million cash match.

Mayor Pro-Tem Forrister moved to approve Resolution No. 50 23/24 Authorizing Acceptance of Water Trust Board (WTB) Project No. 6323-WPF Funding Offer; Water Storage, Conveyance and Delivery Project – Waterline Replacement Project From New Mexico Finance Authority (NMFA). Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 51 23/24 Amendment to Civic Center Rental fees.

City Clerk Torres: We are bringing this to you today because we want to add a deposit for our projector, our projector screen and a key deposit. We are currently renting it out and we don't have any kind of fees for it, so we are just wanting to add that in case there are any kind of damages. We are kind of going back and forth on whether or not we want to issue keys, however since we were adding the other two deposits, we thought that we might as well add the key deposit as well and then we can go from there.

David Johnson, Facility Manager: Sometimes we will issue keys to our most trustworthy patrons, but we also want to offer it because sometimes people will rent the facility out on the weekends and they will come and go back and forth before they have their event, and then we have to call our guys to go and open it up. If we can issue them a key, that would be beneficial for everybody as far as saving money. The charge for the keys is based on the cost to re-key the building should the key be misplaced/lost.

Mayor Hechler: Can these fees be waived?

City Clerk Torres: Yes. The governmental entities are still exempt. The City Manager also has the authority to waive any fees.

Commissioner Fahl moved to approve Resolution No. 51 23/24 Amendment to Civic Center Rental fees. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Publication of Ordinance No. 766 amending Chapter 11 pertaining to Solid Waste.

City Manager Gonzales: This is to clean up Chapter 11 of the Solid Waste Ordinance. We are amending it, so it matches our current procedures.

City Attorney Rubin reviewed the changes made to the ordinance. (copy attached hereto and made a part hereof). On the sections that say polycarts, we can change that portion to containers since we use the word containers throughout the ordinance.

City Manager Gonzales: The collection fees in Section 11-10 will be set by a resolution.

Commissioner Mitchell: What about the downtown businesses that are adjacent to apartment complexes and so forth, specifically behind Martha's in that area. I've had business owners complain that residents of those apartments dump into their trash cans which means they can't put stuff in there. Are we going to have a way to enforce this further in the future. They leave furniture, and mattresses and the city won't pick it up and the businesses are held responsible for it even though it is not their trash. Is there a way we can address that issue?

Andy Alvarez, Sanitation Director: We have 2-3 yard dumpsters that service that area. It's an ongoing thing with illegal dumping. We don't pick stuff like that up, but if I get a call, I will send a truck to go and clean it up. The Chief and Code Enforcement has something to go by now with this ordinance. If the business owners can catch the illegal dumpers and report them then we can do something.

Commissioner Mitchell: Can anybody put cardboard in any of the recycling containers, or are they specifically for the businesses?

Andy Alvarez, Sanitation Director: At this time yes, but that will be changing after July, and non-commercial residents will have to take the boxes to the Collection Center. There is no charge for taking boxes to the Collection Center.

Commissioner Mitchell moved to approve Publication of Ordinance No. 766 amending Chapter 11 pertaining to Solid Waste. Commissioner Fahl and Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: 709 Broad Street Property Abatement Extension Request.

Assistant City Manager Alvarez: Back in January the City Commission granted the property owner of 709 Broad 6 months to address the property violations that were noted in a couple of resolutions that the city passed on that property. You did mention when the 6 months were up, she could present her progress and notify the commission of any obstacles she's encountered and potentially request an extension. She is here today to request a property extension.

Bibiana Gower, 709 Broad Street property owner: I am the owner of 709 Broad Street, and it is Resolution No. 25 23/24 and 26 23/24. I've been working with Officer Knull. He's met with me every time I've asked him. I've gotten more than half of the trash agreement. I've included you all with pictures of the progress. The obstacles that I have right now are with the boats that I have. I sent an email that said there were four boats. There are actually four campers and eight boats. Two of them were supposed to be gone this past weekend, but there are no tires for them to be hauled off. I ran into a gentleman who I believe was with Sierra County labor who will be hauling boats off for me every other week. It is a matter of affordability because going to the transfer station in the months of February, March and April, they had too many boats there already so I couldn't drop them off there. I sent that in an email as well. I am requesting that you continue to work with me for another 6 months. So right now, I am working on hauling the boats out of there, and then the next project will be to pull out all of the other major trash. My pastor and his wife have somebody who is picking up wood pallets, but she couldn't finagle her way in, in April to get all of the wood pallets so we have been moving them out for her, so that's still kind of ongoing, and then my pastor is helping with the weeds. I went out this weekend and we wacked the upper lot, but not the bottom lot. It is just me, other than my pastor, and whomever I can afford to hire. I believe there is a lot of progress, and Officer Knull said that he would speak on my behalf.

Tyler Knull, Code Enforcement Officer: Ms. Gower has made great progress on the property with it being just herself, and a few other people working with her. I understand that it is hard to get old RV's, boats, and all of that taken off of the property. I am willing to work with her for however long of an extension that you are willing to give her to finish getting the property cleaned up. I believe she has abated the dangerous structure at the very least, and she is working with me. I get emails at least once a week from her giving me an update on her progress, and what she's planning to do for that week or for that month. She is working with me, and she is making good progress.

Mayor Pro-Tem Forrister: Just a thought, but I believe you can post these things for free and people will come pick them up.

Bibiana Gower, property owner: I put it on Facebook garage sales, free to your home, and then I just got approved on another Facebook site.

Mayor Hechler: Ms. Gower, I just want to thank you for your efforts, and for keeping us in the loop. You inherited this property, and the stuff on this property wasn't accumulated in a year or 5 years, and you having to remove it in a year or with 6 more months takes a heroic effort. I wish everybody had that attitude because then we would have a cleaner city, so thank you for your efforts. I really appreciate it.

Mayor Pro-Tem Forrister: This is a story that we always want to happen. We don't ever want to have to step in to do anything about a property, and she's been very good about keeping us informed and in the loop. I think you are doing a good job.

Commissioner Fahl moved to approve the 709 Broad Street Property Abatement Extension Request for an additional 6 months. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: City Commission Order denying the Variance application to permit the placement of shipping containers at 500 N. Date Street.

City Attorney Rubin: At the last meeting the commission voted to deny the variance application to permit the placement of shipping containers at 500 N. Date Street. I learned after the action, that the property owners were wanting to repeal that decision to District Court, and in order to have an appeal to District Court, it is required that we have a final Order generated from the City Commission that would then be forwarded with the appeal to the District Court, so that is why this is back on the agenda. Paragraph 7 of the Order goes over the substance of the decision, and I took that from the minutes that were provided to me. If you look at the findings of facts checklist, and you compare it to 11-5-5, they have one thing in common. They both talk about the consideration of property values, so the fact that was discussed at the meeting is the reason why I inserted that in the Order. It is to your discretion whether or not you want to allow the property owners to speak at this time.

Mayor Pro-Tem Forrister: I think we should let them speak. They were not here at our last meeting because they were approved at the Planning & Zoning meeting so they didn't think that they needed to be here so I think we should at least hear from them.

Commissioner Mitchell: I remember when we made this vote, Amanda voted yes to the variance because we wanted to have this opportunity, and the rest of the commission voted no because we didn't exactly know what they were going to be putting on there. We had a vague idea of the shipping container which the commission thought would be ugly and not appealing and it will affect it, but I think now that we have a better description of what is going in, we might be able to make a more informed decision or if we want to ask them for more clarification, I am open to that as well.

Mayor Hechler: I was a no vote, and I want to explain that no vote. In our ordinance shipping containers are allowed on a property subordinate to a structure, so that means that you can have a shipping container if you have a house there or a business there or something else there that is primary. The shipping container should not be primary, and that is why you were requesting a variance. We recently allowed a variance in the general neighborhood for a house, and they use the shipping container for a shop or something along those lines, and in support of that major residence that was an appropriate use. That was the primary reason for requesting the variance. As for the other variance request, because it is on a major street, we have a requirement of a façade, and since there's not going to be any fencing, and I don't believe you can put a façade on shipping containers, that was the reason for the other variance request. When I read the minutes, and I read them again from the last meeting, it was ambiguous information that was provided to us. The diagram shows 8x10 shipping containers and 32 of them, but the discussion didn't show that. We didn't know the height of the shipping containers and we didn't know if there was going to be fencing. There is no lighting other than solo lighting on shipping containers, so I had some issues with the way it was going to be set up. I have to also be really aware that it is on 5th and Date Street right there in town. There is an RV park in the back and residents live there so I'm worried about shipping containers being placed there and not having hours of operation. People can access their storage unit at 6:00 in the morning or at midnight and it increases traffic. People live there so I'm concerned about that, and not having that control. There is not a gate to allow people to go in and out. There is no other lighting associated with it. I know you own a dirt work company and you are going to be able to do some dirt work for it to kind of level things out and get them set up. I think that would be important if we were to allow it, but my biggest issue is that I have a question about diminishing the property values in that neighborhood and increasing traffic in that neighborhood. The amount of shipping containers that you are wanting to place on the property is going to increase the traffic in that area significantly, and I am worried about the residents behind there. That is the reason why I voted no, so if you can address some of those concerns, we can re-visit it.

