

**Regular Meeting of the Roswell City Council
Held in Commission Chambers – Chaves County Administrative Center
Thursday, May 8, 2025, at 6:00 p.m.**

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 24-23.

The meeting convened at 6:01 pm with Mayor Jennings presiding.

ROLL CALL: Councilor Cortez
Councilor Corn
Councilor Oropesa
Councilor Cavin
Councilor Moore
Councilor Marrujo, Jr.
Councilor Johnson
Councilor Arnold
Councilor Halvorson
Councilor Heldenbrand

Councilor Marrujo led in prayer, and Councilor Moore led in the Pledge of Allegiance.

1. Approval of agenda - approve the agenda for the May 8, 2025, Regular City Council Meeting.

MOTION: Councilor Halvorson made a motion to approve the agenda for the May 8, 2025, Regular City Council Meeting with the following change: Move item # 25 to the consent agenda, the appointments of Carrie Hollifield, Mike Espiritu, and Dr. Shawn Powell to the Airport Advisory Commission. Pull item #21 from the agenda to hear at a later time. Councilor Cavin was the second.

ROLL CALL VOTE:	Councilor Cortez	yes
	Councilor Corn	yes
	Councilor Oropesa	yes
	Councilor Cavin	yes
	Councilor Moore	yes
	Councilor Marrujo, Jr.,	yes
	Councilor Johnson	yes
	Councilor Arnold	yes
	Councilor Halvorson	yes
	Councilor Heldenbrand	yes

Motion passed:10-0

2. Approval of consent agenda - approve the consent agenda for the May 8, 2025, Regular City Council Meeting.

Councilor Halvorson made a motion to approve the consent agenda as amended. Councilor John was the second.

ROLL CALL VOTE:	Councilor Cortez	yes
	Councilor Corn	yes
	Councilor Oropesa	yes
	Councilor Cavin	yes
	Councilor Moore	yes
	Councilor Marrujo, Jr.,	yes
	Councilor Johnson	yes
	Councilor Arnold	yes
	Councilor Halvorson	yes
	Councilor Heldenbrand	yes

Motion passed:10-0

CONSENT ITEMS (items 3-17 will be approved when the consent agenda is approved.)

3. Consider approval to award electrical service work for Cielo Grande Soccer Field Lighting to J&G Electric, Inc. in the amount of \$145,135.60 which includes GRT.

4. Consider approval of the award recommendation for RFP 24-011 (2ND Posting) South Park Cemetery Columbarium Plaza to Waide Construction, Inc. in the amount of \$970,104.09, which includes GRT. This project will utilize two funding sources: ARPA funds and the Well House Project Grant.

5. Consider approval of the award for the Inclusive Park Phase 3 Project to Abraham's Construction Inc. in the amount of \$342,172.76 which includes GRT.

6. Authorization for ratification of PO 22502347 in the amount of \$460,040.72 to CES for fencing for a secure site for ARFF prop location at the Air Center.

7. Authorize for approval of the National Championship Air Races Lodgers' Tax Funding Request in the amount of \$300,000 for marketing as outlined in their Memorandum of Understanding.

8. Approval of a new lease agreement for equipment with PTS Office Systems, Inc. of Roswell, NM.

9. Authorization for ratification of Purchase Order number 22502190 to Cotton Commercial Inc. in the amount of \$294,742.06 as floodwaters caused significant damage to the Adult Center, requiring emergency protective measures to muck out, demo, and dry out damaged building components.

10. Authorization for ratification of Purchase Order Number 22502168 to Cotton Commercial Inc. in the amount of \$258,476.31 as floodwaters caused significant damage to the Police Department, requiring emergency protective measures to muck out, demo, and dry out damaged building components.

11. Authorization for ratification of Purchase Order Number 22502183 to Mooring Recovery Services in the amount of \$216,020.60 as floodwaters caused damage to the Terminal, requiring emergency protective measures to muck out, demo, and dry out damaged building components.

12. Authorization for ratification of Purchase Order Number 22502189 to Mooring Recovery Services in the amount of \$391,744.88 as floodwaters caused significant damage to the Air Center, requiring emergency protective measures to muck out, demo, and dry out damaged building components.

13. Approval to award the construction of the Air Center Terminal Restrooms to White Rock Construction in the amount of \$484,818.99 (including GRT) through RFP 23-013.

14. Approval of the Letter of Engagement and a promissory note for DRS, Disaster Recovery Services, for phase II insurance and FEMA claims recovery consulting.

15. Resolution 25-22 - adoption of Resolution 25-22 approving budget adjustment for the fiscal year ending June 30, 2025.

Resolution(s)

16. Resolution 25-21 Weeds—The Resolution mandates the cleanup of approximately thirty-six (36) separate properties within the City.

17. Approval to authorize AEVEX to enter into a 5-year lease agreement beginning May 1, 2025, and ending April 30, 2030, for Bunker Nos. 1130, 1131, 1137, and 1144 at the Roswell Air Center.

Minutes

18. Draft minutes Thursday, April 10, 2025

Councilor Halvorson made a motion to approve the minutes from Thursday, April 10, 2025. Councilor Marrujo was the second. Councilor Corn requested to be excused from the voting because he was not present at the April meeting.

Voice vote was 9-0 with Councilor Corn recusing himself.

NON-ACTION ITEM (Information Items)

19. Airport Updates (Bobbi Thompson)

FOR THE RECORD: Councilor Arnold left the meeting at 6:18 and returned at 6:22.

20. Flood Disaster Updates (Deb Gallagher and Jeb McPherson)

FOR THE RECORD: Councilor Heldenbrand left the meeting at 6:56 and returned at 6:58

21. Proclamation - Frontline Worker (Mayor Jennings) – *item was pulled at the approval of the agenda.*

22. Roswell Police Department Out-of-state Travel - May 2025

PUBLIC PARTICIPATION ON AGENDA ITEMS AND NON-AGENDA ITEMS

In order to speak you must sign up prior to the Council Meeting.

Candi Munday spoke on Neighborhood Watch

PUBLIC HEARING(S)

23. CASE VAC-25-0007: Request Vacation of East 9th Street 60' wide Public Right-of-Way (ROW) from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 10th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts.

Councilor Halvorson: Mr. Mayor I move to open a public hearing for Case VAC-25-007 requesting vacation of East 9th Street 60' wide Public Right-of-Way (ROW) from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 10th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts.

Councilor Johnson: second.

Mayor Jennings: okay we have a motion we have a second we have a motion by Council Halvorson and second by Second Council Johnson okay so anyone who cares to testify on this will have to be sworn in is that correct so if Mr. Gross, Mr. Krumland and Mr. Hicks and anyone else who would care to be testify in this if they're pleased and stand and state your name raise your hand and the clerk will direct you being swear you in

City Clerk: Please raise your right hand do you solemnly swear or affirm that the testimony you give is the truth, the whole truth, and nothing but the truth under penalty of perjury. Swearing in was Thomas Krumland, Scott Hicks, Toby Gross, Jessica Vickers and Meredith Hildreth.

Mr. Hicks, Mr. Krumland and Hr. Hicks: I do

Mayor Jennings: okay we have five people we have five people unable to testify okay three we'd the two in the back behind public staff Meredith so okay yeah do you want to go with that first or

the which would be the proper way renew the report that we had from where they asked us yeah I think the communication would be in order

Hess Yntema: The communication would be in order Mr. Mayor.

Chad Cole: read the Communication regarding the vacation of 9th Street from Mayor Jennings and Chad Cole to the Full City Council. Attached to the minutes.

Chad Cole: Mr. Mayor okay the Yes sir mr may if you would go ahead and read the publication we have yes sir Mayor Jennings members of the council with regard to vacating public service public use streets the first thing we have to look to is city council ordinance 24003 article 7 with regard to real property transactions and real property is just land or anything permanently affixed to the land site section 2-201 clarifies that there must be no existing municipal purpose section A just below that prior to the sale exchange or donation of real property belonging to the city such real property shall be determined to be not essential for any municipal purpose sure I'll use my outside voice because I don't think it's fine yeah that one's not on or something just wave me in if you're not hearing me on turn on we'll go outside boys I do believe it's on it's just in that room right there test okay thank you new to the IT test let me repeat section A of that ordinance prior to the sale exchange or donation of real property belonging to the city such real property shall be determined to be not essential for any municipal purpose section B goes on to clarify the Mayor and city manager shall make this determination in writing and communicate the determination to the governing body each of you has this written determination there in front of you today the essentials of that determination were communicated to Mr. Hicks representing the Ford house today before this meeting and I'll go on to read not the whole communication but I think it's important to read some sections here this communication is sent to you pursuant to ordinance 24-003 the Mayor the city manager determine and concur together that the land petition for vacation in case V as in Victor A as is in Alpha C as is in Charlie-25-00007 still has a municipal purpose and public use hundreds of cars travel down this road daily and a significant portion of those travelers are unrelated to the petitioner's business we note that gross receipts tax for auto sales in their entirety are sent to Santa Fe non Roswell New Mexico further the petitioner has cited financial tax gains to the city from this new construction petitioner also admits that these improvements must occur as a condition of the property being a ford dealership in other words the granting petitioner granting the petitioner the vacation of a regularly used city street off of Roswell's largest arterial street Main Street would simply make the project more lucrative for the petitioner as the leading treaties on municipal laws note the primary purpose of streets is use for travel by the public and this refers not alone to the adjacent property owners but to the whole people the right of public to the use of these streets is paramount to that abiding owner or that the individual or corporation no matter what may be the use which he or it desires to make in the street um with regard to the analysis we have been provided traffic study by the petitioner recently and we have reviewed that per this analysis per the petitioner's traffic study at page four for the portion of the 9th Street in question the average weekday 24-hour count was 250 vehicles per day or BPD with 114 vehicles per day traveling westbound 137 vehicles per day traveling eastbound the 24-hour average dropped to 117 vehicles per day two-way over the weekend this was compared to a 2024 New Mexico DOT study that found 382 vehicles per day traveling east on 8th Street between North Main and North Virginia Avenue this suggests that traffic on 9th Street is 66% of that of 8th Street and in in

of itself 9th Street being utilized one third less than 8th Street does not establish a lack of public use no other minor streets were cited or analyzed in the petitioner study however such data could have easily been included it is in phase readily available to the public at New Mexico Dot public website that the traffic study omitted any other street data is telling this could be because 9th Street is street's use is simply not that far from the ordinary non artery streets in Roswell for which we have data the Mexico DOT studies are generally done for major streets so it is reasonably it reasonably follows that the vast majority of the roads surveyed are above 1,000 vehicles per day nevertheless per DOT data many streets in Roswell have similar traffic to the portion of 9th Street in question for example Third Street between Washington Avenue and Missouri Avenue a road only a block from Washington Avenue Elementary School registered 291 vehicles per day east Alameda Street and Stanton Street was a meager 91 vehicles per day lower yet Kentucky and West Bland registered 86 vehicles per day in the south of town we see other small numbers the corner of East Martin and Gail Harris the road next to Sydney Gutierrez Charter School and Caddy Corner to the corner of Eastern New Mexico University Roswell Health Services Center had 488 vehicles per day university Boulevard and Walker five blocks north of EMUR's administrative building had 248 vehicles per day taken within the broader context the traffic that goes over 9th Street is not unusual or out of place to establish that it is no longer being reasonably used by the public to say otherwise would be open up perhaps a majority of minor roads in Roswell to vacation or for lack of public use petitioner study also notes that according numbers supplied exclusively by the petitioner 88% of the traffic on 9th Street is attributable to their federal operations this overlooks two facts number one petitioners employees and employees and customers are in fact members of the public and number two 12% of the use is still there the public use that must be considered and broader and more inclusive than the mere use by a bike property owners streets are dedicated to the public use finally we touch on one other issue the city engineer noted that there is a savings to be had by not maintaining this street to accept this logic is carried out to his rational end it would be proper to close every street where Roswell as they have all have cost to the city the appropriate approach would be to compare maintenance cost against use relative to similar situated streets but that is something that is not presented by the petitioner or contemplated by the engineer given the street numbers above the applicants materials there is no reason to think that maintenance of 9th Street is more expensive than any of the other streets that have similar or fewer vehicle per day counts based on all the material provided by the petitioner we cannot in good conscience find that there is no existing municipal use to determine otherwise we leave open a significant number of city streets to abandonment or vacation the street rally cannot be vacated for private use i.e. for the purpose of devoting it to exclusive use and benefit of a private person or corporation but it may only be vacated to promote public welfare

Mayor Jennings: okay so that's where we are we felt that we met with them um they presented their case and so I think we can go ahead and allow you all who wants to speak first on behalf of this Mr. Gross you come to the microphone please so everybody can hear it somebody just

Councilor Heldenbrand: Mr. Hicks first

Mayor Jennings: Mr. Hicks he was here okay that's fine but I just was calling in the order which they signed up Mr. Hicks

Mr. Hicks: good evening Mayor Council Scott Hicks with Engineering acting as the agent on behalf of Roswell Ford as you all know we're here in continuance of our case last month there was a couple items that were not aware that we needed to do or the council wanted us to take care of before they could make an informed decision so we've done that I would like to address a couple of things that Mr. Cole mentioned before I get into some other points I did talk to him today I was not given or I didn't request a copy of that letter so I didn't see every specific item that he addressed or I hadn't heard it until just now but a couple of things I'd like to just point out the traffic counts on 9th Street were done over a week from a Wednesday through a Tuesday and that average is 250 cars or vehicles per day and we never said that there weren't any other vehicles than the Ford employees or people using Ford for business or deliveries there are some but there's very few if you look at the numbers that they provided us for their business and it is about 12% based on those numbers and again we're talking about essential so and that's why I included 8th Street's count for comparison because 8th Street is just one block south and it was at 382 I believe per day per the DOT website um just to show you that even with the traffic on 9th we it was about 2/3 of that on 8th Street so essential meaning that any of those cars that were using night to get from Main to Virginia or vice versa could also use 8th 10th or any of the other streets in the area so we're not saying that that's not there's not any of the cars doing that it's just the essential is what we're looking at um there are other streets that they can do that so that that's why there was only that street I also included the numbers for Virginia and Main because those are the two streets that bound Ninth Street and you know in the corridor we're talking about just to give you an idea of the amount of traffic that is on both of those streets relative to Ninth very small number of vehicles use Ninth Street and compared to those streets obviously so that's the reason for the tight comparison and I didn't go you know all over town looking for comparable streets we're just trying to keep it in the area that we're talking about cuz I believe there was a comment made by one of the councilors last month that we don't have traffic counts on 9th so that was the core reason for getting this together was so you had some traffic counts on 9 and we have those now so that that's why there's it's kind of you know limited to just those streets in the area okay so going on with what we have done since um last month we met with an appraiser Toby got on and you'll hear more about this toby got on the phone u the next day after the meeting and set up getting an appraisal done and the week after that he was here he flew into town toby and I met with him at on site he walked nine street from one side to the other and both alleys with him he's we were with him about 2 and a half hours that evening Thursday night and then they prepared their appraisal which you all have a copy of right now and that appraised value for that roadway being called real property is about \$14,000 and Roswell Ford paid about \$11,000 to get that done so they have already invested quite a bit of money in that and are willing to pay that amount to get that part of it done and over with so that is done if you think about it too it's about 0.9 acres that the appraiser list in there for the area with the alley and the utilities that are in there that are going to stay in there just like they are now um and the setbacks if this was to be looked at as a as a lot of its own for development you're probably looking at about half an acre at the most so really that's about \$14,000 for half an acre um and as I stated we put presented last month what we're what we're proposing is easements for the alleys for utility and access for both parties on either side of that alley and then having one 20 foot dedicated access easement from Main to Virginia that will stay open and always remain open for through traffic now so the difference becomes it's not public right away but there still will be access for emergency vehicles for the other owner there on the other side Mr. Rhoads so it's not limiting any traffic moving that direction it's just no longer a street the other 40 feet will be dedicated as quick lanes for service and that's the whole purpose of doing this to vacate that 60 feet to get

