

City of Tucumcari
City Commission Meeting Minutes
July 9, 2015

The Tucumcari City Commission met in a regular meeting on Thursday, June 25, 2015 at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: John Mihm, Robert Lumpkin, and Rick Haymaker. Ruth Ann Litchfield and Amy Gutierrez were absent.

City Staff members present were: Jared Langenegger, City Manager; Doug Powers, Assistant City Manager; Dennis Dysart, Finance Director; Pete Rivera, Deputy Chief; Vicki Strand, Community Development Director; Mark Martinez, Project Manager; Michael Ray, Code Enforcement Officer; Shane Warner, Fire Chief/EMS Director; Ralph Lopez, Project Manager; and Angelica Gray, City Clerk.

Invocation presented by Wesley Stewart, Temple Baptist Church and Mayor Lumpkin led us in the Pledge of Allegiance.

Public Hearing

Consider and Act Upon Ordinance 1122, Second & Final Reading, Amending the Official Zoning District Map, a part of Ordinance 1052 Adopted and Approved on October 11, 2007 – Mr. Martinez presented this item to the commission. He stated this is for a rezone for Musket Corporation/Love’s County Store #262 at 1901 Mountain Rd. He stated the process was started at the planning and zoning office. The first step was to fill out the application. It is then his responsibility to send letters to property owners within 100 feet from the proposed property, which was mailed 20 days prior to the first public hearing with the planning and zoning commission. He stated he did not receive any feedback or opposition and they take that as a positive and moved forward. The Community Development office and the Planning & Zoning commission both recommended moving forward and to present it this matter to this commission. He stated they proposed to change the property from agriculture A-1 to C-1 general commercial. They plan on building a hotel on this property.

Chad Bruner, representative to Love’s Travel Stop, he was sworn in. He stated they are proposing a Fairfield Inn in this location.

Mayor Lumpkin thanked Mr. Bruner and his company for coming to Tucumcari and considering this area.

Commissioner Mihm made the motion to approve Ordinance 1122 Second & Final Reading and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Mihm	Lumpkin
Yes	Yes	Yes

Consider and Act Upon Resolution No. 2015-16, making certain findings and determinations pursuant the State of New Mexico Metropolitan Redevelopment Code – Charlie Deans with Mainstreet Organization presented this item to the commission; he was sworn in. He stated this is the first step in a process of receiving a planning grant for the MRA and the grant will come from NMFA. The first step identifies the state statutes describing an area that is blighted, which is a broad definition. There are two aspects on how the state defines blight in their definition which are

physical conditions and economic conditions. The report has defined downtown Tucumcari area as meeting this criteria. When we start looking at the demographic economic factors such as income, poverty, employment, housing; the test under the state statute is comparing this to the State of New Mexico's average.

Mayor Lumpkin stated this has been discussed with the commission in the past. The area was extended slightly from what was originally discussed. He stated it will not increase any taxes and will be using funds that already exist and over the year it will increase.

Mr. Deans stated the intent is once the designation is approved, it does allow to do a redevelopment plan which has tools that will give the City of Tucumcari some additional powers and authorities to improve these areas. He stated there are funding sources available, there is public/private partnerships to occur between the City and private businesses, which is currently prohibited due to the anti-donation clause. This tool has been used in other cities within New Mexico.

Mayor Lumpkin reiterated that we will be bringing a \$50,000 grant to Tucumcari which is a 100% grant.

Commissioner Haymaker made the motion to act upon Resolution 2015-16 and Commissioner Mihm seconded the motion. Roll Call:

Lumpkin	Haymaker	Mihm
Yes	Yes	Yes

Public Input regarding the Infrastructure Capital Improvement Plan (ICIP) – Mr. Langenegger presented this item to the commission. He stated it is a wish list for the City. It stands for the Infrastructure Capital Improvement Plan. The list names our priorities with the City. He stated when we went through ICIP it was highly recommended to have a public hearing. This is the first of those hearings. This must be submitted by September 2nd.

Ms. Strand stated this is a wish list and a working copy right now. Any changes need to be submitted as soon as possible. Mr. Langenegger stated there are certain items that need to be listed in our top 10. In addition, there are certain things that in order for us to apply for grants, they have to be listed on the ICIP plan. Ms. Strand stated it is a five year plan.

There was no public input regarding this matter.

Consideration of Changes for Deletions to the Agenda

Mr. Langenegger stated that Items 6C and 9A need to be deleted from the agenda. Commissioner Mihm made the motion to approve the agenda as amended and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Lumpkin	Mihm
Yes	Yes	Yes

Items from Commissioners

Commissioner Haymaker thanked everyone for coming tonight. He also thanked KTNN and Quay County Sun. He stated it is good to see Mr. Garcia tonight and everyone who is here tonight. He

thanked Mr. Stewart for the invocation. He also sent out sincere condolences to the Cordova Family who lost their son in a diving accident.

Commissioner Mihm thanked everyone for being here and thanked KTNM and Quay County Sun. He also thanked the city manager for his hard work.

Mayor Lumpkin thanked the staff at the City along with thanking the Elks for their firework display on 4th of July. He also paid tribute to Daniel Villanueva. Mr. Villanueva was born in Tucumcari. He passed away June 18, 2015 in Ventura, CA; he graduated from Colesico High School and played football at NMSU. During his years at NMSU they won back to back Sun Bowls and played football with the LA Rams, Dallas Cowboys, and received many awards including the extra point record still existing with the Dallas Cowboys franchise. After football, Danny became a broadcaster executive and co-founder of Univision. He organized the downtown Los Angeles Cinco de Mayo and did a lot of humanitarian service for the poor.

Approval of Minutes

Commissioner Mihm made the motion to approve the June 25, 2015, commission meeting minutes and Commissioner Haymaker seconded the motion. Roll Call:

Mihm	Lumpkin	Haymaker
Yes	Yes	Yes

Ordinances Of Resolutions

Ordinance 1124, First Reading, An Ordinance Amending 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 there was a lengthy discussion at today’s work session. This ordinance will amend our current nuisance ordinance to ensure the City has more enforcement ability for our current nuisance ordinance, which includes weeds, abandoned vehicles, dangerous buildings and it adds a section to include vacant building, which gives the City the ability to require a vacant building license; where if someone has a vacant building in the City of Tucumcari mainly in commercial or industrial zoned areas, the City will require the owner meet certain standards. Those standards will include securing the windows, roof and ensure the building will not deteriorate and will require an inspection by the police chief and fire chief to ensure it does not present a safety or fire hazard. It will require insurance for the building to ensure it will be covered in the event it burns.

Mayor Lumpkin clarified this is a first reading and therefore gives us more time to review and discuss. Mr. Langenegger added that the second reading will be held at a public hearing. Mayor Lumpkin realizes it will have a large impact on the citizens of Tucumcari however the City will work with people; it has an appeal process. This will keep Tucumcari safe and the City has pledged to work with people to meet the concerns and obligations with those properties.

Commissioner Haymaker used Sands Dorsey Building as an example; the citizens of Tucumcari are paying for the cleaning and removal of this building. This ordinance is helping so that the responsibility will lie on the proper parties when there is an unfortunate situation.

Commissioner Mihm made the motion to approve the first reading of Ordinance 1124 and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Mihm	Lumpkin
Yes	Yes	Yes

Resolution 2015-17, Adopting a City Recognition and Award Policy – Mr. Langenegger presented this item to the commission. He stated we have an annual recognition dinner for our employees where we give out years of service pins however; we do not have anything in place to award our employees who do outstanding jobs. He stated this policy gives us the ability to recognize those people for their hard work. In addition to the employees, it adopts a citizen recognition award and board member recognition award. This resolution allows for the implementation of these awards along with allowing the city manager the authority to grant up to 8 hours of administrative leave for on the spot recognition.

Commissioner Haymaker made the motion to approve Resolution 2015-17 and Commissioner Mihm seconded this motion. Roll Call:

Haymaker	Mihm	Lumpkin
Yes	Yes	Yes

Resolution 2015-19, Participation in the 2016 Cooperative Agreement Program – Ralph Lopez presented this item to the commission. He stated every year the City applies to NMDOT for their coop grant and as part of that requirement the City needs to approve a resolution. He stated the coop grant is a smaller grant. The amount of the grant is for \$42,798 with \$14,266.00 matching from the City. The resolution says that we intend to apply for this grant and that we have the funds available.

Commissioner Mihm made the motion to approve Resolution 2015-19 and Commissioner Haymaker seconded the motion. Roll Call:

Lumpkin	Haymaker	Mihm
Yes	Yes	Yes

Resolution 2015-20, Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority – Charlie Deans presented this item to the commission. He stated this is for a granting plan for \$50,000; with no match from the City. This will be used for the MRA. He stated one of the powers the City will not have is the condemnation authority, which was removed from statute several years ago. NMFA requires this resolution which is part of this package, submit and should be on NMFA's agenda in August. The City will then have one year to complete the plan itself, which includes community participation.

Commissioner Mihm made the motion to approve Resolution 2015-20 and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Lumpkin	Mihm
Yes	Yes	Yes

Mr. Langenegger thanked Mr. Deans and Gail Houser for the work on this. Gail is the one that has worked on this MRA; he contacted Mr. Deans and reviewed the plans. He thanked them both once again and he thinks it is a great opportunity for the City.

City Manager's Report

Mr. Langenegger stated that the responsibility for fiscal agent for Dispatch has officially been turned over to the County. The employees' leave balances were transferred over and the remaining balance in the Dispatch budget will be transferred to the County as soon as we have final numbers. The Dispatch authority will now act as an independent organization with the board overseeing daily operations. The board elected Russell Shafer as Chair, and Jason Braziel as vice chair. He stated this is one goal that has been completed and marked off the list.

We had a meeting of the Tucumcari Quay County Regional Water Authority last week and the main topic of discussion was an application from the Interstate Stream Commission to appropriate control over all of the water in the Canadian and its Tributaries below Ute Reservoir to ISC. The application did not make sense as all of the surface water rights in the state have been appropriated and the application was for 0 acres of water rights, but the application was to appropriate the control of the water not the water itself. The application was made pursuant to the ISC responsibility to provide sufficient water for the Arkansas River Shiner, however through our discussions, the county has decided to protest this application as the application is unclear on how the appropriation of control would affect landowners and their rights to utilize the water for livestock and other purposes. He stated one of the concerns is if ISC has control over the water, and it is appropriated to them, then they have the ability to tell the landowners to release the water if there is not enough water in the river. The County is filing a protest and we have had several other counties contact to the County stating they will also be filing a protest because this would be setting a precedence in the State for these type of actions.

Angelica and I met with the Animal Control Officer, Police Chief, Municipal Judge and Court Clerk to discuss our dangerous dog ordinance. Currently the ordinance requires that if a person can meet certain standards we release the dog to them and register them as a dangerous dog. We need to improve upon our verification of the standards that are required and implement a better system for following up once these dogs have been declared dangerous. In addition, we need to review our ordinance and ensure that our Animal Control Officer and Police have the authority needed to follow up with these cases. Our Animal Control Officer and Police Chief will be working on suggested revisions to the ordinance to ensure that we are able to address these situations better.

The City has received notification from the NMFA that our Center Street Tank project is eligible for funding. Currently, the funding that is available is a zero to low interest loan option. We are working with NMFA and they have made a recommendation that we not accept this loan right now because as we move through the year we may move up higher on the priority list. We have a couple of things that need to be completed at our end, as we work to provide more information including an Operations and Maintenance Plan as well as an Emergency Response Plan for the system, our rating will improve and we may be eligible for a subsidy to offset some of the cost. The Community Development Office as well as the Water Department are working to develop these plans and submit them to NMFA to improve our chances of obtaining grant funding.

Finally tonight, I just want to take a minute to thank the City Commission for their dedication and hard work to move Tucumcari forward. In the eight months that I have been City Manager, this Commission has been extremely supportive. The unity and respect that they have for one another is outstanding. While not everyone agrees with everything that is presented, there is always a thoughtful discussion and deliberation on what is best for the City of Tucumcari and at the end of the day that is the decision that is made. In the past 8 months, this Commission has approved \$130,000 in LEDA expenditures which has brought two new businesses and allowed for one local business to expand, they have approved a Compensation and Classification plan that ensures that Tucumcari is competitive with other municipalities of the same size, they have designated a segment of the City as a Metropolitan Redevelopment Area which will open up opportunities for renovation of the down town and allow the City to apply for more grant opportunities for redevelopment, they have approved an industrial wastewater ordinance that will ensure that our wastewater plant is able to stay in compliance, they are implementing an ordinance to ensure that the City is able to enforce our nuisance and dangerous building laws, as well as a vacant building ordinance to ensure that property owners are responsible for maintaining their vacant buildings. In addition to all of this, you have worked to ensure the demolition of the Sands Dorsey. This Commission has been very active in local organizations and public meetings, and has never once hesitated to give up their time to hold special meetings to ensure the business of the City moves forward as swiftly as possible. He is grateful for having the opportunity to work with such a proactive commission and just think you should be recognized for all of the work that you have done. The unity that this commission has shown and their willingness to put the best interest of Tucumcari first is commendable. He thanked them .

Mayor Lumpkin thanked Mr. Langenegger and stated that this commission has been very progressive and great to work with.

Mayor Lumpkin clarified the Arkansas River Shiner is located in the Canadian River and there is 2500 ac. ft. seepage through the dam but the 2500 ac. ft. leakage suffices for water for the fish. This is a situation where a leak is a good thing. However, there concern is if the reservoir gets below a certain level there may not be that much seepage and enough to provide for the fish.

Old Business

Mayor Lumpkin thanked the board members for their service; it is very commendable. He acknowledged of Tucumcari Library Board Minutes for May 18, 2015.

New Business

Requesting Approval of One New Planning & Zoning Commission Member – Mark Martinez presented this item to the commission. He stated planning and zoning commission recommended Edgar Shipley to this board.

Commissioner Mihm made the motion to approve the appointment of Edgar Shipley to the planning and zoning commission and Commissioner Haymaker seconded the motion. Roll Call:

Mihm	Lumpkin	Haymaker
Yes	Yes	Yes

Requesting Appointment of Three (3) Members to the Quay County Gaming Authority Board

– Mr. Langenegger presented this item to the commission. He stated the City is a member of the Quay County Gaming Authority, which was put together by the City, County and San Jon, in order to apply and pursue a racetrack license. In the past we have had three members appointed however we have not appointed anyone in the last year which was for Mayor Lumpkin and Commissioner Mihm and now we need a third member. He is asking for the commission for their recommendation and make sure they are still interested in serving on this board. He stated if the commission approves it he would not mind being a member as well.

Commissioner Mihm made the motion to appoint Jared Langenegger and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Mihm	Lumpkin
Yes	Yes	Yes

Public Comments

Gail Houser – He informed the public that the farmer’s market is on Saturday and has moved to the Historic Railroad Depot and it will open at 10:00 until sold out. This will be every Saturday at 10:00 until sell out and every Tuesday evening beginning at 5:00 p.m. until sell out through the end of September.

Items from Commissioners

All commissioners thanked everyone for coming out tonight and have a great evening. They also thanked Mr. Langenegger for the great working relationship.

Adjournment

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

Haymaker	Mihm	Lumpkin
Yes	Yes	Yes

Meeting adjourned at 7:04 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk