

**TUCUMCARI
CITY COMMISSION**

**Work Session Notes
November 14, 2013
City Commission Chambers
215 E. Center, Tucumcari, NM 88401**

The Tucumcari City Commission met in a work session on Wednesday, November 14, 2013 at 5:00 p.m. in the City Commission Chambers. Members present were Mayor Amiel Curnutt, Ernest Dominguez, Jr., Robert Lumpkin, Jimmy Sandoval, and Dora Salinas-McTigue.

City staff members present were Angelica Gray, City Clerk; and Charlie Sandoval, Assistant City Manager.

Discussion of Evaluation for City Manager

Mayor Curnutt informed the commission he provided the commissioners with a copy of the evaluations and they can work on them and they will be discussed at the next work session.

He also stated that technically he did not think it would hurt the commission. They will understand when someone has a concern then it will be addressed.

Mr. Lumpkin said it has been discussed with three other commissioners and just as we try to get that done we changed hands. He thinks it is a good idea. There is a personnel policy we are trying to put together through attorney Virginia Atterman. He is in favor of trying to get this in place. It actually gives us a little background in evaluating plus it gives the person knowledge of what's going on and how we feel.

Mayor asked if the commission wanted to wait until the first meeting in December or schedule one between now and then. Mr. Dominguez thought it should be discussed at the next work session plus it would give them time to look over the evaluation.

Ms. Salinas-McTigue asked if the commission received a copy of the updated personnel policy. Mr. Lumpkin stated he had not received one.

Mr. Lumpkin asked if there was reference in the personnel policy regarding the City Manager.

Discussion of opening of the landfill

Assistant Charlie Sandoval informed the commission that Gordon Environmental was going to set the final grade and once that's met the inspection by the environment department is the next step.

He stated the surveyors will be there on November 18th to place the cut and field stakes. Gordon is working on the final certification and it will be submitted to the solid waste bureau for approval when the City crew meets the final grade. Mr. Sandoval stated they are 30 days ahead of schedule.

Mayor Curnutt asked the contractors as to what other landfills were doing in Clovis and other landfills. There is an option which is buy a plastic cover and it is a roll up process and then they can packing the trash on the old trash, it will save the cell 20% volume to the landfill. The approximate cost is \$50,000.

Ms. Salinas-McTigue stated they need a new compactor at the landfill.

Mr. Sandoval stated that in the capital outlay projects, the trash compactor is our number one item.

Mayor Curnutt stated we are going to ask the State for the funds for the trash compactor through capital outlay.

There will be a meeting on Monday, November 18th, with Rep. Roch, Senator Pat Woods and Pete Campos. The Quay County entities will meet with them and discuss their wish lists.

Comm. Sandoval asked who was writing the grants for these projects. Mayor Curnutt explained that there will be no grant writing but more like a wish list for the City.

Mr. Dominguez stated that the capital outlay is divided amongst the City, Quay County, along with Mesalands Community College.

Mr. Lumpkin stated that there are pro and cons to both discussions. We sell space to the surrounding areas, which brings in approximately \$300,000 a year to the City of Tucumcari. What it does, is it doesn't allow our landfill to last as long. Since our landfill is a regional landfill we can ask for state funding. We don't want our landfill to fill quickly but he does not want to lose the \$300,000 or throw our neighbors under the bus. He thinks we need to check what the price is costing these areas to haul their trash while we are not servicing them. Maybe we can look at our prices, and still be fair to them and also pay us enough to add on to the landfill when we need to. When we get enough profit, we can look at a larger cell next time.

He suggested that maybe we can go up on our rates to these areas enough that it would be a good deal to them and better deal to us and build a new cell when needed.

Ms. Salinas-McTigue asked if Mr. Dysart has the figures to verify that we are earning \$328,000. Mr. Lumpkin clarified that he said the approximate bring in is \$300,000 versus \$328,000.

Ms. Salinas-McTigue agreed with Mr. Lumpkin in regards to throwing our neighbors under the bus but we also have to take care of our citizens.

Mr. Lumpkin clarified that he did not mean increasing prices to our citizens however to the other communities.

Ms. Salinas-McTigue stated she has received calls from the citizens who have looked at their trash pickup and the rates have increased. If we were to raise the rates for the out of town customers then as long we assured our citizens that their rates will not go up.

Mr. Lumpkin stated our increases are by a percentage per year. We want to keep our rates as low as possible other than having our citizens' pay for our new cells.

Mr. Dominguez stated that before we let other communities come in, we need to check into the cover and the cost and a new compactor and we will be ready when we let those other communities come in.

Kodiak Produce

Mayor Curnutt took it upon himself to visit with John Prairie, site manager at Kodiak Produce. Mr. Prairie stated he had been talking to Chris at the maintenance department, and they had a plan to grade along the west edge and get the water so when it came off it would go into the drainage ditch on the north side. They would then clean the drainage ditch near the pile of dirt, bring in crushed asphalt and fill it up, and knock the berm down where a diversion was made. Once that was done, Mr. Prairie thought they would be in perfect shape. It would cost a week of work with equipment and gravel. Mr. Prairie stated to the Mayor they do not have any intention to move out.

Discussion of Commission Priorities

Mr. Knudson stated the issue with Sands Dorsey is the cost of remediating the problem. He is aware there are complaints on vacant buildings and Sands Dorsey but it is up to the commission where they want to spend their money. If there is extra money to remediate that, then go forward. One option that has been discussed is to bring a lawsuit against Mr. Hengstenberg. Mr. Knudson stated it has been discussed by many commissioners prior to this one. The conclusion has been the commission may be throwing money after bad in doing that. He stated that in getting a judgment does not mean it will turn into dollars and cents. There was a lawsuit that was brought by Mr. Schutte and Ms. Nelson and it ultimately resulted in a wash. The problem is the asbestos and the hazardous materials that are found in the structure itself and where they will be taken. One thing that has been asked over and over is whether the City should take ownership of this building. If the City takes ownership of this building then the City has an obligation to come up with the monies to take care of the issue.

Ms. Salinas-McTigue stated she understands that Mr. Hengstenberg owns other property. She wants to know why can't the City sue the owner, put a lien on his other properties and we can recover our monies. Mr. Knudson explained that just this year, the City went forward with a record search of his property and we have determined he has four other properties in Chimayo and in Tucumcari, but they are fairly minimal properties. He also stated there are already liens on these properties. The civil process is to obtain a judgment. Once we receive a judgment, then we need to record a transcript of judgment against the property and then we must foreclose on the lien. If we foreclose a lien that already has a prior lien then we are not accomplishing anything because then the prior lien needs to be paid off before we can do anything with the property. He said the only person who benefits from litigation, is himself. He would like to be of service and know that at the end of the day we have spent City money in a prudent way and he

does not see how it is a prudent expenditure of money to pursue it however, it is the commission's decision.

Mr. Knudson stated he thinks Mr. Hengstenberg is willing to give the property to the City but once the City takes ownership the EPA and NM Environmental Department will be in the middle of the City to fix the problem.

Comm. Sandoval asked why not go after the owner. Mr. Knudson says he has not done anything criminal for a burnt building. But the City can impose fines or penalties, which the EPA can do, but how do go about collecting that. He has been adversarial in defending lawsuits.

Mr. Lumpkin stated that Pat Vanderpool idea was to look at private developers. The value of the property is very little, it's probably worth \$5,000 which is not enough to cover the investors cost. In the past, the citizens wanted to save the building because of the historical value to Tukumcari. Mr. Lumpkin did check with the historical preservation office and if we would have collected every grant, the most we would have been \$190,000 short for the cost in tearing it down.

Ms. Salinas-McTigue stated that on the projects she would like the city manager to put together a business plan for the City. She does not want to know about the capital outlay but she wants details. Mr. Lumpkin agreed with that.

Mr. Dominguez stated his priority is the recall. During our last meeting with our city attorney, he discussed continuity. With all that is going on in our City, people from district 3 did not go into district 1 and 2 and ask for recalls. This was done by the voters from district 1 and 2. District 3, 4, and 5 were done by people who do not reside in these districts and keep adding fuel to the fire. He asked Mr. Knudson if there is any way we can put a stop to the recall election.

Mr. Knudson said that action cannot be done tonight. The commission is not governed by strict rules of order. They are governed by limited of parliamentary procedures. There is nothing that from preventing you from stopping that process and make the recall as to District 1 and 2 in the general election. If the majority votes on it, then yes they can.

Comm. Sandoval asked if it can be stopped right away, then the Mayor would have jump in to stop the recall. Mr. Knudson stated it cannot happen tonight but at the next commission meeting. Mr. Sandoval stated it got out of hand and it shouldn't have.

Mr. Sandoval asked if it was good for the Mayor to put our phone numbers in the newspaper. Mr. Knudson stated the commission can vote to reconsider the issue of when to hold the recall election because the statute 3-14-16 says the commission shall call a special election unless the regular election occurs within 60 days. It is Mr. Knudson's understanding, the issue was whether they want to hold the recall election under 3-14-16 at the only time that is before the general election which was January 2nd. However, there is nothing preventing the commission to revisit that issue. The citizens have directed that there be a recall election. The recall election would be only for those individuals who are subject to a recall. It is his understanding that Districts 3, 4 and 5 would not be subject to a recall during the general election because those seats are subject of the general election.

Mr. Lumpkin asked Ms. Gray if District 1 and 2 for recall and District 3, 4 and 5 would be a regular election would it save the citizens form doing a special election of \$6,000. Mr. Lumpkin wouldn't mind it being on the agenda on the next meeting that we vote on saving the citizens money.

Mr. Sandoval said he wants the recall election to take place on January 2nd. Mr. Dominguez thought they wanted to have one election to save the taxpayer's money. If they choose the special election at the cost of \$6,000, then that's their choice.

Mr. Dominguez asked that Mr. Vanderpool make his presentation and decide at that time on how they want to proceed with Sands Dorsey.

Adjournment

Mr. Lumpkin made a motion to adjourn this work session and Mr. Dominguez seconded the motion. Roll Call:

Sandoval	Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

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

Respectfully Submitted:

Angelica M. Gray, City Clerk