

**CITY OF TUCUMCARI  
MINUTES  
PUBLIC HEARING  
September 8, 2009**

The Tucumcari City Commission met for a public hearing on Tuesday, September 8, 2009, at 5:30 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Doug Powers, Community Development Director; and Joe Ramirez, Wastewater Superintendent.

**Opening of the Public Hearing**

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

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

**Oath by City Clerk to Speakers**

City Clerk, Christine Dougherty swore in all those planning to speak.

**Presentation by Ed Dubois on Wastewater Reuse**

Mr. Dubois of HDR Engineering began his presentation by explaining that wastewater is treated effluent from the Wastewater Treatment Plant. Use of this water saves valuable potable ground water and is used throughout New Mexico in many ways; some being for agricultural purposes and for watering parks.

Mr. Dubois then gave an overview of the project at the Tucumcari Wastewater Treatment Plant. In August of 2006, the City of Tucumcari applied with the Wastewater Trust Board for a re-use line to the city golf course. In June of 2007 the application was approved. In May of 2009, the City Commission closed the funding. All the funds must be obligated by May of 2012. The overall project is \$1,400,000. Grant funds equal \$350,000 and the remainder is loan at zero percent.

Mr. Dubois explained that the Wastewater Treatment Plant treats approximately 750,000 gallons or 2.3 acre feet per day. Mr. Dubois explained that one acre foot of water is 235,851 gallons. Currently, according to Mr. Dubois, the effluent is discharged to Breen Pond, then runs to No Name Creek and then to Ute Lake.

Mr. Dubois then detailed the different classifications of re-use water, their potential uses, restrictions, and set back requirements.

Mr. Dubois explained that this project includes a re-use pipeline and pump station at the Wastewater Treatment Plant. This treated water could be used at the NMSU Agricultural Science Center.

Other issues Mr. Dubois outlined are that each user will have to obtain their own discharge permit. Easements will have to be obtained if the pipeline is to cross others property. Mr. Dubois stated that there will have to be coordination between the City, the New Mexico Environment Department and HDR regarding the amount of water each buyer wishes to purchase, the specific use for the water and finally when they will need water dispensed. Mr. Dubois stated that rates for re-use water typically range between 20 and 80% of potable water rates.

Mr. Dubois stated that each user will be responsible for hiring an engineer at the cost of approximately \$5000 in order to obtain a discharge permit. The process of application for the permit can be lengthy. All pipes and containers used with re-use water must be colored purple.

Mr. Dubois said that the Water Trust Board was going to take the funding for this project away. However, many property owners talked with previous City Manager, John Sutherland and the project was restored.

Mr. Jack Smith currently holds a discharge permit and is using water on his crops because the line already runs through his property.

Options for the construction of the line include running the line to the west where it could provide re-use water to the cemetery, ball parks, industrial park and the Economic Development site. Cost to run the water line to the cemetery is estimated at \$1,749,292 and to run the lines all the way to the ball fields would cost \$2,096,214.

If the line is run to the east, there are three alternative plans. Alternative number one is estimated to cost \$1,482,586, alternative number two is estimated at \$1,603,762 and the third alternative is estimated to cost \$1,748,698.

Mr. Dubois concluded by saying that wastewater re-use is a resource for Tucumcari because it will save potable water for drinking.

Commissioner Lafferty asked if the cost of the re-use pump line and the pump would be the same regardless of the direction the line might be run. Mr. Dubois responded in the positive. Commissioner Lafferty asked when the project would be to a point where class one B water could be produced. Mr. Dubois stated that would be expected by March 2010. Mr. Dubois stated it would take 4-6 months before construction can begin because there are several steps. Commissioner Lafferty then asked if the existing City permit allows discharge of re-use water on parks. Mr. Dubois stated that the permit will have to be modified before re-use water could be used on the parks. A new permit will have to state which City property the re-use water will be discharged upon.

Mayor Pro Tem Witcher asked if the water being produced currently at the plant could be used on City properties. Mr. Dubois stated that the water needs to be one B status before that can occur. Commissioner Lafferty asked if there is enough funding to upgrade the

plant to the point where one B class water could be produced. Mr. Dubois responded that by the fall of 2011, the plant should be complete and able to produce one B class water.

Mayor Apodaca asked if the line runs through someone's property and they want to use the re-use water, who would be responsible for paying for the tap. Mr. Dubois stated that the City ordinance will have to be modified to set charges for taps on the re-use lines. Mayor Apodaca stated that there will be no free water as it would violate the anti-donation clause.

Ms. Rose asked for clarification regarding the 100 foot set-back regulation. Mr. Dubois stated that when discharging re-use water it must be done 100 feet or more from buildings, fencing is required around the area where the water will be discharged and the water must be discharged when people are generally not around. However, Mr. Dubois stated that once one B status is achieved, these rules change. Ms. Rose wondered if the water could be used on the parks because homes are near the parks. Mr. Dubois said that the 100 foot rule is for irrigated areas. Mayor Pro Tem Witcher stated that re-use water is good for farmland. Mr. Dubois said re-use water is great for farmland and the City of Albuquerque is using class one B water on their parks and golf courses.

Commissioner Lumpkin stated that the Commission is in a dilemma. In 2006 the water was thought to be something the City could use on its parks and now it is in demand for agricultural purposes. The water could help locals grow feed for livestock which could then be purchased by other locals. NMSU's Agricultural Science Center has never been able to conduct winter crop experiments because there is no water in the Arch Hurley irrigation system in the winter. Use of the water at the cemetery could save the City quite a bit of money. Mr. Lumpkin further went on to say that it is difficult to predict water use and to decide which use will bring the biggest benefit. He stated that the intention of the Commission was never to make anyone a big loser in the project. He said that the Commission will have to find a balance for the best use with the most benefit.

Mayor Pro Tem Witcher stated that getting the re-use water to the parks would cost a fortune because infrastructure would have to be torn up to do so. Commissioner Lafferty clarified that in this project reference to "parks" means only the ball parks.

Commissioner Lafferty stated that the question is how the City will find the funds to repair any infrastructure in this project if and when it needs repair. The City generally has to dig to find money for infrastructure repairs.

Commissioner Lumpkin suggested that perhaps the size of the project could be reduced and the goals could still be accomplished.

Commissioner Lafferty stated that the questions coming from the public are how much the re-use water will cost and how much the tap will cost. Mr. Lafferty stated that these questions need to be answered so that it can be determined if consumers are willing to pay the price. If there are no users for the water, expenses will never be recuperated. Mr. Lafferty stated that the full cost of the project will never be recuperated, however he feels the project should produce some revenue. Mr. Lafferty stated that some obligation from the end users must be obtained ensuring that they are desirous of the re-use water.

Mayor Pro Tem Witcher asked Mr. Dubois if he could provide the Commission with a rate structure rather quickly. Commissioner Lafferty stated that the current rate structure does not support this investment.

Mayor Apodaca asked if the line is run west towards the cemetery and the industrial park would it be driven by gravity. Mr. Dubois stated regardless of the direction the water is run, it will require a pump. Commissioner Lafferty reminded the Commission that regardless of which way the line is run, the cost of the re-use water line and the pump are the same.

Mayor Pro Tem Witcher asked if there was enough money to run the line both directions. Mr. Dubois responded in the negative.

### **Public Comments**

Mayor Apodaca asked if there were any citizens that had been sworn in that wished to address the Commission.

Mr. Jack Smith approached the Commission and stated that he is currently using the re-use water at his farm now. He stated that his cost per acre foot is \$30. He is paying the City \$10 per acre foot and the cost to pump the water is \$20 per acre foot. Mr. Smith also stated that the water volume is dropping. He also stated that he has had to drill monitor wells on his property as a condition of his discharge permit. Mr. Smith reported that he has to clean out the sprinkler nozzles daily as they are regularly full of debris. Mr. Smith also stated that signs have to be posted stating that re-use water is being discharged on the property, gates had to be installed and all the lines and tanks had to be painted purple.

Commissioner Lumpkin stated that the Commission appreciated Mr. Smith's information as it will assist in the decision making process. He agreed that the endeavor can be expensive.

Mr. Rex Kirksey approached the Commission and introduced himself as the Superintendent of the NMSU Agriculture Science Experiment Station at Tucumcari. He thanked the Commission for listening and being concerned about the needs of his center. He explained that his center conducts investigations on crops and livestock and feels they are a major contributor to economic development in the City. Mr. Kirksey explained that the center is composed of 464 total acres, 170 of which are irrigated through the Arch Hurley system. The center also has a domestic well. He feels the center is at the mercy of Arch Hurley and in dry years such as this, irrigated crops cannot be studied. Mr. Kirksey said he is very interested in using some of the re-use water. He stated that most of the studies conducted by his center are on crops used for grazing. Mr. Kirksey stated that if they could conduct winter studies, they could help local farmers and ranchers become more profitable. Mr. Kirksey also stated that his center could assist the City in working with the Environment Department in lessening the regulations imposed on re-use water use. Mr. Kirksey stated that in California, one B water is permitted for use on edible crops.

Mr. Kirksey stated that he feels it is too challenging for the Commission to try to charge enough for the re-use water to recuperate the cost of the project. He also stated that the

NMSU Agriculture Science Center can afford to pay more than the average agricultural user due to the investment they have in each crop. Mr. Kirksey estimated the centers use would be around 500 acre feet per year. He concluded by saying that the existing pipeline is less than one eighth of a mile from the center.

Commissioner Lafferty asked if the center would replace use of potable City water with re-use water. Mr. Kirksey responded in the negative.

Commissioner Lafferty asked Mr. Kirksey to show the Commission on the map of the project where they would like to use the water. Mr. Kirksey pointed to a spot just west of the center pivot on the centers property. Mr. Kirksey explained that his center has submitted a grant application for American Recovery and Reinvestment Funds for two new center pivots in the amount of \$288,000. Mr. Kirksey stated that this application was made in anticipation of the center being able to use re-use water.

Commissioner Lafferty inquired if Mr. Kirksey was concerned about the pumping costs of the re-use water. Commissioner Lafferty also stated that if the center would require 500 acre feet per year, the entire amount produced each year would be allocated. Mr. Kirksey stated that the pumping costs would be a concern depending on the price of the water.

Mayor Pro Tem Witcher asked if Arch Hurley were able to allocate water next year, would the center still require re-use water. Mr. Kirksey responded in the positive.

Mr. Pete Tatschl approached the Commission and asked if the City is the only controlling authority of this water. Mr. Dubois responded in the positive and stated that the City has the rights to the water.

Mr. Chipper Breen approached the Commission and stated that he appreciated the Commissions work and realized they had a difficult decision to make. Mr. Breen stated that since 1908 the City has discharged water to the Breen Pond. Mr. Breen stated that in the past even un-treated water was discharged on the Breen Ranch. In 1927 the Breen's purchased the ranch and have used the water for crops, pastures, cattle, to fill the pond and for wildlife. Mr. Breen would like to leave the arrangement as it is with re-use water being discharged on his property. Mr. Breen stated he was glad that Commissioner Lumpkin would like to see the water continue to be discharged at the Breen Ranch. Mr. Breen said he has 60-70 acres of pasture, 12 acres in crops and wants to plant more to raise feed. He further stated that he has 90 acres of fields but needs more pressure in order to be irrigated. Mr. Breen asked that the Commission consider the Breen families cooperation with the City for over 100 years.

Commissioner Lumpkin asked Mr. Breen if Mr. Smith's use and the decreased pressure has Breen Pond maintained its level. Mr. Breen stated that although the pond is not at the level it once was, it has maintained itself recently; however it does take him longer to water. Mayor Apodaca inquired how much water Mr. Breen uses. Mr. Breen responded that he does not know. Mayor Pro Tem Witcher stated that Mr. Breen could tie into the line with a permit like Mr. Smith did.

Commissioner Lafferty asked Mr. Ramirez, Water Superintendent how much flow is required to keep Breen Pond full enough for Mr. Breen's use. Mr. Ramirez stated that the plant produces 1.9 acre feet per day and Mr. Smith uses 1.75 acre feet per day leaving .15 acre feet is what is being currently discharged to Mr. Breen's property.

Commissioner Lafferty stated that it is not fair for the City to turn the line on and off. The intent is to be fair. The fact that the City discharges water on the Breen property is worth something. Mr. Lafferty stated that a certain amount of flow should be allocated for the Breen property. Mr. Lafferty suggested that Mr. Breen work towards compliance with the Environment Department to ensure he can still receive re-use water.

Mr. Bob White approached the Commission and stated that the current pipeline goes under his property and that there has been an easement utilized in past projects. When the line has been reconstructed in the past, his crops were ruined. He hired an attorney and the project was stopped.

As no else approached the Commission to speak, Mayor Pro Tem Witcher made a motion to close the public hearing and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Lafferty
Yes	Yes	Yes	Yes

### **Items from Commissioners**

Commissioner Lumpkin thanked all those who attended and stated that he appreciated their input.

Mayor Pro Tem Witcher stated that if anyone thinks of anything else they would like to add on this subject, please forward it to the City Manager.

Commissioner Lafferty thanked those in attendance and encouraged people to check the Commission agendas on the City website to see when this issue will be discussed again.

Mayor Apodaca asked that the minutes be supplied ahead of time.

### **Adjournment**

Mayor Apodaca adjourned the meeting at 6:47 p.m.

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Antonio Apodaca, Mayor

ATTEST:

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Christine Dougherty, City Clerk