

**CITY OF TUCUMCARI
MINUTES
November 19, 2009**

The Tucumcari City Commission met for their regular meeting on Thursday, November 19, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, 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; Marty Garcia, Finance Manager; Clara Rey, Human Resources Director; Roger Hatcher, Chief of Police; Vicki Strand, Deputy Finance Director; Yvette Fazekas, Zoning Coordinator' and Alex Madrid, Streets and Sanitation Superintendent.

Jim Witcher, Minister of the First Christian Church, gave the invocation and Commissioner Lafferty led the group in the Pledge of Allegiance.

Roll Call

Mayor Apodaca asked for Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

City Clerk, Christine Dougherty asked that the Executive Session be held immediately after item two on the agenda. Ms. Dougherty also asked items ten, D and E be heard immediately following item six.

Executive Session

Mayor Pro Tem Witcher made a motion to convene in executive session pursuant to NMSA 1978 10-15-1 (H) (7) pertaining to threatened or pending litigation, specifically Pete Rivera vs. the City of Tucumcari. Mr. Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Time noted 6:03 p.m.

At 6:42 p.m. the Commission returned to the Chamber. Mayor Pro Tem Witcher made a motion to re-convene in regular session after executive session pursuant to NMSA 1978 10-15-1 (H) (7) pertaining to threatened or pending litigation where the only item discussed was Pete Rivera vs. the City of Tucumcari. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Lafferty had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. Mr. Lumpkin further apologized for the length of the executive session and explained it was held at the beginning of the meeting to accommodate the attorney. Mr. Lumpkin thanked everyone for their patience.

Mayor Pro Tem Witcher had no comments.

Approval of Minutes

Mayor Pro Tem Witcher made a motion to approve the minutes of the November 12, 2009 regular meeting. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

Commissioner Lumpkin made a motion to approve the vouchers for payment and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Robert Ciolli approached the Commission to express his opposition to Ordinance 1071. Mr. Ciolli suggested that the ordinance be rejected in its entirety.

Old Business

Mayor Apodaca called upon City Manager, Bobbye Rose to present the Re-allocation of the Municipal Capital Outlay Gross Receipts Tax. Ms. Rose explained that this is a ¼ of One percent tax that is already being collected but is earmarked for construction of infrastructure to transport Ute Lake water to the City of Tucumcari. Ms. Rose went on to explain that in order to re-allocate this tax for other uses, the voters must approve the new use.

Mayor Pro Tem Witcher stated that he felt it was prudent to put the question of re-allocation of the tax on the ballot in March so as not to incur the expense of a special

election. Mr. Witcher went on to explain that the tax funds are not currently needed for infrastructure to bring Ute Lake water to Tucumcari.

Mayor Apodaca asked how the matter would be sold to the public. Ms. Rose explained the issue would be presented to the public as an effort on the part of the City to be proactive and that due diligence is being exercised to ensure that all expenses are being carefully monitored and debt collected. Ms. Rose further explained that this will give the City the opportunity to utilize the tax funds in a wide variety of ways. Ms. Rose stated that funds could be used for Ute lake infrastructure as well as other capital projects. Ms. Rose stated that she recommends that the Commission put this question on the ballot.

Commissioner Lumpkin asked if the audience understood what was being discussed. Mr. Lumpkin explained that the tax in question is already part of the 8% Gross Receipts Tax. The funds have been set aside in order to build a pipeline to bring Ute water to Tucumcari if needed. Mr. Lumpkin went on to say that in these tough economic times, this tax that is already being collected could be re-allocated for other important projects in the City. Mr. Lumpkin felt this was a good alternative to other extreme measures.

Ms. Rose explained that there is already \$1.5 million from the tax in a fund for the project. A contract has already been executed for engineering design services that will have to be paid. Ms. Rose further explained that she as manager, has no authority to move that money to other funds.

Mayor Pro Tem Witcher stated that the Ute water project is important; however financial difficulties put this project on the back burner. Mr. Witcher stated that the Ute project is one that will be needed in the future but not currently.

Commissioner Lafferty stated that if the tax is re-allocated, it should not be given to the manager to use as she sees fit. The tax will have to be used towards other capital projects. Mr. Lafferty questioned if one eighth of a percent could be re-allocated and one eighth could remain for the Ute lake project.

Ms. Rose stated that if the voters agreed to re-allocate the tax, the Commission could decide what to use the funds for.

Mayor Pro Tem Witcher asked if the tax already collected and in the fund could be used for any other projects. Ms. Rose explained that the funds can only be used for the Ute pipeline project.

Commissioner Lafferty inquired if the voters say no to re-allocation of the tax, does that repeal the tax. Ms. Rose replied that the tax would not be repealed in that scenario; it would stay in place as is.

Mayor Pro Tem Witcher stated that at this time, the City does not need the pipeline from Ute Lake; it will be a future project. Mr. Witcher further explained that the money can go to that project in the future.

Commissioner Lafferty commented that the City recently hired an engineer that needs to be paid. Mr. Lafferty also commented that the funding for the Interstate Stream

Commission (ISC) is only allocated until 2012. At that point, the City will have to begin paying per the acre foot and the ISC contract is coming up for renewal. The ISC has extended the deadline on the contract twice, and speculated that the ISC will begin to charge the City for the water as they have been holding it for the City for 20 years.

Mayor Pro Tem Witcher stated that the reserve funds to pay for the engineering services. Mr. Witcher stated that the City wants the opportunity to use the future tax collections in other ways.

Commissioner Lafferty expressed concern, saying that in review of the minutes he finds that the Commission has been told that funds need to be raised. However, Mr. Lafferty stated that staff has never been asked to tighten their belts, and wondered if before going back to the voters, staff should be required to cut back. Mr. Lafferty stated that the issues with the ISC can be dealt with when they come up. Mr. Lafferty stated that he is afraid the voters will not get an option to walk away. Mr. Lafferty also explained that he would like to give Ms. Rose some more time to manage the budget in a more effective way. He thought that waiting until next year to visit the tax re-allocation issue would be wise. Mr. Lafferty also stated that the Commission has been told that the budget is strong; he wondered if it is or is not strong.

Mayor Apodaca asked if Mr. Lafferty if the City was proposing to change the use of an existing tax or imposing a new tax. Mr. Lafferty stated that he is in support of cleaning up the budget. Mr. Witcher disagreed saying that he feels the belt has been tightened on the budget as the Commission has said no to new vehicles and other purchases. Mr. Witcher asked if the number of employees has decreased. Ms. Rose stated that the number of employees has increased. Mr. Witcher asked why this is the case. Clara Rey stated that in the last year, the number of employees increased and she is working to bring the number back down by not filling all vacated positions. Mr. Witcher asked if these are needed positions that are going unfilled. Mr. Witcher stated that he feels the City has cut back in a lot of areas and that the Citizens deserve good services. Mr. Witcher also stated that the new things that have gone in to the City need employees to take care of them and he is ok asking the citizens to do this.

Mayor Pro Tem Witcher made a motion to place the question of re-allocation of the Municipal Capital Outlay Gross Receipts Tax from Ute Lake Project to Capital Outlay Infrastructure projects. The motion was not seconded and Mr. Witcher stated that he will withhold his motion until resolutions are heard.

Commissioner Lumpkin clarified for everyone that the tax in question is an existing one, not a new tax. Mr. Lumpkin further stated that the Commission has talked to the Department Heads regarding attrition and not filling positions as they are vacated. In his opinion, Mr. Lumpkin stated that the City needs to improve efficiency before re-allocating this tax.

Commissioner Lafferty asked Mr. Lumpkin how he envisioned the tax monies being used. Mr. Lumpkin stated that he foresaw the funds being spent on street and other infrastructure projects. Mr. Lumpkin went on to say he liked the idea of waiting to hold a special election if needed as time is needed to look at alternatives.

Mr. Lafferty stated that originally, this tax question failed when presented to the voters. It was not until the tax was tied to a particular project that it passed. Mr. Lafferty stated that he feels the voters need to weigh if they money will be used for a purpose they feel is necessary.

Ms. Rose stated that there has been belt tightening in all areas of the budget. The problem, according to Ms. Rose is with the Waste Water Treatment Plant. Ms. Rose asked Mr. Garcia if that is where funding is needed. Mr. Garcia responded in the positive explaining that additional funding is required to service the debt incurred in the reconstruction project at the Wastewater Treatment Plant. Normally, Mr. Garcia explained, the debt would be paid through sewer rates. Mr. Garcia stated that it would be difficult to find the funds to repay the debt without raising sewer rates.

Christine Dougherty, City Clerk clarified for the Commission that the tax is dedicated to capital outlay projects. The purpose of the tax was narrowed when the City asked the voters to approve it for Ute Lake infrastructure.

Commissioner Lafferty asked Mr. Garcia if debt service for the Wastewater Treatment Plant is considered capital outlay. Mr. Garcia responded in the positive, stating that it would be considered so because the project is a capital project. Mr. Lafferty asked if repayment of the debt was discussed at the time it was taken on. Mr. Garcia responded in the positive explaining that Financial Advisor, Eric Harrigan gave the Commission three options for repayment of the debt: 1. Raise rates, 2. Re-allocate the one quarter of one percent Capital Outlay Gross Receipts Tax, or 3. Impose the final one quarter of one percent of Municipal Gross Receipts Tax available to the City to charge. Ms. Rose agreed with Mr. Garcia's explanation and added the only other option would be to give back some of the money loaned to the City for the Wastewater Treatment Plant Project.

Mayor Pro Tem Witcher stated that the State is encouraging the City to improve the quality of its wastewater. Ms. Rose agreed.

The discussion then moved on to the possibility of imposing one quarter of one percent of Municipal Gross Receipts Tax. Mayor Apodaca called upon City Manager Rose to present this subject. Ms. Rose explained that this is one of the three options presented to the City by Financial Advisor Harrigan and Attorney Chris Muirhead. Ms. Rose explained that this is the last one quarter of a percent of tax the City has the authority to enact. Ms. Rose explained that the Commission can enact this tax via ordinance. However, if citizens present a petition to the City, the question will have to be presented to the voters. Ms. Rose further explained that she did not recommend this option as the City has one of the highest tax rates in the state.

Mayor Pro Tem Witcher stated that he would like to drop this as an option for the City. Commissioner Sandoval agreed with Mr. Witcher. Commissioner Lumpkin asked for clarification. He went on to say that his opinion is to look at budget tightening before increasing taxes. Mr. Lumpkin stated that some day enacting our last tax option may be the only choice, for now he would prefer to look at other options.

Mayor Apodaca agreed that increasing taxes should be abandoned at this time. The Mayor wondered if the City had done its due diligence to cut costs. Mayor Apodaca said that he was not willing to support this option today.

Ms. Rose explained that she and staff have been reviewing the budget line by line and looking at ways to decrease expenses. Ms. Rose further explained that she has a meeting scheduled for tomorrow with staff to decide which places to cut the budget first.

Ms. Rose further explained that the Commission would control the use of the Municipal Gross Receipts Tax through the budget process.

Commissioner Lafferty wondered if the re-allocation of tax question could be presented to the voters in such a way that one eighth of a percent could be ear-marked for a floating fund that the Commission could allocate as they see fit to capital projects.

Mayor Apodaca clarified for the audience that the entire Commission has not reviewed the budget in its entirety since June.

Ordinances and Resolutions

Mayor Apodaca called upon Police Chief, Roger Hatcher to present Ordinance 1071 for the third reading. Chief Hatcher explained that the Ordinance Amends Certain Sections of Chapter 6.04 of the Tukumcari Municipal Code Pertaining to Animal Control.

Mayor Pro Tem Witcher asked if the ordinance had been reviewed by Chief Hatcher and the Animal Control Officer. Mr. Witcher also inquired what the City Managers recommendation is regarding this ordinance. Ms. Rose stated that she recommends passing the ordinance.

Mayor Apodaca questioned the wording in the ordinance that states animals must have readily available food. He wondered if this meant food had to be available 24 hours-a-day. Mayor Apodaca stated he was concerned how to feed his animal. Mayor Apodaca went on to question if it was considered cruelty to let animals ride in the back of a pickup. The Mayor also expressed concern with the discrepancy between the state required length of chain for an animal which is 10 feet and the City ordinance calls for 12 feet of chain. The Mayor wondered if it is cruel to have an animal chained all day. Furthermore, the Mayor expressed concern about whether or not Police Officers are qualified to determine if an animal is healthy. The Mayor asked what if a person has a healthy animal and then has to defend themselves in court. He went on to say that this issue has become ugly.

Chief Hatcher stated that he understood the Mayors concerns. Chief went on to stated that the Police Department receives animal calls regularly regarding animals that are at places where no people live and many calls regarding animals that do not have a food source. Chief stated that often the animals in these locations appear healthy. The Chief explained that in an instance where an animal is chained, the animal must be able to reach their food while on the chain and the water must be in a non-tippable bowl; he did not interpret it to mean that food has to be in the bowl at all times.

Mayor Apodaca thanked the Chief and stated that he was glad that information was on the record.

Mayor Pro Tem Witcher made a motion to approve the Third Reading of Ordinance 1071 Amending Certain Sections of Chapter 6.04 of the Tucumcari Municipal Code Pertaining to Animal Control. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca introduced the topic of Resolution 2009-41, and Election Resolution. The Mayor called on Ms. Dougherty to present the resolution. Ms. Dougherty explained that this resolution calls the Municipal Election in March. There are two Commission seats up for election, districts 4 and 5 currently held by Mr. Lumpkin and, Mr. Lafferty respectively. Additionally, Ms. Dougherty explained that the Municipal Judge position is also up for election. Ms. Dougherty informed the Commission that she prepared two versions of the resolution for Commission review. One included the question of re-allocation of Municipal Capital Outlay Gross Receipts Tax and one did not.

Mr. Garcia explained as it was inquired about earlier in the meeting, that although the tax is one quarter of one percent, the question on the ballot could be worded leaving one eighth of a percent allocated to the Ute Lake pipeline project and one eighth could be re-allocated.

Mayor Pro Tem Witcher made a motion to approve the version of Resolution 2009-41 that Calls the Regular Election and poses the question of tax re-allocation to the voters. The motion died for lack of a second.

Commissioner Lafferty then made a motion to approve the version of Resolution 2009-41 that simply Calls the Regular Election with no questions on the ballot. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Abstain	Yes

Mayor Apodaca then called on City Manager, Bobbye Rose to present Resolution 2009-42 Designating Tipping Fees at the City Landfill. Ms. Rose explained that the resolution increases the tipping fee to \$35 per ton of refuse and she recommends passing this resolution and making it effective on January 1, 2010.

Commissioner Lafferty inquired about the current rate. Ms. Rose responded that the current rate is \$27 per ton. Commissioner Lafferty inquired if this is temporary until the new landfill opens and if this may run customers off. Ms. Rose explained that she asked for an exception from the governor to allow the funding for the City to finish construction on the new landfill although the project was targeted for elimination.

Commissioner Lafferty expressed concern that this was the second motion this evening concerning the need for additional funds at the City. Mr. Lafferty suggested that as the City adjusts fiscal procedures and looks funding streams, opportunities for people from

outside our community to assist in funding our City be explored. Mr. Lafferty encouraged looking at areas that do not cost our citizens any more dollars.

Commissioner Lumpkin made a motion to approve Resolution 2009-42 designating tipping fees at the City Landfill effective January 1, 2010. Commissioner Lafferty seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon City Manager Rose to present Resolution 2009-43. Ms. Rose explained that she has been working on financial policies for some time now and this resolution presents the policies to the Commission in formal format for their approval. Ms. Rose stated that financial management is an area where she promised due diligence. Ms. Rose explained that these policies will make financial management different than it has been in the past at the City. The budget process will begin in December for the coming fiscal year and will be developed with input from all Department Heads. Ms. Rose explained that under these policies, the budget will be presented to the Commission by February 15 each year. Additionally, Ms. Rose stated that the new policies will ensure a complete budget for the Commission to review by April. The Commission will then make comments and recommendations regarding the budget to staff by April 15.

Commissioner Lumpkin complimented Ms. Rose's work on these policies and stated that this is what the Commission has been talking about all night.

Commissioner Lumpkin made a motion to approve Resolution 2009-43 enacting the City of Tucumcari Financial Policies. Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

City Manager's Report

At this point in the meeting, the time was 7:46 p.m. and Mr. Witcher excused himself from the meeting.

Ms. Rose called upon Finance Director, Marty Garcia to give his monthly finance report. Mr. Garcia apologized that he did not have the monthly paperwork at this time due to the short meeting notice. Mr. Garcia stated that the Commission will get the paperwork in their boxes before the end of the month.

Regarding Gross Receipts Taxes, Mr. Garcia reported a 26% increase coming primarily from manufacturing tax. Mr. Garcia speculated that this was an error as it is an unusually high increase. He explained that he will contact the Tax and Revenue Department.

Mr. Garcia also explained that the audit will be completed soon and the auditor will be in Tucumcari on November 30 for the exit conference.

At this point in the meeting, Mr. Witcher re-entered the meeting. The time was 7:50 p.m.

Mr. Garcia went on to explain to the Commission that the Utility Ordinance and the Bond Ordinance require the City to generate fees equal to 130% of debt service. Mr. Garcia speculated that belts can be tightened however; the ordinances must be adhered to, and it is required.

Commissioner Lafferty inquired why we are discussing raising or re-allocating taxes, shouldn't we be discussing increasing rates. Mr. Garcia responded that Mr. Harrigan recommended the two different tax options. Mr. Garcia went on to explain that there will not be a debt payment on the \$2 million for a year. Mr. Garcia also stated that Mr. Harrigan suggested it would not be prudent to use the Municipal Gross Receipts Tax for utility expenses.

Commissioner Lafferty suggested that when staff asks for approval of loans, the impact on user fees should be evaluated. Mr. Lafferty asked if Mr. Garcia was suggesting an increase in rates and taxes. Mr. Garcia responded in the positive saying that the City had been advised as such.

Commissioner Lafferty asked Ms. Rose if the City could ask for rate covenants. Ms. Rose responded in the positive. Mr. Lafferty also asked if a rate study could be put on the next agenda. Ms. Rose stated that could be done. Mayor Pro Tem Witcher suggested that a rate study be put on the first January agenda in order to give staff time to put it together. Mr. Lafferty agreed.

Bids and Contracts

Mr. Cherry, Assistant City Manager, presented the electrical services contract. Mr. Cherry explained that the current contractor decided not to continue working for the City. Mr. Cherry explained that in the process of writing the RFP, it was decided to split the electrical services in two. One provider will be sought for low voltage electrical services and another provider will be sought for technical and high voltage services.

Mr. Cherry went on to explain that two companies submitted bids. One was from Short Circuit Electric which bid on the low voltage services and Great Plains submitted a bid for the technical, high voltage services.

Mayor Pro Tem Witcher made a motion to award the electrical services contracts for Great Plains for technical, high voltage services and Short Circuit for the low voltage services. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Old Business

Mr. Thomas Even, Chairperson of the Lodgers' Tax Advisory Board, explained to the Commission that the Lodgers' Tax Board is proposing the addition of three new

billboards. The board recently chose not to renew several billboard contracts in lieu of asking for approval of these new boards which are all lit and will fit into the overall advertising scheme the Board has designed. The billboards will advertise the City of Tukumcari and all of its attractions. Mr. Even explained that these boards are designed to increase tourism income for the City.

Commissioner Lafferty asked if Mr. Garcia had reviewed the contracts. Mr. Garcia responded in the positive explaining that with the elimination of some boards, the budget will balance. Mr. Even explained that a \$450 a month board will be eliminated beginning in January 2010.

Commissioner Lafferty thanked Mr. Even and Mr. Tally from the Lodgers Tax Board, stating that due to vacancies on the board, the work had fallen on a few. Commissioner Lafferty also thanked Mr. Bently from the billboard company for his assistance.

Mayor Pro Tem Witcher made a motion to approve the Lodgers' Tax Advisory Board Billboard recommendations which includes three new billboards. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Chief Hatcher to present the Police Department Bias Based Police Profiling Policy.

Chief Hatcher explained that he reviewed this policy in a previous meeting and explained that a policy such as this is required by state statute to be implemented by January 2010.

Mayor Pro Tem Witcher made a motion to approve the Tukumcari Police Department Bias Based Police Profiling Policy. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called upon Ms. Rose to introduce the Wastewater Re-Use discussion. Ms. Rose explained that this issue has been in front of the Commission many times in recent months. Ms. Rose asked that it be put on the agenda tonight so that the Commission could discuss reversion of the funds.

Ms. Rose explained that the engineer said that it would be a black eye to the City if the funds are returned. Ms. Rose speculated that with the state in a bad financial situation, returning the funds may be a good idea.

Ms. Rose stated that she spoke to Robert George who said that Mr. Breen is not required to get a permit unless he plans to irrigate out of his pond. Mr. George also stated that the city has no obligation to have a permit.

Commissioner Lafferty asked if the City has received an estimate for running the new plant from the engineer. Ms. Rose stated that she has received an estimate which she did not have with her at the time but, was concerned that there may not be enough revenue to run the plant.

Mayor Pro Tem Witcher asked if the only way to make up the shortage is on the backs of the tax payers. Mr. Witcher stated that he hoped the NMSU Agricultural Science Center would step up and help out. Mr. Witcher asked Mr. Kirksey if he could go to the Board of Regents to increase the amount per acre foot they are willing to pay.

Mr. Kirksey stated that he was told by his supervisor that the university is looking at ten percent budget cuts. Mr. Kirksey speculated that there will be no funding from NMSU for this project. Mr. Kirksey stated that only grants or special legislative appropriations could be used to fund this project. Mr. Kirksey said that entering into a contract at this time would not be feasible.

Mayor Pro Tem Witcher stated that he would like to encourage Mr. Kirksey to seek grants for this project. Mr. Kirksey stated that it would be difficult with no assurance that the City will complete the project.

Mayor Apodaca stated that he hopes one day Tucumcari will be known as the wastewater and wind research center.

Commissioner Lafferty stated that his recommendation is to wait at this time. If the City is to borrow \$350,000, the payment will be \$18,000 a year and the project will not generate that much revenue.

Mayor Pro Tem Witcher stated that the City Manager's recommendation was to wait until after the legislative session to make a decision and he feels that is what should happen.

Commissioner Lafferty asked if the funds are not yet encumbered; why not put the decision off until after the legislative session. Ms. Rose suggested that the City wait and see what the Legislature does with our budget. Ms. Rose stated that the information will be needed for preparation of the budget. Commissioner Lumpkin stated that some time to do research is needed.

Commissioner Lumpkin made a motion to wait until after the legislative session to make a final decision on the Wastewater re-use projet. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca asked Ms. Rose to present the landfill fencing issue. Ms. Rose explained that a landowner with property that borders the landfill had an existing fence between the two properties. Due to the construction project at the landfill, the landowner asked that the old fence be taken down and that the City erect a new fence. The Sanitation Department built a new fence. The landowner wants the City to take down his old fence

taken down as well as the fence built erected by the City to be re-built. The landowner told Ms. Rose that he feels the grading between the two fences and the drainage ditch that was constructed is causing water to run on his property.

Mayor Pro Tem Witcher suggested that the cost be split between the landowner and the City. Ms. Rose explained that the landowner refused to split the cost. Commissioner Sandoval suggested that the property be windrowed to rectify the situation.

Commissioner Lafferty stated that our staff put in the new fence at the labor expense of the City and invested in \$827 in supplies for the fence. Mr. Lafferty also stated that the usage plan from the New Mexico environment Department requires the landfill be fenced to keep animals out. Ms. Rose explained that a fence is not included in the landfill closure plan but is required by state statute.

Commissioner Lafferty asked if Ms. Rose was confident that the fence and earth work were done correctly. Ms. Rose responded in the positive. Commissioner Lafferty wondered if this is the City's responsibility. Ms. Rose stated that Mr. Madrid feels the berm his crews created keep the water off the landowner's property.

Mr. Madrid stated that he feels the new engineering plan was designed to keep water off the property.

Commissioner Lafferty asked Mr. Madrid if the fence was erected on the property line. Mr. Madrid responded in the positive.

Mayor Pro Tem Witcher made a motion to let the landowner take down his own fence. The motion died for lack of a second.

Mr. Witcher then stated that he feels Ms. Rose should negotiate with the landowner, taking down the fence and rebuilding it is not the City's problem. Ms. Rose explained that she spoke with the landowner today and he is willing to let City workers on his land to take the fence down. Ms. Rose stated that the landowner's big complaint was the dyke between the fences.

Commissioner Lumpkin stated that he had spoken to the landowner and he feels the old fence should not have been left standing. Mr. Lumpkin said that the landowner is concerned that if he puts livestock on his land, they may get caught between the two fences. Mr. Lumpkin went on to say that we are discussing a section of about one quarter mile of fence that is rather old. Mr. Lumpkin suggested that City workers could roll up the wires and then no cattle could get caught between fences. Creating berms and windrow the property could turn the water according to Mr. Lumpkin. Commissioner Sandoval agreed that the old fence should be removed.

Ms. Rose stated that we can get on the property to take the old fence out. Ms. Rose's concern is that the windrow between the two fences is going to direct water to one spot on the landowner's property. Mr. Madrid explained that terraces were created to redirect the water and the drainage is only in one area.

Commissioner Sandoval suggested that the old fence be torn down. Commissioner Lafferty stated that he was regretful that a meeting of the minds did not happen before the fence was built. Commissioner Lumpkin stated that he was reluctant. Commissioner Lafferty asked what it would cost to tear down the old fence. Commissioner Lafferty also asked if the landowner would pay the cost of the City crew to do the work. Commissioner Lumpkin stated that he did not think the landowner would pay for the labor costs. Mayor Apodaca stated that he felt the City Manager should negotiate this issue with the landowner.

Commissioner Lumpkin made a motion to have City employees roll up the wire on the old fence, if the landowner agrees. Commissioner Lumpkin added that he felt the project should be done on the City's schedule as we have time. Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
No	Yes	No	Yes	Yes

New Business

Catherine Bugg and Christina Fleming, representatives from the Heartland Institute Youth Development committee stated that they are working to get ex-officio youth members on area boards. So far, Arch Hurley, Art Space, San Jon and Tucumcari School Boards have agreed to let a youth member serve on their boards in ex-officio capacity.

Commissioner Lumpkin asked how the member would be selected. Ms. Fleming explained that teachers and students from the high school would choose.

Mayor Pro Tem Witcher said he would like this to be considered. Commissioner Lumpkin explained that he was a student council sponsor when he was teaching and he feels this will be a valuable program. However he did have some concerns about privacy issues.

Ms. Fleming further explained that the goal is to start teaching youth now how to be involved and become leaders. Mayor Pro Tem Witcher stated that his only requirement was that the student needed to be consistent in attendance.

Mayor Pro Tem Witcher made a motion to have a youth representative serve as an ex-officio member on the City Commission and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin stated that he thought the youth on the board was a great idea. He thanked all those in attendance and apologized for the long meeting.

Commissioner Sandoval and Mayor Pro Tem Witcher had no comments.

Commissioner Lafferty stated that some controversy leads to a healthy environment where good decisions are made.

Mayor Pro Tem Witcher stated that citizens may or may not know that the Commissioners can't discuss the issues outside the meetings. He assured the audience that the Commissioners do not hate each other.

Adjournment

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

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 8:48 p.m.

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk