

**CITY OF TUCUMCARI  
CITY COMMISSION MINUTES  
October 14, 2010**

The Tukumcari City Commission met for their regular meeting on Thursday, October 14, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Amiel Curnutt, Robert Lumpkin, 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; Doug Powers, Community Development Director; and Vicki Strand, Deputy Finance Director.

Mr. Jim Witcher, Reverend of the First Christian Christ, gave the invocation and Ms. Dougherty led the group in the Pledge of Allegiance.

**Roll Call**

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
No	Yes	Yes	Yes	Yes

**Consideration of Changes or Deletions to Agenda**

Mayor Witcher asked if there were any changes to the agenda. Being none, the meeting continued as planned.

**Items from Commissioners**

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca had no comments.

Commissioner Lumpkin thanked everyone for coming to the meeting. He also noted that last week he attended the grand opening of the North American Wind Research and Training Center and wished to congratulate Mesalands Community College and Dr. Barry. Mr. Lumpkin mentioned that there were delegates from all over the United States present at the grand opening. Commissioner Lumpkin went on to say that a reception was held after the grand opening catered by Del's Restaurant and it was impressive. Commissioner Lumpkin said that this facility and the work that will be done there is great for Tukumcari.

Mayor Witcher commented that the Tukumcari Main Street Master Plan was awarded first place for being the best in the State of New Mexico. He went on to say that he

visited the construction site at the Waste Water Treatment Plant and the crews are working like crazy and the job looks good. Mayor Witcher also encouraged everyone to help this Saturday at 8 am at 803 E. Route Sixty Six for a Paint the Town project. Mr. Witcher also thanked the Street crews for working so hard on weed control.

**Approval of Minutes**

Commissioner Curnutt made a motion to approve the minutes of the September 30, 2010 Regular Commission Meeting. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Abstain

**Approval of Vouchers**

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

Witcher	Apodaca	Lumpkin	Curnutt
Yes	Abstain	Yes	Yes

**Items from Citizens**

Mr. Celso Blea approached the podium to address the Commission. Mr. Blea explained that he is a land owner north of town. Mr. Blea stated that he was surprised when he received a utility bill from the City for \$400. Mr. Blea went on to say that he thought this bill was for only two weeks which made the amount even more odd to him. Mr. Blea stated that he is certain the bill is incorrect. Mr. Blea explained that his bill is usually \$14.33 and that he has discussed this with Clara Rey, Antonio Apodaca and Bobbye Rose. Mr. Blea stated that he received a letter from Ms. Rose that stated she adjusted the sewer and garbage portions of the bill but, he was responsible for paying the remainder of the bill.

Ms. Rose explained that she had reviewed the situation and found that Mr. Blea's bills were for different account numbers. Mr. Witcher stated that the bills Mr. Blea was showing him were for the same account number. Mr. Blea offered the bills for copies to be made. Ms. Rey stated that she had already made copies of the bills in question. Ms. Rose also explained that the meter had been re-checked and was working properly. Mr. Witcher stated that from what he could decipher, the meter reading appeared to be wrong. Ms. Rose stated that she will check into the situation again to ensure she did not overlook anything.

Ms. Ruth Nelson, owner of Pajarito Interiors approached the podium to address the Commission. Ms. Nelson stated that this is the fifth time she has come to the Commission to discuss the Sands Dorsey building. Ms. Nelson stated that it has been 1041 days, 144 weeks, 40 months since the fire destroyed the Sands Dorsey building.

Ms. Nelson explained that sidewalks are still closed, the alley is still closed and the building is full of feral cats. Ms. Nelson stated that asbestos from the building is blowing around downtown and the burned out building still stands. Ms. Nelson stated that she believes the building's owner could be fined up to \$500 a day because a City Ordinance states that it is unlawful to leave a building in a designated dangerous state. Ms. Nelson agreed that the owner walked off and left the City hanging, but stated that she feels the City has ignored its own ordinance and ignored the building. Ms. Nelson stated that many people have asked the City to try to save the building and with the historical value and memories tied to the building, she understands the decision is hard. However, Ms. Nelson stated that doing business next to the building is even harder.

Ms. Nelson stated that in a letter from engineering firm WH Pacific, demolition of the building is recommended. Ms. Nelson stated that the carcinogens from the building have not yet been detected in ground water supplies. Ms. Nelson went on to explain that WH Pacific broke the demolition project down into phases in order to ease the financial burden on the City. Ms. Nelson stated that she has been nice in tolerating this issue, but is done being nice. Ms. Nelson said that the City has spent \$180,000 to have studies done on the building. She added that after the fire at Five Mile Park, the City had the building torn down in three days. Ms. Nelson also explained that she heard some gossip that the City Manager told the Governor that the City is divided on the issue of the building. Ms. Nelson called the Governor's office to confirm this information and was told it was true.

Ms. Nelson referenced a resolution passed by the Commission instructing the City Manager to find funding and have the building torn down. Ms. Nelson challenged the Commission to become more involved in the City and follow up on the resolutions they pass. Ms. Nelson stated that she has a problem with the Commission passing a resolution instructing an employee to do one thing when the employee may have another agenda.

Ms. Rose stated that at the last City Commission meeting she asked the Commission for guidance on how to proceed with the Sands Dorsey building and she continues to wait for that guidance. Ms. Rose stated that she has spoken to Senator Bingaman about the project, Housing and Urban Development, and other grant sources and has not found any funds to assist with the project. Ms. Rose explained that she has also instructed Doug Powers, Community Development Director to look for funding sources and he has not located any either.

Commissioner Lumpkin asked if charges have been filed against the building owner for his violation of City Code. Ms. Rose asked what the Commission would like her to do. Mr. Lumpkin stated that she should file charges against the building owner and do everything she can to enforce the City Ordinances. Mr. Apodaca stated that the Commission passed a resolution stating that the building should be torn down. Commissioner Lumpkin reminded everyone that if the City takes possession of the building, they also take on the liabilities that come with it. Ms. Rose added that the cost to demolish the building and correctly deal with the hazardous waste is estimated to cost \$500,000. Mr. Lumpkin stated that a more active role in this project should be taken and the building should be taken down as soon as possible.

Mayor Witcher asked staff to check into the possibility of a bond ordinance being passed to fund the demolition of the building.

Commissioner Curnutt asked if the letter breaking the demolition down into three phases came from NMED. Ms. Nelson responded in the positive.

Commissioner Lumpkin asked if the building owner has any assets. Mayor Witcher stated that would have to be handled in the court system. Ms. Nelson stated that she understands the owner has several rental properties in Tucumcari as well as several in Chama. Additionally, Ms. Nelson stated the owner also owns the motel by the fire station off of Main Street in Tucumcari.

Ms. Rose stated that Mr. Powers identified other downtown buildings that need a facelift and she has instructed him to check into disaster funds for the cleanup of those buildings. Mr. Witcher stated that a bond issue could be presented to the voters and perhaps a million dollars could be sought to cleanup several downtown issues. Mr. Lumpkin suggested that a delegation of interested parties could go to Santa Fe and ask for funding for these issues. Ms. Rose stated that she had been told not to expect any funding for projects from the legislature in this difficult economy. Ms. Rose stated that she did meet with the Governor and she did tell him that the community is divided on the issue of the Sands Dorsey Building. Ms. Rose said that some citizens are in favor of trying to save the building while others simply want it torn down.

Mayor Witcher stated that it is time to do something about the building and he thinks a bond issue is a viable solution. Commissioner Curnutt stated that the City should file charges against the building's owner. Mayor Pro Tem Apodaca stated that the elderly citizens on fixed incomes will not support a bond issue because they won't be able to afford to pay more out of their pockets to support the payment.

Ms. Rose asked the Commission what they would like her to do. Commissioner Lumpkin said to get the building torn down as soon as possible. Ms. Rose asked how to fund that project. Mr. Lumpkin said to fund it any way Ms. Rose can find and to get the job done as soon as possible. Ms. Rose asked Mr. Powers if he had any funding ideas. Mr. Powers stated that HUD may be a source of funding but would want re-development to go hand-in-hand with any funding they provided. Mr. Powers also stated that HUD funding would come in the form of a loan/grant scenario. Mr. Lumpkin asked to what extent the re-development would have to be. Mr. Powers responded that new buildings would have to go up. Mr. Apodaca asked if the Main Street Master Plan could suffice in this situation. Ms. Rose responded that there is no provision for demolition of buildings in the Main Street Master Plan but, the Main Street planners are taking the Sands Dorsey building into consideration. Ms. Rose went on to say that she contacted the Historic Preservation Society and they have no money for the project. Ms. Rose went on to say that the Commission will have to authorize payment of demolition from somewhere.

Mr. Lumpkin stated that he thinks the owner of the building should be held responsible for abating his property. He added that government officials should be made aware of what all we have tried to do to remedy this situation. Mayor Witcher and Ms. Rose explained that they have spoken to several government officials and none have been in a position to assist with the problem. Mr. Witcher went on to say that the City has been trying for some time to fund this issue.

Mr. Lumpkin asked if the City can go forward. Ms. Rose stated that the Historic Preservation Office says the building may have historic significance. Mr. Witcher asked that the next agenda contain an item for the Commission to consider a bond election to fund the Sands Dorsey demolition.

Ms. Rose explained that Code Enforcement Officer, Cathy Estrada has had lots of trouble locating property owners and wanted to know if the Commission is authorizing her to spend legal funds to pursue the Sands Dorsey building owner. Mayor Witcher responded in the positive and Commissioners Curnutt and Lumpkin agreed.

### **Ordinances and Resolutions**

Ms. Rose informed the Commission that an amended version of Resolution 2010-45 from water attorney, Kyle Harwood was on their desks. Ms. Rose then asked County Manager, Richard Primrose to present the resolution.

Mr. Primrose began by explaining that a Memorandum of Understanding that does what this resolution is designed to do is already in place. However, the Interstate Streams Commission (ISC) requires there be a signatory of contract in order to recognize that signatory. Mr. Primrose explained that this is a desirable thing because the Eastern New Mexico Rural Water Authority will also be a signatory for the intake at Mine Canyon.

Mayor Witcher asked if the agreement with the ISC expires on February 1, 2011. Ms. Rose responded in the positive stating that this signatory designation should be in place 90 days before the expiration of the agreement.

Commissioner Curnutt made a motion to approve Resolution 2010-45, a Resolution of Intent for the City of Tucumcari to become a Signatory to the Contract between the New Mexico Interstate Streams Commission and the Ute Reservoir Commission for the Option to Purchase and the Purchase of Water, as amended. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	No

### **City Manager's Report**

Ms. Rose began her report by calling on Mr. Dennis Dysart to give the Finance Report. Mr. Dysart stated that what he provided the Commission was the first quarter report for

the fiscal year. Mr. Dysart said that the first page is a compilation page that he created to give a quick, overall position on the budget. Mr. Dysart pointed out that the final column shows the final budget figures. Mr. Dysart also pointed out that the City is now in a phase where considerable spending is occurring in the Wastewater Treatment Plant and Second Street projects.

Mayor Witcher commented that the report is very good and felt that the line item detail is not necessary. He went on to say that if any Commissioner has questions or concerns based on the compilation report, they will ask for the detail report. Commissioner Lumpkin stated that he agreed with Mayor Witcher. Commissioner Curnutt commented that the report was very nice.

Ms. Rose then asked Mr. Doug Powers to give an update on the projects being handled through the Community Development Office. Mr. Powers began by providing the Commission with pictures of the current projects. Mr. Powers stated that the Second Street project is being funded through American Recovery and Reinvestment funds as well as 2009/2010 CO-OP funds. Mr. Powers said that he has received lots of compliments on the project but that there have been a few small issues. Mr. Powers said that the final walk through with a punch list has begun on the project.

Mr. Powers then stated that on the Landfill project the dirt work is close to completion. The dirt phase is close to completion and work will begin on the liner soon.

Mr. Powers stated that the Waste Water Treatment Plant project is going well with good progress occurring. This project is funded through USDA and NMED funds. Mayor Witcher asked how many yards of concrete have been poured at the plant. Mr. Powers responded that today alone 125 yards were poured starting at 5:30 in the morning and went on to say that the last time concrete was poured, the crew began at 3:30 in the morning.

Mr. Powers stated that the asphalt and new water lines are done on the Main Street project. Mr. Powers said that the next phase of the project will be curbing and gutter.

Mr. Powers explained that the Third Street project will begin in the next two weeks. Mr. Powers explained that the street is very rough and with the completion of this project, the entire area will have been refurbished. The entire area will benefit from new water lines and smooth surfaces on the streets.

Ms. Rose thanked Mr. Powers for his report and congratulated his staff for their accomplishments. Mr. Lumpkin stated that Mr. Powers gave a good report. Ms. Rose stated that with the project on Second Street near completion, citizens may have noticed more four-way stops in the area. Mr. Alex Madrid, Streets Superintendent explained that due to the new valley gutters on the street, the flow of traffic needed to be slowed. Mayor Witcher commented that the Police Department needs to be made aware of these new four-way stops so that they can enforce them. Mr. Powers added that the stop signs were scheduled to be replaced as a part of the project.

Ms. Rose informed the Commission that a bulldozer at the landfill and a trash truck are down. Ms. Rose stated that a new bulldozer will be quite expensive.

Ms. Rose reported her attendance at the North American Wind Research and Training Center open house along with many commissioners. Ms. Rose said this is an impressive facility and that she sent Dr. Barry a letter to congratulate him on this project. Ms. Rose also noted that on the back of the program it stated "In late 2004 a retired school teacher approached the College President to write a letter to the Governor supporting the concept of renewable energy, specifically wind and the need to begin to educate the community." That teacher was Robert Lumpkin and Ms. Rose wanted to thank Mr. Lumpkin for all he has done for Tukumcari and the area in the form of energy alternatives.

Ms. Rose explained that Ms. Cathy Estrada, Code Enforcement Officer, has reported that we have numerous vacant land owners and that we can not find. Richard Primrose stated that the state has tagged properties with delinquent taxes and they will be up for auction at the court house steps in the near future. We hope this will alleviate some of our problems.

Ms. Rose reported that the NM American Planning Awards committee has selected the Tukumcari Main Street Master Plan for First Place in Innovation in Planning for Economic Development. The Awards will be recognized at the upcoming annual conference of the New Mexico Chapter of the APA being held in Las Cruces November 3-5. The awards ceremony will happen on Thursday November 4th during lunch.

Ms. Rose detailed several insurance claims including the Water Department Building which has been repaired, the Convention Center which we will start on this week or next and the Museum Fire House which we will start soon. There is also a leak at the library and staff is trying to get Conklin to warranty the roof.

Regarding the Airport project, Ms. Rose reported that we have chosen WH Pacific to be our engineer. The Airport receives \$150,000 per year from Federal Funds for which the State matches 5% and the City must match 5%. Funds can only be held for three years and because we exceeded that last year, we lost \$150,000. Because this project will go beyond this fiscal year, we plan to utilize additional funds from the 2011-2012 fiscal year as well. The total project cost is \$729,000 which includes \$692,550 in Federal Funds, \$18,225 in State Funds and \$18,225 in Local Funds. Funds will be used to update the SWPPP which is the Storm Water Plan and is required, complete a Master Plan, pavement maintenance, terminal assessment, pave hanger access road, and a motor operated gate to the hangers. The budget will include \$472,500 in projects for this year but again, this will spread over a two year period and we will need to budget the additional funds for next fiscal year.

Ms. Rose reported that on the Waste Water Reuse Project, HDR met with the surveyor on Monday and were in Tukumcari on Wednesday to start laying out panels and are scheduled to fly it this Friday. HDR will receive the mapping in approximately five weeks. Geotechnical work will begin in the next few weeks. Ms. Rose will coordinate

with Dave and Joe about layout of the bores. Ms. Rose's understanding is that our first goal is to get treated water to NMSU and they are proceeding with their permits. The engineers are recommending that the city place a pond on our property in order to deliver water on a regular basis. The other thing we were waiting on was something from Paul Gray allowing us to get on NMDOT property and divert the water north. If we put something in the ditch, cut down some trees and divert the water away for the Smiths that would work. The only other problem is not to get the water on the property east of the pond.

Mayor Pro Tem Apodaca asked what the status is of the project to rehabilitate Tucumcari Lake. Ms. Rose responded that she has met with RC&D and Natural Resources and continues to look for grant funding. Ms. Rose asked for guidance due to the number of projects the City is considering undergoing. Ms. Rose requested that the Commission prioritize the projects. Mr. Apodaca stated that the project has been discussed before to be included in the waste water re-use project and the Ute Lake project. Ms. Rose responded that indeed the Tucumcari Lake project has been discussed for inclusion in those projects.

**Bids and Contracts**

Mr. Jason Braziel, Chief of Police approached the podium to present the Children, Youth and Families Division (CYFD) Underage Drinking Prevention Grant. Mr. Braziel explained that this is 100% grant funding to provide over-time salaries for officers to concentrate efforts on preventing underage drinking.

Commissioner Lumpkin stated that 100% grant funding is good and then made a motion to approve the CYFD Underage Drinking Prevention Grant. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Curnutt	Witcher
Yes	Yes	Yes	Yes

Mr. Braziel continued as he presented the Agreement with Quay County for Housing of Prisoners. Mr. Braziel explained that the Tucumcari Police Department is only set up to temporarily hold prisoners and this agreement has been in place for some time so that Municipal prisoners can be housed in the Quay County Detention Center.

Commissioner Lumpkin made a motion to approve the Agreement with Quay County for Housing Prisoners and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

In Ms. Cathy Estrada's absence, Mr. Braziel presented the Trek for Trash free Dumping request. Mr. Braziel explained that in conjunction with bi-annual, City-wide efforts to clean up Tucumcari, Ms. Estrada requests free residential dumping. Mr. Braziel stated

that last fall 25 tons of trash was placed in the landfill during the free dumping period and last spring 75 tons were dumped. Mr. Braziel asked if the landfill hours could be extended during the free dumping period. Ms. Rose responded that due to over-time salaries that would have to be paid, extended hours would be too costly.

Commissioner Lumpkin made a motion to approve the Trek for Trash Free Residential Dumping on November 5 and 6, 2010 during regular hours at the Tucumcari Landfill. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Ms. Misty Vick presented the bid tabulation for the CDBG project on Third Street. Ms. Vick stated that Versatile Construction was the verified low bidder with a total project cost of \$754,101.60.

Commissioner Lumpkin made a motion to approve the CDBG Third Street Project Bid from Versatile Construction, Incorporated for a total of \$754,101.60. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

### **Items From Commissioners**

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. Mr. Lumpkin also thanked the staff for their hard work. Mr. Lumpkin also stated that the staff has worked hard on the Sands Dorsey Building issue and has not drug their feet. Mr. Lumpkin went on to say that tearing down the Sands Dorsey will be a cost of \$500,000 to someone and wondered if the citizens want to pay for that and own the building.

Mayor Pro Tem Apodaca stated that he will go back to his neighborhood and ask his constituents if they would support a bond issue to fund the Sands Dorsey demolition. He went on to say that many people are on fixed incomes and would most likely not support the issue.

Commissioner Curnutt had no comments.

Mayor Witcher commended all the staff.

### **Adjournment**

Commissioner Lumpkin made a motion to adjourn the meeting. Commissioner Curnutt seconded the motion. Roll Call:

Witcher  
Yes

Apodaca  
Yes

Lumpkin  
Yes

Curnutt  
Yes

The meeting was adjourned at 7:10 p.m.

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James L. Witcher, Sr., Mayor

ATTEST:

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Christine Dougherty, City Clerk