

CITY OF TUCUMCARI
CITY COMMISSION
Work Session Notes
June 11, 2015

The Tucumcari City Commission met in a special work session on Thursday, June 11, 2015 at 5:00 p.m. in the City Commission Chambers. Members present were John Mihm, Ruth Ann Litchfield, Robert Lumpkin, and Amy Gutierrez. Rick Haymaker was absent.

City staff members present were: Jared Langenegger, City Manager, who appeared by Skype; Doug Powers, Assistant City Manager; Dennis Dysart, Finance Director; and Calvin Henson, Wastewater Supervisor; Mark Martinez, Project Manager; and Angelica Gray, City Clerk.

Discussion of Wastewater Ordinance

City Manager Jared Langenegger presented this item to the commission. He stated this was discussed at our last work session about the EPA requiring the City for wastewater ordinance for our wastewater plant. It is not just a wastewater but an industrial wastewater ordinance for I Industrial users who put out a lot of chemicals, solids, bath oils, PH or anything that has a negative impact on the quality of the discharge in our wastewater plant.

He stated the City has worked with Ed DuBois with HDR Engineering. He stated HDR took two other ordinances from Portales, Santa Rosa and made changes to make this one.

Mr. Langenegger explained the ordinance by section.

Section 1. Title, which states this is known as the Pretreatment/Industrial Sewer Use Ordinance

Section 2. Definition of terms is a lengthy section that goes through the different terms in the ordinance.

Section 3. Prohibited drainage discharge into sanitary sewers prohibits discharging storm water, surface water, groundwater, roof runoff, subsurface drainage and others to go into the sanitary sewer and should be going into the storm sewers.

Section 4. Drainage discharges outlines that the prohibited items in Section 3 should be discharges into storm sewers or to a natural outlet approved by the City.

Section 5. Discharges prohibited to public sewers outlines the discharge that are prohibited in public sewers that under no circumstances should they discharge into our City sewers, which include 1) gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas; 2) any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater facility; 3) any herbicides and/or pesticides; and 4), which is very important to the City of Tucumcari, any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, wastewater process/treatment, and personnel of the wastewater facility. The reason this is important is because several of the issues we have are due to low pH, which kills off the bug in our wastewater plant and causes our process to stop; 5) solid or

viscous substances in quantities; 6) various heavy metals; 7) dilution of toxic materials; and 8) medical wastes and materials.

Section 6. Discharges subject to regulation outlines discharges with regulations. These discharges can be allowed but regulated by the City. He stated the industrial user can discharge but the City can give consideration to those factors and state they have to be reduced or pretreated to make sure it does not have a negative impact on our wastewater facility.

Section 7. Application for City permit required means that any industrial user is required to apply for a permit. The permit will outline what they are allowed to discharge, rules, and the penalties.

Section 8. Federal Categorical Pretreatment Standards goes through the federal pretreatment standards outlines 40CFR Chapter I, Subchapter N.

Section 9. State Requirements. This Section incorporates the state requirements.

Section 10. Local Limits incorporates the local limits for various chemicals that are local limits within our discharge permit that we have to meet.

Section 11. City's Rights of Revision. Gives the City the right to establish more stringent standards or to change the requirements on the discharges.

Section 12. Testing of Industrial wastes. Outlines the testing of the industrial waste and the time lines for that. It also states the person discharging the waste shall be liable for payment of all cost arising from the industrial waste.

Section 13. Grease, oil, and sand traps outlines grease, oil and sand traps which means traps should be provided at the discretion of the user.

Section 14. Maintenance of preliminary treatment or flow-equalizing facilities outlines if there are preliminary treatment facilities that the owner of the FI is required to maintain those. It states the director may require uses to restrict their discharge during peak flow periods.

Section 15. Control manhole allows the City to require to put in a manhole in the sewer so the City can monitor the effluents coming from the facility.

Section 16. Sampling and testing methods outlines the sampling and testing methods used for this ordinance.

Section 17. Enforcement provisions. He stated this section is required by EPA to enforce these standards. It outlines if someone violates this ordinance what steps the City can take to ensure they come back into compliance.

Section 18. Industrial sewage surcharge outlines the industrial sewer surcharge. If it would not have been for this section we would have this ready for a first reading this evening. However, it was very difficult for us to figure out what the surcharge should be for industrial users. We wanted to make sure the surcharges were reasonable.

Section 19. Payment late charges outlines late charges.

Section 20. Violations, penalties and enforcement goes further into the violations, penalties and enforcements of the ordinance.

Section 21. Pretreatment Charges and Fees gives the City the authority to impose fees for monitoring, inspection and allows us to recoup our costs for doing the work to monitor the heavy industrial users.

Section 21. Severability says any part of the ordinance that is not legal does not effect the rest of the ordinance.

Section 22. Incorporation of Ordinance into contract incorporates this ordinance into all the ordinance contracts for the City.

Mr. Langenegger stated the big holdup was the surcharge and how to figure that out for it to come in line with other municipalities. We should have this prepared for a first reading at our next meeting.

Mayor Lumpkin stated this came about with the cleaning products used by the Tucumcari Cheese Factory. He was concerned that this could detour or upset some of our industries that we have existing in the community. He stated Mr. Langenegger and Calvin Henson went to work with them and the Cheese Factory is on board with this and understands it.

Mr. Langenegger stated he is not sure the Cheese Factory is on board, however; they understand it is a requirement that we have to implement. They have received funding for pretreatment for a tank where they can hold their effluent and treat it and they should not be in violation of these sections. He stated maybe an additional surcharge for the COD they discharge and the solids, but as far as the pH, which is our biggest concern because when we have those slugs of pH they kill the plant and put us out of compliance, those should be corrected with the LEDA funds they received for their tank.

Mayor Lumpkin stated it makes him feel better that we are helping them to comply. He stated these ordinances exist everywhere else.

Mr. Langenegger stated this ordinance is being pushed on us by EPA. They are putting extra requirements for effluent we have and in order to prevent these industrial users from putting us out of compliance we need to have control in place.

Mr. Powers asked Mr. Henson if we are looking at one site to be tested and can the testing be done in our City lab. Mr. Henson stated in regards to the COD test, Ms. Hall will test it and she will give us the results, however; if we are testing for metals that would have to go to an outside lab.

Mr. Henson stated there are restaurants pouring their cooking grease down the drains and messes up our lift stations and floats will not work. He stated he has to get around to these restaurants and explain the problem it is creating and work with them to dispose of their grease.

Mr. Langenegger stated the ordinance does not require them to become an industrial user until the City determines they are. If the restaurants are causing issues for our infrastructure, the City or the director can go out and visit them and make sure they understand this ordinance is in place and if they do not stop we will have to take actions against them to make sure we are protecting our infrastructure.

Mayor Lumpkin asked if we have recycling for the restaurant grease within the City facility. Mr. Henson stated most restaurants have a contract with an outside entity.

Mr. Powers asked Mr. Langenegger that originally when he looked at this he had concerns about Tucumcari appearing business friendly to new business coming in. He asked if he is happy how the ordinance is set up now. Mr. Langenegger stated he is and his big concern with being business friendly, whenever he looked at it and how they were calculating it before the surcharge was above any other municipality, however; now that we have corrected it, we are more in line with other municipalities.

Mayor Lumpkin thinks this is a necessary and fair ordinance.

Mr. Langenegger reiterated that this ordinance is something that we need to do to remain in compliance and he does not feel it is any different from other municipalities.

Discussion of Special Events and Park Rental

Mr. Langenegger stated he has people ask if they can rent the park for special events. He stated they want to rent the park exclusively for their event. Generally in the City, we've had ordinances in place where people can reserve a park but it is first come, first serve. When these things came up, he asked Community Development to look into the possibility of renting sections of the parks for these uses. This does not apply only to parks but we have several facilities within the City that people would be interested in for different events.

Mr. Martinez stated the first document he presented to the commission is the actual permit application we use at this moment. He stated the permit fee of \$25.00 is extremely low. He stated he thinks it needs to be increased. He stated this permit is geared toward a parade. Although it states it can be used for a special event we do not have an ordinance supporting this. He stated moving forward we would have to get this approved by the attorney.

He stated when there is a special event or permit it has to be reviewed in house, operation and safety plan is reviewed by Chief of Police, and the agreement is signed off by the City Manager.

The stated the indemnification and hold harmless agreement follows suit with the New Mexico Highway Department, which requires them to have a \$1,000,000 liability insurance policy naming the City as an alternate holder. He stated he would like to have a separate permit for parades and special event.

He stated he visited with Clovis and they reference the special events to their ordinance which states as follows:

A) they shall not be held on a property more than four times per year.

B) The special event shall be limited to fourteen successive days.

C) If deemed necessary by the police department, the property access shall be controlled by special traffic personnel. Prior to receiving a permit, the applicant must provide a written communication from the police department indicating adequate provisions have been made.

D) The health department shall approve the sanitary provisions prior to receiving a permit, the applicant must provide a written communication from the health department indicating adequate provisions have been made.

E) The state of New Mexico CID shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide a written communication from the CID indicating adequate provisions have been made.

F) Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoin residential uses and any history of complaints about similar events.

G) The applicant shall provide a written agreement or surety for complete site restoration upon the event's conclusion or should the permit be revoked.

He stated Clovis park rental/special event fee is \$175.00 plus a \$25.00 refundable deposit for 1st day. If it is a multi-day event it is \$100 each additional day.

Mr. Langenegger wanted to clarify that we are discussing coordinated events. We are not talking about someone who wants to have a birthday party or a picnic. He stated this is for large coordinated events that will draw a large group of people and cause excess work load for the City.

Mr. Martinez stated that on any large event the State requires liability insurance. In addition, if for a birthday party they wish to have a bouncy house they would be required to have liability insurance.

He stated Clovis has vault toilets, porta-potties, and regular restrooms at their parks.

He would like to check into the Museum and rent it for a comparable fee.

He stated we do want to be user friendly however we need to be fair to the citizens of Tucumcari and have a fee schedule that is fair as well.

Mayor Lumpkin stated that in the past we have little league, baseball, football, and soccer use the parks on a regular schedule and we've had class picnics, church Easter egg hunts, and he does not want to start charging these organizations to pay if they have not paid in the past. Mr. Martinez stated he thinks we can put a clause in that states the fees are waived for non-profit organizations.

Mr. Langenegger stated we may decide not to rent out all our parks and we can separate and utilize certain parks for certain activities.

Mr. Martinez stated he would like to do more research from other municipalities.

Mr. Powers asked how much the liability insurance would cost. Mr. Mihm stated that for the parades they cost around \$600.00.

Discussion of Firework Ban

Mayor Lumpkin stated we have received letters or emails from state offices that encourage the City to discuss this by a certain date.

Mayor Lumpkin stated the governor asked us to discuss it. He would hate for something to happen and it not be discussed. He stated at this time we are not in an extreme drought.

Mr. Langenegger stated the letter we received from the governor's office urged municipalities to hold meetings in the next week to discuss the banning of fireworks. According to the statute, municipalities can implement a ban or restrictions on fireworks when there is an extreme drought. The statute states "The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service." He stated when we looked at the drought monitor it currently shows that Quay County is not in a drought. Mr. Langenegger provided the commission with a comparison of last year's map and it shows that Quay County was in an extreme drought to where this year's Quay County is not abnormally dry. He stated given that we do not have the extreme drought conditions, we do not have anything to base a firework restrictions according to the statute.

Mr. Langenegger stated he visited with Commissioner Haymaker who is concerned about fireworks regardless of a drought or not. His concern is that whenever we have aerial fireworks they are not staying on the property they are lit on and are going to other properties and could pose a hazard for other areas. Mr. Haymaker wanted to express his concerns that people should be cautious and he would like to see in the future a way to possibly further restrict the use of fireworks during this time. However, at this time we do not have the authority to restrict these fireworks.

Mayor Lumpkin stated we are having a discussion by request. He stated if we do want to change the firework ordinance, we would have to look at making those changes earlier next year. Mayor Lumpkin stated Mr. Haymaker's concern was mainly aerial fireworks. Mayor Lumpkin would like to add that our fire department and our police department will be on alert.

Mr. Langenegger stated that on July 4th, the fire department is separated by quadrants and they have trucks patrolling each quadrant of the city until the chief makes the determination the activities have subsided.

Commission adjourned at 5:50 p.m.

Submitted by:

Angelica M. Gray
City Clerk