Commissioner Fahl: I personally don't like shipping containers in the business district. I think it sets a bad precedent for how things look, so that's really the issue for me.

Anthony Chavez, 500 N. Date property owner: These are a little different from the actual shipping containers. These are custom containers. I've done some studies on it, and I found that they are well constructed. They are watertight, and they are environmentally safe. They are 40ft in length, and 8ft in width. If you put two of them together, then you will have 4 units on each side which isn't very large. That would be eight units total. Four on each side and a driveway and another unit in between. I don't think they are bad looking. They are all brand new and painted. I want to work with the city as far as enhancing, and I think they will up the value of the property. I don't think they will lower it.

Mayor Hechler: How do you address the fact that people are going to be able to access these at all hours. How do we not interfere with the residents who live behind there's right to privacy or not being disturbed.

Anthony Chavez, 500 N. Date property owner: We can gate the whole property and put a gate off of 5th Street. I am open to options.

Mayor Pro-Tem Forrister: In their defense, on the property that is right in front of them on Date Street, they have two containers sitting right there on the main drag.

Anthony Chavez, 500 N. Date property owner: The personal items in these storage units would be a lot safer.

Mayor Hechler: I am not questioning that at all, and you are right Mayor Pro-Tem. There is a cannabis shop there has a shipping container. That container is in support of the main building so it kind of meets that requirement. It is not a standalone container, and they are not running a business out of it so that's my concern. I think for me, if you were to put together a better packet to show us regarding fencing, and an access point, a gate, and maybe hours of operation, then maybe we can re-visit this. I understand fully that these are probably great buildings, and they are probably safer than constructing steel. I don't know if they are going to be put on pads eventually. I think we want to really improve that neighborhood and have the ability to do that. So, if you can work on putting that packet together that would be great, but just using an open lot and putting shipping containers on it and calling it good I don't think is going to work for me. I know it's a little more complicated than that, but I would like to see a little bit of an upgrade there. If we can upgrade that facility in a way that would look better, I am okay with tabling this for a while, to let you put something together and re-apply.

Mayor Pro-Tem Forrister: So, Mr. Mayor, you would be okay with them having the shipping containers there as a business, as long as it is set up as a secure location.

Mayor Hechler: Yes. If you are requesting a variance, I want to make sure that we are not deterring from the property value of the neighborhood, and we are not unnecessarily increasing traffic so that would include hours of operation, because I don't want people to be bothered before 6:00 a.m. or 10:00 p.m. I think some of those things are going to be important for me. Especially in that area.

Commissioner Fahl made a motion to table the Order denying the Variance application to permit the placement of shipping containers at 500 N. Date Street. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Update: Water Update.

Arnie Castaneda, Water/Wastewater Director addressed Nicole Bergin's concerns regarding the water pressure at the schools. I received a complaint around 3 weeks ago regarding water pressure in the elementary school area. We had been checking the pressure in the area. Around a month ago we had an issue where a leak on Arrowhead was fixed and then we had another leak and then we ended up replacing the entire line. There was a series of leaks in the area other than Arrowhead. Normally, to isolate a line, you need to close around 4 valves, and because of the age of our system, sometimes we have to close more than 4 valves. Sometimes it's as much as 10 valves. When we fixed Arrowhead and the rest of the other leaks, we might have messed with maybe 20-30 valves. We have two pressure zones. We have an upper zone and a lower zone, and they are isolated from each other by closed valves. What I think has happened is that we opened the valve that should normally be closed, and now we are losing pressure from the top zone to the bottom zone. I can't just turn a dial and give people more pressure. The pressure is just the pressure that the system has. We started systematically trying a few weeks ago to find that valve that we think might be open and causing these pressure problems, but we haven't found it yet. When we open or close a valve it doesn't automatically adjust the pressure, so we have to wait and come back the next day, and adjust the pressure. Obviously, we haven't found that valve yet. I contacted Mark Nassie from our engineering firm. They have a list of areas where some of those valves should be closed, so I'm trying to get that list from them to compare it to our list. I purchased some data loggers and we put them in some of the fire hydrants near the school so it can record the pressure and hopefully we can pinpoint the area.

Arnie Castaneda, Water/Wastewater Director gave a water/wastewater update. (Presentation attached hereto and made a part hereof).

Commissioner Mitchell was excused from the remainder of the meeting.

4. Discussion/Action: Request to install a memorial bench at the Vista Memory Gardens Cemetery per the Memorial Donation and Gift Program Policy.

OJ Hechler, Community Services Director: This is a memorial donation request. This has gone through our Recreation Advisory Board and it has been recommended.

Ryan Lawler: I am representing Sharon Rivera. This is for her Mother LaRena Miller. LaRena was a staple to our community. She ran the Hot Springs Cemetery. LaRena was a great lady. I got to work with her quite often, and I think it would be wonderful to have her memoir at our cemetery which she new best.

OJ Hechler, Community Services Director: LaRena is laid to rest at the Vista Memory Gardens Cemetery so we would put the bench in close proximity to where she is laid to rest.

Commissioner Fahl moved to approve the request to install a memorial bench at the Vista Memory Gardens Cemetery per the Memorial Donation and Gift Program Policy. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of July 16, 2024, Jordan's Way fundraiser event.

Tara Manning, Animal Shelter Manager: In January 2023 Jordan's Way came out and we did a 3 hour event. I got covered in pie and we had so much fun. We were able to raise \$4,800 which is absolutely amazing for 3 hours. We had an amazing volunteer, Ashley Galicia, who was willing to do a hand stand in a kennel with a dog just to raise \$100. We are hoping to make it even better this year. The event will be held on July 16, 2024 at 10:00 a.m. I am going to reach out to a few different people about maybe getting a dunk tank, so for every few thousand dollars we raise we will do a dunk tank. I kind of cornered Chief to do it, so if we raise \$10,000 then we can dunk Chief Tavizon. We are looking for volunteers so we can raise a lot more money. How the contract with Jordan's Way works is we will come in and raise all of the money. We can accept donations 7 days prior to the event. They will close their portion 3 days after, but donations can still come in for the next week. Once the process is closed with Jordan's Way, they will get 25% of whatever the proceeds are that we've raised in that timeframe. That makes sense because they are traveling the country, and air fare and all that sort of stuff. After they take their portion, the rest will be divvied up between us and SCARS. We are partnering up with SCARS again. They are willing to pay the \$250 deposit that is due, and that will be refunded to them after the Jordan's Way portion is taken out, and then they will get an additional 30% as opposed to the 25% that we gave them last year because the cost of everything is going up on their part, plus for the month of May, June, July, and August, they are letting us get one dog a week fixed. It's usually one dog a month. So that is huge, and because of that we want to give them a little extra. The contract lists the T or C Animal Shelter and SCARS, and the reason they are on the contract is because we are using their PayPal account because it is already set up and it is a lot easier to do it that way.

Commissioner Fahl: You are so inspiring to all of us and to our community as well. You do such a good job. Thank you for having that energy and drive.

Mayor Pro-Tem Forrister moved to approve the July 16, 2024, Jordan's Way fundraiser event. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Request for a survey to be conducted for land next to Rotary Park.

OJ Hechler, Community Services Director: We conducted a survey a few years ago for what is now Rotary Park. The city owns the portion where the shelters are, and there is some confusion about who owns the dirt parking area next to Rotary Park. The Bureau of Reclamation will say that we own it and we would say that it's their easement. We don't know who rightfully owns it so we are wanting to conduct a survey of that portion of the land next to Rotary Park, and we will do the same process as when we obtained the other portion of Rotary Park. This is being brought to you to ask if we should conduct the survey and go after that portion of the property. We kind of already maintain that property anyway, and what a neat chunk of land that is to give us the opportunity to use for future development.

Commissioner Fahl: I think we all need to remember that Rotary Park is the focus of the Healing Waters Trail development, as well as the Turtleback Trail. This is no mans land, so I think if we want to move forward on development on either one of those recreational opportunities, then I think it is very important that the city find that out and acquire that land so we can capitalize on some of those recreational monies that are out there and the gross receipts tax that is affiliated with that.

Mayor Hechler: The Bureau of Reclamation will still want an easement so they can get in there and put that plug in the river every year for our hot springs. They have requested at the federal level to put in a permanent structure in the form of gates, but the gates will not have any overpass. They are not interested in putting a path over the top. They are just interested in putting in a metal structure of some sort that will be gated, instead of having to put a plug in every year. That will save some maintenance and things of that nature. That is how the city acquired the portion of the park that we have now. The Bakers Quit Claimed that property and they donated it to the city. We may entertain a similar process once we get it surveyed the city can quit claim it, and we will be able to utilize that property and own it.

Commissioner Fahl moved to approve a survey to be conducted for land next to Rotary Park. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Swimming Pool Theme Nights and Vendors request.

Ashley Galicia, Pool Supervisor: I want to do a theme night or theme day at the pool. We are still figuring out the hours and days. Sunday would be a great day to do it because that is the only day that we are not open, and that is due to low activity at the pool. I want to do maybe two a month, starting next month. If this is approved then I want to advertise it so people know about it and know that it's going on. I want to put planning into it. I am thinking about maybe a luau theme for the first night, and we would

have leis for everybody that came in, and the lifeguards that are not on guard would wear grass skirts and some kind of cool sunglasses. Something along those lines. I would pay for 3 adult swims, and then give out scratch off tickets that have a little tiki on them, and if it's a winning ticket, I will award you a free swim from one of the ones I purchased. I also thought about having vendors set up at the park next to the pool. That is the main thing that I need approval for. If any businesses want to set up as a vendor, they would contact me and we would allow maybe two or three vendors per theme night, depending on who calls and is wanting to set up. We can keep the pool open up to 10:00 p.m. We do have lights and stuff like that, so another idea that we potentially talked about would be a movie night. It would be more like a float than a swim. We would have a movie playing on a projector.

Mayor Pro-Tem Forrister: When I saw this on the agenda, I was pretty excited. I thought, what a good way to try and generate some interest to the pool and get the community involved.

Mayor Hechler: I would like to suggest that you cross promote with the Chamber of Commers and/or MainStreet. If there is an opportunity down the road when they are having a special event in town, we may want to do a theme night in conjunction with their special event whatever it may be. I think we will get a lot more folks involved on both sides, and I think it would be really successful.

Mayor Pro-Tem Forrister moved to approve the Swimming Pool Theme Nights and Vendors request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Automatic Annual Solid Waste Fee Increase.

City Manager Gonzales: We are currently doing a rate study for solid waste which should be completed by September. We are asking to not increase the solid waste fees in July and just wait for the study to be completed in September.

Commissioner Fahl made a motion to postpone the automatic annual Solid Waste Fee increase until after the rate study is completed. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Amendment to Capital Appropriation Project A21F2103 Grant.

Assistant City Manager Alvarez: MainStreet received some appropriation for the Foch Street project, and that has taken a little bit of time to get started. We are still holding on some permit approvals. One of the grants is due to expire the end of June, so they have sent out an amendment to extend the grant agreement until 2025. This is a request to

approve the amendment to extend the first grant that they were awarded until 2025 so we can keep going with the project.

Mayor Pro-Tem Forrister made a motion to approve the amendment to the Capital Appropriation Project A21F2103 Grant to extend it until the period indicated. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Revised Parcel Survey for Property Appraisal.

Assistant City Manager Alvarez: I am bringing this parcel back to you. We originally brought it to the Commission quite some time ago as a potential parcel that the city had put up for sale, and prior to offering that property for sale, it has to be surveyed. When the initial survey was done, there was no found designated easement on the trails so it wasn't identified on that survey. At the request of the Commission, we've taken that back to the surveyor so that the trail could be designated as an easement within that survey. It has been re-done to account for a 10ft. maintenance easement for the trail, and if you want to approve this survey, I will proceed forward with getting the parcel appraised and potentially put up for sale. If nothing else, I would urge you to approve the survey so that trail is identified within that property.

Commissioner Fahl: Thank you Traci for bringing this back to us. However, I have a couple of concerns. Looking at that property, there is one flattened area that is probably buyable for development, but on the survey, the land between the city's road, and the river, is that ours, because I would hope that it is. I think that the city should not sell that so that we have green space along the road to the river. When you are looking at that property and you drive by it, there is one area that could be used for development, but the upper part where the trail is, there isn't good access for water and sewer. You would have to get through the Veterans Home to get back there, so I think we need to keep that as a green space.

Assistant City Manager Alvarez: When we were having a second survey done, interestingly enough, the city has never designated that roadway back there, and so we are in the process of designating that as a roadway, and we would probably do a prescriptive easement on that. If you would want to separate any of that parcel, then it would be better to have that done before signing this off. This parcel is where the Veterans Museum is, that's part of that entire parcel. If it's the commission's direction to potentially look at splitting tract 1 up even more, I can see if the surveyor can attend a meeting, because ultimately, he is the one who is going to be out there, so I think it would be beneficial for him to hear exactly from you of where you want it split.

Commissioner Fahl made a motion to table the revised Parcel Survey for Property Appraisal until the surveyor is available to meet with the Commission. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Request to Revoke Variance at 1401 Platinum.

Assistant City Manager Alvarez: Upon a recommendation from our Planning & Zoning Board, the City Commission granted a variance request at 1401 Platinum to move a mobile home that exceeded the allowable age. That was done back in February of last year, but since that time nothing has been done. The mobile home has not been connected to utilities. They have not done any of the requirements mandated for the variance. I have had a few different conversations with the applicant. We tried to work with her in the beginning. She is a single parent, and finances were tough, and our tap fees are expensive, so getting the taps and plumbing done in the end exceeded what she could afford to do. When I spoke to her, she said that the mobile home was up for sale and she was working with somebody who would potentially be moving it out of the city limits, into the Village of Williamsburg. They were supposedly going through the same process with the Village. She is not the property owner, but the property owner was at our Planning & Zoning meeting where the variance was approved, and they were well aware of what was required at that time. I spoke to both her and the property owner to let them know that the property is in non-compliance. Our Planning & Zoning Commission has wanted to see this property come back to them to revoke the variance because they aren't happy that, after approving something, or recommending approval, it hadn't been developed. They are aware that we are bringing this to you. It went to them on Monday, and they recommended to revoke it as well. If approved by the Commission, then I would work with Jay. We already have a draft letter that we would give to the property owner and the mobile home owner giving them 30 days to either bring it up to code or remove the mobile home from the property. If they don't meet the required amount of days, then we would have to go through the resolution and abatement process where the city would remove the mobile home and then we could potentially put a lien on the property for the cost of that. I do feel that we need to revoke the variance because they haven't met of the standards. She's not living in the unit and it doesn't sound like she is going to.

Mayor Pro-Tem Forrister made a motion to allow staff to revoke the Variance at 1401 Platinum. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Review, Approve and/or Allocate Funds for Geronimo Trail Scenic Byway Application #1 for the Update/Reprint of Hot Springs Brochures.

City Manager Gonzales reviewed the application for the Geronimo Trail Scenic Byway Application #1 for the Update/Reprint of Hot Springs Brochures.

Commissioner Fahl made a motion to allocate funds to the Geronimo Trail Scenic Byway for Application #1 for the Update/Reprint of Hot Springs Brochures in the amount of \$1,800.00 as recommended by the Lodgers Tax Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

13. Discussion/Action: Review, Approve and/or Allocate Funds for Geronimo Trail Scenic Byway Application #2 for Website Hosting & Maintenance.

City Manager Gonzales reviewed the application for the Geronimo Trail Scenic Byway Application #2 for Website Hosting & Maintenance.

Mayor Pro-Tem Forrister made a motion to allocate funds to the Geronimo Trail Scenic Byway for Application #2 for Website Hosting & Maintenance in the amount of \$600.00 as recommended by the Lodgers Tax Board. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Arts Council for Artists of Sierra County Tour.

City Manager Gonzales reviewed the application for the Sierra County Arts Council for Artists of Sierra County Tour.

Mayor Pro-Tem Forrister made a motion to allocate funds to the Sierra County Arts Council for Artists of Sierra County Tour in the amount of \$6,600.00 as recommended by the Lodgers Tax Board. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Approval of the Biennial Memorandum of Understanding (MOU) between MainStreet and the City of T or C.

City Manager Gonzales: This is the Biennial Memorandum of Understanding (MOU) that we have with the New Mexico MainStreet Organization. This is to allow the organization to operate within our city.

Commissioner Fahl made a motion to approve the Biennial Memorandum of Understanding (MOU) between MainStreet and the City of T or C. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

16. Discussion/Action: Authorization of transfer of funds to the R & R Water Certificate of Deposit.

City Manager Gonzales: This is a reserve requirement as per the USDA loans. They are pulling money aside and putting it into a Certificate of Deposit.

Commissioner Fahl made a motion to approve the authorization of transfer of funds to the R & R Water Certificate of Deposit. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Item was removed from the agenda as there were no Purchase Requisitions over \$20,000.

18. Discussion/Action: Award Recommendation for RFP #23-24-008 Ralph Edwards Park Shade Structures.

OJ Hechler, Community Services: As you know we received grant funding for the replacement of the Ralph Edwards Park Shade Structures. We went out for the request for proposals. We had 5 proposals come in. All of the contractors met the minimum qualifications so it basically came down to cost. Pluma, LLC was the lowest bid that we got so we are recommend going with them.

Mayor Pro-Tem Forrister made a motion to Award Recommendation for RFP #23-24-008 Ralph Edwards Park Shade Structures to Pluma LLC. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 11:41 a.m.

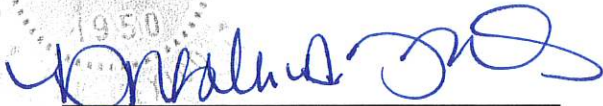
Passed and Approved this 24th day of June, 2024.

CITY COMMISSION JUNE 12, 2024 REGULAR MEETING MINUTES



Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk



Water and Wastewater update

June 2024

Water Trust Board Award

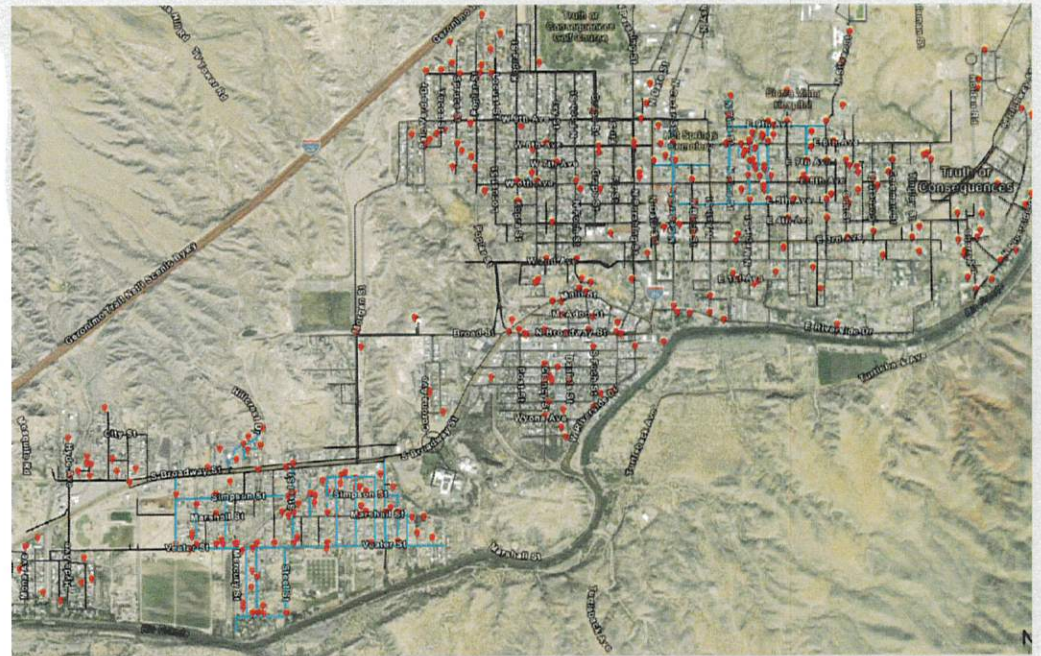
- Award amount \$16 million
- Grant match of \$1.6 million, which has been fully executed. Which will allow us to move forward with the design services for the water lines.



Combining Funds

These funds along with the potential \$4 million from Colonias will be going towards the \$21 Million critical waterline replacement.

The critical waterline replacement will be replacing the Metal and North Metal streets. (highlighted in blue)



WSPI-1

The Water System Performance Improvement 1 project design is complete. We will be working with the engineer to go to bid soon.

This project will be covering replacement of lines on East 8th and East 9th street. Along with a transmission line and a PRV.

