

**CITY OF TUCUMCARI
CITY COMMISSION MINUTES
September 30, 2010**

The Tukumcari City Commission met for their regular meeting on Thursday, September 30, 2010, at 9:30 a.m. in the City Commission Chambers. The meeting was to be held on September 23 but was rescheduled due to lack of a quorum of members. Members present constituting a quorum were Antonio Apodaca, Amiel Curnutt, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Christine Dougherty, City Clerk; Dennis Dysart, Finance Manager; Clara Rey, Human Resources Director; Jason Braziel, Chief of Police; and Dainetta Kroeker, Librarian.

Mr. Brian Haines, Preacher of the Church of Christ, gave the invocation and Mr. Curnutt led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	No	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Witcher stated that item IX, G needs to be removed from the agenda as the incorrect documents were sent from the State.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca asked if the safety deposit boxes had been opened and inquired as to what was discovered to be stored in them. Ms. Rose responded that there was nothing in either of the boxes.

Mayor Witcher thanked everyone in attendance for coming to the meeting.

Approval of Minutes

Commissioner Curnutt made a motion to approve the minutes of the September 9, 2010 Regular Commission Meeting. Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Approval of Vouchers

Commissioner Curnutt made a motion to approve the vouchers for payment.
Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

Items from Citizens

Mayor Witcher asked if any citizens wished to address the Commission. Janie Bhars, Joyce Runyan and Amy Sandoval approached the podium to address the Commission. Ms. Bhars stated that each of the ladies sits on the Library Advisory Board. Ms. Bhars stated that there has been an ongoing problem at the Library and with the Library Advisory Board. Ms. Bhars quoted City Ordinance 976 which details the duties and terms of Advisory Board members. She went on to quote the ordinance to say that the Advisory Board duties include protecting the interest of all citizens of Tucumcari and that members are to serve in an advisory capacity and shall advise the City Commission in every possible way to insure the efficient and economical management of the Tucumcari Public Library. Ms. Bhars stated that she feels the Library Advisory Board fulfills this capacity at this time. She went on to say that the Library reaches as many citizens as possible. Ms. Bhars reported that the attendance at Library programs for children and senior citizens has increased.

Ms. Bhars stated that she feels the Library Advisory Board is being told to sit down and shut up. Ms. Bhars said that dating back to December, the Library and the Advisory Board members have received multiple complaints regarding the internet service provided at the Library. Ms. Bhars went on to say that Advisory Board members called the City and their calls were not returned. Ms. Sandoval stated that she came in to City Hall to speak to someone and was treated like an idiot. Ms. Sandoval went on to say that Mike Cherry, Assistant City Manager, was invited to attend the February 2010 Advisory Board meeting in which he reported that the issue with the internet was complicated and that nothing could be done to resolve the problems. Ms. Sandoval also stated that Mr. Cherry said the internet service is free to the public and therefore citizens should not complain. Ms. Sandoval stated that she asked to be put on a Commission Agenda to discuss the issue and she was denied.

Ms. Bhars stated that in April, complaints regarding the internet were still being logged by Library staff and Advisory Board members. Ms. Bhars went on to say that the internet speed issues have been resolved, but the bill is \$1600 per month for the service and this seems high. Ms. Bhars stated that the Advisory Board members have been looking for a less expensive way to provide internet service. Ms. Bhars expressed concern that there may be a conflict as an Information Technology employee at the City is related to the

current internet service provider. Ms. Bhars stated that the Librarian reports that computers in need of service at the Library are not being repaired by the IT employee.

Ms. Bhars went on to explain that she is now aware that the internet bill is for more than one department and is in the process of being split up. Ms. Bhars then stated that when the air conditioning went out this summer in the Library it was replaced, however the back part of the building is not being cooled. Ms. Runyan stated that the new air conditioning unit was purchased on an emergency basis and questioned if a contract was executed, what was paid for, and where the paperwork for the project was located.

Ms. Bhars stated that in September, the Advisory Board was told the paperwork on the air conditioning unit was not readily available and the board members should quit stomping their feet. Ms. Bhars went on to say that they were told they served as an Advisory Board and should quit asking for things of the City.

Mayor Pro Tem Apodaca stated that it is a major concern of his when someone says they are unable to get put on an agenda. Mr. Apodaca went on to say that the Library Advisory Board members could call him if they want to be on an agenda. Mr. Apodaca said that he had major concerns about the emergency purchase of the air conditioning unit and the job not being complete. Mr. Apodaca stated that he has made these complaints public.

Mayor Witcher stated that anyone can ask to be on the agenda at any time provided they give 72 hours advance notice. Mr. Witcher stated that you can request to be on the agenda by calling the City or the Commission.

Ms. Rose stated that she would like to be at the next Library Advisory Board meeting as she feels she has received bad information.

Ms. Sandoval stated that she called City Hall on two occasions and did not receive a call back. She stated that she then came to City Hall and asked to see either Clara Rey or Christine Dougherty. Ms. Sandoval said that Mike Cherry met with her at City Hall and told her she could not be put on the agenda.

Mayor Pro Tem Apodaca stated that Advisory Board members are appointed and he appreciates their work. Mr. Apodaca went on to say that he is proud of their work.

Ms. Bhars stated that she heard that Mike Cherry stated the Library was going to be closed. She stated that Library patrons heard the same rumor and called the Library and the Advisory Board members to ask if the rumor was true.

Mayor Witcher explained that the Federal government is cutting back which in turn impacts state and municipal budgets. The Mayor went on to explain that when preparing the budget, all departments have to be evaluated. At this time, Mr. Witcher said that no departments are slated to receive cuts. Mr. Apodaca added that the library is an excellent component to economic development, much more than the golf course. Mr. Witcher added that the golf course is not slated to close either.

Mr. Tim Durkin approached the podium and stated that he uses the internet on the computers at the Library almost daily. Mr. Durkin stated that the internet is working much better and the Library staff does a good job.

Ordinances and Resolutions

Mayor Witcher asked Ms. Rose to present Resolution 2010-44. Ms. Rose stated that due to personnel changes, the signatories on the NMED Grant for the Landfill construction need to be modified. Ms. Rose stated that this resolution takes care of those changes, making the signatories Doug Powers, Misty Vick, Bobby Rose, Dennis Dysart, and Vicki Strand.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2010-44 Designating Authorized Signatories for NMED Grant for landfill construction and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose reported attending a meeting at Mesalands with representatives from Tres Amigos. Dr. Barry told those at the meeting that Tres Amigos is coming to the area and the City and County need to be prepared. He also stated that the City and County are going to have to spend money to make money.

Ms. Rose also reported that she and the staff have been working to prioritize expenditures for budget savings and trying to correct billing issues. Ms. Rose stated that some things we must have and other things we would like to keep.

Ms. Rose reported an emergency expenditure for an ambulance. Ms. Rose explained that the Commission had previously approved the purchase of two new ambulances as the ones in service now have been wrought with problems. Ms. Rose reported that when one ambulance is in for service, it makes providing ambulance service very difficult and this has happened frequently of late. She also reported that on two recent occasions, the ambulances have broken down with patients in them. The City had the funds to purchase one ambulance for approximately \$75,000 through the HGAC contract and get a loan through NMFA for a second ambulance. Due to the emergency, we called HGAC and they had an ambulance coming off the line, agreed to let us have it due to our emergency. We received it in a week, Mike Cherry and Kalon Lafferty put the radios in over the weekend and the new ambulance is now in service.

Ms. Rose reported that Tucumcari Home Health and Hospice has graciously donated concrete benches to be placed at Dunn Park. Hospice felt the location was appropriate as

it used to be where the hospital stood. Hospice has agreed to install the benches in memory of their patients that have passed on.

Ms. Rose reported receiving complaints about the coin operated water hose machine. At this time, Ms. Rose feels repair of the machine is not a priority and would rather see funds go to new water hydrants.

Ms. Rose said that Mr. Lumpkin phoned her and expressed that he is still concerned about the fate of the Sands Dorsey building. Ms. Rose stated that there is no funding for this building and she needs guidance from the Commission on how to proceed.

Ms. Rose reported the following events from her calendar:

September 16 - Canadian River and Southwest Quay Soil and Water Conservation Districts meeting to discuss the Environmental Quality Incentive Program and Wildlife Habitat Incentive Program. Ms. Rose stated this was not the meeting she was expecting but was able to discuss the City's interest in the lake project with the Extension Service.

September 21 - The City, County, EDC, Chamber, and Small Business Development Center met with Representative Dennis Roch concerning legislative issues. With the possible removal of the hold harmless clause on GRT for food and medicine, Ms. Rose is concerned about the City losing additional funds. Last year, Ms. Rose reported, the City lost \$25,000 from the cigarette tax which went to funding the Recreation Department. Representative Roch said he will again ask for Capital Outlay funds but did not think any will be available.

Also on September 21 - Ms. Rose had a conference call with the working group for the Ute Water Commission. The agreement with the ISC for our reservation of water expires on December 31. The City was working on an extension of this contract for an additional 10 years but ISC would like additional items to be considered in the agreement. ISC is concerned that the Ute Water Commission does not have the fiscal capability to own, operate, and maintain the facilities so they are proposing to make Eastern NM Water User Association, a newly formed utility known in the past as the Pipeline Group or Rural Water Project, a party to this agreement. The Quay County entities do not feel they should be a part of this agreement as UWC has the ability to assign or delegate this authority to other parties. Tucumcari and Quay County have been assigned this duty for the current system at Twelve Shores. The other issue of concern is the operation and maintenance fees which currently are \$4.75 per acre foot of water. The ISC is proposing to include in the agreement a cost of service study on the operation, maintenance and recovery costs associated with Ute Dam and the Reservoir.

Again on September 21 - Staff met with the Aging and Long Term Services Agency and they are very proud of the progress and accountability improvements that have been made in the Senior programs. Ms. Rose stated that she is very proud of the staff as we want to be known for our excellence and not as a problem community.

September 22 – Wednesday morning working group continues to meet including City, County, EDC, Chamber, Main Street, Small Business Development Center. Ms. Rose also met with representatives from the Agricultural Science Center concerning the Wastewater Reuse project. The Agriculture Science Center has submitted their paperwork to NMSU for approval and will then submit to the state for permits. In most recent discussions with engineers, Ms. Rose reported that if a storage pond is needed, it will be on City or Agriculture Science property. Mr. Kirksey, Superintendent of the Agriculture Science Center stated that they require 350 gallons per minute at 20 psi so the system will have to be pressurized. Ms. Rose stated that three applications are out for the Xcel Energy Grant which includes the wastewater treatment plant for solar and solar/wind energy project.

September 23 – Ms. Rose met with Vicki Watson from the Mesalands Small Business Development Center regarding staff training. Ms. Rose stated that Ms. Watson would like to attend the Commission Work Session on October 14th to discuss training needs.

September 25 – Ms. Rose participated in the Paint the Town project. The building that was painted was the old gas station just east of the Chamber office. This is the fourth building painted in the project and Ms. Rose feels it is making an impact on the community. Ms. Rose reported that Doug Quarles is going to paint some figures in the window of this building and place a name on the building to make it more attractive.

September 27 – Ms. Rose met with English Byrd regarding recycling opportunities. The New Mexico Recycling Coalition received federal stimulus funds and will be able to fund three recycling centers in the state. The funding will be approximately \$309,000 in grant funds that will include the building, equipment and collection containers. The coalition will take care of the reporting for the ARRA funds, training, and education and help to be a broker for the recycled materials so we would expect to make some money off the recycling as well as save airspace in our landfill.

September 28 – Ms. Rose attended a meeting with engineers for the Airport Master Plan project and Richard Randals was also in attendance. A five year plan will be developed. A 20 year plan is recommended however, the cost for such a plan would likely be \$300,000. Ms. Rose stated that she will ensure that these projects are monitored and the airport will not lose further funding.

September 28-October 1 – Mike Cherry is in attendance at the Fire Service Conference in Albuquerque.

September 29 – A meeting was held at the Convention Center regarding the status of the Racino in Tucumcari. Mr. Chalmers stated that he is still ready to fund the project in Tucumcari and is not interested in any other site.

The Interstate Streams Commission also met on September 29th regarding the Ute Lake Shoreline Agreement. The only changes made to date are that in five years, two stroke engine water craft will no longer be allowed on the lake and septic tanks will no longer

be allowed on ISC easements. Ms. Rose is concerned because the attachments did not show sites for possible docks. Meeting attendees were assured that any new docks will be community docks and they will not be unreasonably denied but evaluated on the stability of the shoreline. Karma is excited about this and speculates it will be a real boost if docks can be installed before the end of the year.

September 30 – The Ute Water Commission will meet in Melrose to discuss the ISC agreement. ISC is concerned about URW’s ability to own, operate and maintain the facilities and would like to add ENMRUA as a signatory on the agreement. The Quay group would like this to be an addendum to the agreement that includes ENMRUA and the Quay Group as designees.

The auditors will be at City Hall around the third week in October.

October 18-22 – Christine Dougherty will attend the Clerks Institute in Albuquerque.

October 20-22 – Clara Rey and Bobbye Rose will attend the Master Municipal Clerk’s Academy in Albuquerque as there are very good agenda items on Human Resources.

October 26-28 – Infrastructure Finance Conference in Las Cruces.

There will be a Main Street Task Force meeting in mid-October.

Mr. Apodaca stated that there are several lawsuits pending involving Marty Garcia, Roger Hatcher, and Suzann Martin. Mr. Apodaca asked if \$75,000 has been set aside for these lawsuits. Ms. Rose responded that the insurance deductible is \$25,000 per case but that is not a limit. The cost of a lawsuit is determined by the settlement.

Bids and Contracts

Mayor Witcher called on Ms. Rose to present the Main Street Grant Agreement. Ms. Rose explained that this grant is for \$500,000 for the Rail Road Depot. Ms. Rose stated that there is a \$25,000 match that will be met with either rail spur or EDC tax funds.

Commissioner Curnutt made a motion to approve the Main Street Grant Agreement and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Clara Rey to present the Nutrition Service Incentive Program (NSIP) Contract for 2010-2011. Ms. Rey explained that this grant will provide an additional \$27,250 for the purchase of milk, eggs, and meat products for meals to be prepared at the Senior Centers.

Commissioner Curnutt made a motion to approve the Senior Programs NSIP Contract for 2010-2011 and Commissioner Sandoval seconded the motion. Roll Call:

Witcher	Apodaca	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Dainetta Kroeker to present the eRate funding. Ms. Kroeker stated that the City has been approved for reimbursement through the eRate program for telephone service, internet service, basic maintenance, and internal connections.

Mayor Pro Tem Apodaca made a motion to approve the eRate funding for the Library for 2010-2011 for Telephone and Internet service and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Mayor Pro Tem Apodaca made a motion to approve the eRate funding for the Library for 2010-2011 for Basic Maintenance and Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

Mayor Pro Tem Apodaca made a motion to approve the eRate funding for the Library for 2010-2011 for Internal Connections and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

Mayor Witcher then asked Ms. Kroeker to present the New Mexico Capital Projects General Obligation (GO) Bond for the Public Library. Ms. Kroeker explained that the GO Bond money for this year is \$16,350.60 and is 100% reimbursable. Ms. Kroeker plans to use the funds to purchase computers for public use at the Library. Mayor Witcher asked what will be done with the computers that will be replaced. Ms. Kroeker stated that they will be recycled to other departments in the City where needed.

Mayor Pro Tem Apodaca made a motion to approve the New Mexico Capital Projects General Obligation Bond for the Public Library for 2010-2011 and Commissioner Sandoval seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	Yes	Yes

Old Business

Mayor Witcher called on Ms. Rose to present the CDBG Signatories Designation Form. Ms. Rose stated that approval of this allows the change from the previous City Manager to Ms. Rose for signing for the CDBG Landfill project. Mayor Pro Tem Apodaca made a motion to approve the Revised Signatories for the CDBG Grant for Landfill Construction and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Mayor Witcher acknowledged reading the Museum Advisory Board Minutes of May 3, 2010 and July 6, 2010.

Items From Commissioners

Mayor Witcher asked each of the Commissioners for their comments.

Mayor Pro Tem Apodaca stated that the library is very important to him.

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Witcher stated that he would like to make an announcement; government moves very slowly. Mayor Witcher added that when there are problems, it takes a long time to fix them.

Adjournment

Mayor Pro Tem Apodaca made a motion to adjourn the meeting. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	No	Yes

The meeting was adjourned at 10:14 a.m.

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk