

**CITY OF TUCUMCARI
CITY COMMISSION MINUTES
November 11, 2010**

The Tucumcari City Commission met for their regular meeting on Thursday, November 11, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Amiel Curnutt, Robert Lumpkin, Jimmy Sandoval and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant 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, Yvette Fazekas, Planning and Zoning Coordinator; Joe Ramirez, Wastewater Superintendent; and Misty Vick, Grant Writer.

Reverend Margot Thompson of the Center Street United Methodist Church gave the invocation and Mr. Sandoval led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Witcher stated that immediately following item III, Items from Commissioners; he will read a Proclamation for Veterans Day.

Items from Commissioners

Commissioner Lumpkin thanked the Mayor for the Veterans Day Proclamation and stated that it was appropriate to thank those that have served our County in war to protect our freedoms. Mr. Lumpkin also thanked all those in attendance for coming to the meeting and encouraged all to stay for the alternative energy presentation that will be coming later in the meeting. Mr. Lumpkin also added that any input the Commission receives from the Citizens is good input.

Mayor Pro Tem Apodaca had no comments.

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Witcher thanked those in attendance for coming to the meeting. Mr. Witcher added that any input is good and appreciated.

Proclamations, Memorials or Petitions

Mayor Witcher proclaimed November 11 as Veteran’s Day in the City of Tucumcari and encouraged Tucumcarians to honor those that have served to protect our freedom.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the October 28, 2010 Regular Commission Meeting. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

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

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Abstain	Yes	Yes	Yes

Items from Citizens

Ms. Ruth Nelson approached the podium and stated that she is the owner of Pajarito Interiors on Main Street. Ms. Nelson said that she is here again to discuss the Sands Dorsey building with the Commission. Ms. Nelson stated that there is no doubt that the building is a public safety hazard. Ms. Nelson expressed concern that it is merely a matter of time before a child finds the building intriguing and enters and gets hurt. Ms. Nelson stated that she is certain the debris is covered in asbestos. Ms. Nelson said that she knows the City is working to find funding to take care of the building. She stated that her concern is that the Commission is discussing the use of public funds to abate the building. Ms. Nelson questioned why the owner of the building is not being held responsible for the building. Ms. Nelson stated that she is certain the owner has assets of some sort. Ms. Nelson stated that the citizens did not create the problem and should not have to pay to rectify the situation. Ms. Nelson stated that the building owner flaunts his defiance of the City rules and ordinances. Ms. Nelson stated that the City ordinance allows for penalties and imprisonment for the building owners infractions. Ms. Nelson stated that for six weeks the building owner parked his car illegally until he was cited by police. Due to this, Ms. Nelson feels that the building owner believes the rules don’t apply to him. Ms. Nelson stated that she does not think spending public money to tear the building down is a good idea.

Mayor Witcher read a letter from City Attorney, Mr. Randy Knudson which stated that he does not feel there are any criminal charges that can be filed against the building owner.

Mr. Knudson also stated that he feels a civil lawsuit would be a futile effort. Mr. Knudson recommends instituting a lawsuit for damages against the building owner. Mr. Witcher stated that the City is working on the issue.

Ms. Diane Morency approached the podium and stated she and her husband are the owners of the Subway Restaurant. She stated that she would like to discuss the proposed increase in gross receipts tax. Ms. Morency stated that she read that the Commission believes the majority of this tax burden will be carried by tourists. Ms. Morency stated that she does not agree with this. She said that she is against the increase because she thinks it will hurt the town as a whole. Ms. Morency went on to say that she believes Tukumcari has one of the highest tax rates in the state and is concerned that a tax increase could discourage travelers from stopping here. Ms. Morency asked Commissioners to look for another way to increase revenues. Ms. Morency also asked that if the Commission does increase taxes, to do so only temporarily. Ms. Morency said her understanding is that the Commission intends to borrow against the tax revenues. She said that if the tax increase is passed, she would like to see a budget in place before the revenues are collected.

Ordinances and Resolutions

Mayor Witcher asked Ms. Rose to present the second and final reading of Ordinance 1080. Ms. Rose began by explaining that this ordinance was drafted upon suggestion from the City Attorney, Mr. Randy Knudson who stated that the Animal Control Ordinance needed to have a stronger definition of vicious dogs included. Ms. Rose stated that Mr. Knudson and Chief of Police Braziel have both reviewed the ordinance and agree with the wording. Ms. Rose stated that she recommends approval of the ordinance.

Commissioner Lumpkin made a motion to approve the second reading of Ordinance 1080, Amending Chapter 6.04 of the Tukumcari Municipal Code regarding Animal Control. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Christine Dougherty to present the first reading of Ordinance 1081 Creating the Tukumcari Memorial Park Cemetery Advisory Board. Ms. Dougherty stated that as per Commission request, this ordinance was drafted to create an Advisory Board to assist in operations of the Cemetery and to obtain citizen input. Ms. Dougherty added that the board will consist of five City residents who will each serve two year terms on the Advisory Board.

Commissioner Lumpkin made a motion to approve the first reading of Ordinance 1081 Creating the Tukumcari Memorial Park Cemetery Advisory Board. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Yes	Yes	Yes

Mayor Witcher called on Ms. Jessica Elebario to present the first reading of Ordinance 1082, Amending Ordinance 1003 Governing the Tukumcari Senior Programs Advisory Board. Ms. Elebario explained that this amendment to the original ordinance increases the number of members on the Advisory Board from five to seven. The two new members will be representatives of the Foster Grandparent Program and the Senior Companion Program. Additionally, Ms. Elebario said, this changes the meeting schedule of the board from quarterly to monthly.

Mayor Pro Tem Apodaca made a motion to approve the first reading of Ordinance 1082, Amending Ordinance 1003 Governing the Tukumcari Senior Programs Advisory Board. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Elebario then asked if the Commission would be opposed to having County representation on the Senior Programs Advisory Board. The Mayor stated that Ms. Elebario can consult with Ms. Dougherty and change the wording in the ordinance to reflect that if she wishes and they will vote on the ordinance.

Mayor Witcher called on Ms. Rose to present the first reading of Ordinance 1083, Rededicating the Capital Outlay .25% Gross Receipts Tax. Ms. Rose explained that in 2004 an election was held and the voters approved to dedicate .25% Capital Outlay Gross Receipts Tax to Infrastructure to transport Ute Lake water to Tukumcari. Ms. Rose stated that at this time there is approximately \$1.2 million accumulated in that account. Ms. Rose explained that currently, there is a contract with CDM to be paid out of that fund in the amount of \$168,113 and the Harwood Consulting Contract which is not to exceed \$50,000 per year. Ms. Rose informed the Commission that all the accumulated funds must stay in the fund and by law can only be used for the purpose for which they were originally dedicated to.

Ms. Rose explained that Ordinance 1083 proposes to rededicate the tax funds to capital projects. Ms. Rose also stated that the tax dollars will not be used for salaries. Ms. Rose also added that the change of use of the tax has to go to referendum so an election will be required. Ms. Rose explained that this tax will produce around \$250,000 per year.

Mayor Witcher stated that there are several needs in the City that the funds can be used for. Mr. Witcher said the number one need is the abatement of the Sands Dorsey building which is estimated to cost \$500,000. Another critical need Mr. Witcher cited is the rehabilitation of the Center Street Water Tank which is estimated to cost \$320,000. Mr. Witcher also discussed the need for some new equipment to service the new landfill which is estimated to cost \$1.3 million. Mr. Witcher added that due to the hazardous nature of the waste, the Sands Dorsey debris cannot go in the City landfill.

Mr. Witcher said that he does not feel Tucumcari will dry up without these taxes but that the City will be in a bind without the funds. Mr. Witcher said that the State government says there is no funding or grants available for major funding of projects. Mr. Witcher said that this ordinance does not raise taxes, it only shifts the use of the tax funds and the voters have to approve the shift of use of tax funds.

Commissioner Lumpkin stated that he feels the reallocation of tax funds should occur for a minimum amount of time. Mr. Lumpkin said that United States Representative Lujan called him regarding this issue as he is concerned about how the funds will be used. Mr. Lumpkin stated that he feels the funds should revert back to Ute water infrastructure in two or three years. Mr. Lumpkin suggested that the City can still file charges against the building owner to recover costs if we find the owner has some assets. Mr. Lumpkin said he would feel disingenuous if the funds were used for anything other than abating the Sands Dorsey building as he has been telling citizens that is what the funds will be used for.

Ms. Rose explained that the Ordinance can be worded to dedicate the use of funds for Ute Lake Infrastructure and the Sands Dorsey building or it could include a sunset clause.

Mr. Lumpkin stated that the Commission told the citizens that we would use the funds to get the Sands Dorsey building torn down as soon as possible. Mr. Lumpkin said the City should still plan to pursue legal action against the building owner. Mr. Lumpkin reminded everyone that this is not a new tax and none of the already accumulated funds can be used towards any purpose other than Ute water infrastructure.

Mr. Tom Even, who was in the audience asked where the debris from the Sands Dorsey building will be transported. Mr. Witcher explained that a contractor who can handle hazardous materials will have to be contracted to do the job and the debris will have to be taken to a hazardous materials landfill. Mr. Lumpkin added that is why the cost to demolish the building is so high.

Mayor Pro Tem Apodaca stated that he personally feels citizens should not be responsible for spending hundreds of thousands of dollars on a parking lot. Mr. Apodaca said that the Commission worked hard and put themselves on the line enduring tremendous political pressure to get the voters to approve the tax for Ute water infrastructure. Mr. Apodaca said that he feels the Commission should support our precious commodity.

Commissioner Sandoval asked when the tax could be collected for the new purposes. Mr. Witcher responded that it will either be July first or January first depending on when the election is held. Mr. Witcher added that the City could borrow against the tax once it is approved by the voters. Mr. Witcher speculated that the maximum would be around four years before all the required steps are taken and the funds could be collected. Mr. Sandoval added that Amarillo, Clovis and Portales all desire Ute Lake water. Mr. Witcher said that those cities can't have our water.

Commissioner Lumpkin made a motion to approve the first reading of Ordinance 1083, Rededicating the Capital Outlay .25% Gross Receipts Tax for acquisition, construction and maintenance of a Ute Lake Water Treatment and Delivery System and for abatement of the Sands Dorsey building to include expenses already incurred in conjunction with the Sands Dorsey Building and beautification of the space where the building currently stands. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	No	Yes	No

Mayor Witcher then called on Ms. Rose to present Ordinance 1084, Enacting a .25% Municipal Gross Receipts Tax Increase. Ms. Rose explained that this is a new tax that can be imposed by the Commission by ordinance alone. However, the enactment is being pursued by what is called a Negative Referendum which means that if five percent of the voters that were registered to vote in the last election sign a petition, the tax can be made subject to referendum. Ms. Rose explained that this tax, if enacted will generate around \$250,000 per year. Ms. Rose added that these funds will not be used for salaries, operations or maintenance. She also added that the cost of an election is between \$6000 and \$7000.

Mayor Pro Tem Apodaca stated that a tax increase is not an excellent economic tool and feels this tax will hinder economic development in Tukumcari.

Commissioner Lumpkin stated that he believes the City has needs and asked that a Town Hall Meeting be held so that the voters can discuss this tax with the Commission. Mr. Lumpkin stated that he feels the voters deserve to hear this information and give their input. Mayor Witcher suggested that the first December meeting could be held at the Convention Center and the public can be invited to discuss the tax issue. Mr. Lumpkin said he hoped the voters would attend and asked staff to advertise the meeting in the newspaper and on the radio.

Mr. Lumpkin made a motion to hold a Town Hall Meeting to discuss the tax increase proposals before the next meeting of the Commission and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Yes	Yes	No

Mayor Pro Tem Apodaca made a motion to table Ordinance 1084, Enacting a .25% Municipal Gross Receipts Tax Increase and Commissioner Sandoval seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
No	Yes	No	No	No

Mayor Witcher then called on Mr. Dennis Dysart to present Resolution 2010-46. Mr. Dysart stated that the financial institutions asked that the Commission pass this resolution designating signatories on banking accounts. Mr. Dysart went on to explain that the previous resolution did not list checking and savings accounts, merely said banking accounts. The financial institutions also asked that individuals' names and titles be listed on the resolution. Commissioner Lumpkin made a motion to approve Resolution 2010-46, Designating Signatories by name and title on checking and savings accounts. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose began her report by thanking all veterans who served in the military to protect the freedom of all Americans.

Ms. Rose also directed Commissioners to their notebooks where they will find reports from the Department Heads.

The Housing Authority audit is complete. However, the City audit has been delayed and Ms. Rose anticipates a finding for not having the audit completed on time, however she feels there was no way to get accurate information collected for the auditors by their deadline due to the changes in the Finance Department.

Ms. Rose stated that the City Ordinance regarding security deposits for utility customers has not been followed for some time. Ms. Rose stated that the ordinance calls for a security deposit to be charged to new customers in the amount of \$50 or an average of three months utility billing for the property, whichever is greater. Ms. Rose felt it necessary to inform the Commission that this ordinance is being enforced now and she anticipated the Commissioners receiving complaints about the issue. Mr. Lumpkin stated that he did not want to create difficulty for customers in minimum wage jobs. Commissioner Curnutt stated that he feels the ordinance should be reviewed and perhaps the deposit could be waived for customers with good credit. Mr. Lumpkin suggested that the average bill could be calculated and a two month average deposit to cover first and last months bill could be the deposit amount.

Mr. Dysart stated that there is a tremendous number of delinquency and collection issues that his department must deal with each month. Mr. Dysart cited the transient nature of many residents and finds that often people leave Tucumcari and it is difficult for the City to collect from them. Mr. Dysart stated that there are a large amount of rental properties in the City and those customers cause a lot of difficulties. Mr. Dysart said that standard practice has been to charge a \$100 deposit but many customers leave town with an unpaid balance of \$200. Mr. Dysart stated that the water is shut off when a balance is

unpaid, but that leaves the landlord or next property owner in a difficult situation when they want the water turned back on.

Mayor Witcher asked what other utility providers do to deal with this issue. Ms. Rose stated that many will accept a letter of credit from another utility in order to waive a deposit or they charge deposits. Ms. Rose stated that she feels the entire ordinance needs to be reviewed.

Ms. Rose stated that she is reviewing the holidays observed by the City and comparing them to the County and State observed holidays and plans to make some modifications for consistency.

Ms. Rose informed the Commission that the new ambulance was involved in an accident. The crew was returning from an Amarillo transfer when they hit a deer at the First Street exit into town. The unit is being repaired.

Ms. Rose stated that on November 18 there will be a meeting with engineers and contractors to officially close the old landfill. However, there are no scales, no building, no electricity, less than the desired amount of equipment to run the facility, and there is not enough staff. Ms. Rose explained that the burden to monitor the old landfill is on the City for 30 years after it is closed and the cost to monitor the ground water is \$45,000 per year. Ms. Rose questioned this fee and the attorney stated that it is prudent to pay this fee as a lawsuit would be much more costly.

Regarding the Sands Dorsey building, Ms. Rose stated that she has spoken to the Environmental Protection Agency and they do not feel the building is an immediate health hazard and therefore, does not qualify for emergency funds. Ms. Rose stated that she will contact the Air Quality Bureau to see if funds can be made available through that agency. Ms. Rose said she also sent a letter to the Environmental Protection Agency as they are involved in a program where contractors that owe back taxes can have their tax debt forgiven by completing projects for government entities. Ms. Rose asked that the Sands Dorsey building be placed on the list of projects for that program.

Ms. Rose informed the Commission that she signed the notice to proceed on the Third Street project.

Ms. Rose also signed two change orders on the Waste Water Treatment Plant project. The orders decrease the amount of constructing the laboratory and increase the funding available for the Date Street Lift Station rehabilitation.

Ms. Rose reported that she has been in contact with the Rural Community Assistance Corporation which provides free services. Ms. Rose asked that a rate analysis be conducted on the City utility services.

Ms. Rose explained that at a meeting on November 4, three options were identified for the intake structure at Ute Lake. The first is to split the infrastructure with Quay going

one direction and the pipeline another. The second is for ENMUA to build, equip pumps and the building and the City could use part of the building with our own pumps and have an operations and maintenance agreement. The last is to have the Eastern New Mexico Utility Authority construct the building and execute an operations and maintenance agreement with them.

Ms. Rose informed the Commission that at the next meeting of the Interstate Streams Commission, the new agreement will be signed.

Ms. Rose told the Commission that through the Main Street project, it was discovered that there was no insurance on the Rail Road Depot building. This insurance has been added to the City policy at a cost of \$2600 per year.

Ms. Rose informed the Commission that there have been problems with the roof at the Library. Ms. Rose explained that the Conklin roof that was installed about three years ago has been determined to have been installed with poor workmanship and the roof will have to be replaced. The estimated replacement cost is around \$75,000. Ms. Rose stated that the roof could be patched as a temporary fix to resolve leaks.

At this time, Mayor Witcher called for a ten minute break in the meeting. The time was 7:10 p.m.

The meeting reconvened at 7:20 p.m.

Mayor Witcher asked for clarification on dates and it was determined that a Town Hall Meeting will be held December 2, then the first reading of Ordinance 1084 will occur at the December 9 meeting and the second reading at the December 30 meeting.

Bids and Contracts

Mayor Witcher called on Ms. Yvette Fazekas to present the New Mexico Tourism Cooperative Marketing Grant. Ms. Fazekas explained that this is the standard grant agreement which consists of \$6800 grant dollars and a \$6800 match which will come out of the Lodgers Tax budget for a total project of \$13,600.

Commissioner Lumpkin made a motion to approve the New Mexico Tourism Cooperative Marketing Grant and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Misty Vick to present the Community Development Block Grant/Municipal Arterial Program Third Street Construction Contract. Ms. Vick explained that this contract is with Versatile Construction.

Mayor Pro Tem Apodaca made a motion to approve the Community Development Block Grant/Municipal Arterial Program Third Street Construction Contract and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Jessica Elebario to present the Non-Metro Area Agency on Aging Contract Amendment Number One, Recalculated Cost of Service. Ms. Elebario stated that the cost of providing service to the seniors has been recalculated as the State received a 2% cut in funding. This recalculation will reduce the program funding by \$6700.

Mayor Pro Tem Apodaca made a motion to approve the Non-Metro Area Agency on Aging Contract Amendment Number One, Recalculated Cost of Service and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher asked Ms. Elebario to continue by presenting the Non-Metro Area Agency on Aging Contract Amendment Number One, NSIP funding. Ms. Elebario stated that the State has increased the NSIP funding by \$6046. This funding is used to purchase commodity grocery items for the Senior Center meal programs. Ms. Elebario explained that with the recalculated cost of service decrease, and the NSIP increase, the overall change in the budget that it will be reduced by only \$600.

Commissioner Lumpkin made a motion to approve the Non-Metro Area Agency on Aging Contract Amendment Number One, NSIP Funding and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher called on Commissioner Lumpkin to discuss the letter of support for Energy Related Devices. Mr. Lumpkin stated that alternative energy is a growing industry in the area and the Xcel Energy Company has agreed to pay customers for production of alternative energy. Mr. Lumpkin went on to say that a project of a solar array at the Waste Water Treatment Plant could pay for itself in ten years and offset energy costs the new plant is anticipated to generate. Commissioner Lumpkin went on to introduce Mr. Bob Hockaday, a scientist from Los Alamos National Lab. Mr. Lumpkin stated that Mr. Hockaday is also an entrepreneur and looking at bringing a business to Tucumcari.

Mr. Hockaday stated that he would like to build a prototype of his Black Tip Photovoltaic Power System at the City Waste Water Treatment Plant. Mr. Hockaday stated that he needs a letter of support for this idea from the Commission in order to secure funding for this project. Mr. Hockaday stated that he is working with the power company and an energy production incentive program in order to earn 25¢ for each kilowatt produced by the prototype that he wishes to install at the Waste Water Plant. These efforts will offset the cost of electricity at the new plant, which is anticipated to increase by \$8000 per month upon completion of construction.

Mr. Hockaday explained that his prototype will increase light concentration on a solar panel while also cooling the panel. Mr. Hockaday stated that he is seeking a loan for \$550,000 that he plans to pay off in five years. Mr. Hockaday anticipates the prototype will earn \$300,000 a year after the loan is paid off, and he will give \$150,000 to the City each year. After this project, Mr. Hockaday plans to reproduce the solar panels here in Tukumcari. Mr. Hockaday stated that the device is a solar cell plus a concentrator with a tracker.

Mayor Witcher asked if the device at the Waste Water Treatment Plant would be a showcase. Mr. Hockaday responded in the positive stating that he would then mass produce the devices in Tukumcari for sale.

Mr. Lumpkin stated that the project could be completely paid off in ten years and that Mr. Hockaday has a business plan in place.

Mr. Tom Even, who was in the audience, inquired how many jobs the project will create. Mr. Hockaday responded that initially he will employ six people.

Mayor Pro Tem Apodaca stated that as this is a pilot program, operation and maintenance costs are unknown. Mr. Hockaday responded that he used average industry costs and anticipated that in Tukumcari, the costs should be lower than average. Mr. Hockaday added that the staff at the plant has agreed to perform the maintenance on the device. Mr. Apodaca stated that he would still like to learn more about the operations and maintenance costs.

Mr. Lumpkin added that the Ethanol Plant is close to the Waste Water Plant and if the Ethanol Plant reopens, they would be an obvious customer to purchase the power generated.

Mr. Richard Tally, who was in the audience, asked Mr. Hockaday if his equipment is insured. Mr. Hockaday responded in the positive stating that he utilized a New Mexico insurance company and the cost of insurance is figured into the budget. Mr. Tally asked if Mr. Hockaday plans to work with Mesalands Community College. Mr. Hockaday responded in the positive stating that was a possibility and he would like to see the College help train people so they could work in Tukumcari installing and maintaining the devices. Mr. Hockaday went on to say that Tukumcari rated very high in his studies on location. Mr. Hockaday said that because the train runs through Tukumcari, the cost of

electricity is low and the school graduation rates are high, he found Tucumcari to be a very desirable place to build his business.

Commissioner Lumpkin made a motion to approve the Letter of Support from Mayor Witcher for Alternative Energy Related Devices and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin thanked those who stayed for enduring such a long meeting. Mr. Lumpkin asked those in attendance to spread the word about the Town Hall Meeting on December 2.

Mayor Pro Tem Apodaca stated that he is concerned that there might be a legal issue with the proposed sunset on the Ute Water tax reauthorization and that is why he voted against the motion. Mr. Apodaca urged that the Commission should be cautious to ensure the language is handled correctly reverting the funds back to Ute Water infrastructure after two years.

Commissioner Curnutt stated that he would like the City to pursue filing a lawsuit against the owner of the Sands Dorsey building to get any money we can. Mr. Curnutt said that the City should also check into legal action against the contractor that installed the roof at the Library.

Commissioner Sandoval had no comments.

Mayor Witcher thanked all those in attendance for coming to the meeting. Mr. Witcher also thanked Mr. Hockaday for his interest in Tucumcari.

Adjournment

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

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 7:55 p.m.

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk