

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MAY 28, 2025

**A. CALL TO ORDER:**

The meeting was called to order by Mayor Rolf Hechler at 4:00 p.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: Gary Whitehead, City Manager  
Traci Alvarez, Assistant City Manager  
Jay Rubin, City Attorney via telephone  
Angela A. Torres, City Clerk-Treasurer  
Jocelyn Holguin, Finance 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 with Monday being Memorial Day, he asked that we take a few minutes to honor those who have served, and those who have fallen.

**3. PLEDGE OF ALLEGIANCE:**

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

**4. APPROVAL OF AGENDA:**

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

**Item D1 was moved up on the agenda before C1.**

**D. NEW BUSINESS:**

**1. Discussion/Action:      Summary      Plat      Amendment      Property      Code  
3022077326147.**

Assistant City Manager Alvarez: The applicant is wishing to amend their parcel. This property is located up behind the water tanks by the cemetery. I think there's a guideline map in the agenda highlighted in yellow. The applicant has a representative here, Barbara, from the Loves truck station. So, they're just amending the section. It's kind of a rough draft there, the parcel maps are pretty big and confusing. They're amending the parcel area that they will be developing, so we're requesting approval to separate that parcel off. The applicant is here if there are any questions regarding the separation of the property.

Barbara Peck, Applicant: My name is Barbara Peck with Love's Travel Stops. I'm here on behalf of the applicant which is the property owners. This summary plat allows them access and easements that are included so that utilities can be extended to their remaining parcels if and when we close on the property out here. The other announcement I'd like to make today is that the Loves final decision for the restaurant concepts for this location will be an Arby's roast beef restaurant, and a proprietary Love's food program as well. So those will be our food offerings at this travel stop. I just wanted to make that public information.

City Manager Whitehead: Let me just remind everyone that even though our representative is presenting on behalf of Loves, this is not a direct decision on or against Loves. The property owners have a right to come forth to the commission, and to Planning and Zoning board to request a split in this particular property. So, whether the property owner sells to Loves or not, it is not in question, or what they're building.

City Attorney Ruben: I think to continue on what Gary just said, you know, we're only just right now splitting the lots up to the summary plat amendment. That is all we're doing today. The diagram shows that the green shaded area is the property we're talking about, and as we noted, there was no opposition at the Planning and Zoning level, and proper notice was given to everybody. So, I'll have no legal problems with this.

**Mayor Pro-Tem Forrister moved to approve the Summary Plat Amendment Property Code 3022077326147. Commissioner Hoeppe and Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**B6. COMMISSION COMMENTS:**

Mayor Hechler: Two meetings ago, we all had things to say but we couldn't, so we put in commission comments. Now, commission comments are reserved only if you want to make an announcement. So, we don't have to do any reports.

Mayor Pro-Tem Forrister: I would like to congratulate Commissioner Mitchell on her new appointment to the school board.

**B6. STAFF COMMENTS:**

City Manager Whitehead: The only comment I had, and this question came from Commissioner Fahl regarding Talon, just before I came on board. The commission approved a 6-month approval for Talon Septic services to be able to offload liquid waste products at our wastewater facility. They've been doing so, that contract will end June 30<sup>th</sup>. So, I spoke with Talon, and part 2 of that is that the city leased them a piece of property to build their own liquid lagoon to affectively fill that void in the community. They had an opportunity to purchase that piece of land, and they did take it, however, they couldn't get the appraisal within the 90 days they had to close, so I extended the contract to match the contract with the liquid waste for June 30<sup>th</sup>. They did inform me that they are on track to A) No longer need to be bringing liquid waste to us, and B) To be able to close on that purchase, all by June 30<sup>th</sup> this year. Both City Attorney Rubin and I reviewed the contract and found that extending it was probably in everyone's best interest to facilitate and help move this project forward. So, that's the only report I have, that we're on track for that.

Mayor Hechler: Thank you for that update.

**B. ORDINANCES/RESOLUTIONS/ZONING:**

**1. Discussion/Action: Resolution No. 45 24/25 Budget Adjustment Request.**

Jocelyn Holguin, Finance Director, reviewed the budget adjustments provided in the packet. (Complete copy attached hereto and made a part hereof).

**Commissioner Mitchell moved to approve Resolution No. 45 24/25 Budget Adjustment Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Resolution 46 24/25 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water System.**

City Manager Whitehead: As we move forward with water projects, as we've outlined over the last month and a half, the city has a new USDA representative. In reviewing the documentation that's required for them to release the funds, our new administrator has found a few, what he would call 'deficiencies' in his style of management, versus the previous manager at USDA. So, they've asked us to clean up the record a little bit. I just want to reconfirm, these are documents that we have submitted in the past, and they've asked us to use new documents for 2025.

Assistant City Manager Alvarez: This one was actually brought to the commission back in February. All funding amounts are exactly the same. There are no changes. This is for the WSPI-1 project. The biggest change is the last page of the resolution, and it has to do with the American Iron and Steel requirement by USDA. That's the only update or change on this particular resolution.

Mayor Pro-Tem Forrister: I just have one concern, on the very first page, it says that this is the city commission, and then later it refers to us as city council. I don't know if that's a legal issue or if we can identify as city council and city commission in the same document.

Assistant City Manager Alvarez: No, I tried to change them all, so if I missed one, I could definitely fix it. They're fillable forms, and so sometimes they're not very user friendly. I did try to change all of them from city council to city commission.

Mayor Pro-Tem Forrister: Yeah, you just missed the one on page 10, one on page 11, and one on page 12 in our document, but if you're working on it, I'm not worried about it.

Assistant City Manager Alvarez: I think that you may be looking at the old ones that have already been signed. Those were not fillable changeable forms at that time. So, the first resolution within your packet is the new one. That one was back in 2024, we are replacing that one with this new one, and I tried to change all of those to city commission on the new one.

**Mayor Pro-Tem Forrister moved to approve Resolution 46 24/25 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water System. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Resolution 47 24/25 Resolution of Members.**

Assistant City Manager Alvarez: So, this form you haven't actually executed before. It was an unknown document to us, but it is required by USDA and should have been executed. All this resolution states is that the city commission is authorized to take action. It is for the same loan amount for WSPI-1, no dollar amounts have changed there, just the new requirement.

**Commissioner Fahl moved to approve Resolution 47 24/25 Resolution of Members. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Resolution 48 24/25 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water System.**

Assistant City Manager Alvarez: This is not a resolution that you've done before. You have approved the funding, and we have gone into the interim funding for it. This is just the next step so we can prepare as we move forward with USDA and the WSPI-2 project so that they can start preparing all of their closing instruction. It takes them a long time to get through their national office, so this resolution is for WSPI-2, similar to the WSPI-1. No dollar amounts have changed from the letter of conditions and the financing that you previously approved. It's just time to execute the resolution.

**Mayor Pro-Tem Forrister moved to approve Resolution 48 24/25 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water System. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Resolution 49 24/25 Resolution of Members.**

Assistant City Manager Alvarez: This is the exact same resolution that you guys just signed for the WSPI-1 project, just confirming that the city commission has authorization to take action. So, we have to have one for the WSPI-2 project, so that's what this one is for with the same dollar amounts noted.

**Commissioner Fahl moved to approve Resolution 49 24/25 Resolution of Members. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**C. NEW BUSINESS:**

- 1. Discussion/Action: Summary Plat Amendment Property Code 3022077326147.**

**This item was moved up on the agenda.**

- 2. Discussion/Action: Accept recommendation of the Impact Fee Advisory Board for use of impact fee funds as allowed for the WSPI-1 Project.**

City Manager Whitehead: Currently, the city does have an impact fee in place. The impact fees are generated for water and wastewater only. So, an individual company, a corporation that's constructing a building in our community would have to pay based on the number of water apparatuses inside their building. The intent of impact fees are to expand and increase the capacity of our water and wastewater system. While I was coming onboard, and was not as well-versed in impact fees, I was wondering what we were doing with them and why they were on the books. Traci had to kind of indicate to me as she was bringing me up to speed, you really cannot use impact fees for maintenance, that's not what their intent is. So, you can't draw them in to just fix the system. They have to be used for increasing capacity. So, we did have about an hour and a half meeting with John Appel where he came down, met with us, and really brought forth a discussion on impact fees. Out of that meeting, we came to a conclusion, we had started a process to do a new fee study, so by the statute, it would say that every four years, the city should do a new impact fee study, or have your impact fee board accept that the current impact fees are sufficient for what you're doing, and then just revisit your land use assumptions. Another conclusion that came from that meeting, was that with all the current water projects we are doing, we are increasing the capacity of our water system. Therefore, every project that we're doing is eligible to accept the impact fees into the city's budget to be expended on all of those projects. The reason you want to be able to do that is that if those impact fees sit on the books for up to 7 years and we don't use them, then, it's not necessarily guaranteed that they will go back, but the landowner that paid them can petition the city to have those fees repaid. So, in this particular case, the first thing we did was stop the study, so we are not paying for an impact fee study. We met with the board, explained that, and they approved. So, we will continue with the current impact fees because there's no reason to look for an increase. We are not building at a level that would require that. So, the impact fees will remain in place potentially for some time until we decide that we should do a study to increase them. We can do this as long as every four years, we just revisit it. That's the stipulation for not having to do the study. So, to recap, we have ended the study, and the impact fees will remain the same. The request here today is that you authorize us to go ahead and roll all the impact fees we have. We have a little over \$116,000 in a variety of impact fees, as you can see in your packet. We would bring those impact fees into the budget, and we would effectively close the accounts, because each of those are kept in a separate account, and then what Assistant City Manager Alvarez and I have decided to do is to park these impact fees in their own separate line item within the 300 account, like we're doing for all the other budgets, and

then we would have a contingency fund. This is so that as we are building out the water projects, we would have this \$116,000, plus, remember, we didn't spend all the money for the study. We did start, so we'll have somewhere between \$30,000 and \$40,000 more. So, we would have a line item in 300, identified as 'impact fees', but then we would be able to utilize it as a contingency fund. That is item 2 on the agenda. Item 3 is similar.

**Commissioner Fahl moved to approve Accept recommendation of the Impact Fee Advisory Board for use of impact fee funds as allowed for the WSPI-1 Project. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Accept recommendation of the Impact Fee Advisory Board for use of impact fee funds as allowed for Morgan St. Sewer Expansion.**

City Manager Whitehead: On Morgan Street, we have some new apartments that are going up, and we are missing a sewer line in the road to begin to connect the next construction area. So, we definitely need to add to it which is improving capacity. That particular landowner and developer's impact fees, we want to isolate and use those fees directly for that sewer expansion. It's not enough to do the whole item, but it would be really specific to his impact fees in that area, and we would at least have that. So, those are the two items on impact fees, and I will stand for questions.

Commissioner Fahl: Did you say they were kept in a separate account, like separate checking accounts.

City Clerk Torres: We have to set up an account any time someone pays for impact fees. Each one has to have their own account.

Commissioner Fahl: Well, reconciling all of those is horrible, to do the books for that.

Mayor Hechler: Do you remember what the impact fee study would have cost?

City Manager Whitehead: I think we budgeted \$70,000. If you look at the report, you had set aside about \$100,000 for the Impact Fee study.

Commissioner Fahl: There will be a small fee that will start over in the fiscal year that'll go for the reassessment and redoing of the land use assumptions and the capital improvement plans and integrate that into the existing.

Mayor Hechler: However it was done, and whoever did it, good catch. I remember having that discussion, and I was a little exasperated, having to spend \$50,000 for studies that we didn't need, so I'm glad you guys found that out.

CITY COMMISSION MAY 28, 2025 REGULAR MEETING MINUTES

City Manager Whitehead: It was a very good meeting with John Appel. We are fortunate to have him because he's very versed in impact fees. So again, legal counsel supports this, and you may want to visit with Jay, as he's online as well, he reviewed the comments from our attorney on it.

City Attorney Rubin: Yes, that's certainly true. I'm reading John Appel's meeting to Traci dated April 21, and he's quoting state statutes, and talking about 5-8-4, and most importantly, in section 5-8-2 there's a definition of the facility expansion, which actually empowers the city to do what's been proposed here today. So, I'm in support of what Mr. Appel told Mr. Whitehead.

**Mayor Pro-Tem Forrister moved to approve Accept recommendation of the Impact Fee Advisory Board for use of impact fee funds as allowed for Morgan St. Sewer Expansion. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**I. ADJOURNMENT:**

**Mayor Hechler adjourned the meeting at 4:30 p.m.**

**Passed and Approved this 11<sup>th</sup> day of June, 2025.**



Angela A. Torres, CMC, City Clerk

  
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Rolf Hechler, Mayor

Department of Finance and Administration  
Local Government Division  
Financial Management Bureau  
SCHEDULE OF BUDGET ADJUSTMENTS

For Local Government Division use only:

ENTITY NAME: City of Truth or Consequences  
FISCAL YEAR: 2024-25 5/28/2025  
DFA Resolution Number: 45 24/25  
BAR NUMBER: 14

| DOCUMENT NUMBER | FUND | ACCOUNT STRING | ACCOUNT NAME                                  | REVENUE / EXPENDITURE or TRANSFER TO or FROM | APPROVED BUDGET | ADJUSTMENT INCREASE | ADJUSTED BUDGET | PURPOSE                                                                    |
|-----------------|------|----------------|-----------------------------------------------|----------------------------------------------|-----------------|---------------------|-----------------|----------------------------------------------------------------------------|
| 1               | 101  | 101-1007-40125 | PD-OverTime Wages                             | Expense                                      | \$ 75,000.00    | \$ 50,000           | \$ 125,000      | Increase budget shortfall                                                  |
| 1               | 101  | 101-1007-40140 | PD-Delayed Comp                               | Expense                                      | \$ -            | \$ 30,340           | \$ 30,340       | Increase budget shortfall                                                  |
| 1               | 101  | 101-1099-30312 | GF-Gross Receipts Hospital                    | Revenue                                      | \$ 300,000.00   | \$ 207,500          | \$ 507,500      | Increase budget shortfall                                                  |
|                 |      |                |                                               |                                              |                 |                     | \$ -            |                                                                            |
| 2               | 210  | 210-1007-32389 | PD-State DPS LER Appropriation                | Revenue                                      | \$ -            | \$ 9,450            | \$ 9,450        | State DPS Law Enforcement Retention Appropriation LERF-FY25-162            |
| 2               | 210  | 210-1007-41262 | PD-Retention Differential Disbursement (PRDD) | Expense                                      | \$ -            | \$ 9,314            | \$ 9,314        | State DPS Law Enforcement Retention Appropriation LERF-FY25-162            |
| 2               | 210  | 210-1007-41210 | PD-FICA Medicare                              | Expense                                      | \$ -            | \$ 136              | \$ 136          | State DPS Law Enforcement Retention Appropriation LERF-FY25-162            |
|                 |      |                |                                               |                                              |                 |                     | \$ -            |                                                                            |
| 3               | 216  | 216-4503-80810 | Street-Other Capital Equipment-Vehicles       | Expense                                      | \$ 290,000.00   | \$ 169,309          | \$ 459,309      | 4000 Gallon Water Tank Truck PO 79572-R1 Possible rollover FY26            |
|                 |      |                |                                               |                                              |                 |                     | \$ -            |                                                                            |
| 4               | 403  | 403-1203-80930 | Debt-Cost of Debt Issuance                    | Expense                                      | \$ -            | \$ 38,835           | \$ 38,835       | Expenses for GO Bond 2024                                                  |
| 4               | 403  | 403-1203-32385 | Debt-Loan Proceeds                            | Revenue                                      | \$ -            | \$ 790,000          | \$ 790,000      | GO Bond 2024                                                               |
|                 |      |                |                                               |                                              |                 |                     |                 |                                                                            |
| 5               | 503  | 503-3702-80810 | Elec-Other Capital Equipment-Vehicles         | Expense                                      | \$ 253,320      | \$ 221,652          | \$ 474,972      | 2025 F-550 Truck PO 80250 Possible rollover FY26                           |
|                 |      |                |                                               |                                              |                 |                     | \$ -            |                                                                            |
| 6               | 505  | 505-3904-36410 | SW-NM STO Investment                          | Revenue                                      | \$ 12,500       | \$ 354,483          | \$ 366,983      | New GenStrategies/Parkhill - Rolling Stock Possible CD pending return rate |
|                 |      |                |                                               |                                              |                 |                     | \$ -            |                                                                            |

ATTEST:

Angela Torres, Clerk-Treasurer

(Date)

Rolf Hechler, Mayor

(Date)