

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, August 16, 2016 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Andrea Jones

#### EMPLOYEE OF THE MONTH PROGRAM AWARD

Employee Council President Kathy Farley recognized Library Receptionist Dacia Yazzie as the Employee of the Month award recipient for June 2016. Ms. Yazzie was not present at the meeting, but Ms. Farley read her nomination letter in full and the Mayor and Council expressed their appreciation for her dedication to the City.

#### PRESENTATION/LOWER ANIMAS WATERSHED BASE PLAN

Providing opening remarks, Public Works Director David Sypher stated that today's presentation will provide an update on the Lower Animas Watershed Base Plan ("Plan"). He reported that Paul Montoia is the City's representative in the San Juan Watershed Group ("SJWG") and he introduced San Juan Soil and Water Conservation District Interim Coordinator Melissa May and SJWS Coordinator David Tomko.

Utilizing a PowerPoint presentation, Mr. Tomko announced that the Plan is one of a dozen throughout New Mexico that has been accepted by the Environmental Protection Agency ("EPA") and the New Mexico Environment Department ("NMED") and he provided an illustration detailing the various pollutants of the San Juan, Animas and La Plata Rivers which are listed as "impaired" for not meeting water quality standards. At the request of the Mayor, Mr. Tomko reviewed the types of pollutants and stated that the most comparable river to the Animas River in New Mexico is the lower Rio Grande River from Hatch, New Mexico to the Texas border. He reviewed the 2014 sampling total maximum daily loads ("TMDLs") for nitrogen, phosphorous and E.coli bacteria and pointed out that the highest levels coincide with large rainstorms indicating that pollutants are flushed into the river from surrounding land parcels. In addition, Ms. May reported that the samplings revealed ruminant pollutant sources such as cattle, deer, sheep and goats approximately 90 percent of the time; stated that human-source bacteria was also present in the samples; and reiterated that the spikes in concentrations occurred with large rain events which indicates that illegal human dumping and manure from fields are flushed into the river.

Responding to City Manager Rob Mayes' inquiry, Mr. Tomko stated that there were no specific pollutant violations within the City's jurisdiction but reported that all complaints go directly to the NMED District Field Office. Additionally, Ms. May noted that the City's efforts in enhancing the public's general awareness of how pollutants enter the rivers has been greatly appreciated and pointed out that an informational flyer was included in a recent City utility bill mailing. In response to the Mayor's inquiry, Mr. Tomko confirmed that the water table is fairly high and stated that septic systems in the river valleys

in concentrated subdivisions are of the most concern for creating ground water pollutants. Responding to Councilor Duckett's question, Ms. May reported that the Hood and Porter Arroyos in the Foothills Drive area drain into the Animas River.

Ms. May pointed out that TMDLs are important because of the stricter nutrient guidelines in place for water discharged into the Animas River, noting that the City of Aztec's wastewater treatment plant discharges into the Animas River and she stated that the City of Farmington's wastewater treatment plant discharges into the San Juan River which does not have nutrient TMDLs in place at this time. Mr. Tomko explained that New Mexico does not have numerical standards in place for nitrates (nitrogen and phosphorous) in the San Juan River but stated that because of the observed presence of algae there are numerical standards in place for the Animas River. In addition, Ms. May noted that the San Juan River is a larger type of river which is more sinuous and has a sand bottom and reported that the State has not developed nutrient criteria for this type of river yet.

Following brief review of water studies performed in 2005 through 2008, Mr. Tomko discussed the Plan's nine key elements required by the EPA and the various components that make up the Plan. In regards to implementing the Plan, Ms. May reported that outreach programs and agricultural best management practices are underway and she explained that projects such as removing non-native vegetation from the river banks and replanting native vegetation to help improve the overall health of the river have been completed and will continue in the future. At the request of Mayor Roberts, Ms. May described some TMDLs reduction options ranging from minimal cost to multi-million dollar cost estimates and Mr. Tomko discussed the TMDLs reduction model for storm water detention ponds.

Responding to Councilor Duckett's questions, Mr. Tomko reported that modern landfills including the local landfill are heavily regulated and pose very minimal risk to polluting the river(s) and Ms. May pointed out that the Plan includes a soils map that illustrates the absorption properties of various soil types located in the area. Additionally, Mr. Tomko stated that the old Lee Acres landfill located in Flora Vista, New Mexico is designated as a "Superfund" site and noted that the leaching pollution plume is being monitored. In response to Councilor McCulloch's inquiry, Ms. May confirmed that the Plan will not mandate regulation for landowners near the river with livestock except those with large livestock population such as dairies and she stated that land conservation programs and resources are available to those landowners.

Concluding the presentation, Mr. Tomko discussed the pollutant source project opportunities and reiterated that this Plan is a fluid document and that projects can be removed or added as needed. Mr. Tomko also reported that the City will have an advantage on certain state and federal grant opportunities since the Plan has been accepted.

At the request of the Mayor, Mr. Sypher confirmed that the City's water treatment process effectively filters out water pollutants and that the drinking water distributed to the community meets all state and federal water quality standards.

#### FINANCIAL REPORT FOR THE 12 MONTHS ENDING JUNE 30, 2016

Utilizing a PowerPoint presentation to display financial data that he provided to the Council, Administrative Services Director Andy Mason reviewed the June 30, 2016 Financial Report. He reported that gross receipts tax revenues for all funds were 3.7 percent below those received last year; all revenues in the General Fund were 1.2 percent below budget and that expenditures were 1.7 below budget; expenditures in the Electric Utility Fund exceeded revenues by \$754,000; revenues in the Water Fund exceeded expenditures by \$0.58 million; and that expenditures in the Wastewater Fund exceeded revenues by \$0.69 million.

Responding to Mayor Roberts, City Manager Rob Mayes confirmed that the City has not declared an emergency but rather has utilized the available monies in the 408 Fund (cash account) to provide solvency to the Fiscal Year 2016 budget. Following discussion regarding the Electric Utility's power cost adjustment ("PCA"), Mr. Mayes commended the Electric Utility and Public Works' staff for their dedication to improving capital infrastructure for the community.

RESOLUTION NO. 2016-1600 APPROVING THE FINAL FISCAL YEAR 2016  
QUARTER FINANCIAL REPORT

Administrative Services Director Andy Mason presented and read by title Resolution No. 2016-1600 approving the final Fiscal Year 2016 financial report and requesting State approval.

Following consideration of Resolution No. 2016-1600, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean Sharer  
Gayla A. McCulloch  
Nate Duckett

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1600 was duly passed and adopted.

RESOLUTION NO. 2016-1601 ADOPTING AN INFRASTRUCTURE CAPITAL  
IMPROVEMENT PLAN (ICIP)

City Manager Rob Mayes presented and read by title Resolution No. 2016-1601 adopting an Infrastructure Capital Improvement Plan (ICIP).

Councilor Duckett expressed his appreciation for the continued commitment to the Villa View Detention Pond and Foothills Drive Enhancements (Rinconada to Lakewood) projects.

Following consideration of Resolution No. 2016-1601, a motion was made by Councilor Rodgers, seconded by Councilor McCulloch that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean Sharer  
Gayla A. McCulloch  
Nate Duckett

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1601 was duly passed and adopted.

PROPOSED ORDINANCE AMENDING CHAPTER 8, ARTICLE 13 OF THE CITY CODE

City Attorney Jennifer Breakell requested permission to publish notice of intent to consider adoption of a proposed ordinance amending Chapter 8, Article 13 of the City Code dealing with food catering/vending wagons and trucks.

Thereupon a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct the City Attorney to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes.

In response to Mayor Roberts, City Clerk Dianne Smylie reported that staff has worked closely together to "clean up" the existing ordinance without any substantial issues to staff or community members.

The roll was called with the following result:

Those voting aye: Linda G. Rodgers  
Sean Sharer  
Gayla A. McCulloch  
Nate Duckett

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, said motion carried.

COUNCIL BUSINESS

Intersection of San Juan Boulevard and Scott Avenue

In response to Councilor Rodgers' inquiry, Public Works Director David Sypher reported that construction at the intersection of San Juan Boulevard and Scott Avenue should be completed next week and explained that supply issues caused the delay in the completion of the project.

Meeting with Greg Anesi

At Councilor McCulloch's request, Assistant City Manager Julie Baird reported that staff will be meeting with Greg Anesi in the near future to provide a progress update on the funds he donated for the development of the riverine trail system on the property the City purchased from him.

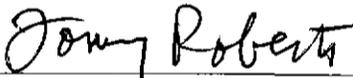
2016 NEW MEXICO MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING  
RESOLUTIONS AND POLICY STATEMENTS

Mayor Roberts reviewed the process that was initiated in 2014 to gather a consensus to either support or reject the proposed resolutions and policy statements being presented at the New Mexico Municipal League (NMML) Annual Business Meeting. City Manager Rob Mayes reported that staff does not have any concerns with the proposed resolutions or policy statements. In response to Councilor Duckett's inquiry, Mr. Mayes reported that tax reform including sales tax for e-commerce has its own committee that will most likely bring a resolution from the floor at the meeting. Additionally, Mayor Roberts announced that he has urged the legislative delegation to find a taxation remedy and stated that tax on internet sale transactions and an overhaul of the current tax structure will be topics at the 2<sup>nd</sup> Annual Mayors Summit in September.

With no further comments, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to direct the voting delegate to support the proposed resolutions and policy statements as presented, and upon voice vote, the said motion carried unanimously.

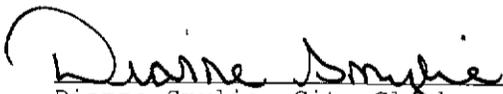
There being no further business to come before the Council, the meeting was adjourned at 10:43 a.m.

APPROVED this 13<sup>th</sup> day of September, 2016.

  
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Tommy Roberts, Mayor

SEAL

ATTEST:

  
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Dianne Smylie, City Clerk