

**CITY OF TUCUMCARI  
CITY COMMISSION**

**Work Session Notes  
March 13, 2014**

The Tukumcari City Commission met in a work session on Thursday, March 13, 2014 at 5:00 p.m. in the City Commission Chambers. Members present were Ruth Ann Litchfield, Robert Lumpkin, Amy Gutierrez, Dora Salinas-McTigue, and John Mihm,

City staff members present were Doug Powers, City Manager; Charlie Sandoval, Assistant City Manager; Dennis Dysart, Finance Director; and Angelica Gray, City Clerk.

**Farmers Market**

Mr. Powers stated that John Hartley with Farmer's Market is requesting the Market be moved to the Train Depot. They would like to set it up in the breezeway. He stated the City is currently working on the lighting, heating and cooling.

Mr. Powers visited with Mark Lake and he has not been able to present this matter to the Mainstreet Committee. Mr. Powers thinks it needs to be coordinated between the two groups.

Mr. Powers stated that Mr. Hartley would like to present this matter to the commission for the possibility of using the facility. Their main sense was to get more people downtown.

Commissioner Mihm stated he spoke to Mr. Lake also and he asked him who would be liable for the electricity, cleaning up, lock up, and asked if there would be anyone to monitoring it. It is a facility the City has spent a lot of money on. Mr. Mihm stated he thinks if they get their presentation together and they have a game plan as to how they will orchestrate it, then maybe it would be something the commission could consider.

Mr. Powers stated that with the commissions' permission he would like to tell them they need to work with our Mainstreet group.

Commissioner Gutierrez who is a member of the Mainstreet Board, commented that there will be an added expense and Mainstreet is a non-profit organization. She stated that not only is there the expense of the utilities, but also the expense of the facilities and insurance coverage due to any liability.

Commissioner Mihm asked what the current plans were for the depot. He thinks the grant was written for a museum. In addition, he inquired if the building can be used for any purposes.

Commissioner Mihm stated the Farmer's Market should make the presentation before the commission makes a decision.

Commissioner Mihm stated his understanding is Farmer's Market had already contacted Mr. Lake and he sent them to the commission. Although the commission can entertain the option; however, they need to know what the particulars are regarding their liability for operating the facility for two days a week throughout the summer.

Commissioner Litchfield is concerned about the damage that might be done to the depot. She would hate to see it destroyed.

Commissioner Lumpkin stated right now their location is out of the way however, there is an outside area that could be utilized by them. He thinks this could alleviate some the concerns regarding damages.

Commissioner Mihm stated the petition from Farmer's Market is for both indoor and outside use.

Commissioner Gutierrez stated there is the obstacle to determine who will be inside or outside. She asked if each vendor would pay a fee to use the facility. The person outside who is not using any services, should not pay the same fee as the vendor who is using the inside facilities.

Commissioner Mihm stated if it will be used as a rental facility, then they should pay rent.

Mr. Powers stated there are not bathroom facilities. Both groups will have to work together. He thinks it needs to go back to the Mainstreet group and ask them to work something out.

Commissioner Mihm stated he was told that it is a City facility and the commission would have the ultimate decision. He thinks they need to clarify their intent and whether or not they will be willing to pay a stipend to use the facility.

Mr. Powers stated he will relay the information. He thinks it is a great idea but it needs to be clarified.

Commissioner Salinas-McTigue stated that since Mr. Lake is familiar with the facility, he could possibly write down his concerns and questions for the commission and then they would be on the same page.

Mr. Powers stated he cannot speak for Mr. Lake however, he believes Mr. Lake was preferring them to use the outside facility versus the inside.

Commissioner Lumpkin stated they are open to the idea however, they need to clarify more details.

### **Policy for Public Comments**

Commissioner Lumpkin stated this issue was brought up to the commission three years ago.

Commissioner Lumpkin stated it has been in need. The meetings have been diagnosed with having a very large lack of decorum. He thinks this could help and it could possibly filter out some of the real radical behavior. It does not change anything other than if someone wants to give comments at the meeting, they would have to apply for the opportunity.

Commissioner Lumpkin stated that looking at the first page of the application; Sign up form, his first adjustment would be for it to read "Citizens Comments Application Form" rather than sign up form. The way it works, is the commission is the representative and if someone wants to relay a message or concern, they should go to a representative and they could convey the

message for them. He stated when a citizen uses the three minutes for grand standing, many times demeaning the City itself and the commissioners, and whomever else agrees with a surprise attack and the commission is not prepared.

This gives the commission the opportunity to legitimately answer their concern. This gives us the time to research the concern.

Commissioner Lumpkin stated there is a set of rules that came along with the application, and one thing that Commissioner Mihm mentioned to him is the second paragraph on the public comments rules, which says “the proper procedure to submit the concern or concerns to your government representative is to contact the representative directly by phone, email, letter, or personal contact. He stated that regular meetings are to govern. Speaking at a public meeting is a privilege and not a right”. He thinks the language “not a right” should be deleted. He thinks it could be a contentious statement. He stated we are not taking anyway anyone’s rights. However the First Amendment gives them the right to make comments to them, which can be made publicly or personally.

Mr. Lumpkin stated that requiring commissioners to respond should not be allowed without the commission having a proper time to respond. He stated that when the commission is polled, it is demeaning.

Mr. Lumpkin stated the application should be reviewed. He thinks it needs to be reviewed by the commission, along with letting the City attorney review it and at that point it will be voted on by the commission.

Mr. Powers asked the commission to have their comments on the application and rules by Monday.

### **Discussion of gross receipts tax of Ute Lake Water**

Commissioner Lumpkin stated that he would like to get revenue to have the Sands Dorsey building and possibly other priority items around town taken care of. However, the City does not have the money and the City does not own the building.

Commissioner Lumpkin stated The City has a ¼ cent gross receipts tax that is dedicated to Ute Lake, which was set aside a few years ago.

Commissioner Lumpkin stated the staff needs to find out if the City can legally change the purpose of this gross receipts tax, which generates between \$250,000 a year. It goes into a fund for the Ute Lake water. As of right now the City has \$1.5 million in this fund. Although we cannot use this amount, we can use the future funds temporarily. The citizens would have to vote on this.

If the citizens vote to have this changed for a one year period we would receive \$250,000 to work with. Commissioner Lumpkin would then want to revert the tax to its original purpose.

Commissioner Lumpkin stated that right now the \$1.5 million is being used for engineer and attorney's fees.

Commissioner Lumpkin stated he does not want to go forward with this unless the majority of the commission is in favor of the change.

Commissioner Mihm asked if Pat Vanderpool has ways to get the funds to have the building removed. Commissioner Lumpkin stated prior to Mr. Vanderpool being ill, we asked him to come up with something and he came up with an eight step process.

Commissioner Lumpkin stated that Solid Waste Bureau was contacted and asked if the City could dump this building in a less expensive place. They responded by stated the contamination is low enough that it is not a big danger but high enough to where we cannot dump anywhere. Commissioner Lumpkin stated that Clovis is building a cell that will take this contamination waste, which would save the City money.

Commissioner Salinas-McTigue stated she believed the cell in Clovis would be ready in August of this year.

Robert Mondragon with EPCOG who was present at this meeting, stated they are close to completing the cell in Clovis.

Commissioner Lumpkin made it clear that because the tax already exists, it would not raise the citizens' taxes.

Mr. Powers stated that a while back Paul Cassady prepared a spreadsheet for the City. There are options on the gross receipts tax where we could initiate a new tax, which would be increasing taxes. However, on the Ute Lake Water, it could be addressed in a regular election and it would clearly state that the funds would be for the Sands Dorsey. He wanted to make it clear that the money currently there, cannot be used for anything else other than Ute Lake Water.

Mr. Powers stated he could talk to Paul Cassady regarding a summary.

Commissioner Mihm asked if the commission needs to talk to Pat Vanderpool one more time to make sure if he has any way to get the funds and therefore the commission would not have to do anything. However, Mr. Vanderpool would keep the property in his portfolio.

Commissioner Lumpkin stated we should ask the questions and then talk to Mr. Vanderpool. In addition, we need to wait to see when Clovis' cell will be opened.

Commissioner Mihm stated that obviously the City will re-procure the property after demolition; however will it, at that time, file liens against the owner for the cost.

Commissioner Lumpkin stated there has been an asset search on the owner's property. However, not very successful, there was some property.

Raymond Mondragon stated the cell at Clovis landfill will be completed at the end of the year or beginning of the new year.

Commissioner Lumpkin stated that once the City owns Sands Dorsey, , EPA will come after the City.

Commissioner Salinas-McTigue stated that once we get answers to our questions, we need to legally do it and take it to the next level. She stated that when we advertise a special election, we need to clearly state that it is not an additional tax.

Commission Mihm stated the City cannot apply for the grant unless we have possession of the building.

Mr. Powers stated that the City has the Economic Development set aside which currently has \$400,000. It does not generate a lot of money. It has been there for the racetrack for utility money.

Commissioner Mihm stated this is more of a maintenance issue and if those funds are available for this type of endeavor and we can get 25% grant, and Mr. Vanderpool can have the property in his portfolio, which is what Mr. Vanderpool was proposing.

Commissioner stated a park could be built there. He stated it is a shame that we are looking at \$500,000 to build a \$35,000 park.

Commissioner Mihm thinks it is a viable piece of real estate.

Mr. Powers stated the City commission controls the operation capital for Economic Development.

Ms. Salinas-McTigue stated that Mr. Vanderpool mentioned there were private investors. If those investors could fund this, it would be another option.

Mr. Powers stated the USDA funding is getting complicated. We could be waiting for six months for this funding.

Mr. Mondragon stated that on the federal end of it, the EDA grants that are coming out, because of the issues in congress battling with the budget, and by the time we start applying we are looking at next year before it is approved.

Mr. Powers stated New Mexico has received a beating on USDA funds.

### **City Commission Appointment Positions**

Mr. Powers stated the list provided to the commission in their packets, is a list of who currently is appointed to the boards. At the next meeting the mayor will ask for input from the commissioners. The commissioners need to be prepared to travel to some of these meetings. A lot of this will be who has the time and interest. Several of these meetings are monthly or sometimes every three months.

Commissioner Mihm asked about creating an advisory board for the Airport. Mr. Powers stated the Airport has had a board in the past however it is difficult to get people involved.

Commissioner Mihm stated they should propose creating the board and if there is no interest there's not a lot we can do about that.

Commissioner Salinas-McTigue stated she would like to remain on the same boards she is currently on.

Commissioner Lumpkin wants the Commission to endorse thank you letters to our elected officials, Mr. Campos, Mr. Woods, and Mr. Roch.

### **Adjournment**

Commissioner Lumpkin made the motion to adjourn and Commissioner Litchfield seconded the motion. Roll Call:

Gutierrez	Mihm	Litchfield	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

The work session end at 5:50 p.m.

Respectfully Submitted:

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Angelica M. Gray, City Clerk