

CITY OF TUCUMCARI
SPECIAL COMMISSION MEETING
PUBLIC HEARING
JANUARY 15, 2009

The Tucumcari City Commission met in Special Session on Thursday January 15, 2009, at 5:00 p.m. in Commission Chambers 215 E. Center, Tucumcari, N.M. Members present constituting a quorum were Jim Lafferty, Antonio Apodaca, Robert Lumpkin, and Jim Witcher. Commissioner Sandoval was absent. It should be noted that Mr. Lafferty entered at 5:03 p.m. just after roll call.

City staff members present were Mike Cherry, Interim City Manager, Marty Garcia, Finance Director/ Assistant City Manager; Christine Dougherty, City Clerk, Doug Powers, Community Development Department Head, Yvette Fazekas, Planning and Zoning Director, and Cathy Estrada, Code Enforcement Officer.

Mayor Antonio Apodaca called the meeting to order.

Opening of the Public Hearing

Mayor Pro Tem Witcher made a motion to open the public hearing. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher
Yes	Yes	Yes

Interim City Manager Mike Cherry explained to the Commission and those present in the audience that the City's Attorney and Mr. Hengstenberg's attorney stipulated that a public hearing is unnecessary. Mr. Hengstenberg and his attorney have requested a copy of the engineering report that the City was provided by WH Pacific.

Mayor Pro Tem Witcher asked if 60 days will be enough time for Mr. Hengstenberg to come to a decision about what to do with the building. Mr. Hengstenberg replied that he will have to discuss that with his attorney.

Commissioner Lumpkin stated that the City has given Mr. Hengstenberg time to abate the building. Commissioner Lumpkin is concerned about the safety issues the building poses and the impact on the other businesses around the building. Commissioner Lumpkin stated that 60 days is too long to postpone taking action. Mr. Hengstenberg again stated that he will have to confer with his attorney.

Commissioner Lumpkin asked if less than 60 days would be reasonable to decide what to do with the building. Mr. Hengstenberg replied that the Main Street program thinks one year is sufficient time.

At this point in the meeting, Commissioner Lafferty entered and asked for clarification. Interim City Manager, Mike Cherry stated that the City's Attorney does not think a public hearing is necessary. Mr. Cherry further clarified that Mr. Hengstenberg and his attorney are requesting a reasonable amount of time to study the engineering report.

Commissioner Lafferty stated that the previous City Manager said that a public hearing was mandatory.

Commissioner Lafferty further stated that he does not want to see the City waste time waiting to make the building safe any longer. He urged the Commission to solicit bids on the cost of abatement.

Commissioner Lumpkin stated that there is a process that has to be followed and that it will take some time for the City to put the project out for bid. He felt the amount of time it will take the City to produce a Request for Proposals and receive those proposals should be long enough for Mr. Hengstenberg to decide how he wants to move forward with the building.

Action Regarding Appeal of Resolution 2007-33

Mayor Apodaca then closed the Public Hearing and asked for a motion. Mayor Pro Tem Witcher made a motion to uphold Resolution 2007-33. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Lafferty
Yes	Yes	Yes	Abstain

Items from Commissioners

At this point in the meeting, audience member Beth Hancock asked if the Commission would entertain audience comment in support or opposition of Resolution 2007-33. Commissioner Lumpkin stated that he would be in support of giving up his time to speak as a Commissioner to audience members that would like to be heard.

Doug Quarles told the Commission that he used to own a gallery in the Sands Dorsey building and that he cares about the historic value of the building. He stated that he knows the owner who has worked hard to save the building. Mr. Quarles further commented that the Governor had been in Tucumcari on this day and in his address the Governor stated that there is possibly \$3 million for the Main Street Tucumcari project. Mr. Quarles stated that the Sands Dorsey building is the most historic building in downtown Tucumcari. He said he hates to see the memories and history get lost. Mr. Quarles commented that those who have lived in Tucumcari for their entire lives fail to see the historic qualities of the downtown buildings. He also commented that he believes that there might be grant money available for this project.

Mayor Apodaca gave his time to Beth Hancock who said that she was born and raised in Tucumcari. She commented that she was not prepared to speak either for or against the Resolution. Ms. Hancock did however say that she disagrees with Mr. Quarles and that she is sick to see buildings get torn down. She pondered if the decisions being made regarding the Sands Dorsey building have been made in the sake of improvement or economic development. Ms. Hancock also commented that if Tucumcari loses the tourism industry, Tucumcari should “call it quits.” Ms. Hancock stated that she is on the Planning and Zoning Commission and is familiar with City development. She also stated that she is frustrated that Commissioners are not telling the voters where they want to take the City.

Don Schutte stated that neither he nor Ruth Nelson intend to destroy downtown. He stated that Ruth Nelson has a successful business downtown with less than 5% of her business coming from tourism. He also stated that Ms. Nelson has improved the building with designs that compliment other downtown buildings. He credits Ms. Nelson with bringing business to other downtown proprietors. He then detailed that the appearance of the Sands Dorsey building is horrible, deliveries can't be made in the alley behind the store and that the building is in risk of collapse. He also said that the rock foundation is undermined and that the mercury levels are dangerously high. He further commented that

the asbestos in the building has become friable asbestos which he says means that it has been deteriorated by heat and is now in dust form. Mr. Schutte says the asbestos dust is not safe at any level. He claims that the dust blows in the wind and can reach the water table. Mr. Schutte stated that he doubts any grant money will be awarded to the restoration of the building if it is privately owned. Mr. Schutte urged the Commission to follow through with the resolution.

Don Falls stated that he and his wife took their time looking for a small town to move to. He said that in his experience, small towns that thrive do so because they have a theme. He asked the Commission what they plan to do for the future of Tucumcari. Mr. Falls also stated that the City can't depend on grant money forever. Mr. Falls commented that the Sands Dorsey building burned around 2 years ago and that it hasn't fallen down yet. He wondered if the City has compared the cost of tearing the building down to the cost of renovating the building. He urged the Commission to get "off the kick" of tearing buildings down. Mr. Falls suggested that the building be used as a municipal building. Mr. Falls further asked why the City chose to renovate the Railroad Depot.

Charlie Thibodeaux stated that he owns the old Gibson's building and runs a small business out of it. He wonders if it is worth it to maintain an old building as a small business. He stated that it is expensive to maintain older buildings. Mr. Thibodeaux suggested that the City sell the bricks from the Sands Dorsey building as historic artifacts to raise funds. Mr. Thibodeaux encouraged the Commission not to get "in the mood of tearing things down" or there won't be anything left and also encouraged the Commission to make some effort on the part of the Sands Dorsey building.

Richard Tally stated that the Governor was in Tucumcari today and he talked about the history of downtown Tucumcari and his attempt to appropriate \$3 million for Tucumcari. Mr. Tally sited the historic Vorenberg Hotel, Five Mile Park and the Princess Theatre as historic buildings all in need of restoration in the City. He stated that the Depot has undergone some renovation. He stated that there is money available for restoration to preserve history. Mr. Tally stated that our history is the only reason we have tourism in the City. He urged the Commission to consider the ramifications of their decisions. Mr. Tally stated that in most cities the value of real estate usually exceeds a buildings value but that is not the case in Tucumcari. He commented that the building's location lends itself to the cause to preserve history.

Kevin Severance stated that the building fire was unfortunate. Mr. Severance stated that he does not believe the Governors promise of funding or grant money will be available to assist in this project. He understands that the City can only afford to do certain things with the building. He stated that he is in support of money going to Five Mile Park for restoration purposes. Mr. Severance wondered how the repairs and abatement will be paid for. He suggested that solar panels or wind mills could be used to heat water for Five Mile Park. He also stated that at the proper time, he would like to address the Commission regarding Mr. Sutherland's termination.

Commissioner Lafferty commented that the Commissioners have been labeled destroyers. He further stated that although the Commission may have stumbled in this endeavor, the best interest of the City is at heart. He pointed out some facts regarding the issue:

- The building does not belong to the City
- The decisions the City can make are limited to public safety
- The Commission wants what is good for the City but safety must come first
- The City hired the only engineer that would stand behind a plan for the building
- The engineer said the building is not salvageable
- The City is investigating the cost of the plan the engineer outlined

- For two years no one has provided any funds towards the building
- The Commission is obligated to deal with the safety issues

Commissioner Lafferty further commented that the City is doing all it can in this case and that the goal is not to tear down buildings.

Mayor Pro Tem Witcher stated that the City does not want the building; the City wants Mr. Hengstenberg to take care of the building.

Adjournment

Mayor Pro Tem Witcher made a motion to adjourn and Commissioner Lumpkin seconded the motion.
Roll Call:

Lumpkin	Witcher	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk