

**City of Tukumcari
City Commission Meeting Minutes
February 11, 2016**

The Tukumcari City Commission met in a regular meeting on Thursday, February 11, 2016 at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: John Mihm, Ruth Ann Litchfield Robert Lumpkin, Amy Gutierrez and Rick Haymaker

City Staff members present were: Jared Langenegger, City Manager; Dennis Dysart, Finance Director; Ralph Lopez, Project Manager; Mark Martinez, Project Manager; Jason Braziel, Police Chief; Shane Warner, Fire Chief; and Angelica Gray, City Clerk.

Invocation presented by Rick Haymaker and Mayor Lumpkin led the Pledge of Allegiance.

Consideration of Changes or Deletions to Agenda

Ms. Gray stated that item 4C needed to be deleted.

Commissioner Haymaker made the motion to accept the agenda as amended and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Mihm thanked everyone for coming.

Mayor Pro Tem Litchfield thanked everyone for coming and stated they appreciate everyone come and welcomed the radio listeners.

Commissioner Gutierrez welcomed everyone.

Commissioner Haymaker stated there would be a drum circle at Artspace February 12th at 6:30 pm.

Approval of Minutes

Commissioner Mihm made the motion to approve the January 26, 2016 Special Work Session Notes and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Litchfield	Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Litchfield made the motion to approve the January 26, 2016 Commission Meeting Minutes and Commissioner Mihm seconded the motion. Roll call:

Lumpkin	Gutierrez	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes	Yes

Ordinances and Resolutions

Ordinance 1133, First Reading, Ordinance Repealing Ordinance 1124 in its entirety and replacing with Ordinance 1133 regarding Chapter 7.04 Nuisance in General; 7.06, Outdoor Automotive Storage; 7.08, Dangerous Buildings; and adding Chapter 7.10 Vacant Buildings of the Tucumcari Municipal Code- Mr. Langenegger presented this item to the Commission he stated that the Commission implemented a new nuisance ordinance and a vacant building ordinance was included in that back in August, since then we have had several discussions and we have been implementing this ordinance. We have visited people that own vacant buildings and we have found there are some changes that are necessary. He stated some of the changes are procedural. For example, we use to have as far as the enforcement under violations, it used to say that we would issue a citation if the ordinance wasn't being followed. Our code enforcers are dealing with properties not people so it is difficult to issue a citation when there's not a person there. So what they're doing is issuing a criminal complaint and summoning the owner to court through a letter so the wording was changed from citation to criminal complaint just to make that more clear, the fines that were in there are still in place. The other section that needed to be changed had to do with the definition of a vacant building. Previously the definition of a vacant building was if it wasn't a residence or a licensed business it was considered a vacant building. When we started sending out letters and notifying everybody about this and visited with several folks it was brought to our attention that there are several buildings within our commercial and industrial zoned areas where people have hobby shops or personal offices which aren't exactly vacant; they have somebody there most days of the week, they have utilities connected and the building is being utilized but it fit the definition of a vacant building. It originally stated that a vacant building is defined as a residential or commercial building which is lacking habitual presence of natural persons who have a legal right to be on the premises and at which substantially all lawful business operations or residential occupancy has ceased. We added the section that says at and at which all utility services have been discontinued or inactive, so if they have utility services active then it's not considered a vacant building so the ordinance wouldn't apply to that building. We also made an exception for properties that are registered on the National or State Historic Register because those properties have certain requirements as far as reconstruction or maintenance that have to be followed and they are a bit stricter. We also changed the fees. We initially had the license fee being an escalating fee starting at \$300 for the first year, \$500 for the second and \$1,000 for the third year and every year thereafter, we have amended that to say the application fee is \$50 and the license fee is \$50 and that is a continual fee no matter how many years they renew it, they still have to meet the same standards as the did in the old ordinance but we amended those fees.

Mayor Lumpkin stated that he wanted to compliment the staff and the Commission, this job has been very intense. There are a lot of things that need to be done. He stated he totally agrees with the need for cleaning up Tucumcari, derelict buildings, unsealed buildings, unsafe buildings and unattractive buildings. Our nuisance ordinance does address that so he wanted to compliment to Commission and the staff for this effort. However, there's a part to this entire ordinance that he has some comments and questions about, he doesn't want to vote against the ordinance and he doesn't want to vote for it in its entirety so rather than do that he is going to ask to abstain. If the ordinance passes he will sign it. He will be asking for a motion from the Commission and also the understanding for him abstaining rather than voting.

Commissioner Haymaker commented that he appreciates Mr. Langenegger for going to great lengths to let the public know exactly what this is about. We were at the Senior Center today to let

them know, we've had two good town meetings. He thanks him for being thorough and we have made every effort possible to let the public know what this entails so as few as possible are caught off guard.

Commissioner Haymaker made the motion to approve Ordinance 1133 First reading and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Gutierrez	Litchfield
Yes	Abstain	Yes	Yes	Yes

Ordinance 1134, First Reading, An Ordinance approving an application for Local Economic Development Assistance in connection with establishing a manufacturing facility and authorizing the execution of a project participation agreement between Energy Related Devices, Inc., and the City of Tucumcari pursuant to the Local Economic Development Act-

Mr. Vanderpool presented this item to the Commission. He stated that EDC was excited to make a recommendation to the City Commission for a project that will allow us to repurpose and reuse the Route 66 on the north side of town. He stated the owner of Energy Related Devices, Inc., Bob Holladay was here with him. Mr. Vanderpool stated that they were making a request for \$87,200 in local gross receipt tax through the Local Economic Development Act to purchase and conduct environmental assessments on the property. It's important to note feasibility study for Bob's project has been conducted by New Mexico State University Arrowhead Center with positive results and their recommendation is to move forward. In fact, they were so pleased with the project that New Mexico State University has taken equity position in the project. Los Alamos National Bank, who was the properties' previous owners has resolved any liens on the property and they hold a clear title and they have an agreement in place for that sale to Energy Related Devices. We're real pleased that over the course of a year as we've worked to develop the project a number of important pieces have come into play one of the most significant is the opportunity that this will be a multipurpose project, not just Bob's manure methane project but also the opportunity to partner with Robert Lopez on a grain storage project to utilize the scales and the existing silos on the property, so it is a real opportunity for us.

Mr. Holladay stated what they're trying to do long term is change agriculture in this area and essentially remove manure and turn it into natural gas and carbon dioxide and sell those as product. We also have grain storage capacity already on the site. With all the manure we now have a lot of nitrate rich water or fertilizer water and that can go right back into agriculture but we'd also like to attract greenhouse growers to the area and essentially do low water use agriculture but this is the first step and if we can show that we can do this it will be a model of how to reduce the water consumption in agriculture. In general greenhouses need to be located near a carbon dioxide source so what we're doing to creating a carbon dioxide source and that becomes attractive. This is the first stage in essentially creating a more sustainable and higher profit margin in agriculture. Tucumcari is the model because we have the smallest old ethanol plant sitting around, in the Mideast there's about sixty of these just sitting around. The idea is to convert a waste product and we will take garbage.

Mayor Lumpkin commented that we have a way to get our gas product to the market also by putting it back into the pipeline. Mr. Holladay said the natural gas can go back into the pipeline and we get a special credit for it as biofuel and it's filling trucks along the natural gas pipeline.

Commissioner Haymaker thanked Mr. Vanderpool and Mr. Holladay for coming in and making it clear where they are headed with this. He stated they have put together a lengthy proposal and were keeping the Commission informed every step of the way. He stated it is a very exciting proposition and he wishes them well in every step of the endeavor and he is excited for Tukumcari and for them.

Mr. Holladay stated this was going to be a process; we're going to do the easy things first then work our way to more and more sophistication. We'll start with what we can do and that's get those grain silos operational. Its taken two years to get this far so it'll take a few more to go the full extent. Mayor Lumpkin stated that one part of this project is utilizing the grain bins and the hammer mills and that won't take as long to get a product from the project. Mr. Holladay stated that Tukumcari right now has no grain storage, the big silos aren't interested in turning them on until they see all the grain there will be to store so getting those is helpful to getting farmers grain. Right now they have to drive one hundred miles for grain and that cuts the profit margin and that could be money in the farmer's pockets.

Commissioner Mihm made the motion to approve Resolution 1134 and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

City Manager's Report

ACT Workforce Development- Pat Vanderpool and I will be attending the third ACT Work Ready Community Academy in Mobile Alabama next week. We are nearly at our goals to become work ready certified. We only need to get 30 more transitioning individuals certified to meet our goals. We are still working with income support division to make this happen.

Veterans Services- We will have our NM Workforce Connections veteran's services office open tomorrow from 9am to 3 pm at the Train Depot. They will be able to assist veterans with job placement services, interview and resume skills and career guidance.

Public Meeting- I want to thank everyone that came out to our public town hall meetings. For those that could not make these meetings, you are always welcome to stop by City Hall or call with any questions or concerns you may have.

Bids & Contracts

Requesting Approval of Legislative Grant for the Purchase of a New Trash Truck- Ralph Lopez presented this item to the Commission. He stated that in 2015 the City of Tukumcari was rewarded the grant from the legislator for \$170,000 for the purchase of a trash truck. Since then we have solicited quotes from companies that deal with this specific truck and we have received one quote from Lonestar Truck Group. We would like to purchase this truck through the CES process. The total price of the quote is actually \$179,249 which is \$9,249 over the grant amount so he is requesting the approval of the \$9,249 from City funds to complete the purchase.

Commissioner Mihm made the motion to approve the Legislative Grant for the Purchase of a New Trash Truck and Mayor Pro Tem Litchfield seconded it. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

Requesting Approval of Contract for Municipal Golf Course- Mr. Langenegger presented this item to the Commission. He stated that the City has a contractor that provides services at the golf course, they man the pro shop, oversee the greens keepers and make sure the golf course is run as a professional golf course. They are PGA professionals and have a lot of experience. We are at the end of the contract and we're at the end of the extensions for the contract so we're going to be needing to go to RFP. The contract actually ends next month but we don't feel like we can get an RFP put together in that amount of time so the contract right now is basically a two-month extension to the existing contract so that we have enough time to advertise to get the RFP and get the bids in and then find the professional service for the next four years.

Mayor Pro Tem Litchfield made the motion accept the contract for the Municipal Golf Course and Commissioner Gutierrez seconded the motion. Roll call:

Litchfield	Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Senior Center Advisory Board Minutes for October, November, and December, 2015- Mayor Pro Tem Litchfield stated that the Senior Center has been very busy. Today was there Valentine dinner dance, we decided to save money so we gave each person a box of candy and a flower, those were handed out at noon. She stated that Mr. Langenegger came and visited with the group about the proposal that is up for vote. Mayor Lumpkin thanked her for her work at the Senior Center.

New Business

Requesting Approval of incremental payments for Rawhide Dayz 2016 Invoices- Mr. Langenegger stated that they have received approval from the Lodger's Tax Board and from the Commission to provide funding to Rawhide Dayz to help them the first year. The amount of funding is \$13,500 they have a lot of expenses that are coming in. They are requesting to pay those expenses as they come in. Generally, we'll wait until the event happens then they get reimbursed after the event but we have made exceptions in the past and we have asked the Commission to vote on things like this in the past where it's a larger event, Rockabilly for example to pay the invoices as they come in.

Commissioner Gutierrez asked if the invoices would be presented to the Commission prior to them being paid or when they're submitted they're already paid. Ms. Gray stated in regards to Rockabilly, since the Commission has already approved the actual increments once its approved by the board then it just goes to accounts payable for payment. Mayor Lumpkin commented as a Commission they approved \$13,500 so it goes into their hands and from working with them as a liaison the bills are submitted back to Lodger's Tax then Lodger's Tax pays them out. Ms. Gray stated that if the Commission wanted to look at the invoices prior to they could make it happen. Commissioner Gutierrez stated she thinks that would be a good idea. Ms. Gray asked if that would just be for

Rawhide Dayz or also for Rockabilly and Commissioner Gutierrez stated for both. Commissioner Mihm asked if that would create a time constraint on bills that are time sensitive, could be possibly delay bills being paid that were necessary for the services to be rendered. Ms. Gray stated those invoices should be paid before they are submitted to the City of Tucumcari. Mr. Langenegger stated generally they have the Lodger's Tax Board meeting the first Monday of the month so the next week we'd get approval from the Commission so there wouldn't be a huge delay. Ms. Gray stated they have payments pending for Rockabilly for a total of \$11,000 and asked if the Commission wanted to review those before the check goes out. Mayor Lumpkin stated they already approved them through Lodger's Tax and this particular one is time sensitive, they worked under the other format and we're changing the plan half way through the payment. Mr. Langenegger asked if it was okay with the Commission to pay this round of it, we can still present it at the next meeting and if there are any questions or concerns then we can address them but in the future we can bring them for approval prior. Commissioner Gutierrez and Mayor Lumpkin stated they agreed with that.

Commissioner Gutierrez made the motion to approve the incremental payments for Rawhide Dayz 2016 Invoices with future amendments or adjustments as dated and Commissioner Mihm seconded the motion. Roll call:

Lumpkin	Gutierrez	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes	Yes

Requesting Acknowledgment of 2014/2015 Audit- The Commission acknowledged the 2014/2015 Audit. Mr. Langenegger stated he'd like to thank Mr. Dysart and JJ Griego, they put a lot of work into the audit and they made everything come together and we were ahead of schedule this year and we received an unmodified finding and that's the best rating you can get for an audit. We reduced the number of findings from the previous year to this year. He stated the financial staff and all the folks working for the City are doing a good job to make sure we pass the audits and he appreciates that.

Commissioner Haymaker stated that he would like thank Viki Riddle as well and thanked the hotels who were audited that cooperated, we know it was an extra burden for them and we appreciate them.

Public Comments

David Brenner- He stated that he and his wife own Roadrunner Lodge and they wanted to simply express their support for the nuisance and the vacant building ordinances that the Commission is more aggressively pursuing along Route 66 and First Street corridors and Main Street. He wanted to share some feedback that travelers have given them online specific to Tucumcari. He stated a very recent one read "the Roadrunner Lodge is located at a Mediterranean, Baltic Avenue neighborhood. If you're familiar with the board game Monopoly those are the lowest rent properties available." Another traveler in November said "everything was boarded up, it looked like a ghost town. We were down in Tucumcari if anyone has been down there please tell me we missed a great time in Tucumcari." Another in October said "Tucumcari would not appeal to everyone." Another about Roadrunner Lodge says "a rose amongst thorns, there are many old, decaying motels left." Here is one that is more upsetting "don't bother stopping in Tucumcari unless you have to, the town is a dump and there is no where to get a decent meal." He stated we all know this isn't true but this is a perception that people have after driving through town. Another comment read "the hotel was a five-star motel but the biggest drawback was the town which was a bit bleak." Another read "we

passed by some abandoned gas stations, restaurants and hotels which made me wonder what I had gotten us into.” For Route 66 “it looked to be a skid, slum road. Most buildings had been abandoned long ago, windows broken and boarded up. The dilapidated buildings should be leveled and hauled away.” Another for Route 66 “great property in the middle of dying town, we were almost scared to stop the car. There were so many places that were closed or broken down and dilapidated just like the town itself, I will never visit again.” For the Blue Swallow Hotel “across the street there is an abandoned hotel with high weeds in the parking lot and feral cats living in door less, empty rooms.” This is the perception travelers have when they come to Tucumcari. He stated he had a guest come by and as they were driving into town one of their comments was “are you sure this is where they moved to?” He stated he knows the efforts the Commission is putting forth will make a difference with these types of perceptions going forward.

James Dow- He stated that he would like to express his gratitude to the Commission and the City Manager for the time they spent with him over the last few days discussing the nuisance ordinance. He stated that he tried to go by Commissioner Gutierrez’s office to speak to her but he found out she was out of the office at the time. He stated he most sincerely appreciates the time they spent with him and he thinks the Commission is moving in the right direction. His concerns to the most part are alleviated, as with any legal document draw up there are always some questions in it that can be made into an agreement but he thinks it is something that everyone can live with and the town will be much better off with it. He thanked the Commissioners and thanked Mr. Langenegger.

Gail Sanders- She stated that McDonalds will be having a ribbon cutting for their new building Friday February 26th at 10:00 am and stated it was really important and invited everyone. Also on February 26th K-Bobs would be having their after hours social at 5:00 pm. She stated it was already on the Chamber of Commerce’s marquee and she is sending out her weekly email and has put it on Facebook.

Amanda Brenner- She stated that she wanted to thank the City Commissioners, Mayor and City Manager for all the work towards the nuisance and vacant building ordinances and she is looking forward to some headway being made on some of the out of town and out of state owners who are allowing these slums to exist on the boulevard. She is looking forward to not having feral cats yelling outside her hotel. She and her husband are trying very hard to maintain a wonderful property to bring people to Tucumcari and they have done a good job and have had very good ratings but people don’t appreciate that and they don’t appreciate being approached by transients who live across the street. She and her husband plan on securing the Relax Inn because the doors are wide open. Something has to be done and she really appreciates all the work that has gone into this and she knows the Commission has gone above and beyond to make it fair to everyone.

Items From Commissioners

Commissioner Gutierrez thanked everyone for coming and thanked Amanda and David for sharing their information and their thoughts, it’s reassuring to know that we are doing something good for the Community and thanked Mr. Dow for visiting with the Commission. She stated that Friday evening would be the Valentine’s Ball at the Convention Center, so if anyone was interested they could purchase tickets at FNB New Mexico and they would be helping the Logan Youth from Play Days. She wished everyone a Happy Valentine’s Day and reminded everyone banks would be closed on Monday for President’s Day.

Commissioner Haymaker thanked Amanda and David for their comments and inspiration. He thanked Mr. Dow and stated he appreciated his words and thanked Mayor Lumpkin for abstaining

instead of voting against the Commission and stated he appreciates that and he knows this is something that has been dear to his heart and stated he is proud to be a part of a Commission that mutually respects each other and cares for each other and the town. Artspace will be having a drum circle Friday February 12th at 6:00 pm.

Commissioner Mihm thanked everyone for coming and thanked everyone for their input and stated the Commission always appreciates that and that helps them make lucid decisions as a Commission, input from the community is so important. He stated that he hopes they were able to clarify any questions that Mr. Dow had about the ordinance but it's important that we move forward for the City of Tucumcari and for the businesses that are operating on Route 66 and the main streets of the town. The city is moving forward with things like the ACT community program that he has been very involved in Mr. Langenegger has worked very diligently along with Mr. Vanderpool those are all important pieces of this bigger puzzle but hopefully in years to come we'll see Tucumcari grow instead of shrinking and that will be an advantage to everyone.

Mayor Pro Tem Litchfield thanked everyone for coming and stated it's always good to visit with Mr. Dow and she thanks him for the compliments. She stated the Commission appreciates everyone's understanding of the nuisance ordinance and they know it's not a popular thing with many people but they're trying to do the best they can for Tucumcari so sometimes we have to make those decisions that aren't always popular. She stated she had a lot of fun at the Senior Center to watch them get their flowers and candy; it's just the little things. On top of that it was ice cream day there so that's always fun. The Rattlers are playing at home tonight so go watch the Rattlers play if you aren't busy. Chamber of Commerce Banquet is April 9th so don't forget to get your tickets for the shrimp boil.

Commissioner Haymaker stated that he wanted to give a shout out to McDonalds, we have the best McDonalds in Tucumcari that he has ever been to and stated that he and his wife have been to one in Manhattan and they have a grand piano playing, we've been to London, England and they have the best McDonalds consistently and they will be having a ribbon cutting and he is going to try his best to attend and stated it's a neat looking facility and he's excited for Wanda Wood and the job that she does.

Mayor Lumpkin stated that the City offices will be closed Monday February 15th for President's Day and there is an election coming March 1st there is a referendum that will be asking the community to vote for a redefinition of how a gross receipts tax that has been set aside for Ute Lake Water to redefine how that can be spent and it could be very beneficial to the community to have that tax directed to some other need that the community has, it is not a new tax we're already paying that tax and we will be paying that tax no matter how that vote goes. All it does is redefine how that tax can be spent. We are not avoiding the original purpose of the tax which is to reserve Ute Lake Water for the City of Tucumcari, we have the reserved and we will continue to have that reserved and we will continue to look at that as an objective when we need it and we can then revert that need back to that effort. All districts can vote on that referendum and we're having an election for Commissioners in district 1, 2 and 3. Please get out and vote and remind everyone the importance of it. He thanked everyone for coming.

Adjournment

Mayor Lumpkin asked for a motion to Adjourn. Commissioner Mihm made the motion to adjourn and Commissioner Gutierrez seconded the motion. Roll Call:

Mihm	Litchfield	Lumpkin	Gutierrez	Haymaker
Yes	Yes	Yes	Yes	

Meeting adjourned at 6:48 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk