

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
TUESDAY, JUNE 10, 2014

WORKSHOP

Minutes

The Truth or Consequences City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for a PUBLIC HEARING, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Tuesday, June 10, 2014 at 5:00 P.M., in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

**PUBLIC HEARING**

Mayor Pro-Tem Steve Green noted the signup sheets on the table, stating anyone wishing to speak on the matter was required to sign up at this time, as this was the last chance to voice their opinion; the Mayor Pro-Tem stated the Public Hearing would be conducted under the BatterShell Procedure.

Commissioner Kathy Clark explained she had spoken to council and was going to recused herself in this matter, she then left the building.

Mayor Pro-Tem Steve Green introduced the Public Hearing “Special use Permit for Property at 554 Mims, Truth or Consequences, New Mexico, for Bathhouse expansion, Bed and Breakfast Inn, and Swimming Pool. Applicant is Heartland Mesa.” He called Bill Slettom and Robbie Travis to approach and take the Oath.

City Clerk Judy Harris administered the Oath to Bill Slettom and Robbie Travis.

Bill Slettom, ACM/CDD, gave the Commission and Secretary a Handout regarding Section 11-5-6 Special use Permit Code. (Complete copy attached hereto and made part hereof.) Mr. Slettom noted that the Commission would act the function of the Planning and Zoning Commission. He noted what was required for Special Land use, users by right uses with certain conditions; special use requires a Public Hearing. He noted the following from Section 11-5-6 of the Code.

- Provisions for special use permit:
  1. In making a decision on a Special Use Permit, the Planning and Zoning Commission and the City Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.
    - a. The increase in congestion of streets and other rights-of-way

- b. Diminishment of safety from fire, panic and other dangers
- c. Diminishment to the health and general welfare of the public
- d. Degradation of light and air for all properties in the immediate area of the proposed permit, increases of overcrowding of land and undue concentrations of populations
- e. Adverse effects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards
- f. Increases of facilitation of the unlawful use of structures, building or land
- g. Promote the use of waste of energy in the use of structures, buildings and land.

2. Special Use Permits shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the proposed use.

Mr. Sletton noted the fee for the Permit; he also noted the submission requirements drainage plans, site plans and grading plans. He explained the Public Hearing and notice procedure; including the review and approval process, time limitations and revocation of the Special Use Permit. He explained that Special Use is for land use only and describes the activity to be done.

Robbie Travis, Building Inspector, approached and explained the Staff Report, noting the Special use Permit for 554 Mims Street. Items required were explained; Site Plan, Comprehensive Statement and the Staff Report. Noting that the Staff report contained information regarding the applicant, history of the property and the land they own. He noted two property owners and that it meets all required items. He stated staff approved contingent with Commission approval.

Commissioner Jeff Richter asked if there were enough parking spaces. He also asked about the Fire and Flood Codes.

Robbie Travis answered yes, noting they had measured everything. He noted that he had got with Fire Chief Paul Tooley and the Fire Chief was okay as long as setbacks and access in case of fire was needed. He noted they were looking at the new sprinkler codes.

Commissioner Ruben Olivas asked if this permit was strictly property itself, nothing to do with anything other than use of the land; then they have to meet other requirements when building starts.

Robbie Travis answered that yes, this permit was for the land use only, they will have to follow the requirements before the building starts.

Mayor Pro-Tem Steve Green stated that others had arrived, noting the sign-up sheets as proponents, opponents, staff or the public, giving time for anyone wishing to sign up to speak to do so now.

Mayor Pro-Tem Steve Green stated that at this point he wished to explain that we are using the Battershell procedure, explained that difference between proponent, opponent, staff and public. He noted Proponents, Opponents could cross examine Staff, and Staff could also cross examine.

Mayor Pro-Tem Steve Green called Jack Foerstner as proponent and owner to approach.

Jake Foerstner, General Manager of Riverbend, approached and explained the work they wished to do. He noted that proper measures were, and would be, taken to ensure the work would be done to code. He noted State regulations were required. He noted there was plenty of access for fire trucks, again noting that everything would be done to code. He noted they have restrictive quiet time, no loud noise was permitted, and he spoke of their quiet hours requirements. Mr. Foerstner stood for questions.

Commissioner Ruben Olivas asked if there would eventually be hot water and cold water pools, asking what the building would look like.

Jack Foerstner answered they were not at that point yet, he noted plenty of open space. He also explained they were heavily regulated by NMFDD, he noted they were too full most of the time, needed more space so they don't continue to loose busloads of tours passing through town.

Mayor Pro-Tem Steve Green asked if the plan was for a one story or two story developments.

Jake Foerstner answered 'a single story'.

Mayor Pro-Tem Steve Green called to other proponents on the sign in sheet.

Elizabeth Kearns approached, took the Oath and stated she worked at the Riverbend, she noted she has lived here since December of 2008; she noted they have had to turn away people for lack of room, since working at Riverbend she has noted the benefits to town. She spoke of the people back east having a strong hospitality background, she explained that was very important to tourist to be shown the hospitality of the town and noted the changes and improvements made by Riverbend owners, again noting how beneficial the Riverbend was to the town.

Jeanette Welch approached, took the Oath and stated she also worked at Riverbend and lives across the street. She noted they must turn away people when full and asked what there was to do in town. She noted they seemed interested in the town. Noting the Riverbend is a benefit to the whole town, as it is very popular, she stated they promote the shops and city. She stated she felt Riverbend was very beneficial to the whole town.

Michael Hoogasian approached, took the Oath and stated his wife works at the Riverbend and he thinks it is a great place.

January Roberts approached, took the Oath and stated she was the owner of 422 and 420 Broadway, noting that every 5<sup>th</sup> person who comes into her shop has been to Riverbend, and mentions their stay or time there. She noted she carries certificates for Riverbend and they are very popular. She noted she supports the proposal by Riverbend and stated it would be an asset for the Community.

Mayor Pro-Tem Steve Green asked Lee Foerstner if he wished to comment as a proponent. Lee Foerstner declined to speak at this time.

Mayor Pro-Tem Steve Green noted the list of opponents, asked Otero to approach.

Rebecca Otero differed, not wishing to comment at this time.

Meleasa Matzahn approached, took the Oath and stated she was a neighbor of Riverbend and owns Hot Springs & a Hotel too. She noted her concern of the proposed changes. She wanted to know why it was not a zone change, why is it a Special Use Permit, what is the difference.

Bill Slettom, ACM/CDD approached and answered that they City does not encourage zone change, Special Use was established for items such as this. He mentioned the City does not do spot Zoning, and this was envisioned as Special Use instead

Meleasa Matzahn continued, stating she was concerned with this; noting that a cold pool and how they spoke of it being a silent thing. Pools are loud, and she was concerned with its use. She stated she would hope the owners police the area well and insure the quite promise.

Rebecca Otero approached, took the Oath and stated she lived at 558 Mims Street. She applauded the work done, the solar use, beautiful changes that have been made. She noted she had a quick claim deed across from the Riverbend, and her property abuts it. She noted she hoped that neighbors would not be affected with the proposed item. She also noted several items of concern, the fence height, the property (vehicles) on her portion of property she wished would be removed, she also noted lighting, hoping it would not be a problem.

Mayor Pro-Tem Steve Green called for Kathe Bachtel to approach.

Ms. Kathe Bachtel passed on speaking.

Barbara Salasin approached, took the Oath and said she just had a question, not about the building, not about the land; she asked what exists as Riverbend then is considered Commercial. How do you not change it to Commercial?

Bill Slettom, ACM/CDD approached and answered that it's not a piece of Commercial parcels, not combined, unusual to have a piece of property like this.

Barbara Salasin continued stating she thought it should all be Commercial.

Carole Vosbough approached, took the Oath and stated she was a neighbor 5 foot away from the fence of Riverbend, she noted that she has a nice view of the river and from her front door. She worried when they put the fence up it will make a difference in her view, wondering how it will effect it. She also noted her concern was the noise which would be coming from the area.

Mayor Pro-Tem Steve Green noted this would have to be up to Code. He did sympathize with health concerns when the time came for construction.

Carole Vosbough continued, commenting on the future noise pollution and the Special Permit.

Robbie Travis, Building Inspector, noted that the fence height restriction was 8 foot.

Carole Vosbough continued, noting her concern with the look of the fence.

Mayor Pro-Tem Steve Green called for Bernhard Richman to approach.

Bernhard Richman passed on speaking.

Sid Bryan approached, took the Oath and said he questioned the property ownership, the "Commercial" question. He noted he heard there were to be 7 baths and another four Jacuzzis and a cold water pool, asking if that was true. Asking if they would use hot water, if it was different if rented with the Built, he asked what kind of use it would be, if refilled after each use or if the same water would be used again. He noted land use R-3, and said if they have 12 pools then 7 baths with drop in Jacuzzis what would be the number of people every hour.

Mayor Pro-Tem Steve Green noted the mention of 7 pools and asked Jake Foerstner about it.

Jack Foerstner approached and stated 5, four small soaking and one pool.

Commissioner Ruben Olivas said he would have questions later.

Mayor Pro-Tem Steve Green stated they needed to move on.

Mayor Pro-Tem Steve Green noted the Members of Public who signed in.

Sophia Peron approached, took the Oath and asked about the property already there, about the adjacent property, and noted they needed to work with Carol and Bernhard. She noted her friend Joann Love had to pay for sidewalks and for the cement sidewalks; it should be like that for Riverbend.

Ariel Daugherty approached, took the Oath and noted that Sid had raised interesting questions; she also noted the confusion of use of commercial asking if that was the intent.

Lee Foerstner answered that one leases from the other.

Ariel Daugherty continued speaking of the view, it being a great idea and noting there would be more activity.

Hans Townsend approached, he signed in late as a Member of the Public. Mr. Townsend noted he owned the Desert View Inn and that the Riverbend caused a ripple effect. Noting that everyone wanted business and to improve life in the Town, he noted he sells vouchers for Riverbend and people like it, he stated he is in favor of the proposed item.

With nothing further for the Public Hearing, Mayor Pro-Tem Steve Green closed the Public Hearing at 5:56 P.M. (Signup sheets and paperwork provided for the record.)

Mayor Pro-Tem Steve Green noted the Regular City Commission Meeting would begin at 6 P.M., following a short break.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, June 10, 2014

**Regular Meeting  
Action Minutes**

**TIME & PLACE:** The Mayor Pro-Tem and the City Commission of the City of Truth or Consequences in New Mexico met in Regular Session in full conformity with the law and ordinances of said City, on Tuesday, June 10, 2014, following the Work Shop, with the meeting starting

**PRESIDING OFFICER:** The meeting was called to order by Mayor Pro-Tem Steve Green who presided and Judy Clark returned to the meeting, after recusing herself from the Public Hearing.

**ATTENDANCE:** Upon calling the roll the following Commissioners were reported present:

Hon. Steve Green, Mayor Pro-tem  
Hon. Jeff Richter, Commissioner  
Hon. Ruben Olivas, Commissioner  
Hon. Kathy Clark, Commissioner

Also present:

Juan Fuentes, City Manager  
Jay Rubin, City Attorney  
Judy M. Harris, City Clerk

Absent:

Sandra Whitehead, Mayor

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CEREMONY: Mayor Pro-Tem Steve Green called for fifteen seconds of Silent Meditation.

Mayor Pro-Tem Steve Green called for the Pledge of Allegiance with City Commissioner

APPROVAL OF  
AGENDA:

Mayor Pro-Tem Steve Green called for approval of the Agenda or changes to the Agenda  
“Commissioner Jeff Richter called to pull item E.1.City Commission Regular Meeting M

Seconded by Commissioner Kathy Clark.

“Mayor Pro-Tem Steve Green called to pull items F.2.Discussion/Action: Re-appointme  
Film Liaison for City of TorC;, F.3.Discussion/Action: Appointment to Governir  
F.5.Discussion/Action: Re-Appointments to Library Advisory Board; noting the previous  
Members serving a 2 year term; stating he wished to positions to be advertised.”

Seconded by Commissioner Jeff Richter and Commissioner Kathy Clark. Discu

Commissioner Kathy Clark asked why not pull number 4 also.

Mayor Pro-Tem Steve Green explained item F.4. Discussion/Action Appointment to I  
recommendation and would not be a City Board Position, only for approval of the person

Mayor Pro-Tem Steve Green stated removal of Items E.1. City Commission Regular Mee  
F.2.Discussion/Action: Re-appointment of Cary “Jagger” Gustin, to position of Film Liai  
F.3.Discussion/Action: Appointment to Governing Board of Sierra Vista Hospital; and F.  
Library Advisory Board.”

“Commissioner Kathy Clark moved to approve the Agenda as amended.”

Seconded by Commissioner Jeff Richter.

Motion carried unanimously.

COMMENTS FROM  
THE PUBLIC:

Mayor Pro-Tem Steve Green called for anyone wishing to make Public Comment to appr

Randal Lawson approached, he made comments about his previous complaint of the  
thanked Commissioner Olivas and the City Manager for their efforts in meeting with thos

Rilley-Hamel, Sierra Health Council, approached and made comments about Cor  
transportation, tourism, the Senior Center and SpacePort.

Aerial Daugherty approached and made comments about inaccuracies in the City Com  
and overcharges on electrical bills.

Audon Trujillo approached and made comments regarding the landfill issue.

Linda DeMarino. MainStreet approached and made comments about upcoming events  
Master Plan Project.



Sophia Peron approached and made comments on City spending money, sidewalks, the employees of the City. Ms. Peron gave a handout for the Record. Full copy attached for

Millis McLeod approached and noted and Recreation Work Shop regarding the Swimmin

Jane Green approached and thanked Commissioner Olivas and City Manager Fuentes for

**PRESENTATION:** Mayor Pro-Tem Steve Green introduced next were three presentations, noting first was Landfill, calling Mike Crepeau of Gordon Environmental to approach.

Mike Crepeau, Engineer for Gordon Environment approached and gave an update of t presentation was shown. Mr. Crepeau explained the timeline for closure, the soil volu Stating the Landfill officially closed May 30<sup>th</sup>. Mr. Crepeau explained the closure 1 significant amount of dirt to fill in the remaining cell pursuant to NMED standards. M and BLM to excavate a site next to the Landfill for the dirt which will save time an burdensome but necessary if the City wished to use their site.

A complete copy of Mr. Crepeau's presentation attached for the Record.

Cary "Jagger" Gustin approached and gave a brief presentation regarding recent file pro and TV for film locations in the City, noting the City is perfect location.

Mr. Gustin provided newspaper information, and gave an overview of the film projects i to serve as the Film Liaison for the City. Complete copy attached for the Record.

Audon Trujillo approached and gave a presentation regarding creation of the Convention He noted activities in the Civic Center and Senior Center and noted he wished for the C allow the Board to market and run the facilities.,

Mr. Trujillo's PowerPoint Presentation attached for the Record.

**CONSENT CALENDAR:** Mayor Pro-Tem Steve Green noted the Consent Calendar, suggesting the first item 5/27/2014 be removed.

"Mayor Pro-Tem Steve Green moved to approve Accounts payable May 2014, Parks an March 3<sup>rd</sup> and the Domestic Abuse Intervention Center Report for May 2014 be approved



Commissioner Kathy Clark noted she had concerns with the amount of money dedicated to the advisory group was a good idea, especially if they could reduce the amount of money to be

Mayor Pro-Tem Steve Green asked if the City Manager would be attending the meeting to discuss the Resolution within two weeks so we can turn the group loose so they could do what needs to be done.

“Commissioner Kathy Clark moved to form a task specific, with an established set of meeting and then returned to the Commission for approval.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Discussion/Action: Authorization to Deposit, Withdraw and/or Re-Invest Balance Amounts in the R & R Sewer, R & R Water and Pledge States Accounts.

City Manager Juan Fuentes explained the City has several Certificates of Deposits with Pledge Funds. He explained that annually the CD's mature and require re-authorization of funds to the CD. He noted staff is recommending renewal of all the CD's and adding \$100,000 to the CD.

“Commissioner Jeff Richter moved to approve.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Discussion/Action: Resolution #35 13/14 LGRF Program FY 2014/2015; Don Armijo, Commission in a previous meeting about a year ago and had approved submission for the project described at two blocks over on Simpson, and it was selected due to use and condition of application and commitment to the matching funds used for the work.

Commissioner Ruben Olivas asked if the project is bid out.

Mr. Armijo noted, no, we do the work in-house, usually what happens with this we do cut and base, as per the state, once that part passes we put in four inches of base course and compact.

Commissioner Ruben Olivas asked if we had our new forms.

Mr. Armijo answered yes.

Commissioner Jeff Richter stated we want a stellar job.

City Manager Juan Fuentes noted this project is thru the LGRF and will be the only major other projects we're going to have to find another way.

Mayor Pro-Tem Steve Green asked what Mr. Armijo does with his Staff when they aren't

Mr. Armijo explained they send the guys to the parks and weed eat, go through downtown weeds; we try to keep Down Town looking pretty good. We pull off and help the Parks we're going through and cleaning arroyos, Cuchillo Negro maintenance. He noted there's

Mayor Pro-Tem Steve Green asked where we are with the Street Sweeper.

Mr. Armijo noted it was old, and right now they were working on other things. He noted it rains so they can pick up extra water. We could definitely use a new one.

Commissioner Ruben Olivas asked about pursuing grants.

City Manager Juan Fuentes noted if we know where the grant is we can apply for it, we can apply for it.

"Mayor Pro-Tem Steve Green made a motion to approve Resolution 35 13/14, LGRF Pro

"Commissioner Jeff Richter moved to approve."

Seconded by Commissioner Ruben Olivas.

Hon. Mayor Pro-Tem Steve Green responded AYE to a Roll Call Vote.

Hon. Commissioner Jeff Richter responded AYE to a Roll Call Vote.

Hon. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

## REPORTS:

City Manager Juan Fuentes reminded everyone about the Public Forum coming up on the Act Training on the 19<sup>th</sup>. He announced we would receive \$750,000 from the Colonias Initiative working with USDA.

City Attorney Jay Rubin, No Report.

City Commissioner Ruben Olivas thanked Manager Fuentes because when the Citizens went to the City Manager and got the answers and met with them.

Commissioner Kathy Clark thanked Commissioner Olivas and Mayor Whitehead for his important, and was a really good step.

Mayor Pro-Tem Steve Green noted how critically important the Open Forum was, and everyone when Commissioner Clark has her meeting regarding branding and goals, v cement to build the structure of what we are going to do for the City. He asked about the

Bill Slettom, ACM/CDD explained it was in draft form only, and would then go through review and several other who have to review the plan, before it comes to you for publicati

RESPONSE TO  
PUBLIC COMMENT:

No Response to Public Comment.

EXECUTIVE  
SESSION:

Commissioner Jeff Richter moved that the meeting be closed for Executive Session pertai  
Pending or threatened Litigation 10-15-1H(7)  
a. 65 Plaintiffs vs City of T or C

Purchase, Acquisition or Disposal Real Property 10-15-1H(7)

a. Former t or C Landfill, BLM Lease and Turtleback Golf Course Drivir

Seconded by Commissioner Ruben Olivas.

Mayor Pro-Tem Steve Green called for a Roll Call Vote.

Hon. Steve Green responded Aye to a Roll Call Vote

Hon. Jeff Richter responded Aye to a Roll Call Vote

Hon. Ruben Olivas responded Aye to a Roll Call Vote

Hon. Kathy Clark responded Aye to a Roll Call Vote

Motion Carried Unanimously

OPEN SESSION:

“Mayor Pro-Tem Steve Green stated that the Commission was now in Open Session.”

“Commissioner Steve Green certified that only matters pertaining to:

1. Pending or threatened Litigation 10-15-1H(7)

a. 65 Plaintiffs vs City of T or C

2. Purchase, Acquisition or Disposal Real Property 10-15-1H(7)

b. Former t or C Landfill, BLM Lease and Turtleback Golf Course Drivir

Were discussed in Executive Session, discussion incurred no decisions were made.”

ADJOURNMENT: There being no further business to come before the Commission the meeting was adjourned

CERTIFICATION: PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, or \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and ca

ATTEST: \_\_\_\_\_  
Sandra Whitehead,  
\_\_\_\_\_  
Judy M. Harris, City Clerk

