

**CITY OF TUCUMCARI
MINUTES
PUBLIC HEARING
July 29, 2010**

The Tucumcari City Commission met for a public hearing on Thursday, July 29, 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; Christine Dougherty, City Clerk; Clara Rey, Human Resources Director; Dennis Dysart, Finance Director; Doug Powers, Community Development Director; and Jason Braziel, Chief of Police.

Roll Call

Mayor Witcher asked for roll call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Opening of the Public Hearing

Mayor Witcher asked those who planned to speak to rise and take the oath to be administered by City Clerk, Christine Dougherty. The oath was administered to those wishing to speak.

Mayor Witcher then began with an opening statement advising the audience that the City is in the planning stages of making decisions about the City's Ute Water allocation. Mr. Witcher stated that he could not see the pipeline that was planned from Ute Lake to the Clovis area being built. Mr. Witcher stated that the Commission has to look at all possibilities in order to be good stewards of the public's money.

Mayor Witcher asked for a motion to open the public hearing. Commissioner Lumpkin moved to open the public hearing and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Public Comments Regarding Alternative Uses for the City's Ute Lake Water Allocation

Mr. Paul Quintana stated that he was present when CDM gave their initial presentation on the alternative uses for Ute Lake Water. Mr. Quintana stated that the top two alternatives involved sending the water downstream in a pipeline. Mr. Quintana stated that if the City believes that Ute Lake Ranch can have over 60% of their water reservation, why not leave the other 40% to support future growth around the development. Mr. Quintana went on to say that water plans should be made for 50-75 years into the future. Mr. Quintana stated that he does not know exactly how much water the City of Tucumcari has, but the City should hold on to the water they have for the City to use.

Mr. Phillip Box stated that his concern is if the water is given up to another community, the City gives

up the possibility of growth. Mr. Box went on to say that as a representative of the RAD Water Cooperative, he has been approached by a developer wanting water for growth at the north end of Airport Road. Mr. Box explained that RAD had to deny the developers request. Mr. Box speculated that there may be lots of growth along Highway 54 and the water could be of prime future use. Mr. Box encouraged the Commission not to give up the water or short change the growth of Tucumcari.

Mr. Jim Lafferty stated that considerable time has been spent protecting the Ute Lake water allocation. Mr. Lafferty went on to say that it has been easy to protect the water because no one had been able to afford to build a pipeline up to this point. Mr. Lafferty explained that studies show the City has enough water for a population of 17,000 people and our population is under 6000. Mr. Lafferty stated that it will be difficult to protect our allocation if people know how much water the City has. Mr. Lafferty stated that other municipalities want to pipe our water out of the area. The goal, according to Mr. Lafferty should be to put the water to beneficial use in Quay County as quickly as possible. Mr. Lafferty said that the water is not an economic incentive sitting in the lake. The plan should be to get the water to Tucumcari for use within the next year and all other plans should be abandoned. Mr. Lafferty encouraged the Commission to protect the water for the next 20 years and cautioned them that if the Interstate Streams Commission (ISC) decides to charge the City for its entire allocation, it could cost as much as \$180,000 per year.

Mr. Richard Tally stated that he sees nothing to gain by sending the water to the south except a few dollars. Mr. Tally suggested that the water be used to subsidize local farmers.

Mayor Pro Tem Apodaca stated that he has read over the report developed by the engineering firm CDM. Mr. Apodaca stated that the main goals are to store the water and recharge the aquifer. Mr. Apodaca stated that he feels selling the water or letting it sit in Ute Lake are not good options. Mr. Apodaca explained that he is concerned if the City delays in making a decision about the use of the water, other communities will come up with plans for use of the water. Mr. Apodaca cautioned against moving the water via canal as up to 50% is lost in evaporation with that kind of transportation system. Mr. Apodaca stated that he feels the best use of the water is to pipe it to Tucumcari Lake for multiple uses and storage. He speculated that water at Tucumcari Lake could provide recreation, wildlife refuge, attract tourism and provide a storage place close to the City. Mr. Apodaca went on to say that the water could be put to good use in support of agricultural research at the New Mexico State University Agricultural Science Center. Mr. Apodaca suggested that Joint Powers Agreements be executed with the Federal and State governments because he believes the lake is currently designated as a bird sanctuary. Mr. Apodaca also stated that Lodgers' Tax money could be another source of funding for development.

Mr. Apodaca stated that the big question is how to get the water to Tucumcari. Mr. Apodaca stated that he feels the best use is to get the water to Tucumcari and that tax funds are already set aside to pay for a pipeline to do so.

Mr. Tally stated that Tucumcari Lake could be like Tingley Beach in Albuquerque and reminded everyone that Tucumcari Lake was once a tourist attraction.

Commissioner Lumpkin stated that there was at one time funding set aside to develop Tucumcari Lake as a tourist attraction. Mr. Lumpkin went on to say that the consensus is to keep the water in the area. Mr. Lumpkin asked when the payment is due for the allocation. Ms. Rose stated that the payment is due January 1.

Commissioner Lumpkin stated that the City needs to protect the funds for developing this project. He added that the citizens could be asked to vote for re-allocation of the tax dollars. Mr. Lumpkin stated that he agrees with the speakers so far. Mr. Lumpkin recalled that there was water in Tucumcari Lake at one time and now it is dry. Mr. Lumpkin asked if the tax funds could be used to pay for the water allocation. Ms. Rose responded in the positive.

Mr. Lafferty added that in all the years the City has had a contract for this water, this is the first year that the ISC has opted to re-negotiate the contract in lieu of simply changing the dates. Mr. Lafferty speculated that the ISC may decide to charge the full amount for the allocation.

Commissioner Lumpkin stated that the City needs to find out what it will cost to get the water to Tucumcari. Mr. Lumpkin speculated that funds may still be available for Tucumcari Lake. Mr. Lumpkin cautioned that planning for the future is imperative.

Mr. Paul Quintana stated that the City of Clovis has lots of water underground. Mr. Quintana suggested that the water be piped to Tucumcari and blended with City water for consumption.

Mr. Lumpkin asked if RAD has a pipeline already in the area. Mr. Box stated that there is a pipeline four to five miles from Highway 54. Mr. Box speculated that it would not take a very big pipeline to get the water from Ute Lake to Tucumcari.

Ms. Rose explained that the Ute Lake water is raw and untreated and cannot be mixed with the City's treated water for use.

Mr. Lumpkin stated that the next consideration is cost. He agreed that the consensus is to keep the water in the county, obligate the water and to save the money in the fund for water infrastructure.

Mr. Lafferty cautioned that the actual price of water includes what the ISC charges plus the operations and maintenance costs associated with the water. Mr. Lafferty speculated that the water with all associated costs might be as much as \$30 per acre foot. Ms. Rose stated that she had a conference call and there are numerous changes proposed to the contract with ISC for the water.

Mr. Apodaca stated that he feels any plans that include sending the water out of the county should be abandoned. Mr. Apodaca suggested that studying how to get the water to Tucumcari Lake is the next step. Mr. Apodaca went on to say that the NMSU Agricultural Science Center can grow with additional water and a beneficial use in Tucumcari should be sought.

Mr. Jesus Sena stated that Tucumcari Lake needs to be cleaned and rid of sludge before it is filled again.

Mr. Apodaca stated that the City seems to only think about water when there is a meeting regarding water. He suggested that a staff member needs to dedicate some of their time to water issues. Mr. Apodaca stated that water considerations need to be dealt with on a daily basis.

Mr. Tally stated that he felt having a staff member focus on water was a good idea. He went on to say that the City should have the singular focus of getting the water to Tucumcari Lake.

Mr. Box suggested that two lines could come from Ute Lake; one piping the treated water and one piping the untreated water to Tucumcari. Mr. Witcher stated that it is unknown when Ute Lake Ranch

will be building their water treatment plant.

Mr. Lafferty stated that when the City was considering the sale of gray water, there were many farmers interested in purchasing the water. He suggested partnering with farmers for the use of Ute Lake water as well.

Mr. Witcher stated that he suggested the development of a plan to bring the water to Tukumcari Lake. He went on to say that if the City puts a tank on a high spot between Tukumcari and Logan, the water could flow with the help of gravity down Mine Canyon Road and Highway 54 right to Tukumcari. Mr. Witcher stated that there are other considerations as well including; the need to dredge the lake, maintaining a certain water level in the lake, aeration of the lake, and memorandums of understanding with the other entities involved.

Mr. Quintana stated that if the elevation of Tukumcari Lake exceeds 4201 feet, Arch Hurley is required to pump water out of the lake.

Mr. Witcher suggested that the engineering firm be instructed to study how to get the water to Tukumcari Lake.

Commissioner Lumpkin asked what it will take to build a pipeline. Ms. Kelly Collins from CDM stated that the interviews indicated a strong desire to keep the water in Quay County. She went on to say that the reason the alternatives that included piping the water out of the county were rated highly was due to their high return on investment. Ms. Collins stated that she will be happy to look at only the alternative of bringing the water to Tukumcari. She stated that in order to figure a cost of getting the water to the City, a Preliminary Engineering Report (PER) must be completed. The PER will include an analysis of cost.

Mr. Witcher stated that there are still funds budgeted to study this issue. Mr. Lumpkin asked what would happen if we study this option and can't afford to execute the plan. Mr. Lumpkin wondered how long the ideas brought out in the PER will be valid. Ms. Collins stated that normally, a PER is valid for five to seven years.

Mr. Lafferty suggested that the engineering firm could start the process of contacting the other stakeholders and partners in the issue. Mr. Witcher agreed this was a good idea.

Mr. Quintana asked how much water is left in the Tukumcari allocation after Ute Lake Ranch takes their part. Mr. Witcher responded that the City has 2250 acre feet of water left in its allocation. Ms. Rose stated that the City can get some of their allocation back from Ute Lake Ranch. Mr. Lafferty suggested that the plan should be made for getting all 6000 acre feet to Tukumcari.

Mr. Sena asked if utilities will be increased if the project depletes all funding. Mr. Witcher responded in the negative.

Commissioner Sandoval stated that a few years ago, he inquired how the Tukumcari Lake refurbishment project ranked with the state. He was told by Game and Fish that it was very low. Mr. Sandoval asked what can be done to make the project a higher priority with the Game and Fish Department. Mr. Witcher stated that a solid plan will do this.

At this time, Mr. Witcher called for a ten minute break. Time noted was 6:55 p.m.

At 7:05 p.m., the meeting continued.

Public Comments Regarding the City of Tucumcari Budget for Fiscal Year 2010-2011

Mr. Witcher asked if anyone in the audience wished to comment on the budget. Being none, the meeting continued.

Items From Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. Mr. Lumpkin stated that if anyone had comments later regarding the budget, they will be heard.

Mayor Witcher thanked those in attendance for coming to the meeting as well.

Adjournment

Mayor Witcher asked for a motion to adjourn. Commissioner Curnutt made a motion to adjourn and Commissioner Sandoval seconded the motion. Time noted: 7:06 p.m. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk