

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 14, 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
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

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
Jocelyn Holguin, Finance Director
OJ Hechler, Community Services Director

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.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Commissioner Fahl to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS:

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

City Manager Gonzales presented an Employee Service Anniversary Award to OJ Hechler for 7 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Alona Niebergall for 4 years of service with the City of Truth or Consequences.

City Manager Gonzales and Tara Manning presented an Employee Service Anniversary Award to Jessica Bowles for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Rene Loera for 5 years of service with the City of Truth or Consequences.

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

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Pat O'Hanlon for 31 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of William Montoya for 14 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Katy Martinez for 4 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Rafael Marin for 8 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

The following addressed the Commission with comments related to: Healing Waters Trail: David Dawdy, Kyle Cunningham, Rick Dumiak, Bruce Swingle, Joanna Beck, Terry Miller, Jeannie Ortiz, June Russett, Mary Cavett, Collett Rodgers, Diane Lombardo, Julia Roslin, Sunday Xiques, Ariel Dougherty, Frank Herman, Ezekiel Moranda, Stacey Hay, Katherine Burger, Bill West, Kathlene Sloan, Pat Sloan, and Nate Stephens. Emailed comments attached hereto and made a part hereof.

Gordon Edelheit and Steve Green addressed the commission with comments related to trash rates.

Ron Fenn addressed the commission with comments related to the restrooms at Ralph Edwards Park.

Becca Eza addressed the Commission with updates on MainStreet Truth or Consequences.

Tara Manning addressed the Commission with updates on the Animal Shelter.

Item 11 was moved after public comment.

I. NEW BUSINESS

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

Assistant City Manager Alvarez: I do have the safe surveyor here in attendance as previously said this is being brought to the commission to see if there is any interest in the commission in potential advertisement of sale of the property and if so, the inquires have been weather or not the commission would entertain the sale of all or a portion of anything of property behind the veterans home. So once again that is why it is being brought to the commission for your review and discussion.

David Senn, Surveyor: I'm a professional land surveyor. I have done business in this community and county for over 40 years. Any questions that I could possibly answer that you might have on the property in question.

Commissioner Fahl: I was part of the group that got the grant and worked with the city to install healing waters trail. Track one just to clarify this bottom line on track one. That's straight line. It appears to me that doesn't incorporate the land adjoining the river is that correct, who's is that because you have these straight lines that go around by the river but no adjacent to the river? That wasn't in your survey.

David Senn, Surveyor: There are a lot of questions about that. The assessor has it under the Bureau of Reclamation but it's not.

Commissioner Fahl: They don't own it. This land then along the river, which I had brought up to at previous commission meeting that we would definitely need to leave that open because we didn't want to sell any land adjacent to the river so that doesn't belong to this, and it's not included in this track correct? Track 2 for the veterans' memorial park there has been lots of discussions I serve on that board also, too many hats. With the veteran's park also with the city on the ownership of that property does the corner there how far past the column burial is that when you surveyed it do you recall?

David Senn, Surveyor: Which corner is that?

Commissioner Fahl: Track 2 where the veteran's home is by the triangle. How far past the column burial does that go?

David Senn, Surveyor: It goes down almost to Marshall.

Commissioner Fahl: Ok so its way past the column burial. I wanted to make sure. My concerns commissioners as many people have brough forth is the purpose of the trail and why that was put there that has been discussed quite exhaustedly today. I personally am not an avid walker of the trail but when we put in the trail it was a need and desire expressed by the community. It was that trail like the turtle back trail. It was a 3-year process with planning and getting community input and that is what they wanted to have there we do have interpreted panels up there that actually even talk about the view. There are parts of that land that could be viable for development now what Nate had said and I didn't think about it the lower part I think Nate had said that was about where the wastewater treatment plant used to be that is the only level land other than the mesa. I think we should not sell the mesa because of the value of that trail. We all need housing we know we need housing that was one of our first meetings was what our biggest need was which was housing but the value of that trail and what that could bring to our community in recreation and equal tourism dollars is extremely valuable I believe to the community and tourism and equal tourism is actually where our future in dollars for our community is going to come from. Besides the mesa how are going to get there, where is the road there isn't a road platted up there. There is no infrastructure up there and we already have enough trouble with our infrastructure as it is. The lower part where that one level piece of land is I think that would be viable to do something, I don't know what you could do.

Mayor Pro-Tem Forrister: That would be my question following up. Can we break that track up so where you have track one its about 67 acres right there can you break that track up so like in this picture where the healing waters is like trail is in here but like this part the lower part is that a viable thing to breakup in a survey?

David Senn, Surveyor: We did this by subdivision procedure. You are allowed one. This summary procedure is divided into 76 acers. The veterans memorial park and the secondary track, and by the code that is it.

Commissioner Fahl: So, we can sell just a piece of it?

David Senn, Surveyor: It was written for 1 to 2 acre tracks it was not supposed to be 76 acres with the municipality. When it was written they weren't thinking something like this. We would have to do a subdivision. My concern is personally on that lower track within the environmental hazard who knows what is there. If I was a developer, I wouldn't touch it.

Commissioner Fahl: Even if we wanted to sell all that the infrastructure and the cost of putting that infrastructure there is going to be more than we can bear. As I have said before that road back there the traffic. I have had to talk about this area since 2006 when we put that trail in, so I am aware of a lot of the concerns that go on down there. I think we shouldn't. If we can't sell that one piece which is the only level spot that you could

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even think about for development without a lot of money and even without that you have all the infrastructure concerns with the water, electric, sewer, and the road.

David Senn, Surveyor: That burden all falls on the developer.

Commissioner Fahl: All of that money? The top of the mesa how are they going to get access? There is no road, how are they going to get there? They can't go through the veteran's home that is their property. We don't have an easement through there. How are they going to get up to the mesa?

Assistant City Manager Alvarez: That would be for the developer to have to design and do themselves.

Commissioner Fahl: As I have told you the 3 times it has come before us when we talked about, we just need to leave it alone and focus on utilizing it more for our tourism and economic development that way rather than for housing.

Commissioner Mitchell: I will say one thing in support of the trail having volunteered at the visitor's center for the past 8 months every single day someone has come in and asked about that trail and they are not from T or C. It is a local economy, but it is also a tourism aspect as well.

Commissioner Hoepfner: I'm with commissioner Fahl and Commissioner Mitchell it is a treasure that we need to preserve. I'm new here but I would like to see the extension people enjoying the trail and we could attract more outdoor recreation and more hiking trails in form of cross-country running trail things like that. That is really preserved and well-kept, maybe we have the possibility to include it and mark it as another city park and get grants to develop it more than it is right now.

Mayor Pro-Tem Forrester: Traci can we move forward in any of this when we have somebody come to us that is interested in one of our properties can we ask for an overview of what their plan or vision are for those properties? Maybe we don't have to go through all these steps if we see what their vision is for a piece of property, and we are like no that is not something we want for our community or yes let's dig deeper. Is that something we could go ahead and require or what do you see?

Assistant City Manager Alvarez: Potentially I guess if somebody calls and inquires about a property maybe ask them to come and make that request through the city commission because there is no guarantee that's who we are selling to. We had no less than 4 calls some local regarding some of this property and some big so there is no guarantee who we are going to sell it to and I guess that kind of fall with in the municipal code for development is broke down into various districts so if somebody wishes to develop their property per our municipal code and what is allowed in that district we don't have the right to tell them they can build that on their property.

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Mayor Pro-Tem Forrister: I guess this pertains specifically to this piece of property that has this unique trail going right through it that might have been something to know a head of time of what the development looks like.

Assistant City Manager Alvarez: Yes, I could do that by all means but just keep in mind that they can come and speak in front of you and tell you what you want to hear.

Mayor Pro-Tem Forrister: Right and then buy it and do whatever they want.

Assistant City Manager Alvarez: Correct. The only thing I would like to ask the commission is moving forward if you decide that you don't want to proceed with any type of advertisement for sale. I would like to ask David, right now this property is one large parcel and so I don't know if the commission wants to entertain or if David would recommend we at least approve this survey to have it recorded so that the veterans museum area is broke up as one track the other track and the trail is recorded because right now there is no record of that trail in the assessor's office. I don't know what your recommendation is on that David.

City Attorney Rubin: That is actually the item on the agenda, it's the parcel survey. I'm looking at the documents and I'm showing here on the lower right hand corner August 14, 2023, and then revised May 20, 2024. So, I think the question is of the recording of this document.

Mayor Pro-Tem Forrister: Yes, I-1 is not talking about going forward with the sale it is just approving the survey.

Commissioner Fahl: David and Traci the survey you gave us the trail is that dotted line is that where the trail is?

David Senn, Surveyor: Correct.

Commissioner Fahl: When you did that did you also incorporate the easement, the shade structures that are up there or is it just the trail?

David Senn, Surveyor: We show the covers in their position.

Commissioner Fahl: I wanted to make sure that they were included in there. Also, back to the question about dividing this, I don't understand all of our ordinances, but we make variances all the time for individuals so can't we make a variance for ourselves and break that up into smaller pieces. Can we have a public hearing on our own variance for our own land?

Assistant City Manager Alvarez: I think so.

City Attorney Rubin: I may need to do some research. I'm not sure I'm not saying yes or no.

Commissioner Fahl: We might look at that because those are huge Parcels and the survey when it goes towards rotary park is that an old lift station? Does it include all of that all the way to the lift station and up?

Assistant City Manager Alvarez: You excluded that portion out? It is important to also recognize that on that survey our Clancy force main line is also through that parcel, and we have made sure that is identified as well as an easement.

Mayor Hechler: I think we need to record the survey if for anything is to preserve the healing waters trail. It's been mapped out and surveyed, it's there now we need to adopt that part of it and it's going to stay there. I think that's the important part of it. The other thing is I don't know if I want to move forward with the sale of any property unless we know what we are selling it for. I think it's just the right thing to do we have to know what we are going to be doing with the property before we do it and once we have a proposal from someone then we need to bring it to the people to see if that is something we need to take care of but I don't want to move independent of that in light of what happened this morning and all your comments I think it's an important way to proceed. That is kind of the way I'm looking at it. Does anybody agree with me or what do you guys think?

Mayor Pro-Tem Forrister: That is kind of what I was getting at is that it would be nice to know what we are selling our property to be used for before we do that. I don't think we need to micromanage infield development if they are cleaning up a piece of property and putting something then so be it. But for something as significant as this it would be nice to know exactly what the plan was before we even looked at it all.

Commissioner Fahl: Having the land surveyed like you said is very good and I'm glad that you detailed out where the shade structures are on the trail so at least its noted in the survey.

Mayor Pro-Tem Forrister made a motion to record the revised parcel survey. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. REPORTS:

City Manager Gonzales reported the following:

- She introduced the city's new Finance Director, Jocelyn Holguin and our new Procurement Officer Leiandra Guerra.
- She reported on McAdoo Street.

a. Water Update: Arnie Castaneda, Water/Wastewater Director.

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

City Commission Reports:

Commissioner Fahl reported the following: Thanked the Tiger swim team for swimming lessons. Thanked City staff and DOT for the sidewalk on Third St. Congratulated the high school Scat Cats Envirothon team placing 9th in the US.

Commissioner Mitchell reported the following: Reported that there will be a Fiesta meeting on Tuesday August 20th.

Commissioner Hoeppner reported the following: Thanked the community for their input in public comment and hopes they continue to do so.

Mayor Pro-Tem Forrister reported the following: The high school volleyball team is hosting an enchilada dinner at the moose lodge on August 14, 2024.

Mayor Hechler reported the following: Meet on July 26th 2024 with Secretary Kenny, Director Rodrick, Deputy Secretary Lienemann, C.E.O Frank Cockran and his maintenance as well as Elementary School principal and their maintenance they got some results. The 4.4 million in capital outlay will be given in advance. Secretary Kenny is also working on getting us the \$750,000 in FEMA money reimbursed. The state is also working on bids and looking at putting several communities together on a bid and then having the major companies bid on them. Attended the JPC meeting the hospital is doing well they are moving from one IT system to another. Senate Bill 161 for the hospital gave 2.7 million dollars 1.5 will be taken this year and 1.2 next year. The health care assessment act cost about \$900,000 to get involved the return on that is \$7 million for all rural hospital statewide. New Mexico Environmental Department is doing a video regarding water issues in communities and T or C will be involved that.

City Attorney Rubin reported the following: Follow up on the Title issue for the bank building on Main Street, the issue has been rectified.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, July 10, 2024
2. City Commission Regular Minutes, July 24, 2024
3. July 2024 Accounts Payable
4. Take Home Vehicle Form

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

G. PUBLIC HEARINGS (5 Minute Rule Applies)

1. Public Hearing/Discussion/Action: Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste.

Assistant City Manager Alvarez: February 28, 2024, the city commission approved a public rate study that was presented to the commissioners. With approving that rate study that causes us to have to amend our ordinance to remove items that are in there that would no longer be applicable once approved rates go into effect. The ordinance amendments came to the commission at the June 12th meeting and so this is for public hearing and final adoption of amending sections of the ordinance to account for the new rate study that was approved as well as any other changes that the staff recommends.

Mayor Hechler opened the public hearing.

Proponents:

Jessie Emerson: I'm going to talk about solid waste, recycling and the proposed revised solid waste ordinance. It is my belief that we all want the same thing to save money and to save the environment and help those who are elderly and handicapped. Having containers that are user friendly and in places easily accessible are steps in the right direction. Removing containers is a step backwards. Helping with the elderly and the handicap get the containers to the curb is compassionate and respectful. There are some solutions is the form a commission to see how other communities are handling and solving this issue for instance we could put on utility bills a space where someone could donate \$2 or \$5, and this would go to perhaps hire a part time retired person or teenager to help get those bins to the curb and to get the bins back from the curb to the home. This would give each of those types of people some pocket money and they would be making useful contributions to their community. Now is recycling cardboard worth is 80% of the products in the United States are packaged in cardboard. The United States uses and discards around 1 billion trees in cardboard per year. Recycling reduces the need to cut down these trees that sequent the carbon a major player in global warming climate change. Recycling saves energy, making cardboard is a complex process using resources and energy. Recycling reduces pollution, making cardboard from wood pulp creates sulfur dioxide which makes acid rain. Recycling reduces the amount of waste going to the landfill. Recycling one ton of cardboard can save 9 cubic yards of landfill space. Recycling cardboard means it isn't shipped away it is sold and it makes money. Recycling cardboard saves water, the production of cardboard requires water. Recycling saves approximately 7 thousand tons of water for every one ton of cardboard recycled. Recycling cardboard reduces greenhouse gases. Cardboard comes from trees. Trees are organic. When organic waste breaks down it releases methane. Methan is an even worse polluter than carbon. It absorbs the sun's heat and contributes to warming the atmosphere and the oceans. Truth or Consequences is not the only community with waste issues. Forming a community is difficult. It requires people from all of the community to participate. Researching and seeing what other towns are doing and making a plan that can then be presented to the Commission. This takes the pressure off of one person making the plan.

Opponents:

Gordon Edelheit: The City of Truth or Consequences operates businesses, residence and property owners. All of us have to look at these proposals. 5 or 6 years ago, maybe we didn't have such a good sanitation department with good equipment, but to remove some of the services, there is only one aspect of going out for an RFP which would be the responsibility of this Commission to say look, maybe there is scaled, with companies like Waste Management that can take over. Not one job would be lost. Do remember this, our focus is, the better we use our city government, the better we have subcontractors, the better it is for everybody in this room. Right now, the blue bins and the cardboard are a major issue, but when you have a revolt from your businesses, you are going to find more and more cardboard in the other bins. More than that, when you look at the unknown things, it says things like roll off boxes, things that are being addressed in an entirely new way. When you go out for a bid, you can specifically make sure that the bid includes things, whether they are buying our equipment, or whether they are bringing their own in, certainly we have a transfer station. That is what our business is about, being able to really compensate with all of the new expenses of labor and finding good labor is always going to be a struggle. When you take large companies, those large companies have massive responsibilities all over the state. In Dona Ana, there are people, that if we went out to bid right now, they would be interested in taking a look at what it would be for our residential and commercial. What would it be like if we had a contractor, rather than a piece of our city and our local government. I urge you to stop and say, now is not the time to have 5 years of where we are going out with these different prices. There's one other aspect to this. When you change something out and you have businesses that are closed down, but they cannot have electricity unless they have garbage cans, and unless they are paying for those dumpsters. You can't have that. That is what the city needs. The city needs that, but it is ridiculous when you have a building for sale and you want to keep the lights on, but you are getting charged for garbage which the building is clearly not making. It happens over and over, and it happens to people that have winter homes here. This would be an end to something like this so it's really important to look at all of the factors. Changing the name for recycling, maybe if we went out to bid, we would have had little tubs for glass and other recyclables. Whether those big companies are losing money, they are not, so we are in a justified position to go back into recycling. We are definitely in a justified position, not just to delete roll off and delete services for the elderly. We are in a justified position now to go out to bid and see who's out there and who could actually do a better job and not lose one job or person who is committed for sanitation. I do respect our sanitation, and I do respect the amount of money that has been put back into sanitation, but now is the time for us to think about the community, and now is the time to not to start raising rates. Now is the time to go out and look at what is apples to apples. There are books at the Chamber of Commerce to request for an RFP to be made, and there are people who know what to ask for in that RFP.

Paula Green: My comments represent concerns of the recycling committee, and about the proposed changes to Ordinance No. 766. Section 11-3 and 11-4 restrict the collection and disposal of refuse. Our committee was strenuously object to any rule that would

prohibit neighbors from helping neighbors, let alone require them to pay a fee to the city to do so. Sections 11-6 prohibits residents from putting organic yard waste in their poly carts, never mind that yard waste should not be dumped on the tipping floor at all. It should be shredded so it becomes a useful product. Not allowing residents to dump bagged yard waste in their poly carts if there is room, forces them to pay an extra fee at the Collection Center. Section 11-4-2 exempt service collections which has been deleted from the ordinance and which will prohibit drivers from helping disabled persons with their poly carts. Is this meant as a cost saving measure? How will disabled people deal with their trash. This is truly a perversion of the Commissions obligation to the public. The recycling committee asked you to re-instate this section. In addition, which should be made easier for disabled persons to apply for assistance. The calls in the departments should trigger a visit from the driver whose route includes the address of the person who makes the request. The department should be able to trust its driver's judgement. I have read the reports submitted to the city by Parkhill. This study offers a single solution for eliminating existing deficits and that is raising rates. The recycling committee supports appropriate reasonable rate increases but asks the condition to consider additional options as well. The Parkhill study does not consider the money which could be saved by separating out materials such as yard waste, construction waste, and glass which with proper equipment could be removed from the tank therefore decreasing the tonnage that is shipped to Las Cruces. I have looked at the history for the State of New Mexico for the years 2007 – 2024 and there are communities much smaller than T or C who have received money to acquire equipment to deal with such materials. The Parkhill study also does not consider how a more proactive recycling program would remove more recyclables from the waste stream and provide increased revenue for the department. A study of local restaurants and institutional cafeterias like the hospital, schools, and SJOA shows that none of them recycle aluminum cans. All of them go into the trash. In conclusion, requiring people to pay the city in order to help their neighbors, requiring residents to pay an extra fee to haul their yard waste to the collection center when they have room in their poly carts, denying handicapped persons help with their poly carts are inappropriate solutions to the city's budget problems.

Steve Green: Parkhill has done a great job except for the suggested rate structure for the blue dumpsters and now we find out it's not \$30 a week. It's \$30 per month. The recycling committee and the Bountiful Alliance agrees that everything costs more, and rates have to reflect reality. However, with that said, has the city explored other options and possibilities before having the public pay more. Section 11.4, no one knows how much, or how long. How about the concept of the neighbor helping neighbor. Is that not the way to build a community. If there ever was an example of double dipping, its section 11.6.B. Organic yard debris, green waste, grass clippings, etc. put them in a bag. Absolutely. Now we pay \$34.69 a month for our poly cart to be picked up, and a lot of us probably have half the space that we don't even use, but now, up to 200 lbs. we have to spend an additional \$9 at the tipping floor. I understand that you need revenue. I get it, but it is your obligation also not to put your hands in the pockets of the citizens, but to come up with constructive different ideas on how to accomplish what you want to accomplish on a cost saving factor, not nailing it to the citizens. Scrap metal, we recycle the sales of scrap metal. Does staff have the customer pull out and put it in the appropriate

areas before their load hits the tipping floor? If yes, we thank you. If not, education, education, education. We need to educate the public so we don't have contamination in our loads and can use the 5 trailers that Andy got that make it easy for the public to recycle, by having them locate it at heavy traffic areas. Can we get to budget neutral on recycling. The answer is no. but we certainly can begin to close the gap between expenses and revenue. Educate, educate. It starts with the kids in schools and works its way up. It sounds like a lot of work, and it is, but the payoff is bigger.

Diane Lombardo: Some are my remarks, and some are from Susanne Carlstedt. I did not know that there was a service for the disabled. I had no clue, and I fell. I have neighbors who voluntarily take my garbage to the curb every week, but not everybody has those. My driveway is not that steep, but there are a lot of driveways in this town are. It's very scary, and as I said, I fell right as I was putting it on the curb. I was halfway in the street and halfway in my driveway, and I had to get up by myself. It was scary, so we do have to do something for people like me or those who are worse off than me. The post office delivers mail to the doorstep of disabled persons on a daily basis so why can't the city help them once a week with trash disposal. Speaking as a member of the recycling committee, we want the city to compost yard and food waste and chop up tree limbs and make wood chips. This type of waste represents 30% of what the community sends to the landfills. I'm sure people don't want to run out to the Solid Waste Facility every time they have a handful of weeds to get rid of. Section 14.1 A2 of the ordinance says we can't put them in the trash. As long as our yard waste is being loaded into trucks, with all of the other solid waste instead of being composted. I don't know why you should care if it's in our poly carts. It looks like any other chance to arbitrarily charge us more money. I think you're encouraging people to accumulate yard waste on their property until they have a full load of it, which section 11.9 of the ordinance also says we can't do. Regarding the requirement for people who haul waste to the dump or cost more to get a permit do they consult the people who do this as a business I would like to know the cost of the permit whether it is a one-time charge or annually. What comes with any kind of training or education for the businessperson. These people are doing you a favor by picking up large items that you no longer will according to section 11-14-1 5b. and they help people clean up their property. They also create jobs and contribute to the economy. I question the need for a trash permit on top of a regular business permit again it seems like an opportunity to arbitrarily charge some people more money. Sometimes there are unattended consequences and ordinances and in the case of solid waste putting too many restrictions is going to make people more inclined to dump their waste in the desert or accumulate it on their property which cost us more in the long run.

Ariel Dougherty: I'm a senior citizen, a sole member house holder and a conscious consumer. I do not create much trash we cannot consider ordinance 766 without also referring resolution 05 24-25 about rates also on today's agenda the resolution and its accompanied documentation is riddled with problems. On the agenda request the board states staff is requesting to implement new rates effective November 1st 2024 to allow for ample time to notify customers yet on the next page the resolution states collection fees are set for will be effective October 1, 2024 so this more confusion on the need versus the money which I personally didn't understand at all so I thought the resolution didn't

have anything to catch to it all we were supposed to decide 245 page attached report. I really would appreciate it if the commission and your staff would do a better job of being consistent and properly warning us in the public of what the material is that we are going to discuss. The title of the ordinance is and implication of recycle and is referred to in different prices in the report that is attached actually what recycling is currently going on in Truth or Consequences it's been many months since you have removed the blue recycling bins for glass and aluminum and someone I mean who is it that has written this ordinance has been bent over backwards to find every possible scrap of refuge that might possibly go into our bins mostly into the forbidden category and everything must be wrapped in plastic here are cardboard boxes that I often will place in my bin on a regular basis but now you are telling me I have to wrap them in plastic bag that I must go out and purchase and spend money on. This is biodegradable, the plastic bag is not. If I miss a step, you can charge me up to \$200 in fines. Are you going to send around the poly police to examine my trash? This makes little sense. A company report resolution counts the number of poly carts but not whether they are filled on a weekly basis or partially or over filled with the top open. Every week mine is partially filled while some neighbors will go beyond the brim. Mine limited volume of waste is subsidizing the waste of my neighbors. The opulent cost of our waste and its expense is actually based on weight not volume. Both the approach and the proposed solution in both ordinance 766 and the resolution do not really properly address the concerns we citizens have many people presented a lot of content and ideas about that, so I urge that the city reject both this ordinance and the resolution and that you return to the drawing board and create a better more fully examined problems and provide a more equitable solution. I have two questions that I would like you all to please answer. What are we recycling now in the city? Who wrote this ordinance? Thank you.

Kathleen Sloan: The study that was presented months and months ago did not include an analysis of recycling. So, this resolution on rates I mean we don't know what is based on. I ask that you put off passing this resolution and maybe the ordinance I don't care about the ordinance until you pull a town hall and give a comprehensive report on what we recycle, how much it cost by time, equipment stuff like that. So that we could figure out what the tonnage of each recyclable area is. I mean 10 cans part one you know and what we are selling and what the possible profit is so that we can weigh what it cost. I don't see how you came up with these figures. I need to understand for the commercial dumpsters you are charging the same fee for 1.5 square yards and 3 square yards, that doesn't sound equitable. Ms. Dougherty points out that you know some of this is per volume, but the actual cost is based on tonnage so mixing those two up it doesn't make sense. The Parkhill study showed that the poly cart people are now paying \$35 a poly cart and they should be paying 25 something. That's what the actual study showed that the actual cost of the poly cart cost the city \$25 a month but you are charging 35 something that is why they propose that you not increase the rates for 5 years because the poly cart people have been subsidizing everybody else and I have noticed for years that they trash volume has been going up and the rates have been going up for poly cart users and the left over cash that the department has at the end of the year has not gone up so that didn't make sense except now that the Parkhill study you realize that people most of them coming from all over to have their trash dumped at the scale house it must

have been the best rate for miles and miles around but that's why trash volume has gone up and so we have been subsidizing that and you know I think we should consider restricting dumping trash to just you would have to prove you live in Sierra County or something and not go beyond a certain geographic area. Thank you.

Ron Fenn: Public hearings for my recollection we should be able to ask questions during the public hearing. Public hearing is so we can say ok who wrote this document. I have problem with this document in the first place. I couldn't get passed number 11-1 without saying wait a minute the definition of a city is means city its dually authorized agents, contractors, servants, employees and licensees. Who are the servants are you meaning the people because the people are not servants, they people are the masters of this community we are the members of the executive branch of the government and yet this ridiculous definition of a city which you will not find in any dictionary because I have tried. It's Ludacris but it sets a tone in this community that we who work of the city we are the city no you are not the city we the people are the city and we are the ones that are being ignored, abused, over charged, nobody knows that they work for the people and not the people are the servants of the city workers. That attitude is what is the cause of all the expenditure that we shouldn't be making. We saw this morning expenditures for survey, how many surveys, and how many things for a piece of property instead of asking the people, hey should we look at selling a piece of property before we start contracting for services. The same thing goes here. The Parkhill and the NewGen, how much money was spent on those studies? I have seen no amount of money and back in February whenever it was contracted it said on the introduction, "tbd" to be determined. How much it was going to cost for these contractors to perform the services I want to know; I want to right now how much it cost to do those that study? Because we are paying for it and we have nothing to do with saying yeah, we should do a trash study. Why would you talk to the people about how trash is done? Instead, no we can all go out hire whatever contractors we want, we can hire engineers, we can hire anybody that we want and then people are going to pay for it and turns out its not a very good deal. That the problem here it's an attitude that is reflected right in the first paragraph of this document and it needs to be changed. The recognition that this community is not servants has to be changed. We the people are who you work for, and I hope that people are going to remember come election time who is responsible for this and everything else that goes on today.

Mayor Hechler closed the public hearing.

Commissioner Fahl: First I have to apologize for when it was presented the first time, I guess I wasn't diligent, and I didn't read it as carefully as I should have and asked these questions before. How are we going to deal if we are striking out of the ordinances assistance to people who have physical disabilities, a special services strike out, exempt collection repealed, what are we are going to do for those? Andy, are you going to be the one answering these questions or is it Traci?

Assistant City Manager Alvarez: Either one of use. The ordinance that you guys have in front of you is the strike out and the red line are the only changes that the staff is

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recommending. If it's not got a strike through or it's not redlined those where existing in our ordinance and have been.

Commissioner Fahl: Right, I understood that. So, I think let me see if I can find it. I put it under collections practices. I was looking it up until someone brought up the questions about helping your neighbor. So, section 11-10 collection fees shall be set by the commission, I understand striking out all those classes because we are not going to do it like that anymore. So, 11-14-1 collection practices and we renumbered those so pre collection practices was a) and then they numbered them 1,2,3 there is an addition in red construction demolition material, so you see where I'm talking about Andy? So then on the next page it starts with b collection page and so on that page there were a number of strike outs. It strikes out under b information about qualifying physically disabled residents and then the next section special services are struck out and then the fee for that.

Mayor Pro Tem Forrister: What page are you on?

Commissioner Fahl: 71.

Assistant City Manager Alvarez: The special services when we first transitioned from dumpsters to poly carts we had where people could stack things up in the alley and the city staff would go out and pick that up. When we removed the dumpsters from the alley, and we put things out of the poly cart we wanted to make sure that there was still the ability for people to hire the solid waste department to go out and pick up large items. It's not a service that is being used because there is a lot of small business out there that do that for people whether it be landscaping or the mom-and-pop businesses. This section is for them to take out their big equipment and load up. Maybe somebody has a refrigerator or something like that and there is a fee. That was initiated in the original nobody is doing that anymore so the request from the staff is just to remove that because it's not a service being used anymore.

Andy Alvarez, Sanitation Director: It would be a lot more cost effective.

Commissioner Fahl: You've told us that you have several residents that cannot get their poly carts and we've been doing that for them, and you struck that portion out, so what are we going to do for those people who need assistance? I don't want to just blow them off. You have a plan, so what's the plan?

Andy Alvarez, Sanitation Director: This is what I'm struggling with, you have the ones that need it, and you have the ones that don't. I can't go into that property zone. You have two or three that hop in their car and go to Walmart. They grab their grocery cart and load their basket full of groceries, get to their car and unload those heavy bags of groceries, and drive off. Then you have those that actually need the help, so that's what I'm struggling with.

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Commissioner Fahl: We did have something in writing, and its great right now while you're here, but what about the next guy? He might do things differently. We need to have something that protects those residents.

Andy Alvarez, Sanitation Director: On July 1st, I'll continue and after July 1st, they need to re-apply. If they don't re-apply, and I don't get a response back then I will render their services.

Commissioner Fahl: I don't see that. Do you have that in here?

Andy Alvarez, Sanitation Director: This was going to be left up to you guys.

Mayor Pro-Tem Forrister: Was that a Parkhill thing? Did they recommend taking that out?

Andy Alvarez, Sanitation Director: No, this has nothing to do with Parkhill.

Mayor Hechler: How many customers do you have on the exempt program?

Andy Alvarez, Sanitation Director: 22.

Mayor Hechler: So, there are 22 customers on the exempt program, so this is what that means for the driver, that means 44 trips in and out of that truck per week, per driver. If it rains, snows or if there is ice on the steps, the truck is like climbing a latter, and that is a concern. I'm not saying that's the only concern. It's just as dangerous for the driver, as it is for anybody else because the driver gets onsite, and gets out of the truck, and gets the poly cart and takes the poly cart to the truck, and then gets back into the truck, and dumps the poly cart, and gets out of the truck and takes it back to the door. If there is a way that we can expedite that process, we need to because that is 44 times a week that this person has to do this. We're not all in the best of shape sometimes, and it's tough to get up and down that truck 44 times a week, so that was part of the reason, I think, that we are looking at this, but we know that there are people out there that genuinely need this service, but I don't know if there is 22. One of the things that we should probably consider doing is that they should re-apply for this service every year because things change, and nobody ever goes off the service. They should have to re-apply every year because things change. I think that will be one step in the right direction, but still continue that service.

Commissioner Fahl: If we're going to do that, shouldn't it be in the ordinance somewhere?

Diane Lombardo: How do people find out about these things?

Commissioner Fahl: We need to do a better job.

Diane Lombardo: When I got to the point where I couldn't walk anymore, I didn't know what to do, and I keep up with things.

Mayor Hechler: There is another thing that we can do. This might be a little more controversial, but I'll throw it out there to see what you guys think. In certain situations, we provide what we call an administrative fee, and it takes care of things like this. You pay an extra fee to have the services provided. So, for instance, an administrative fee for exempt services can be \$25 a month. That's \$6.92 per dump, per week if you add it all up. It's not that expensive, but it is a \$25 fee. I know some people who don't want to spend more money for this, and I know that it's a hardship for some folks, but if I were in that position, I'd find a way to save that \$25 a month, or I would have a neighbor do it, or my kid, or a friend do it. I would handle it that way. Or for those people who absolutely have to have it, that \$25 a month fee is there, and it is to provide that service, and it's documented, and that service comes. That's a consideration. I'm not saying it's the answer, but it's something that we can do.

Mayor Pro-Tem Forrister: That way people won't abuse the services.

Commissioner Mitchell: I think it would be a deterrent for the abuse of it, but I also see, on the other hand, if I were to break my leg, for the next 6 months I would need help, but then I wouldn't after that, would I be willing to pay that fee to cover that? Yeah. Now, people on fixed incomes, that's going to be a problem, and I think if we are going to do something like this where we are going to charge an administrative fee, then we should also have some type of low-income exemption.

Mayor Hechler: That's a good point.

Commissioner Mitchell: There are some things on there that need to be cleaned up. We need to get our fees out of this ordinance, so we don't have to change the ordinance every time we want to change the fees. I understand that, but I think that we really need to take into consideration that 27% of our community is over the age of 65, and that can be a really big problem for something as delicate as this. I don't think we need to strike this, but I think it can be revised and not putting any fees in there but have that set as per Commission or as per department head and send them out in the utility bills and put it up on our Facebook page. To Diane Lombardo's point, if I was in that situation and I broke my leg, the first thing I would have done would have been to call the department to ask if they have any services like this or call the schools to see if there are any students that can provide these services. There are so many youth entrepreneurs that are starting up different kinds of businesses, so there's got to be something out there to help this problem.

Mayor Hechler: I would advocate that we do not remove the exempt services. I think we have to keep them in there in some form but let's figure out what would a way that we could still deal with it.

Andy Alvarez, Sanitation Director: Let me bring something up, just on Mondays route there are 8 handicaps out there. If one person would go out there and pull those carts out and return them back to the residents at 3 o'clock. On Tuesday there is only 1 handicap. Couldn't a neighbor or a friend pull that poly cart out?

Commissioner Mitchell: It seems to me like something if you have a list of those names and the areas and the neighborhoods.

Mayor Pro-Tem Forrister: I get what Andy is saying also. I think they could do their due diligence to say hey I'll give the kid across the street \$5 to roll my trash can down. What his point is getting to is that people are abusing it and he knows that. That's the problem. I don't think the problem is that he knows the people that need it. We are fine with that. It's the ones that we know that they can do, and they are abusing this program that's the issue.

Mayor Hechler: I just don't want to punish the people that really need it.

Commissioner Fahl: Like your saying call your neighbor well there is a lot of older people that are pretty reclusive, and they don't know anybody.

Mayor Hechler: You did that on a case-by-case basis right? You have a situation like that you go and investigate right. You got an application, and you say ok let me go talk to them and then you will offer some alternative and you will talk to the person, and you will figure out.

Andy Alvarez, Sanitation Director: We go out and look at the position, but no position says yay or nay. I go out and do an investigation and let them know the rules make sure your pets are tied, and that there aren't other family members that can pull it out. I investigate all that.

Commissioner Fahl: That's good to know. I think we need to leave something in there about that. Striking it all I don't think is good. We need to rethink that. Again, I'm sorry I glossed over some of that when I read it before. Here we are with it again.

Andy Alvarez, Sanitation Director: I can start revising it so you guys can look that over.

Commissioner Mitchell: Also, where you added in under 11-14.1 section b construction demolition material including scrap metal, rocks, bricks yard work all that kind of stuff. I agree point of where to if I'm cleaning my yard and clean my yard once a month how long do I have to keep that build up before it's worth it for me to take it to the dump.

Commissioner Fahl: Or you don't have something to take it in.

Commissioner Mitchell: Yes, what am I going to through it in the back of a Miyata like a refrigerator driving down the road. So, there is an issue with. I have an issue with recycling the items that we could recycle. There is a guy that comes by the dumpster every day and pulls all the cans out from El Faro's restaurant and recycles them. That's money that we could be utilizing in some way, shape, or form. What do we do about we had a business owner downtown that people moved out of the apartments behind her and just dumped everything next to the dumpster beds, couches, stuff like that. We don't haul that

off I understand but what do we do about people that just leave stuff is there something we can do to alleviate that issue.

Andy Alvarez, Sanitation Director: Small portions can go into it, but what is happening is people are loading dirt and grass and all of that into their poly carts, and the backslopes on those arms, if pushing it, is 200 lbs. And then we have tree branches that stick out 3 to 4 feet out of the poly cart, so stuff like that will need to be taken to the Collection Center.

Mayor Hechler: I recommend that you take a picture, next time you come across something like that, and send a warning to these folks that they can't have this stuff in their poly cart and the next time there will be a \$25 administrative fee assessed. Upfront, I hope we educate these folks when they sign up for the city here is a flyer of what you can do and what you can't do and we provide that information to them upfront when they sign up for utilities or whatever they get. Is that available to them now?

Andy Alvarez, Sanitation Director: No, it's not. Well at the collection center if they stop by the collection center we can pass that information out.

Mayor Pro-Tem Forrister: So, with the exemption services we are going to put it in that they have to apply every year, you are going to have a \$25 administration fee that can be waived by Andy if he knows that person absolutely needs that, and they don't have anybody to help them out.

Commissioner Fahl: Or their income has a lot to do with it. My mother was on a very low fixed income, and she had polio so she couldn't walk down to take it.

Mayor Pro-Tem Forrister: I think waive if for anybody if he knows for sure they need the service.

Commissioner Mitchell: Just like you get a sliding scale at Ben Archer or Housing Authority based on your financial.

Mayor Pro-Tem Forrister: I'm just saying let's put it in there and waive it for anybody we know needs that service. If they don't need that service, they get that \$25.

Commissioner Mitchell: We don't want to make this too much more complicated because you don't want to have something said in there that says you have to show a doctor's note you have to show proof of income.

Mayor Hechler: Its already in there.

Commissioner Mitchell: I know they are trying to strike it.

Commissioner Fahl: He did strike it.

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Commissioner Mitchell: However, we want to say as determined by the department head of the sanitation department.

Mayor Pro-Tem Forrister: If he knows that they need the services then just waive the fee for them.

Commissioner Mitchell: We are approaching this as a small-town local community commission. We are not talking we are not the City of Albuquerque he doesn't have time to go visit every single resident there. So here this is something that can work I just don't think we need strap too much restriction and red tape on it in case more of these in the future.

Mayor Pro-Tem Forrister: Like I say reapply every year. There is a \$25 fee that can be waived.

Commissioner Fahl: If we make him do all that un strike and re strike. What is he supposed to do with the ordinance now?

Mayor Pro-Tem Forrister: Why don't we have it come back to us?

Andy Alvarez, Sanitation Director: I'll come back with all the changes.

Mayor Pro-Tem Forrister: I can't find anywhere that says your neighbor can't put your poly cart out. It says it should be unlawful for any person other than the city to collect or convey through over or under any street or alley.

Commissioner Fahl: With out first securing a permit from the city. That just means that I can't get my own company and do it.

Mayor Pro-Tem Forrister: It's not saying that you can't go to your neighbors and pull their poly cart down.

Assistant City Manager Alvarez: It's a combination of both. A large company can't come in here and just start running business. However, it's also for the people that haul for example landscapers, and they don't have a business license than maybe we need to change the word permit to business license I think that's an old word that was in there. These people go in and they do a yard clean up and they charge you to do that yard clean up then they take that truck load of stuff, and they go out and they dump it somewhere and you don't have any proof you don't have any business license the information on them. That's where that stemmed from originally back in the day. We can change permit to business license. If we are bringing this back to the commission, we can restructure and word some of that a little bit better.

Commissioner Fahl: Just to make that clear for us and the community. I think it would be great.

Assistant City Manager Alvarez: That is not a problem like I said some of the stuff was existing and it wasn't necessarily what they were looking at they were looking at something else.

Mayor Pro-Tem Forrister: Like that was an existing thing that wasn't changed. That has always been in there.

Commissioner Fahl: The wording as you say can be confusing.

Commissioner Fahl moved to table Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution 05 24/25 Establishing Solid Waste and Recycling Service and Collection Center Rates for The City of Truth or Consequences.**

Commissioner Mitchell moved to table Resolution 05 24/25 Establishing Solid Waste and Recycling Service and Collection Center Rates for the City of Truth or Consequences. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. PUBLIC HEARINGS (5 Minute Rule Applies)

- 2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 767 Authorizing the Execution and delivery of a loan agreement and intercept agreement by and between the City of T or C, and the New Mexico Finance Authority, evidencing a special limited obligation of the governmental unit to pay a principal amount not to exceed \$2,000,000, together with interest thereon for the purpose to acquire, construct, renovate, furnish, equip, beautify and improve a public safety building for the benefit of the city and its residents.**

Chris Muirhead, Modrall Sperling: This is the consideration of the ordinance related to a loan with the New Mexico Finance Authority for up to \$2,000,000 to acquire a building property in Truth or Consequences to house and remodel for the Police Department renovation and move into the building. It is payable back with a ¼ of the one percent increment of municipal gross receipts tax. This will be solely on that quarter percent gross receipts tax. The New Mexico Finance Authority will have no lien on any other revenues of the city, or any other assets of the city. It does delegate authorities to the Mayor and the City Manager to accept the pricing terms. The Finance Authority gets their money at an AAA rating. That is the best rate you can get, so it lowers your debt service cost or

your interest cost and pass that onto Municipalities. The ordinance approves the form of the loan agreement and intercept agreement. The intercept agreement is just a ministerial tool that can really ease administration on both sides. The taxation and revenue will send just the amount necessary monthly or on a semiannual basis to cover the debt service on the loan. The loan agreement has traditional covenants that we will make sure are consistent with your outstanding debt and any additional obligations on the city. Most of what's in there are your requirements and clauses for the use of the facility based on the loan.

Mayor Hechler opened the public hearing.

Opponents:

Ron Fenn: It's interesting that there are no proponents to this, but I can understand that because it was only 4 months ago that the people of this city voted down this same proposition. Maybe a different building, but that doesn't matter. It was the money. That's what we voted on. This is the same ordinance that has been recycled out four times. I wonder how much Mr. Modrall has been paid by the city to create and recycle the same ordinance over and over again. It bothers me that strictly four days after people said no to the last loan, we have a commissioner who goes and visits a bank and says hey we might like to buy this bank, and after 2 or 3 months there's no word from anybody and all of a sudden, we make an offer. We send an offer on June 13th. We make an offer on it before there's any decisions by the commission to give anybody authorization to do that, and this gets done. This is a slap in the face of this community. The people have said, already twice, no we are not going to put up that kind of money for a Police Department that has probably spent a portion of that amount of money over the years to renovate the building and to do everything that they want to do with it. It does not serve the public. A police building does not serve the public. It serves the Chief of Police and the couple of people that are in the building. It does not serve the community. The only time anyone wants to go to a police station is when they are getting their fingerprints taken. The station is only open 8 hours a day, 5 days a week so why do we want to spend \$2 million of the people's money to fix the ego of an out of town Police Chief who hires many out of town officers. We only have about 1 or maybe 2 officers that live in the City of Truth or Consequences. Las Cruces, Caballo, Williamsburg, Arrey, we've got them all over the place. They are not members of the community. Why should they really care about this community, which by the way has a really low crime rate. Look at the national statistics. We are low for New Mexico and the US statistics. It is not because of the wonderful job the Police Department does, it is because the nature of this community which is old people. What can the Police Department do? I think they should talk to me because I can help with the bathroom problem at the park. There are no reasons why bathrooms have to be closed to the public, but the police can't deal with the vandals. I'm sure they are mostly octogenarians like myself who are going around saying oh, people don't need to go anymore, we'll bust up their toilets. This is ridiculous. This is time number 3. The second time this year. The petition is made. You'll see it tomorrow.

Chris Muirhead, Modrall Sperling: I want to respond to how I get compensated. We don't get compensated unless the transaction actually closes, so the work that we did in the fall for the armory, we don't submit an invoice for that, and we never will submit an invoice. The city has never paid a dollar on that \$30,000. I am not going to submit an invoice for what we're doing here today. If the deal closes, then I'll submit an invoice. Jay and I are very comfortable with the legality of this. This is a different project. The New Mexico law is clear, if you have a different borrowing amount and if it is a different location, which this is. You still have an obligation to fulfil your duties to provide public safety and we're comfortable advising you on the finance side of this that you are authorized to do this.

Ariel Dougherty: Testimony attached hereto and made a part hereof.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Mayor Pro-Tem Forrister moved to approve Ordinance No. 767 Authorizing the Execution and delivery of a loan agreement and intercept agreement by and between the City of T or C, and the New Mexico Finance Authority, evidencing a special limited obligation of the governmental unit to pay a principal amount not to exceed \$2,000,000, together with interest thereon for the purpose to acquire, construct, renovate, furnish, equip, beautify and improve a public safety building for the benefit of the city and its residents. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Public Hearing/Discussion/Action: Final Adoption of Ordinance 768, Amending Sec. 3-98 of the Municipal Code of Ordinances pertaining to safekeeping of animals by the animal shelter.

OJ Hechler, Community Services Director: Currently, an animal owner is allowed 72 hours. There is no working with the animals or anything like that. It becomes the property of the shelter after 72 hours. We've been dealing with this for the past 3 or 4 years. The safekeep status is going to be a medical hold or an incarceration hold. We are going to allow up to 10 days for a medical hold, and 5 days for an incarceration hold. A boarding fee will be applied after the initial 72 hours. If you contact the shelter within that timeframe and you don't have another remedy for someone to pick up your animal or an animal agency to come and pick up your animal, we can work with you. We want to work with you. There will be a boarding fee applied for that, but we can work with you. We are going to allow all contact with that. The issue that we have is that we are not getting any contact from any animal owner, and we don't know what to do with the animals. That's what the amendment is to this ordinance.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Mayor Hechler: We had a couple of instances last year where we had some issues with animals that had been taken care of, but then the owners ended up coming back after the 3 days, but this will address those two issues in the future if it were to happen again.

OJ Hechler, Community Services Director: All we're asking for is contact. Let us know what we are doing with the animals. You've got 5 days if you're going to be put in jail. Use your phone call and call your family members to let them know that your animal is at the shelter, will you at least communicate with them. We can hold onto your animal longer, but we are going to charge a boarding fee because we can't do it for free. The same thing goes for medical. We will allow more time. 10 days should be a good amount of time to contact us. If there is no contact after that timeframe, then we have to make a decision.

Mayor Pro-Tem Forrister moved to approve Ordinance 768, Amending Sec. 3-98 of the Municipal Code of Ordinances pertaining to safekeeping of animals by the animal shelter. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution 05 24/25 Establishing Solid Waste and Recycling Service and Collection Center Rates for The City of Truth or Consequences.**

This item was moved after item G1.

- 2. Discussion/Action: Resolution No. 11 24/25 Amendment to City Park Rental fees.**

OJ Hechler, Community Services Director: We've gotten 4 or 5 inquiries this year about jumping ballons at Ralph Edwards Park. We want people to utilize the park, and we want them to have fun at the park, but we don't want them to do it on the grass so we decided to designate an area. What we're thinking of doing is, the area over there by the volleyball courts is a good area, and there may also be another area for things like dunk tanks over there by the skate park. The long term solution is for us to look into putting a pad and a shelter over there specifically for jumping balloons. They can set up wherever they want at Family Park, but we will require insurance. There may be other

city parks where we will allow jumping balloons and dunk tanks, they will just need authorization from the city and those will be done on a case by case basis with insurance required.

Commissioner Mitchell moved to approve Resolution No. 11 24/25 Amendment to City Park Rental fees. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution 12 24/25 Approval of the State of New Mexico Environment Department Capital Appropriation Project Water Distribution Line Grant Agreement and Authorizing the Assignment of Authorized Officers and Agents.

Assistant City Manager Alvarez: This is the capital appropriation we received for the \$4.4 million. This is the grant agreement and within the grant agreement they have a resolution that they want to do authorized signatory authorities which is signatures for City Management and myself as we submit for reimbursements or submit invoices for payment. The funds will be filtered through NMED and overseen by NMED.

Commissioner Fahl moved to approve Resolution 12 24/25 Approval of the State of New Mexico Environment Department Capital Appropriation Project Water Distribution Line Grant Agreement and Authorizing the Assignment of Authorized Officers and Agents. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS

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

This item was moved after public comment.

2. Discussion/Action: Approval of FY25 Clean and Beautiful Grant.

This item was removed from the agenda.

3. Discussion/Action: Extending the swimming pool season beyond Labor Day to a date yet to be determined.

Ashley Galicia, Swimming Pool Manager: As you know, our season is almost over. We're expected to close on Labor Day, which is September 2nd. However, we are asking for an extension of our season. This has been one of our better seasons overall since I've been at the swimming pool. Our revenue is up almost \$1,500 in total from our last season. We

did lose a couple of employees who went back to school. However, if we were to extend the season, there is myself and one other fulltime employee along with 3 part-time employees who are willing to stay on and do an extended schedule. Once it gets too cold and we have to run the heater too much and there are only 2 people coming, then it will no longer be worth being open and we'll just decide to close at that time. The schedule that is in front of you would be the schedule that we would maintain. It's not much different from the schedule that we currently have with our back to school schedule. The only difference is closing and opening because with kids being back in school, we don't have a lot of people coming in the middle of the day. We do have an aerobics and therapy class that meets Tuesday through Friday 11am-12pm, and they normally come only for that hour. So instead of being open 12pm-2pm we cut it to 1pm. We have a couple of afternoon late swim sessions as well. And with school back in session, even on the weekend, and even though we offer later afternoon swims, we're not technically very busy for that. With our passes that we have, we do offer season passes and we offer a 10-punch pass that is good for 30 days from the day you buy it. All of those are set to expire on Labor Day, and that will stay as set on Labor Day. They have already been told that is the time period the passes are good for. I would like to know your recommendation on what to do if we extend the season. Do you want me to offer a 10-punch pass? We haven't been selling any season passes because the season is almost over, but a lot of people buy our 10 punch passes.

Mayor Hechler: How would you notify the people who purchase the 10 punch passes that you will be closing for the season.

Ashley Galicia, Swimming Pool Manager: We can do a two-week notice. They are only 10-day visits, so the people that use them within 10 days, if we were to do them, we could shorten it and say, if you buy a 10 punch pass, it's only good for 20 days.

Commissioner Mitchell: We used to open the pool in March or April and go until October or November, but again follow the patrons, if there is nobody there, don't be open. I would like us to consider as we want to extend this season to start talking about opening up the pool in March or April next year, as opposed to just on Memorial Day. It would be a soft opening just for lap swimmers or aerobic ladies or the swim team or something like that, that are going to use the pool diligently in March and April and then you can have the grand opening on Memorial Day for the kids because they'll be out of school. I know that would definitely help a lot of the community members who rely on that swimming pool.

Commissioner Mitchell moved to approve extending the swimming pool season beyond Labor Day to a date yet to be determined. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Update: City of T or C Comprehensive Plan Revision Update.

Assistant City Manager Alvarez: Just a quick update on the Comprehensive Plan. As you know we received CDBG funding for that plan. We've gone out to RFP, and we've received some proposals. Staff is in the process of reviewing proposals, and they will of course have to go up through DFA for their review, and once DFA approves it, it will come back to you for the award. As soon as we award this project, we are going to want to get started moving forward, so I've provided all of you with hard copies of our current comprehensive plan. I'd like the Commission to start doing a good review, so when we go into a public hearing or public meeting, regarding any updates to the comprehensive plan, you guys have all of the information ahead of time and you have plenty of time to review it. I also supplied you with the affordable housing plan, as well as the downtown master plan because there are sections within our current comprehensive plan that reference those two plans as well.

5. Discussion/Action: Aging & Long-term Services Department (ALTSD) Junior Bill Appropriations Agreement.

Assistant City Manager Alvarez: The Senior Joint Office on Aging has received a Junior Bill Appropriation in the amount of \$35,000. The funds will be used to reimburse various expenses associated with the Senior Joint Office on Aging. The city is the Fiscal Agent for these funds.

Mayor Pro-Tem Forrister moved to approve the Aging & Long-term Services Department (ALTSD) Junior Bill Appropriations Agreement. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Acceptance of USDA Letter of Conditions WSPI-2 (Water System Performance Improvements 2) Project and Authorization for Predevelopment Financing.

Assistant City Manager Alvarez: This project was partially obligated by the USDA. It was a \$2,673,000 loan and a \$1,652,891.01 grant. The remaining grant obligation is \$5,574,109. The project includes an open trench replacement of approximately 5,257-LF of 6-inch waterline with an 8-inch line east of the Main Street District area on East Riverside Drive, as well as the replacement of approximately 8,726-LF of 6-inch with a 10-inch waterline towards Williamsburg, creating a loop starting from South Broadway and Iron Street going south, and turning East on Veater Street and North on Platinum Street to end back on South Broadway Street. All waterline replacements will be 3 to 5 feet and will run parallel to the existing water lines with 3' wide by 4' deep trench. No additional land requirements are required for the replacement of the water lines, and all new water lines are within the existing right-of-way. The project also includes the

installation of new meter cans, water service lines, and connections to the existing system. Site work will include roadway asphalt removal and replacement as needed

Commissioner Fahl moved to approve the Acceptance of USDA Letter of Conditions WSPI-2 (Water System Performance Improvements 2) Project and Authorization for predevelopment financing. Commissioner Hoeppe seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: GRO Special Appropriation Intergovernmental Services Agreement with South Central Council of Governments as Fiscal Agent.

City Manager Gonzales: The city received a GRO Special Appropriation from Senator Brantley in the amount of \$100,000 to support law enforcement costs and resources. The legislation assigned the South-Central Council of Governments to be the fiscal agent and be the responsible manager of all funding, uses and administration of the GRO Special Appropriation. I signed this agreement at the end of July because we had a deadline.

Mayor Pro-Tem Forrister moved to approve the GRO Special Appropriation Intergovernmental Services Agreement with South Central Council of Governments as Fiscal Agent. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Jocelyn Holguin, Finance Director reviewed the Purchase Requisitions over \$20,000.

Mayor Pro-Tem Forrister moved to approve the Purchase Requisition over \$20,000 for 92810 for Western United Electric. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Rock & Gem Society (SCRAGS) Application #1 for 2025 Sierra Co. Rock & Gem Show.

Tammy Gardner, Executive Assistant reviewed the application for the Sierra County Rock & Gem Society (SCRAGS) Application #1 for 2025 Sierra Co. Rock & Gem Show.

Mayor Pro-Tem Forrister made a motion to allocate Funds for Sierra County Rock & Gem Society (SCRAGS) Application #1 for 2025 Sierra Co. Rock & Gem Show in the amount of \$23,555.00. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Review, Approve and/or Allocate Funds for Geronimo Trail Scenic Byway Application #3 for the National Park Journal.

Tammy Gardner, Executive Assistant reviewed the application for the Geronimo Trail Scenic Byway Application #3 for the National Park Journal.

Mayor Pro-Tem Forrister made a motion to allocate Funds for Geronimo Trail Scenic Byway Application #3 for the National Park Journal in the amount of 4,745.00. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Review, Approve and/or Allocate Funds for Veterans Memorial & Museum Application #3 for a Billboard Rental.

Tammy Gardner, Executive Assistant reviewed the application for the Veterans Memorial & Museum Application #3 for a Billboard Rental.

Commissioner Mitchell made a motion to allocate Funds for Veterans Memorial & Museum Application #3 for a Billboard Rental in the amount of \$4,275.00.

Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Ingo Hoeppner, Commissioner

Hon. Amanda Forrister, Mayor Pro-Tem

Hon. Rolf Hechler, Mayor

Hon. Destiny Mitchell, Commissioner

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

Motion carried 4-0 vote with 1 recusal.

12. Discussion/Action: Review, Approve and/or Allocate Funds for MainStreet Application #1 for the 2024 Desert Ultra.

Tammy Gardner, Executive Assistant reviewed the application for the MainStreet Application #1 for the 2024 Desert Ultra.

Mayor Pro-Tem Forrister made a motion to allocate Funds for MainStreet Application #1 for the 2024 Desert Ultra in the amount of \$6,800.00. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 1:46 p.m.

Passed and Approved this 11th day of September, 2024.


Rolf Hechler, Mayor


ATTEST:


Angela A. Torres, CMC, City Clerk

Torres, Angela

From: Marlena Benjamin <marlena85@gmail.com>
Sent: Tuesday, August 13, 2024 4:51 PM
To: Torres, Angela
Subject: Sale of the trail

Dear City Commissioners,

Although unable to attend the meeting in person, I would like to offer my thoughts regarding a few issues up for discussion.

First up the sale of the property including the healing waters trail. this is, and has been since my arrival in town, one of my favorite places to enjoy. I strongly feel that the loss of this public space would be a huge detriment to our community. Public outdoor spaces are vital aspects of healthy happy communities. This should be designated as permanent public use trail, and never permitted to be sold.

Secondly, up for discussion are some changes in the cities waste policies. I think removing the service where those in need have their bins taken to the street is quite frankly cruel, why are we limiting how we serve a diverse community, this benefits no one. Secondly I think the section regarding the requirement of a permit needs further clarification and revision. Honestly the whole policy seems poorly put together from various others and seems more like a rough draft than a final version. I urge you to put this up for those revisions and move any voting into the future.

Thank you for your consideration, I hope to see those elected to serve the community hear the voices of that community on these very important matters.

Torres, Angela

From: Nic All <claynicall@gmail.com>
Sent: Tuesday, August 13, 2024 5:01 PM
To: Torres, Angela
Subject: Keep our open space

To Whom It May Concern:

I am writing regarding the potential sale of the land behind the Veterans Home where the Hot Springs Trail is located. I wanted to voice my opposition to the sale of this land. I use the trail and know of many others that do. This area also attracts tourists who have easy hiking access from hotels downtown. To only have an easement for trail use and to block the panoramic views up there would be a mistake, I feel, and would greatly degrade the experience.

Open space is valuable and once lost it is lost forever. Please reconsider the sale of this wonderful resource and keep it in the hands of the people who recreate there.

Thanks for your consideration in this matter.
N.V.

Torres, Angela

From: June Jewell <june.jewell@gmail.com>
Sent: Tuesday, August 13, 2024 5:15 PM
To: Torres, Angela
Subject: Potential Sale of HWT

Hello.

I stand with those who are against the sale of the healing waters trail. As someone who lives near the base of the hill, 501 Gray St. I would hate to have the trail that my children & I frequent often become...well, I'm not sure what it would become. I sympathize with the city's urgency to find funds to cover the cost of maintaining itself. Many residents here in town are also in a constant state of urgency, yet we still would prefer to keep natural spaces natural. This short sighted sale may seem like a good deal right now, but I worry that it is not reversible.

I understand that developers would prefer bare land to bring their vision to life, but it does seem a bit silly when there is so much already developed land sitting vacant & locals are no longer able to afford living here. Perhaps a brainstorming session with local residents to think of solutions to bring revenue to that town while also preserving our natural spaces. I would love to be included.

I believe that nature is the reason many are drawn to this area in the first place. Let's increase, not decrease access to it.

Thank you for your consideration,
June Russett

Torres, Angela

From: Robin Duncan <ronrobin.duncan@gmail.com>
Sent: Tuesday, August 13, 2024 6:11 PM
To: Torres, Angela
Subject: Land behind veterans home

Hello,

I personally am for development growth but with a plan. A beautiful riverwalk with hotel, boutiques and restaurants would be fabulous especially if you planned something like a mini San Antonio Riverwalk. Or full size! You would bring in more tourism and people with a little money might move here with a little more infrastructure. The riverwalk could even have access points to some trails and incorporate a bird preserve or something like that for the nature lovers. I love nature but Torc needs a face-lift. The roundabouts actually look nice. Let's continue to beautify TORC!

Robin Duncan

Torres, Angela

From: Andrew Auten <auten.james@gmail.com>
Sent: Tuesday, August 13, 2024 6:23 PM
To: Torres, Angela
Subject: selling off healing waters trail

Hello -

As a local business owner and citizen of T or C , I am writing my city government to express my opinion about the proposal to sell city land to Prereal investments in New York.

First, thank you for allowing the citizens of this wonderful town the opportunity to participate in the future of T or C. We all appreciate the wonderful job you are doing.

Privatizing public land in this fragile, wonderful town would be of no benefit to anyone but Prereal and the construction companies that would build the houses. We cannot allow our unique and beautiful town to be carved up and sold to out-of-town investors who will leave this area the minute they have had their fill.

Building a handful of McMansions for part-time residents does not even remotely address one of our most pressing issues, which is affordable housing for local working residents. In addition, this sort of building project would only drive up property taxes for our most vulnerable residents, eventually forcing them into bankruptcy or homelessness.

Specifically, Healing Waters Trail is a valuable, cherished part of our community. Selling it to non-resident investors is a callous, thoughtless strategy which will deeply harm our town.

Thank you for your consideration.

God Bless you and God Bless T or C

Andrew Auten

Torres, Angela

From: Lori Apodaca <torc_lori@hotmail.com>
Sent: Tuesday, August 13, 2024 6:53 PM
To: Torres, Angela; Hechler, Rolf; TorC City Clerk
Subject: Support for Keeping Healing Waters Trail

Good afternoon,

I wanted to voice my support of keeping the healing waters trail open for everyone. I use that trail often in the evenings and on weekends with my family. It is one of the few designated trails in the T or C area and is the only trail in the middle of town.

This is a great trail. We use it often and feel that it is safe for our family.

Thank you for your consideration,

Lori Apodaca

TorC City Clerk

From: Bhém M <bhem@bidjudge.com>
Sent: Tuesday, August 13, 2024 8:36 PM
To: TorC City Clerk
Subject: Main Street District MSD Water System Improvements 07/7/22

Please accept this email as a request for the PRELIMINARY, AS READ Bid Result for the referenced project.

Please let us know if you need additional information to process this project.

Thank you.

Regards,
Bhem Rob
BidJudge.com
480.487.6639
PO Box 1022
Higley, AZ 85236

TorC City Clerk

From: Bhém M <bhem@bidjudge.com>
Sent: Tuesday, August 13, 2024 8:36 PM
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Subject: Main Street District MSD Water System Improvements 07/7/22

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Regards,
Bhém Rob
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480.487.6639
PO Box 1022
Higley, AZ 85236

TorC City Clerk

From: Beth Block <bethblockmft@gmail.com>
Sent: Tuesday, August 13, 2024 9:37 PM
To: TorC City Clerk; Torres, Angela
Subject: Letter

Dear Commissioners,

My name is Beth Block, and I live at 321 Austin St. I live less than 1/2 mile for the Healing Waters Trail.

I am unable to attend the hearing tomorrow in person, so I would like make sure that my voice is heard. We purchased our home over ten years ago because of the healing water and the access to open spaces (aka the hHaling Waters trail). The trail is a golden gem for the city and attracts both residents and visitors. This trail is the first place I take out-of-town guests, and it I use it almost daily: A sustainable and maintained trail is paramount to the health of the residents of the city (walking, fresh air, and open sky views) both mentally and physically.

Additionally, the proximity to the Healing Waters Trail trail adds value to every home in T or C and thus to the city. I hope that you each have the vision to see the incredible value that a world - class trail system can add to this city (and its future property tax base and lodging tax). The value and marketability of our homes depend greatly on maintaining the trails and the waters of T or C. I am extremely concerned that by developing this piece of land, you will jeopardize the open space and the trail that we all love. Development of this land is not in the best interest of the city, the residents, nor the visitors and will risk short-term financial gain for long-term harm.

The nature is the soul of truth or Consequences: water, air, and earth. Please protect the bluff and the healing waters trail for the all our the residents of T or C and our future kids and grandkids.

Sincerely,
Beth Block

Beth Block, MFT
Ph: 512-217-3523
Em: bethblockmft@gmail.com
www.bethblockmft.com

TorC City Clerk

From: Mary Walker <theta.art@gmail.com>
Sent: Wednesday, August 14, 2024 1:33 AM
To: TorC City Clerk
Subject: Healing Waters Trails possible sale & my concerns

I, Mary Kinninger, property owner and resident in TorC for 14 years, would like you to know I would love the Healing Waters Trails land to stay open space and public land forever. I think it is very important for our community to have this wonderful open space that is close and easy to walk or drive to. When my health permitted it I walked the trails often with gratitude and a sense of freedom.

sincerely

Mary M. Kinninger

Torres, Angela

From: Yvonne R Thorpe <downsouthbreeze@gmail.com>
Sent: Wednesday, August 14, 2024 3:08 AM
To: Torres, Angela
Subject: The trail

This is the first I even heard of a trail..

Why all of a sudden? Is the commission getting money happy ?

Why can't they worry about the water infracture?

It's kind of odd .we get money to repair fix water infracture.but yet commissioners are buying Property like a bank for the police??

Where is that money coming from? Hopefully not for water infracture?

Yvonne Thorpe

Every time there's money

They never stay on track and put it where it needs to go .

They're dipping to much into funds that shouldn't be ..like a bank ??

TorC City Clerk

From: Tannis Bauers <tannisbauers@gmail.com>
Sent: Wednesday, August 14, 2024 7:18 AM
To: TorC City Clerk
Subject: HEALING WATERS TRAIL

Please read this letter at the Commissioners' Meeting today.

Dear Commissioners,

I am strongly opposed to selling off and developing ANY part of the Healing Waters Trail. This is one of the special resources of our community. I walk up there all of the time. The people I meet and the signs folks leave behind prove that the Healing Waters Trail is valuable to others besides myself. There are always different pebble creations that have taken time to put together and the trail is well-respected and clean. There is a magic about being above the river and seeing the mountain views all around the mesa. I have met joggers, hikers, dog walkers, tourists, unsung volunteers repairing storm damage, bird watchers and bird feeders. All ages.

Our town has two very long and busy streets. Residential areas have many barking dogs-sometimes loose and very threatening. Moreover, many properties look neglected and depressing. As a beautiful and quiet place for self reflection that costs nothing, the Healing Waters Trail is the main T or C Resource we have that helps our mental and physical health. Please leave it for the people of this town.

Thank you,
Tannis Bauers
600 North Foch St
TorC, NM
87901
(303)945-0183
August 14, 2024

Torres, Angela

From: Nancy Kosh <nancykosh@gmail.com>
Sent: Wednesday, August 14, 2024 7:39 AM
To: Torres, Angela
Subject: Nature Preserve Sell-off

To Whom It May Concern:

I live on Veater Street and the Healing Waters Trail is where I do my daily walks.

I moved here 5 years ago from The Woodlands, Tx. This town in Texas has a 22 acre George Mitchell Preserve that was donated and named after the great Visionary of The Woodlands, George Mitchell.

I'm suggesting that someone of a conservation/philanthropic mind, who would like to see this nature area preserved be offered the chance at a meaningful legacy.

A NMSU Scholarship could also be registered in their name.

Have a great day!
Nancy

Torres, Angela

From: Adam Scott Krantz <adamscottkrantz@gmail.com>
Sent: Wednesday, August 14, 2024 8:19 AM
To: Torres, Angela
Subject: Public Comment for 8/14 Regarding Healing Waters Trail Development

Hi Angela,

Could you please submit the following for public comment at today's city meeting? I won't be able to attend in person. Thank you for your help, and please let me know if there is anything I need to do to make sure my comment is included.

Dear Commissioners,

My name is Adam Scott Krantz, and while I split my time between Tucson and TorC, my permanent residence and heart are here in this community. I am writing to express my profound concern over the proposed development of the Healing Waters Trail area.

This trail is more than just a recreational space; it is a vital part of our community's identity and well-being. To consider developing the surrounding area is, in my view, deeply misguided. While I fully support the expansion of the trail itself, I am strongly opposed to any plans that involve selling or developing the surrounding land.

Expanding the trail can enhance our community by promoting outdoor recreation and preserving our natural surroundings. However, selling or developing the land around it would irreparably harm the character of our town and the ecological balance we cherish. The risk of out-of-state developers coming in and constructing large, out-of-place homes is a serious concern, one that threatens the very essence of what makes TorC unique.

The Healing Waters Trail and its surrounding area should be protected and preserved. Enhancing the trail is a positive step, but it must be done with a commitment to safeguarding the natural landscape and preventing any inappropriate development.

I urge the commission to reconsider any plans that would sell or develop the land surrounding the Healing Waters Trail. Let's focus on expanding the trail in a way that respects and protects the natural beauty that defines our community.

Thank you for your thoughtful consideration.

Sincerely,

Adam Scott Krantz

Torres, Angela

From: Gonzales, Angela
Sent: Wednesday, August 14, 2024 8:44 AM
To: Torres, Angela
Subject: Fwd: Meeting 10/14

Categories: Public Comment

Angie Gonzales
City Manager
City of Truth or Consequences

From: Lisa Talavera <alexandlisa@aol.com>
Sent: Tuesday, August 13, 2024 7:42:20 PM
To: Gonzales, Angela <agonzales@torcnm.org>
Subject: Meeting 10/14

Dear Mrs. Gonzales,

I am writing regarding the future of the Healing Waters Trail. As a resident of this community for over 8 years and a business owner, I see the Trail as an asset for the town, because of it's beauty and naturalness that is so easily accessible from town. It is the first place we bring visitors in town and a place we have enjoyed regularly as we have lived here.

Please reserve this space for the town's residents and visitors as a public land/ park.

Thank you for your consideration,

Lisa Talavera
Artist Abbey Gallery

Torres, Angela

From: Gonzales, Angela
Sent: Wednesday, August 14, 2024 8:45 AM
To: Torres, Angela
Subject: Fwd: Healing waters trail

Categories: Public Comment

Angie Gonzales
City Manager
City of Truth or Consequences

From: lalynn nock <desertmoonflower@yahoo.com>
Sent: Tuesday, August 13, 2024 6:29:39 PM
To: Gonzales, Angela <agonzales@torcnm.org>
Subject: Healing waters trail

Dear Angela,

Please do not sell the healing waters trail land! This land should be considered community land. This trail is a beautiful place and within walking distance of town. It adds much value to Truth or Consequences and embraces the deep history of the area. It is used by many locals and visitors alike. My family and friends use the trail regularly and it would be extremely disappointing for us if we could no longer use it.

Thank you for this consideration,

Lara Nock

Torres, Angela

From: Gonzales, Angela
Sent: Wednesday, August 14, 2024 8:45 AM
To: Torres, Angela
Subject: Fwd: Healing Waters Trail Land Conservation

Angie Gonzales
City Manager
City of Truth or Consequences

From: Linda Armstrong <lindaarmstrong37@gmail.com>
Sent: Tuesday, August 13, 2024 4:23:22 PM
To: Gonzales, Angela <agonzales@torcnm.org>
Subject: Healing Waters Trail Land Conservation

To: Commissioners

I use the trail behind the VA regularly. As an older individual with some mobility issues, it is one trail that I can navigate. I would be really unhappy to lose access.

Please vote not to sell this trail!

Regards,

Linda Armstrong

From: [Nic All](#)
To: [Torres, Angela](#)
Subject: Keep our open space
Date: Tuesday, August 13, 2024 5:01:26 PM

To Whom It May Concern:

I am writing regarding the potential sale of the land behind the Veterans Home where the Hot Springs Trail is located. I wanted to voice my opposition to the sale of this land. I use the trail and know of many others that do. This area also attracts tourists who have easy hiking access from hotels downtown. To only have an easement for trail use and to block the panoramic views up there would be a mistake, I feel, and would greatly degrade the experience.

Open space is valuable and once lost it is lost forever. Please reconsider the sale of this wonderful resource and keep it in the hands of the people who recreate there.

Thanks for your consideration in this matter.
N.V.

From: [Marlena Benjamin](#)
To: [Torres, Angela](#)
Subject: Sale of the trail
Date: Tuesday, August 13, 2024 4:50:52 PM

Dear City Commissioners,

Although unable to attend the meeting in person, I would like to offer my thoughts regarding a few issues up for discussion.

First up the sale of the property including the healing waters trail. this is, and has been since my arrival in town, one of my favorite places to enjoy. I strongly feel that the loss of this public space would be a huge detriment to our community. Public outdoor spaces are vital aspects of healthy happy communities. This should be designated as permanent public use trail, and never permitted to be sold.

Secondly, up for discussion are some changes in the cities waste policies. I think removing the service where those in need have their bins taken to the street is quite frankly cruel, why are we limiting how we serve a diverse community, this benefits no one. Secondly I think the section regarding the requirement of a permit needs further clarification and revision. Honestly the whole policy seems poorly put together from various others and seems more like a rough draft than a final version. I urge you to put this up for those revisions and move any voting into the future.

Thank you for your consideration, I hope to see those elected to serve the community hear the voices of that community on these very important matters.

From: [Kathleen McCormick](#)
To: [Torres, Angela](#)
Subject: Sale of land behind Veterans Home
Date: Tuesday, August 13, 2024 3:41:16 PM

To Whom It May Concern:

I am writing regarding the potential sale of the land behind the Veterans Home where the Hot Springs Trail is located. I wanted to voice my opposition to the sale of this land. I, personally, use the trail and know of many others that do. This area also attracts tourists who have easy hiking access from hotels downtown. To only have an easement for trail use and to block the panoramic views up there would be a mistake, I feel, and would greatly degrade the experience.

Open space is valuable and once lost it is lost forever. Please reconsider the sale of this wonderful resource and keep it in the hands of the people who recreate there.

Thank you for your consideration in this matter.

Sincerely,
Kathleen McCormick
914 Spruce St.
T or C, NM

From: [Sara Graham](#)
To: [Torres, Angela](#)
Subject: For T or C Commissioner Meeting 8/14: Healing Waters Trails
Date: Tuesday, August 13, 2024 2:37:50 PM

Dear Angela,

I understand this will be discussed at the 9am meeting tomorrow. I am hoping you can present this letter in the meeting on Wednesday. Thank you in advance.

I am deeply concerned about the possibility of the land around Healing Waters Trails being sold. It would upset the balance and small-town character of T or C if this land was sold to private interests. We don't need big development—we need protection of nature and untouched spaces that residents can enjoy. Thank you for your time.

Sincerely,
Sara Graham

From: [Randy Eastlund](#)
To: [Torres, Angela](#)
Subject: Healing Waters Trail
Date: Tuesday, August 13, 2024 2:01:12 PM

City Clerk Angela Torres
City of TorC

Hi,
I've heard there might be discussions by the city commissioners to sell the healing waters trail property, or to dramatically change the use of the trail property. I very much hope this doesn't happen.

Most mornings at first light I walk the trail and always marvel at what a wonderful resource this is for our community. Some morning I don't see anyone, but most morning I see others (locals & visitors) using the trail. It's one of my favorite things in town. Please don't change it.

Thank you,
Randy Eastlund
475 Mims St. TorC
575-740-9559

From: [Gina Kelley](#)
To: [Hechler, Rolf](#)
Cc: [Torres, Angela](#)
Subject: Healing Waters Trail
Date: Tuesday, August 13, 2024 1:47:36 PM

Good afternoon Mayor Hechler -

I've heard rumblings around town that the City is conducting a survey of the land where the Healing Waters Trail is located which is adjacent to the NM State Veterans Home. While I understand that the City is only undertaking a survey at this point, there have been rumors circulating that Pre Real Investments wants to purchase that land, hence the need for a survey.

I do not want to lend credence to the rumor mill. That said, I do want to stress that as one of the leaders of the Healing Waters Trail project, the possibility that the land might be sold is distressing to me. T or C has very few designated trails for the public to access. I have heard that there are City staff members that have said "no one uses the trail". I know that this is not true, as I have many friends that use the trail regularly. Additionally, at the Visitor Center one of the most frequent questions that we have is "where can I go for a hike?". During our peak visitor season (Fall through Spring) we direct people to the Healing Waters Trail almost daily.

I've CC'd Angela to ensure that this communication is entered into the public record.

Thank you,
Gina Kelley

From: [Glenn Turner](#)
To: [Torres, Angela](#)
Subject: Proposed development of Healing Waters Trail Parcel
Date: Tuesday, August 13, 2024 1:26:42 PM

Hi Angela - As a hospitality business owner and longtime resident, I am strongly opposed to developing the land around the trail. I can say with confidence that this trail and open space are one of the experiences that my guests appreciate the most about town. The fact that it's a short walk from downtown makes it accessible to all the folks who drove along way to get to town and don't want to get in a car to go on a beautiful walk. As our local economy depends on tourism, it would be shame to give up one of the town's best assets - and for what gain? There are plenty of houses in the area that could use fixing up - perhaps Pre-Real should focus on those instead.

Sincerely,
Glenn & Shayna Turner

From: [Mj](#)
To: [Torres, Angela](#)
Subject: Healing Waters
Date: Tuesday, August 13, 2024 1:17:06 PM

This email is to express our support for maintaining the Healing Waters Trail as a public space. One of my favorite parts of the trail is coming from the VA and seeing the river open up before you. Stop and have a drink of water on a bench and watch the wildlife. Early morning is especially beautiful. I have brought friends along the trail and we all feel it is a unique and valuable asset to this community. Cutting that off would be a tragedy. Thank you.

Martye Allen

W. 5th St.

TorC

Sent from my iPhone

From: [martye allen](#)
To: [TorC City Clerk](#)
Subject: Fwd: Healing waters trail
Date: Tuesday, August 13, 2024 3:16:53 PM

Sent from my iPhone

Begin forwarded message:

From: martye allen <yogapotter@yahoo.com>
Date: August 13, 2024 at 3:43:18 PM CDT
To: atorres@torcnm.org
Subject: Healing waters trail

Good afternoon. I am writing to express strong support for maintaining the Healing Waters Trail as public use land. We use that trail along with friends and all agree it is a unique asset for the town. Sitting at a bench and watching the wildlife along the river is an absolute joy every time.

I would like my email to be part of the public record.

Thank you.

Martye Allen

W. 5th Ave.

TorC

Sent from my iPad

From: [Haruhuani Spruce](#)
To: [TorC City Clerk](#)
Cc: [Jessica Logreira](#)
Subject: City Commissioners
Date: Tuesday, August 13, 2024 2:35:22 PM

T or C City Commissioners,

DO NOT SELL OFF THE LAND AROUND HEALING WATERS TRAIL.

This trail, and the hiking experience it offers both to local residents and to visiting tourists is a jewel precisely because of its relatively wild and open spaces. Your proposed plan to sell off the surrounding land, presumably to developers, would cheapen this experience and essentially cancel the benefits of one of the best, most unique trails that this region has to offer.

DON'T DO IT.

Haruhuani Spruce, MD
515 Gray Street
T or C

From: [Kate Boyle](#)
To: [TorC City Clerk](#)
Subject: Healing Waters Trail being sold
Date: Tuesday, August 13, 2024 1:47:47 PM

Dear commissioners:

I was recently told you may be considering the sale of the "Healing Waters Trail"

We have owned property at 665 W 5th Ave in TorC for almost 20 years. Everyday we begin by walking the 3.2 miles from our door and back which includes the Healing Waters Trail. Often we stop to speak to the attendant in the VA museum and thank them for their service.

The people we meet include locals and many snow birds who return to our city because of a fine trail with a view of the Rio Grande.

Please know this trail is a continuation of our city's long commitment for wellness.
As citizens we benefit from this opportunity and urge you not to sell it.

Sincerely,
Kate and Frank Boyle

From: [Diane](#)
To: [Torres, Angela](#); [TorC City Clerk](#); [Jaime Rubin](#); [Hechler, Rolf](#); [Forrister, Amanda](#); [Fahl, Merry Jo](#); [Hoeppner, Ingo](#); [Mitchell, Destiny](#); [Gonzales, Angela](#); [Traci Alvarez](#)
Subject: "It's a Different World Here"
Date: Tuesday, August 13, 2024 1:33:16 PM
Attachments: [image.png](#)
[image.png](#)
[Its a different world here.docx](#)

Dear City Officials and Commission,

I ran across this article that I am attaching in the NY Post today about a town in NJ that is supposed to be one of the healthiest in the nation. They pride themselves on clean air and walking trails and open country. They say this is what draws people to the town and promotes a healthy lifestyle for its residents.

Do our City officials think the plans you make for our town are meant to enhance its beauty and attraction and the health of its residents, or do you want to make it a town like any other mediocre town in the country?

You seem to want to fill our beautiful wide open spaces with buildings and roads and cars. If the 800 Wyona Condominiums are any standard to judge by, you do not care about the style and aesthetics of our Southwestern environment and are prepared to have our town turned into one that looks like one anywhere else. You would have it filled with cars and traffic like the towns anywhere else.

There are things about this place that attracted me here. The friendliness of the people, the cleanliness of the sidewalks, the wide open streets and spaces and views and the lack of traffic. No parking meters? One traffic light? No parking garages? Turtleback mountain and the wide expanse of the Healing Water Trail and hot springs and art galleries and decorated fences to boot? SOLD!

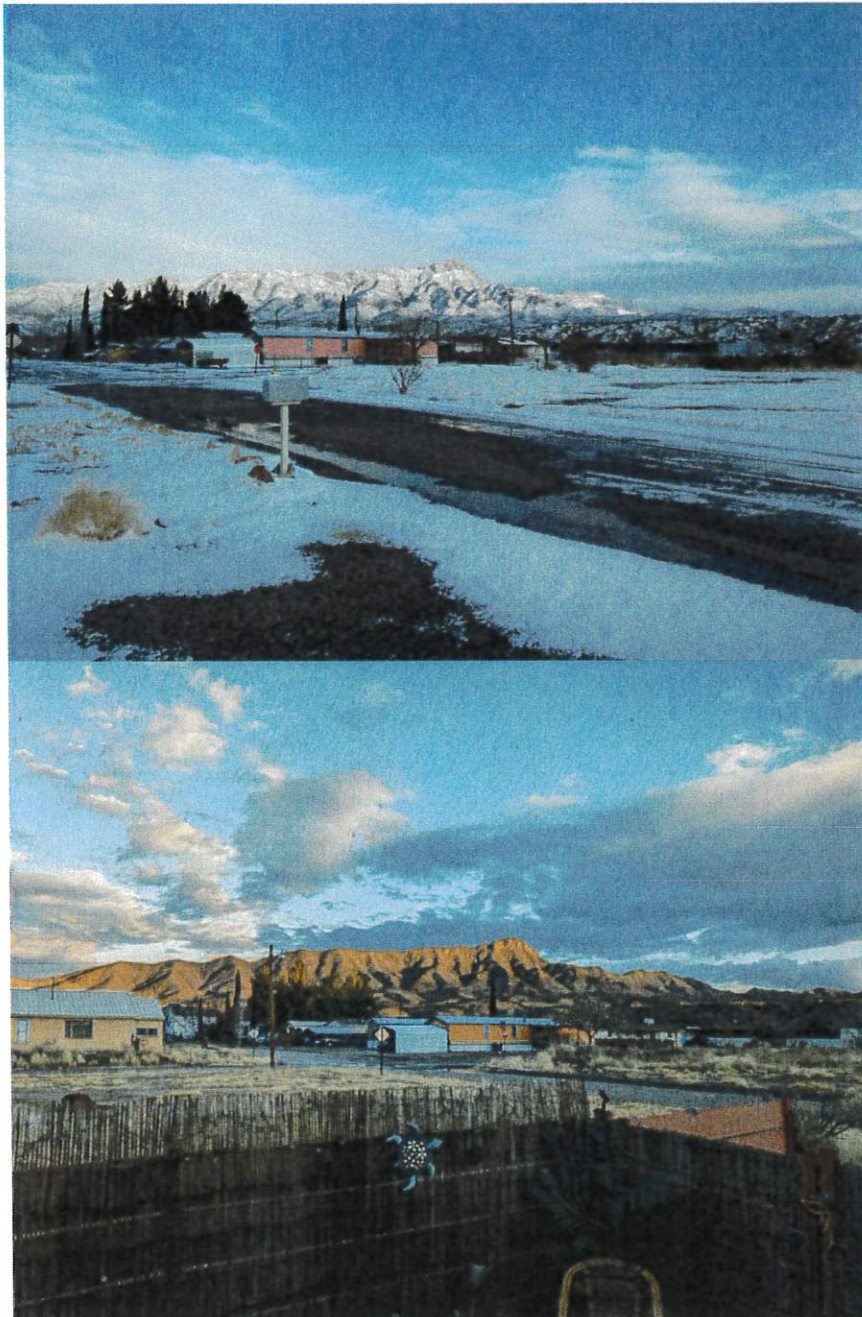
It took me one day and a tour by Sid Bryan who took me to see a dilapidated mobile home with a glorious view of Turtleback Mountain on a quiet dead end street to decide to move here in 2018. Just one day, when I only came here for a 4 day vacation to decide what to do next after getting my degree, with no intention of moving here to begin with at all.

At first I was appalled - a mobile home! Isn't that pretty low class? Then I saw that there were lots of mobile homes here, many quite nicely taken care of and realized that for this environment that is a suitable way to live. I had lived for a while on a boat in Manhattan, and for a while in an RV on arguably the best street in Austin, TX, so I knew I was suited to smaller living. I had been living and going to school in WV, after having had to leave Austin due to its overbuilding and high cost of living.

Compare this house I owned and lived in in WV, a beautiful historic home in a neighborhood of other beautiful historic homes, to where I live now:

Yes, but look at this view!





I would like to see the town focus on its individuality, You could have embraced George Henson and his over the top collection of things. It was a draw to many people and no neighbor EVER complained about his house. It has been featured in movies and could have been again.

The beauty of the environment should be embraced as well. Why turn open natural spaces with walking trails - who wants to walk amongst houses and cars rather than nature? - into just more houses for second homes for rich folks. This is a very short range vision for what we are here. Who do you gain points with by doing something like this?

Please stop trying to turn Truth or Consequences into something that it is not. There are not many rich people here. It is a humble enclave of people who have lived here for years or have

been satisfied enough with the place to move here as is.

Fix up the homes that are here now. Create really affordable housing, apartments that rent for about \$650 or \$750 a month and homes, possibly modular, that sell for no more than \$150,000. Embrace the look we have going here, clean it up a bit, sure. But be realistic. Don't ruin this place like Austin was ruined. Condos everywhere, unbelievable traffic, rents that go up every year and property taxes so high that many, including me, had to leave. Don't let this become a place where people say, "It used to be nice."

Thank you,

Diane Gunning
709 Wyona St, Truth or Consequences, NM 87901

Mr. Mayor, City Commissions:

Thank you for your time. My name is Dimid Hayes and I've called TorC my home for almost 30 years.

Besides the wonderful friendly people and the world class thermal waters, what I have always loved about TorC is the easy access to the outdoors. We have the Rio Grande, Elephant Butte Lake, trails for hiking, biking, cycling and off-road vehicles; state parks and national forests. With lots of year round sunshine this city and county is a nature lover's paradise.

The Healing Waters Trail is one of the city's early efforts to make these outdoors more accessible to more people. Selling it off for short term gain would not be wise in the long run. There are reasons it was set aside and named Healing Waters Trail. Please do not go backwards on this commitment to the citizens of Truth or Consequences.

I'm fine with the city selling the area next to the waste treatment plant, below the VA hospital. To do that, the city should require two appraisals, one by a local appraiser and one by an out of county appraiser, such as from Las Cruces. Appraisals can be very subjective and the city needs to get the best deal possible. The cost of these two appraisals could then be rolled into the purchase price of the land.

There are parties interested in developing TorC. I'm not against development. The city has lots of areas for in-fill development and on its outer edges. Let's focus on that and leave our stellar natural resources alone.

Thank you, Dimid Hayes

From: [Sharon Vangelder](#)
To: [Torres, Angela](#)
Cc: [Martye Allen](#); [Randy Eastlund](#); [Tony Gonzales](#); [Randle Lawson](#)
Subject: Healing Waters Trail Sale
Date: Tuesday, August 13, 2024 12:01:23 PM

Good morning,

It has come to my attention that the Healing Waters trail may be up for sale. Please make note that this Citizen and

T or C resident objects to the sale. I use this trail, my friends use this trail, I take visitors there and it is a lovely asset to our city. Also, it is one of the few places to visit where you can leave your wallet at home.

Thank you for your consideration in this matter.

Sharon VanGelder

From: [Eddie Russ](#)
To: [TorC City Clerk](#)
Cc: [Torres, Angela](#)
Subject: Public Comment - development of Healing Waters Trail on 8/14/24
Date: Tuesday, August 13, 2024 11:22:08 AM

Dear Commissioners,

My name is Eddie Russ, and I live at 321 Austin St. I live less than 1/2 mile for the Healing Waters Trail.

I am unable to attend the hearing tomorrow in person, so I would like make sure that my voice is heard. We purchased our home over ten years ago because of the healing water and the access to open spaces (aka the hHaling Waters trail). The trail is a golden gem for the city and attracts both residents and visitors. This trail is the first place I take out-of-town guests, and it I use it almost daily: A sustainable and maintained trail is paramount to the health of the residents of the city (walking, fresh air, and open sky views) both mentally and physically.

Additionally, the proximity to the Healing Waters Trail trail adds value to every home in T or C and thus to the city. I hope that you each have the vision to see the incredible value that a world - class trail system can add to this city (and its future property tax base and lodging tax). The value and marketability of our homes depend greatly on maintaining the trails and the waters of T or C. I am extremely concerned that by developing this piece of land, you will jeopardize the open space and the trail that we all love. Development of this land is not in the best interest of the city, the residents, nor the visitors and will risk short-term financial gain for long-term harm.

The nature is the soul of truth or Consequences: water, air, and earth. Please protect the bluff and the healing waters trail for the all our the residents of T or C and our future kids and grandkids.

Sincerely,

Eddie Russ
321 Austin St.

From: [Joey Perry](#)
To: [Torres, Angela](#)
Subject: re; preserving healing waters trail
Date: Tuesday, August 13, 2024 10:48:17 AM

Hi Angela,

Here's a message I sent the commissioners. I had cc'd you but had the wrong e-mail address. Sorry for any confusion.

thanks,
Joey Perry

----- Forwarded Message -----

From: MAILER-DAEMON@yahoo.com <mailer-daemon@yahoo.com>
To: "jpintorc@yahoo.com" <jpintorc@yahoo.com>
Sent: Tuesday, August 13, 2024 at 10:41:45 AM MDT
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

<cityclerk@torcnm.org>:
550: <cityclerk@torcnm.org>... User not known

----- Forwarded message -----

Dear Mayor,

I'm writing to express my concerns about future plans for Healing Waters Trail (HWT) and my desire to preserve it.

I regularly use HWT with friends and see many people using it. I think it is a jewel in the City of Truth or Consequences and should be protected at all costs.

I also volunteer at the Visitor Center and frequently send people there who are looking for a place to hike. It would be a shame to lose this valuable community resource.

Please protect and preserve Healing Waters Trail.

Thank you, in advance, for your time and efforts on behalf of Healing Waters Trail.

Sincerely yours,

Joey Perry
716 N Gold T or C
575 894-9421

From: [Diane](#)
To: [Torres, Angela](#)
Subject: Please include this version of email in August 14 2024 Commission Minutes instead
Date: Tuesday, August 13, 2024 1:56:36 AM
Attachments: [image.png](#)

Dear Angela,

Would it be possible for you to include in the minutes this altered version of the email I sent, which has instead of the person's name, just "the owner of the 800 Wyona Condominiums?" There has been some feedback that it is too inflammatory to keep naming the owner. I also added a line to the second to last paragraph and took the name off the diagram:

So the email for the minutes (should I then send the revised version to all the others on the emailing list I sent?) would be:

Dear City Officials and Commission,

If the diagram below is an accurate representation of land being considered for sale, it includes all the land in the drainage plane at the base of the hill below the VA Veterans home that has not already been built upon by the 800 Wyona Condominiums.

This land is an island in the drainage plain that was given access to City streets by means of a bridge which he built across the drainage ditch to connect it to Wyona St. The City claimed that this was legitimate because the **City Plan Map of 1929** shows Wyona St going all the way up to Broadway St.

City officials have claimed that this 1929 map shows the desired plan of the City for both then and now. I ask you, *where on the 1929 map are there any roads within this area* both in the drainage plain and on the plateau above? Where is a subdivision map for this area? What would someone want with this land if they cannot build roads and if plots to build on do not exist?

Perhaps the only area that might be reasonable to build in would be the area near Williamsburg which I have colored in yellow on the map below. Inexpensive apartments could be built there to house nurses or aides at the VA Veterans Home. If the land that now contains the Veterans Memorial Park was similarly used for housing in service of the Va Veterans Home, that could also be sold and used. Then there would be access from Broadway St into the area.

The rest of the land best serves the community if left as is. People deserve a place they can walk to and enjoy nature. They deserve a place to walk their dogs in peace. In that same vein, The owner of the 800 Wyona Condominiums has built a fence that completely blocks the dirt road when one crosses his bridge from Wyona St and looks left. There is no way for anyone to access the Healing Waters Trail or any of the land from the Van Patten St direction.

Yes, a 25' x 120' portion of the dirt road is designated as an easement for the city to allow work on the drainage ditch. But since the drainage ditch and the dirt road have been in

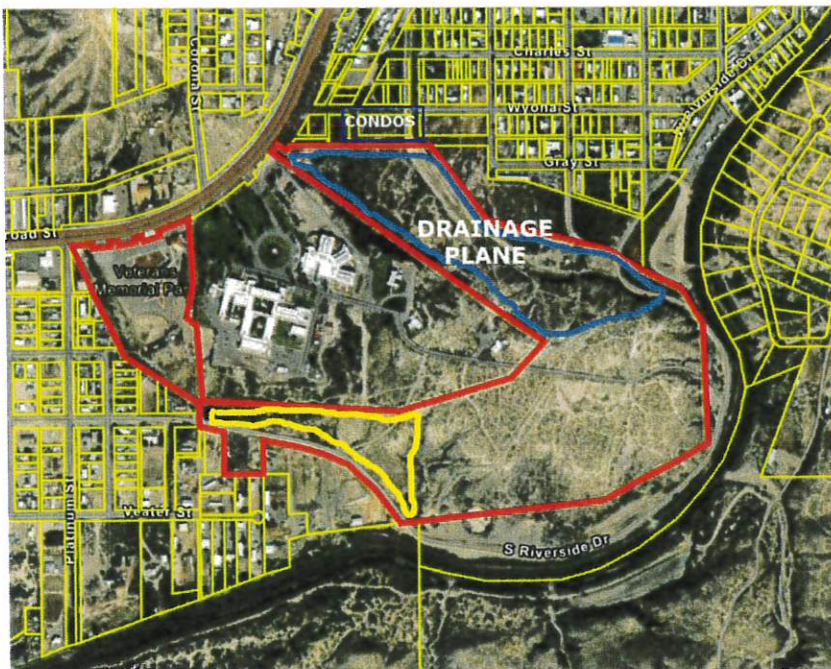
existence since at least 1996, or for 28 years, as seen on a Google Earth map, the dirt road is a **Prescriptive Easement**. A prescriptive easement is an easement acquired through open and notorious use of an owner's land which is adverse to the owner's rights, for a continuous and uninterrupted period of years.

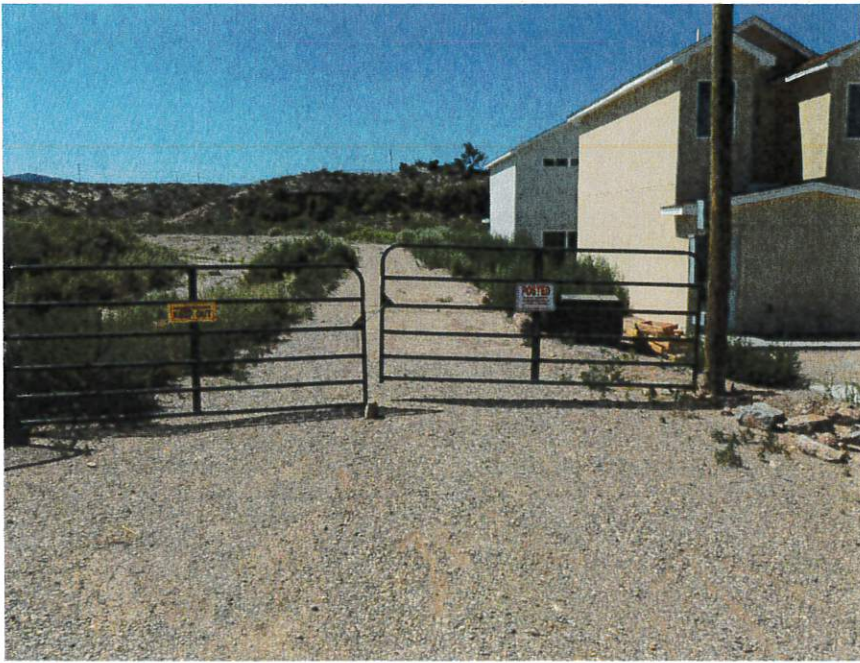
"The use necessary to acquire title by prescription must be open, uninterrupted, peaceable, notorious, adverse, under a claim of right, and continue for a period of ten years with the knowledge or imputed knowledge of the owner." 22. Maestas v. Maestas, 50 N.M. 276, 175 P.

It would seem by this same standard since the public has been using the land being considered for sale for many more years, pretty much forever, it would appear that the public has a prescriptive easement to the entirety of the land being considered for sale by the City, surely at least to the Healing Waters Trail, Sale to developers who only wish to profit at the general public's expense seems unfair and unwise. How healing would a walk amongst houses and traffic be?

With the exception of the areas noted above, the land should not be considered for sale to the New York developers or to anyone else.

This is the land the Commissioners are considering.





Thank you,

Diane Gunning
709 Wyona St, Truth or Consequences, NM 87901

Thank you, Angela!

From: desertzahra@outlook.com
To: [Torres, Angela](#)
Subject: public comment for 8/13 commission meeting
Date: Monday, August 12, 2024 9:33:19 PM

Please include this public comment in the 8/13 commission meeting, as i will not be attending in person.

Any plans by employees and/or elected servants of the city of Truth or Consequences to sell off public lands for private development is not only unwanted by the public but it is an insult to residents of Truth or Consequences.

Not only can the city not maintain its current infrastructure, there is no call from any member of the public to do sell any of the land on Carrie Tingley Mesa. That area has been treasured by locals and tourists alike for its beautiful 360 degree views and hiking trail. Developing any section of it would not just create an eyesore and ruin a local gem, it would further tax an infrastructure that the city staff has repeatedly shown it is not competent to maintain.

Commissioners, you are elected to be servants of the city, not leaders. This action is completely unwanted and unwarranted. You should not vote to sell off land that doesn't belong to you, it belongs to us!

Senior City staff- the majority of you should show a shred of dignity and resign your positions to someone qualified. The supreme failure of our critical water system is only a symptom of your overall failure, due to your self imposed nepotism and corruption. We have lost all faith in you to properly function in the capacity you are in. The elementary school students are likely to be using outdoor porta-potties this school year, and your focus is auctioning off public lands to the highest bidder. Honestly, we need a thorough investigation into the handling of this city. Senior City Staff, have some self respect and resign.

Thank you-

Kyle Smith
721 Charles St.
575 223 0814

From: [Urana Jackson](#)
To: [Torres, Angela](#)
Subject: Healing Waters Trail
Date: Monday, August 12, 2024 5:46:32 PM

Hi Angela,

I'm writing to you to appeal to you and the City Council NOT to seek the land around the Healing Waters Trail. It's important that every town has spaces that are not sold off for monetary interest. TorC is special because it has not been overly developed and that particular area has a beauty that was preserved up until now for a reason. TorC has been overtaken of late by developers and most of TorC residents are appalled and incensed by this development. While there is still time it is in the town's best interest to preserve land. In preserving the land you retain character and a dedication to something greater than greed and capital. PLEASE I ask you to not let go of another one of its gems. Thank you for your time and consideration.

Sincerely,
Urana Jackson
Sent from my iPhone

From: [Duke Sheppard](#)
To: [TorC City Clerk](#)
Subject: Healing Waters Trail and open space
Date: Monday, August 12, 2024 4:03:14 PM

To whom it may concern,

My name is Phillip Sheppard; I live 9 months of the year on Post Street, and plan to make that my permanent residence soon. Over the last several years, we've seen our neighborhood improve, with new houses built, existing houses renovated, etc. A big part of the draw of our neighborhood is the proximity to the Healing Waters Trail. My wife and I walk it nearly every day, and we see many neighbors and tourists out on the trail. We also are a part of the TorC Litter Pickers group, and we clean the trail often. I was recently made aware of a plan to survey and offer land for sale on that mesa, and I would STRONGLY discourage this course of action. Having this beautiful open space for recreation and conservation of the desert flora and fauna is far more of an asset to our community than short term financial gain for the city from selling it off. As someone who has lived in a thriving town in CO of the same size as TorC, I can say for a fact that trails and open space has led to much more positive development, tax base, public health benefits, and general community well being than selling off a few lots. I would encourage the city of TorC to protect that land permanently as a park or open space, and expand the trails to the surrounding areas and across the river, as in the Turtle Mountain Trails Network proposals that the city has adopted recently. If maintaining the trail and surrounding land is the issue, I'm sure we can create a citizen's group that could adopt and maintain the open space there! Sierra County NM Trails group is already there!

I also feel that if selling land is needed to raise funds, there are plenty of empty lots and abandoned houses that could be sold off, or condemned, cleared, then sold off. Infilling what we already have makes far more sense than creating new infrastructure!

Again, please consider a more sustainable long-range approach that would protect this wonderful asset, and improve the well being of our town!

Phillip (Duke) Sheppard
755 Post St.

From: [James Slate](#)
To: [Torres, Angela](#)
Subject: Healing Waters Trail Land Conservation
Date: Monday, August 12, 2024 2:46:33 PM

8/12/24

Dear T or C City Commissioners and Managers

I would like to voice my strong opposition to the proposed plan to sell for private development, the land encompassing the Healing Waters Trail. Please do not let the short-sited allure of revenue and profit for private interests of the few overshadow the benefit this beautiful slice of nature will provide for the many residents and visitors of Truth or Consequences. Please! Let's keep T or C a charming, beautiful place and preserve for everyone this precious piece of our high desert Land of Enchantment.

It would be a travesty to privatize this last domain of unspoiled natural beauty in our town — only for it to become yet another faceless housing development no longer available to countless people and future generations who will live in T or C, or the many thousands more who come to visit. We need to preserve the Healing Waters Trail as part of our town's inherent charm, as a rare opportunity to walk a short distance and appreciate the extraordinary natural environment we all share.

Please City Commissioners and City Managers — lets do the right thing and keep our town extraordinary by persevering this land for all to enjoy.

Christopher Slate

From: [Mayana C. Slobodian](#)
To: [Torres, Angela](#)
Subject: Re: Support for the Healing Waters Trail
Date: Monday, August 12, 2024 1:42:48 PM

Hi — I have made a correction, please use this one! Thank you

Dear T or C Commissioners,

I am writing to express my strong opposition to the proposal to sell off the land surrounding the Healing Waters Trail. My husband and I first visited Truth or Consequences during a road trip in 2022, and the Healing Waters Trail was the very first place we explored upon our arrival. That peaceful and open space provided us with our first view of your beautiful city, and it is where we both fell in love with Truth or Consequences. Last year, we bought a house on North Foch, where we now live. Although we are not yet voting citizens, we are dedicated members of this community. I was proud to be involved in T or C Fiesta planning this year, and I will again next year.

The Healing Waters Trail is an invaluable part of the city. It is one of the few urban trails available, and its preservation is essential not only for the residents but also for the many visitors who come to experience the unique tranquility it offers. My husband and I both use the trail at least once a week, and each time we visit, we see other tourists enjoying it as well. The trail is more than just a path; it is a cherished community resource that connects people to the natural beauty of the area and fosters a sense of peace and well-being.

Privatizing this land would detract from the very qualities that make Truth or Consequences special. It would limit public access to a place that so many have come to treasure and rely upon. The trail is a symbol of the city's commitment to preserving its natural spaces for everyone to enjoy, and selling off the surrounding land would be a step in the wrong direction.

Before any decision is made, I strongly urge the Commissioner to at least conduct a thorough assessment of how many people use the Healing Waters Trail, particularly those from out of town. Understanding the value that both residents and tourists place on this trail is crucial in making an informed decision. The trail's significance to the community and its visitors should not be underestimated or dismissed without careful consideration.

I hope that the Commissioners will act in the best interest of the community by preserving this important and irreplaceable resource.

Thank you for your attention to this matter.

Sincerely,

Mayana Slobodian & Alireza Chaychi

908 North Foch St.

From: [Lisa Kent](#)
To: [Mitchell, Destiny](#); [Hoepfner, Ingo](#); [Fahl, Merry Jo](#); [Hechler, Rolf](#); [Forrister, Amanda](#); [TorC City Clerk](#)
Subject: Aug 14 agenda item
Date: Monday, August 12, 2024 8:49:24 AM

TorC City Commissioners

I wanted to write regarding the agenda item around the land behind the veterans home. I wish I could attend the meeting in person, but I work during the day and therefore cannot attend any commissioner meetings.

I understand the land is not currently for sale, but the discussion would be around the subdivision for future sale of all or part of this land.

Why are you even *considering* selling this land?

I ask this for a couple reasons:

1. Land is one of the most precious natural resources.
 - Why not preserve this area and expand on the already existing trail?
 - One of the reasons I love this area is the beautiful open space and places to hike. And it would be wonderful if there were more.
 - Make it an even greater outdoor area for hiking, biking, picnicking, education of nature and history.
 - This would be a great asset to residents and an attraction to visitors.
1. There are so many lots/land and abandoned houses in town.
 - Why not address these and get these fixed up or auctioned off for redevelopment?
 - This would clean up the town, make it more beautiful, and more attractive to residents, visitors and future residents.

I'm guessing one of the underlying reasons for this consideration is to generate money for the city.

Again I ask, why are you considering *selling* this land?

There are so many ways to generate money for the city without selling a precious resource and an outdoor recreation area.

1. Going back to #2, above. If lots/land are built on or houses fixed up/redeveloped the city would generate more property taxes from the increased value of these properties.
2. Charge a higher/premium property tax on vacant/unused land.
3. Charge a higher/premium property tax to people who own commercial properties downtown, but don't actually run a business, therefore pay no sales tax.
4. Regulating and permitting short term rentals. This not only can generate money for the city through lodging taxes and permit fees, but will stop destroying the housing market and making it unaffordable for people to actually live here. If no one can afford to live here, there will be no retail left due to lack of employees (which is already an issue, that will only get worse).

The unregulated short term rental situation is an entirely separate issue that the city needs to address. But, in the

end, everything ties together. The future success of this town will not be achieved by selling beautiful outdoor space in the interest of financial gain. Addressing existing matters that will, in the end, improve the quality of life in TorC as well as clean it up and increase the value of properties, while generating money for the city, is a much better direction for the future.

Thanks
Lisa Kent

From: p-kearney@earthlink.net
To: [Torres, Angela](#)
Subject: REVISED Public comment re: development of Healing Waters Trail upcoming commission meeting
Date: Monday, August 12, 2024 3:16:26 AM

Please discard the prior version. I clarified some matters in this version. Thank you.

From Patricia Kearney, 526 Marr St. Apt 5, T or C

I think that ecological, hydrological, and geological impact studies would be a good idea prior to development plans, done by experts with no bias. Perhaps it's been done already?

Commission members are already probably aware of what's up on the mesa. Members of the public may not be. These are my observations:

A plant on the mesa appears to be a kuenzler hedgehog cactus. It's classified as threatened, recently off the endangered list. Would that affect development? It's rare and still recovering. I can show a botanist where the two of them are.

The round tailed horned lizard *Phrynosoma modestum* lives on the mesa, where there are huge harvester ant colonies to feed on. According to the New Mexico Herpetological Society, this is a protected species (do not collect or harass), but not endangered.

The land on the mesa is disturbed. Mini-arroyos abound. A large pit in the middle of it contains piles of gravel, a metal structure, and recently a lot of grass clippings. ATV trails riddle the area and are highly eroded. There's junk such as old pipes and broken glass lying around. I have pictures if anyone needs them, but for all I know this pit may be the city's.

If the mesa is to be developed for housing, I think it should be required to be sustainable with solar panels, gray water recycling, only native plants, and minimal pavement because of the erosion problem (pavement accelerates runoff and erosion). Built for the future. Houses should not be big and ugly like those architectural warts on Wyona. Houses up there should blend into the landscape with dirt brown humility, one story high. In my opinion.

Or maybe the mesa should be developed into a desert botanical garden.

From: [Jim](#)
To: [Torres, Angela](#); [Hechler, Rolf](#); [TorC City Clerk](#)
Subject: Support for Keeping Healing Waters Trail
Date: Sunday, August 11, 2024 1:41:58 PM

Good Morning,

I wanted to reach out for support of keeping the healing waters trail. I regularly use that trail and I often see several different folks also using that trail. It is one of the few designated trails in the T or C area and provides the only trail in the middle of town. The views from this trail and set up of this

Trail is awesome. My kids will often ride their bikes on this trail and it is one of the only spots in town they don't have to worry about vehicles.

Also, I work for the Forest Service and the Black Range Ranger District would love to do a work day this fall to help maintain the healing waters trail. Is there someone we can work with to get the ok? We are thinking of cutting back some of the vegetation off the trail and some light trend maintenance in places. My cell number is 575-740-2996.

Thank you!
Jim Apodaca

From: [Marianne Blaue](#)
To: [Torres, Angela](#)
Subject: Public comment re: development of Healing Waters Trail on 8/14
Date: Saturday, August 10, 2024 11:57:21 AM

Hi Angela, can you submit this into public comment next Wednesday? I won't be in town. Let me know if there's anything else I need to do - thank you!

Dear Commissioners,

My name is Marianne Blaue, and I live at 211 W. Riverside Dr., just half a mile from the Healing Waters Trailhead.

I'm writing to support the commission's exploration of developing the Healing Waters Trail area. As someone who runs the trail 3-4 times a week, I can't overstate its value to my personal health and our community—and, frankly, to my sanity as a parent of a 5-year-old who loves hunting for tarantulas and bugs on that trail.

Another key way the trail is valuable to me is, were I ever to sell my home, the proximity to the Healing Waters Trail trail is extremely marketable. Especially with the prospect of the Healing Waters Trail extending to a future footbridge and an expanded trail system across the river, a concept plan that I'm thrilled the city has shown official support for.

My ask is - when exploring the development of the Healing Waters Trail, look at developmental strategies or requirements that boost property value and marketability through the value of nearby charming public preserved trails and natural spaces that lets nature be your neighbor.

Cheers,

Marianne Blaue
CEO/Owner
Truth or Consequences Brewing Co.
[TORC.BEER](#)
[INSTAGRAM](#)
[FACEBOOK](#)

From: [John Masterson](#)
To: [Torres, Angela](#)
Subject: public comment on 8-14-2024 agenda item I.1 - healing waters trail property appraisal
Date: Saturday, August 10, 2024 11:38:45 AM
Attachments: [image.png](#)

I write to urge careful consideration of any planned division, sale, and subsequent development of the 77 acres of land behind the State Veterans Home. When discussing the merits of subdividing/selling the parcel, please consider:

- As confirmed in public comments on the Riverwalk Feasibility Study and the Turtleback Trails Network Concept plan, this community places high value on open space and trails
- Residents in the hot springs district could be negatively impacted by development in terms of viewshed, neighborhood character, and traffic.

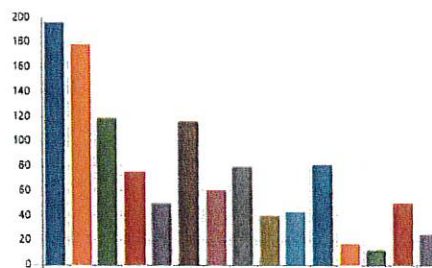
A graphic from [Riverwalk Feasibility Study](#) is attached below -- the two most popular answers to a question about the best use of this parcel are "Trails" and "River/wildlife observation areas".

7. What opportunities would you like to see in Area 1 (along Riverside Dr, behind Veterans Memorial Park)?

*Select all that apply.

[More Details](#)

	Trails	195
	River/wildlife observation areas	177
	Education signage	118
	Parking	75
	Campground	49
	Restrooms/showers	115
	Outdoor recreation equipment	60
	Food truck vending area	79
	Art/craft/other vending	39
	Local boutique	43
	Small-scale restaurant/cafe/bakery	81
	Urgent Care	16
	Motel	12
	I do not support any changes	49
	Other	25



It's possible that the sale and limited development of a portion of this parcel could be great for the community, as long as we proceed thoughtfully and listen to all concerns.

Thank you.

John Masterson

211 west riverside drive

Good Morning Commissioners. As I leafed through the 377 page packet on my way to items that are on today's agenda for three Public Hearings, I was caught by an item on page 10 of 11 (it's page 80 of the packet) in the Accounts Payable for July. It is \$1,591.81 for "Water Conservation..." I have to wonder what on earth this expense actually means and what it really covers. Do any of you know? Do any of your care? It is a glaringly odd amount of money for a City that has wasted over 40% of its water through hundreds of leaks that continue to sprout all over town. It points out the complete lack of specificity of the Accounts Payable. Given the July total amounts of \$1.34 Million, on average over twelve months this comes to 16 million dollars. None of you can account what department is keeping within its budget or provide any oversight on spending as you willy nilly by habit approve Accounts Payable with zero questions asked.

This is poor leadership. You take no concern about endless spending. It is no wonder then, that when you lack any daily grasp of each departments expenses and how it compares to its projected income, that you can come up with ungrounded, runaway ideas to saddle us citizens with additional – almost endless expenses. You focus only on city worker "wants" not citizen need and service. You view us citizens as an endless spigot to supply every want designed by city workers, special so-called stakeholders, contracted reports, lawyer drafted ordinances, or personal promises to staff.

The majority of public comments today are ^{on the healing waters trail} ~~based on additional behind closed door discussions.~~
Large citizens and city move ahead with an ordinance to keep the trail
~~Your lack of transparency and mal-practice of democracy are showing. Keep this open space in public~~
hands. and the land along the Rio Grande permanently as open-space.

Last, I have urged in the past, to please hold Public Hearings at a specified time, so that members of the public can plan their time appropriately. The business you are conducting when that time arrives, can easily be set aside and picked up after Public Hearings.

Ariel Dougherty Comments and Questions : Hearing on Ordinance 766 – Solid Waste.

I am a Senior Citizen, a ^{member} sole householder, and a conscious consumer. I do not create much waste. We can not consider Ordinance 766 without also referring to Resolution 05 24/25 about rates also on today's agenda.

The Resolution and its accompanying documentation is riddle with problems. On the Agenda Request Form it states "Staff is requesting to implement new rates effective November 1, 2024, to allow for ample time to notify customers....." Yet, on the next page the Resolution states, "Collection fees as set forth.....will be effective October 1, 2024...." Most alarming, ~~nothing on~~ the Resolution document states a rate. ^{weekly,} In the 45 page attached report how is anyone to discern what is the focus or purpose of this Resolution and the rates we are to be charged? Please do a better job of being consistent and properly informing us in the public.

In the title of the Ordinance is an implication of Recycling. (And it is referred to and given prices in the report). Exactly what recycling is the City doing? It has been many months since you removed the blue recycling bins for our tins, glass and aluminum.

And someone -- who has written this Ordinance ?? -- has bent over backwards to define every possible scrap of refuse that might possibly go into our bins -- mostly into a forbidden category. And everything must be wrapped in plastic. Here is some cardboard I have classically put into my bin. It is biodegradable. Are you now telling me I must put this into a non-biodegradable plastic bag that I must additionally purchase in order to properly adhere to this proposed ordinance? And, if I misstep, you can charge me up to \$200 in fines? Are you going to send around the Poly Police to examine my trash? This is folly. It makes little sense.

The accompanying report to the Resolution counts the number of polycarts but not whether they are -- on a weekly basis -- partially filled or overflowing with the top open. Every week mine is only

partially filled while some neighbors are filled beyond the brim. My limited volume of waste is subsidizing the waste of my neighbors. The ultimate cost of our waste (and its expense) is based on weight. Both the approach and the proposed solution in both Ordinance 766 and Resolution 05 24/25 do not properly address the concerns citizens have with waste. I urge on both, the City return to the drawing board and better, more fully examine the problem and provide a more equitable solution.

So, please, what are we recycling?

And who wrote this ordinance?



Water and Wastewater update

August 2024

NMED Sanitary Survey

On July 31st we had an inspection by the New Mexico Environment Department on our municipal water system.

NMED checked our complete operation from our well, to operations, record keeping and equipment. They also checked our chlorine system and we grab chlorine residuals samples throughout the system.

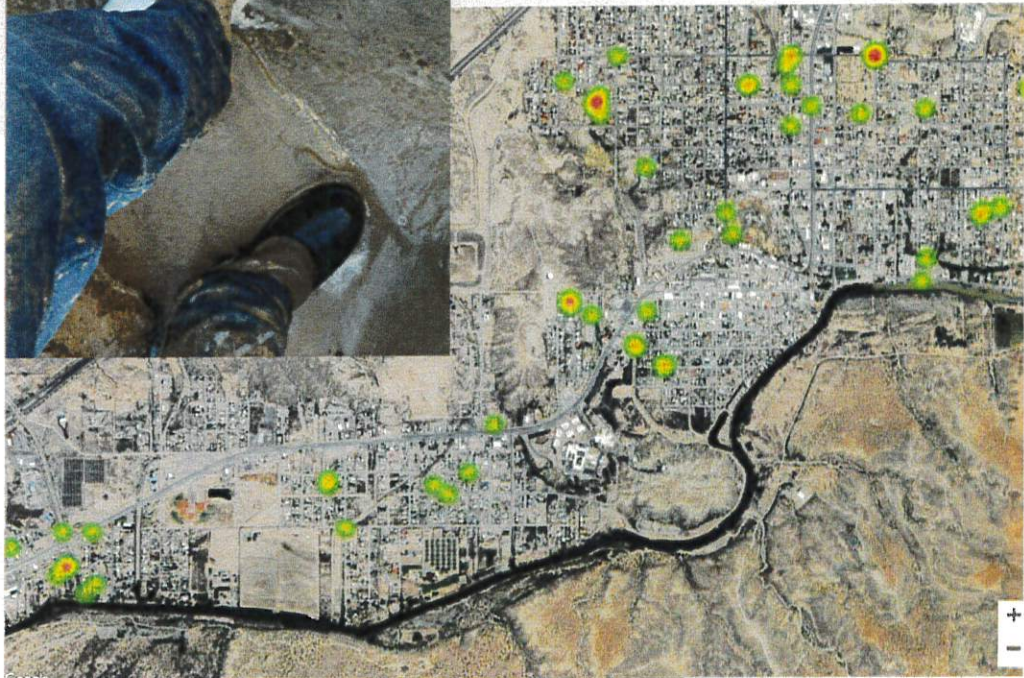
Items that were noted: Wiring in some of our wells needed to be placed in conduit others need to be canceled and removed. Exhaust off of the air release valves needs to be facing downward. One of our tanks has a small leak (drip) that needs to be addressed. Finally, well 2 needs some work. The wells packing gland leaks and it needs to be repaired. The well house is not in good condition, he suggested the well house be removed.

Water Pressure

- New Mexico Rural Water, Pure ops and Willson and Company have been assisting us in finding the issues.
- We met with DOT on 8/6/2024 to discuss the missing valve. They are reluctant to dig in the new roads that were installed at the roundabouts.
- Willson and Company is providing areas for us to gather information on.
- New Mexico Rural Water was here for 2 days last week. Our crew went out with him 2 days and excavated and turned as many valves as time allowed.
- We are now coordinating with the High School and Middle School to perform psi tests at the hydrants to see if there might have a closed valve that might be affecting the Elementary school.

Water Leaks

- Water leaks are at a current high of 56 active leaks.
- With the crews dedicating time to the pressure issue at the school we are managing leaks on an emergency basis.
- The crews have been able to complete 21 leaks since July 1st. This is an average of 2 leaks pre day.



Contractor and the water shut offs

- With the amount of leaks currently on our list, we have contracted out all our water/sewer taps to attempt to connect the new customers faster.
- The project to replace the waterline on Tungsten alley is currently underway. As the contractor moves along they have encountered unforeseen situations and as they disturb the lines leaks have developed. The contractors then asked us to turn off the water to various areas. This pulls another crew member off day-to-day activities. Turning off water has turned into all-day events affecting the Veater area and Williamsburg.

New equipment



2024 Chevrolet Colorado
Water meter reader truck

2024 Hydro-excavator