enough property there to use for those quick lanes and it will become one-way traffic from Main to Virginia that will also safety comes into play there because no longer will there be a left-hand turning movement out of my street onto Main so that's a plus there so yeah we put that together those are in your packets I just want you to think about the word essential with the other streets in that area they do the same thing that Ninth does there's no utilities in that street there's nothing else planned for that street the folks that use it even myself if I'm not going for it I'm using that street I can go to any of those other streets 400 ft one way or the other and still get to where I wanted to go between and Virginia the you know there's a lot more we could have done with a study but I wanted to keep it focused in the area especially with the time that we had of area of the project itself so if there's any questions on that please do um let me know and we'll answer those but that's in a nutshell um the other thing about the savings you know it's not a savings that's not going to be spent somewhere else on another road that's what we're trying to say when we say we're saving the city \$38,000 that was the number that Mr. Najar had in and his letter um it's just that's \$38,000 that the city can put on another street the maintenance for that section now will become the responsibility of Roswell Ford and they will maintain it and they have plans to repave it and do some more concrete work they've already done a substantial amount of concrete work from Main on the south side of Ninth Street from Main to the alley if you go wider you'll see that so they will be taking over maintenance to that you know for that portion of that road in that street so that's what you meant by savings of \$38,000 so I'll stand for any questions or any comments that we have that may come up after you know we hear from Mr. Krumland and Mr. Gross so please feel free to let me know if there's anything else I can just kind of wait till we get everybody up and we'll hear all the test all right thank you good

Mayor Jennings: Mr. Gross or Mr. Krumland who wants to go next Mr. Gross

Mr. Gross: Toby Gross 1316 Alicia Lane good evening Mr. Mayor council once again I don't know where to turn at this point we've done everything that we were asked to do we've had it appraised we've had the street count done we've done everything we can do and now the city has fallen back on they don't deem it they deem it necessary for the city's purpose we all know it's mostly us we're going to we're going to build something over there some more we're going to create more traffic more confusion it it's an it's going to be a dangerous situation turning left out on to the state highway is already dangerous I don't I don't know what else to say since you've turned to this this but why didn't somebody just tell us no a long time ago why are we being pushed down the road and delaying our project by month after month you know I we wouldn't have had it appraised if we didn't think that it was something that we should have been doing for you that's what we got and I know that you don't respect the appraisal was the opinion I got in the meeting the other day why do we why do we have a why are we back here if the answer was no

Mayor Jennings: it's your choice to come and speak and present before the council and that's all if you choose not to that's fine it's a courtesy we give you

Mr. Gross: I appreciate the

Mayor Jennings: You have a right to be in favor of what you're in favor of I make my decisions for what I believe and what I see and I'm sure

Mr. Gross: but the decisions continue to change on us and that's bad business that's all that is

Mayor Jennings: that's fine your opinion

Mr. Krumland: Mr. Mayor City Council you know I don't know what to add except to ask you cuz I think it's you and the city what is your title city manager city manager that you come up with this deem non nah or you deem it essential what is there is there Well I should ask is there anything we can do to get this project through

Mayor Jennings: Mr. Krumland we're here to look and about the use of the streets and they asked if it was if there were enough people to use that use that street it asked us about our opinion if it was essential and it had enough used to be claimed as a city street and I in my opinion I felt it didn't I felt it was there that's my opinion I I can't tell you why I when I look at when I looked at the work that I saw there in the appraisal some of that concerned me I thought when you your people came they told us it was they would only give 10,000 and we told them that and even below their appraisal your appraisal from your individual I honestly when I look at that in my heart of hearts I think that the use of that street is worth more in my opinion than \$14,000 and you your people came and they cut it down we're saving you \$38,000 here and they said "We'll give you \$10,000." And I thought I think for \$14,000 in my opinion of a piece of property in that area of town it is and that whole street the use of that whole street in my opinion is worth more than \$14,000 to the people of this city I think there's enough use there to justify that I have a great deal of concern about what happens when you take this third of the traffic or whatever and put it on 8th Street or where it goes that's also going to put more problems there there's no stop light on 8th Street that's another thing I think is an issue if there was that might make it easier to have left turns off of eight but I look at that and um you know you're getting a piece of property that the people of Roswell have paid for including curb curbs and gutters and all that it's been there and I think it's the value of that to come at \$14,000 I thought was extremely too low and at that time I said is there something else we could trade for 9.8 acres or for some other piece of property that might have more public use that might alleviate or help other issues and um suggested a thing over there and it was not available was not to be considered by your people and because you had other uses that's fine and I didn't come up and call you or question you like I was questioned about where I came up with mine that's where I came up with mine and if Mr. Gross likes it fine if he doesn't I'm in perfectly in tune with that he has his right and I have a right to my opinion and I used

Mr. Krumland: and I appreciate you saying that but I'm a little confused and all due respect Mr. Mayor you say that you're deeming it non or essential street but yet your whole statement to me was based upon that we're not paying enough money it's not whether it's deemed essential or non-essential you don't think we're paying enough I my report back from Toby was yes he offered you 10,000 because that was something that the city the Mayor could sign off on without approval of the council but we also came back and said "What do you want us to pay do you want us to pay 20 grand then we'll pay that." We have made that offer to you and I'd like the rest of the council to know that we did not stop at what the appraisal was but your whole summation to me is that we're not paying enough not that it's an essential or non-essential street

Mayor Jennings: in the movement of the vehicles that are on they go down that street and you move them down to 8 Street that compounds a problem in 8th Street as well and you know that's

my opinion I the traffic amount there I think that there are a number of people have a number of rights to use a street that has been dedicated for this street since 1891 or whatever it was

Mr. Krumland: I agree with you

Mayor Jennings: and they have a right to that to take that away although maybe it's only from 150 people or 200 people to take that away is not something that I think we should just do this would set a very dangerous precedent on what we do for other pieces of property with that low traffic count and or even that high a traffic account we have a number of streets in Roswell that don't have that and you know somebody could petition to vacate all other kinds of things without looking at it and that's how it got this far this is the first time I got to see that we did see some things there were one time there were going to be an awning over that sometimes other things but there are other people behind you that have other pieces of property yes I understand that no one filed a written protest I understand that but I just that was my opinion how my beliefs are

Mr. Krumland: but the title of those properties I also own one on Seventh in Main where the old Honda store was on that deed that goes back to the Chisum Ranch I mean that's what was on that this is how long ago his properties were dedicated to city and I would ask you on some of these other streets that you cited so if you had some kind of a economic windfall coming to Roswell that somebody wanted to build another building that they needed to close a street or two would you would you consider that or not if it was for the good of Roswell you know and making Roswell better I just got emails today about could I attend a meeting on downtown Roswell and what we can do to beautify and to make it more I think anything that we've done we've tried to improve the city and the properties in which we have so I don't think that's an issue um I hear what you're saying and you're holding you want to hold on to this essential or non-essential but yet today I've heard you say that you know you're not paying enough so if we pay if we paid 100 grand is it still non-essential or is it still essential cuz only you can answer that because you brought other things up to Toby and you brought him up and in insinuated here you know what kind of lighting are you going to put down there hey we're going to put in the lighting that you guys are going to approve you mentioned something about a project we did 5 years ago the Nissan store that maybe our lighting was not compliant with the night sky ordinance hey that was a local electrical engineer that did it all of those lights are facing away from any residential we have done whatever we had to do to be good neighbors in wherever we're at but why would that comment even come up if you're not looking for a way to prohibit us from this street why would you even talk about the lighting you know the fact is that it's essential or non-essential it doesn't matter what kind of lighting we're going to put it then it shouldn't matter how much money we're going to pay for it but that is what you just told this council and the people here that we offered you the appraised price which is with all due respect a lie we did offer that but we came back and said what does it take so we weren't stuck on that number you know so I mean if there was something else going in on one of these streets that are two city blocks long and you have a if that's where you decided to put the new museum or something I guess that's a whole different issue you the city has the right to close whatever streets they want at that point you know because it's municipality I'm just trying to say hey I'm you're going to leave me with some other options so we can stay there or we can move our Ford store out of the city and we can move it into some kind of county position property you've already said stated here today well you're not getting any of the tax on the grocery seats tax that we sell on automobiles but you are on all the service city of Roswell is where it is okay and you know so there

is a economic impact and for the we're already spent about 3 million just getting it up to where it's at today I had a nice conversation with Ford we're probably \$10 million away from a completed project those \$10 million will be spent on local contractors that they will they will have impact on this city and the people that work there we're not bringing in and again I'm probably stepping on toes but we're not bringing people in from Albuquerque to build it but that's what I think the city would do if you're going to rebuild the convention center or something we're trying to keep our money here I've been here 30 years the first person I went and met when I moved to this town was your brother he was Mayor at that time and I went up to the office and I said who I was "Hey I'm hoping to be a good neighbor I'm hoping to do things the right way." And I think we have 30 years worth of building which I don't know the real estate assets are probably in excess of \$25 \$35 million in Roswell and I just don't know what we've done to upset you because it looks to me like it's personal

Mayor Jennings: no it's not well I want to race back but it's not you can do whatever you want right I don't um

Mr. Krumland: right you know so it was available if we traded you some land and if you want to trade that land that I have on West Second I'll do it with you at appraisal to appraisal if the city wants to do that I'm in right now telling them okay then you can use it they heard people up here talking about your FEMA and about how you gave all the statistics on how fast the run the flow of water is on there then take that land that I own and build yourself reservoir out there in back of my Toyota store but it's not going to be at the same appraised value as this street it'll be we'll get an appraisal if the city wants to pay for it there's a way out stop the flooding you're concerned about that

Mayor Jennings: you know I was looking for a way if there was a way to get some other kind of movement or some look at some other ways to look for public use or whatever else just to see whatever might be out there that we could find some level of agreement on that was turned down and wasn't available and we've done that we've gone down the road and if it you know that's where we are when we looked about this and looked about the appraisal and that's where it is you can try to make this between me and you if you want that's up to you I I am I was concerned and I thought that appraisal price was low and as I look at it you know we get what is it 25 cents a square foot for everything we lease at the airport every year

Mr. Krumland: Mr. Mayor

Mayor Jennings: and this was about 35 cents a square foot or something so whatever

Mr. Krumland: Mr. Mayor I agree with you okay but I did not hold my hat on that appraised value I asked "What does it take I'm not trying to buy it I'm not trying to steal it from the city but we've had we've had three accidents in the last six months there are one fatality." I mean and this and you guys all had the report that the state engineer says that they would love not to have left-hand turns out of there before this and it's still going to be an open access one way but there's an open access for people that wanted to go from 8th Street to Virginia there's still going to be open access you know we're I'm not the big bad wolf that's cutting you know the poor independent person from using that street and yes we're going to put up more lights and stuff right now those three four

blocks in there are part of the biggest problem this city has as homeless people let's put some lights down there let's make it bright there's no homes around there we're not affecting any residential you know the only one that really uses that and you've got some studies here but you've got the propane company in the back there once twice and maybe three times a day they send a truck there but they don't even go out and use Main Street because of the left-hand turn way so those are some I would ask you to do a little bit more homework on who uses it so I don't think that we're going to get past it I think you've hung your hat on hey it's an essential road and we're not going to budge from it is that what I'm hearing from this tonight

Mr. Mayor: I made a decision in that matter yes I over what I saw and what the evidence that was presented to me I made that decision yes

Mr. Krumland: but yet the first night we were here you guys wanted continuance because Mr. Najar was up here and you kind of fried him in my opinion up here well this isn't in the report and Mr. Heldenbrand was saying well this isn't in the report I can't make a decision on this this isn't there so we got all that information from him you could have made a decision that night and said you know it doesn't matter what it is it's going to be an essential street but once we got the appraisal once we got the traffic analysis then it's like "Hey can you find something in there in the in the city

Chad Cole: don't touch me

Mr. Krumland: can there's something else don't touch it." Okay that's okay yeah okay

Chad Cole: I don't forget it

Mr. Krumland: okay

Mayor Jennings: now yes please and what I have no control over what other people say what he Councilor Heldenbrand says because he asked a question of anyone that's not my fault that

Mr. Krumland: but that's the reason why we are here a month later because we asked for a continuance to get those two things done that's what you asked us to do why would you ask us to do things and spend our money if you knew that you weren't going to do it

Mayor Jennings: I didn't have that no I didn't I had

Mr. Krumland: You didn't have your homework done but you expected me to have mine done on that day

Mayor Jennings: I had not made a determination about which way I was going to go necessarily there were other people on this council that voted other than me in fact the number of times if you look I don't even vote because I only vote in the case of a tie so I do have opinions about things I do express them I think that's what my job is to express them and I do that and I will continue to do that for whatever the council

Mr. Krumland: that's what you're elected for so whatever your opinions are but in this case it won't even go to a vote so what you're saying is going to override anything else that any councilor may or may not want to see this happen you're going to say we think this street is an essential street regardless of nature

Mayor Jennings: believes your entire

Mr. Krumland: Well that's what I'm hearing you say tell me if that's not what you said you know

Hess Yntema: Mr. Mayor if I may is the parliamentarian for the body this is getting into argument and not actually presenting facts for the council to make any determination about that

Mr. Krumland: and I'm asking what can we do to make a deal

Mayor Jennings: I think we have made a decision according to the laws of the state of new mexico as it was determined that what how we were supposed to make a decision according to the law I think we've honored our decision and made our decision according to the law of the state of New Mexico and I'm sorry if they don't go your way

Mr. Krumland: not good it's all right hey we win some we lose some thanks for hearing me out

Mr. Hicks: Mr. Mayor

Mayor Jennings: yes sir

Mr. Hicks: thank you um a couple more points real quick on the back um you said something in there Chad about vacating the street for a business can you repeat that since that

Chad Cole: I'm not sure what you're talking about

Mr. Hicks: yes no in your letter where you said we don't vacate streets or rights away for the use of personal or like a business is that in there I read that I guess what I'm trying to say is in 2016 we were in front of the council for a very similar vacation of East 16th Street from Atkinson East 400 ft it was right in front of Dodson Wholesale Lumber and they petitioned the council through P&Z and council to have that street be vacated same width same length and the P&Z recommended approval to do so and the council approved vacating that right away for the sole purpose of and use for Dodson Wholesale Lumber the other one that's comes to mind is the alley between Buffalo Wild Wings and the hotel between 8th and 7th Street that alley was vacated for the purpose of access for Buffalo Wild Wings and also the hotel the utilities are in that alley and it became an easement for access and utilities so this is nothing new this is not a precedent where you would have set tonight if you approved to vacate the right this does happen and it's happened here in Roswell more than once and not just for the city's purpose but for the use of businesses and therefore the public that uses those businesses I think that's very important to remember that's a fact the other the other thing I'd like to ask real quick if I may you were concerned about traffic not on ninth now going to 8th street Mr. Mayor I'd like to ask the opinion of the city engineer what he

thinks about that if we're only talking about another 100 cars per day and is that something I can ask your opinion on any other traffic

Mayor Jennings: Mr. Hicks I made the decision we made a decision we listened to his testimony the other day and I've already had one councilor criticized because he asked him some questions and whether it's going to be me I'm not into arguing all night

Mr. Hicks: well I understand that you brought up your concern I think your own senior engineer might be open to help answer that

Hess Yntema: Mr. Mayor as a parliamentarian it is the obligation of the applicant to provide all the evidence up front calling upon the city to present evidence on his behalf at the last hour would be irregular

Mr. Hicks: I'm not saying on my behalf I think it would just be clarification of the city streets use of the city streets with depending on traffic well shouldn't take long

Mr. Najar: I don't want to put you on the spot you may say whatever you choose you can choose to answer you can choose not to answer um that's fine

City Clerk: do you solemnly swear or affirm that the testimony you are about to give is the truth the whole truth and nothing but the truth under penalty or perjury

Louis Najar: I do Mayor council this is an interesting case this is a planning and zoning variance case a planning and zoning variance case is just what it says it's a variance of some of the other things that you normally don't have so this is a planning and zoning variance case that the governing body councilors have the final ruling as I understand it so to answer a couple of questions that have come up and some statements the 33,000 38,000 whatever that number was that was based on the mill and fill prices that we just did around town and we're going to pay the same price to do 8th street 7th street sixth street all the other streets per square yard whether nine streets evolve or not so those are actual numbers okay and that's part of the maintenance as far as 8 Street and having a traffic light that's been come up before and twice New Mexico DOT did the warrant studies and both times it didn't make similar to 23rd Street over there by over there by Applebee's that's always been a problem so what you have before you is planning and zoning variance case I'm up here as the city engineer and yes I take in a lot of bullets but ethically as a city engineer I have to make decisions make opinions based on my professional knowledge and as a professional engineer and in these cases P&Z I just did testimony in another case Tuesday I always give testimony they always ask the city engineer that is my job okay so as I see here this planning zone variance the Mr. Smith engineering is correct we've done this in lots of places I'm surprised that that this happened and so let me just give as a city engineer I have to take a big picture wide lens wide lens and whatever I'm looking at planning zoning case whether it be a home business Whether it be vacating an alley whatever it is I have to look at them all looking fine points and then step back wide lens okay that's my job sometimes you guys like it sometimes you don't just like when I give an estimate for a project most of the time you don't like the estimates because they're high so let me just elaborate on the traffic and that's all I'm going to talk about really the traffic right now let's take that wide lens this project's downtown Main Street downtown Main Street that was set up in the 1890s 1900s whatever

Mayor Jennings: let's get to the point I mean we've been doing this a long time that's fine

Louis Najar: so they're about 400 ft apart the blocks downtown traffic you've seen it all back up on the lights think you've all we've all experienced that the DOT since the 1990s has wanted to take out the light at third and fourth because the traffic backs up because the blocks are too small for the modern for the modern standards that we have okay 2024 I think most of you were around 2024 on council safe streets for all one of the projects is to close third street to traffic and just for pedestrian only third and safe streets for all okay 2024 so 9th street it's 400 ft to go 8th street or ninth yeah to 8th street or 10 10th street 400 ft apart most of us supposed to be driving 30 m an hour okay 44 foot per second okay it's going to take you a 9-second delay to go from 9th Street to 8th 9th Street to 10th okay 2019 traffic study we did and we were doing another vacation for another business that wanted to buy some property and require the street 2019 react east well street serving mostly businesses I mean residential and in the base we had 453 vehicles a day and almost equal going east and west my recommendation council didn't pay attention to it but what we did the people at the base we cut off one of their entrances to go to probably to Leprino or probably in Artesia oil field anyway so 2025 they did another study yeah almost 90% of it is for their study and it makes sense even my letter most of their traffic's there for forward okay as a planning and zoning and as council I would assume that you guys are looking for development okay so we're looking for development with the flood we're looking for healing from the flood you know I've been around a long time sometimes I'm a gruffy engineer that's what I do but my experience tells me the convention center the museum anything that the city's going to do we're 5 years out from the event date so that' be October 19th 2024 so 2029 to have something completely built and open to replace the loss and that's just what it is so again that's what I have as far as the traffic responding to the cost responding to the 8th Street light and council you are the governing body I stand for any questions

Mayor Jennings: Councilor Arnold

Councilor Arnold: council just a simple question um considering the actual somewhat of a decision I think that's been made um and the petitioner saying they want a one-way service lane um is it possible to make the street a one-way street done by the city would that actually benefit I mean does it have to actually be sold if it still has use to the city and it is actually currently a and I've seen it very dangerous way to exit what about making the whole street one way from Main to Virginia

Louis Najar: well they've done it as a as an easement cuz as I understand they want to use some of the property for their quick lanes or how are they going to do it but an easement if they're going to make an easement it still has to be signed one way and the DOT I trusted the DOT if they if they've looked at that they don't want less sterns you know they look at a lot of stuff again DOT looked at a street for a light and it didn't warrant but

Hess Yntema: I don't think you're answering your question

Councilor Arnold: asking if city made

Louis Najar: it one way that if we actually would have to make it one way if it's an easement because that's the direction

Councilor Arnold: no I'm saying if we don't sell it period if we maintain it as ours can we actually just actually go through the process of making it a one-way street a one-way street to benefit the you know declaration of the city manager and Mayor and then also you know our business

Luis Najar: okay so one-way street would you be talking the whole full width or just a partial width

Discussion amongst the council.

Councilor Arnold: the whole take care of I mean I think everybody wins with us just turning the whole street into one way and I don't know what that process is and I don't know that that can be solved right here but it might be able to be done in infrastructure

Louis Najar: the one-way streets the last time we did it we did the one-way streets when we were building main street and we had to take it to council what I remember and we made Virginia One Direction we made Richardson One Direction and that was that but that was a whole huge That was that was But I mean that was the last time we've done one-way streets other than when they come up with new construction then we'll look out there's one east truck right well

Councilor Arnold: I'm just saying I'm just offering what I could consider a very simple

Louis Najar: just like I explained to you last month when Buffalo Wild Wings and then the what was it hardies or whatever was going to go across the street from McDonald's I said "No you're not going to have any access off of Main Street." Cuz I didn't want double left coming from both sides of the both sides of the business so that's when I said you had to use the alley as an access or in turn that's what had to have had the valley the alley be vacated for the safety of the people not having double lefts or it's a bad terminology but people understand it suicide turning lanes

Councilor Arnold: well and I've used I know exactly what you're talking about I use most of everything you're talking about but what I what I'm saying now is that we are kind of at a standstill and I'm offering a consideration that can be discussed later on past tonight I think because I mean I'm just throwing it out there so that Smith Engineering and Krumland can actually maybe consider that as an actual option I mean we're

Louis Najar: to answer your question we can turn any street one way for the most part I just have to look up the process and I think it would start with infrastructure and then take it to council just to show it

Councilor Arnold: I would like that thank you the council

Councilor Heldenbrand: let me let me address that if you look at their plan what they're talking about a quick lane do you know what a quick lane is

Councilor Arnold: yes I actually

Councilor Heldenbrand: Yeah so what they're talking about if you turn that into one way street would not allow the construction of that quick lane which is a loop facility to be placed correct that's correct see that's not what been totally told to you is what's really going to go on there no that I understand what's going on yeah so you turning it into a one way will not fulfill what they want to do

Councilor Arnold: but he's an engineer and I'm saying that we as a city can offer a solution of creating safety that they're saying does not exist of creating the actual fact that that's our property as stated by the Mayor and it's in it's in use so why don't we actually have a conversation of how we can develop something that fits a one-way street and everybody has part of the conversation that's just my suggestion it's late

Councilor Heldenbrand: no it's just it's just that won't fulfill what they want to accomplish

Louis Najar: council Arnold that's come I asked the question partial right away so they could build on part of it and then part of it would be so we would share and then and then that partial right of way so to speak would be a one-way actually

Mayor Jennings: Council Lady Halverson

Councilor Halvorson: so I think that partial right of way is what brought the appraisal down so much from 230,000 to 14,000 so that's a huge discount but we I'm not an engineer so I would think you know Councilor Arnold's idea you could strike the street it's wide enough what for three lanes couldn't you strike like a parking

Louis Najar: i think as I understand and Mr. Hick said correct me if they're going to have it a one way that we're going they have to have a striping sign

Councilor Halvorson: well said if the city does it we could do striping like a parking lane close to where you want to do it quickly but leave the center area open for traffic that's just a thought but I again I'm not engineer think I'm going to do something

Mayor Jennings: okay so now okay let's go councilman who's next councilman Corn

Councilor Corn: yes me okay Mr. Mayor I was privileged to be here for the last meeting I was under heavy drugs you would have liked me if I'd been here um but Maybe he don't like me here anyway but I are you wanting a vote on that going to torpedo myself if you want to jump in get after it if you want to fire the shot get after it but anyway the point that I'm going to make has nothing to do with Mr. Krumland per say except he's the driving issue here or the driving party but I started going through this large packet of information I got a Monday afternoon thanks to Councilman Heldenbrand making sure that I got a copy so I was reading through this thing and I I looked on page 243 and your handout that was done by Cushman & Wakefield Western Incorporated and third line up from the bottom they're talking about the turn key ventures hub and it says for mobile home now I don't know if that was a typo or not but what they're building out there is not mobile home right modular would have been a very a much better use that's 234 okay well now we all know why I'm not then I noticed on 237 where it listed electricity is Central Valley

Electric Corporation I think it's Xcel and I also noted in the previous pages before I got to this that there had been correspondence with Xcel now I don't know if they were privileged to all that correspondence or not then I looked at the flood zone which is the next page 238 and it talks about flood zone that was they dated September 25th 2009 now I defy I would ask is there anybody here that doesn't think we're going to get a new flood zone here pretty soon if they are you're the

Louis Najar: I'm the flood plain manager and I would suspect that we're going to get the flood plain zones widened

Councilor Corn: so are you good 80%

Louis Najar: 90%

Councilor Corn: thank you the right answer

Louis Najar: and I would say I would say that Ford probably realizes that or Mr. Krumland and they're taking a big chance for putting it out there and that's they're prerogative

Councilor Corn: the other the other thing whenever I started going through this traffic count I was absolutely amazed that many vehicles use that street cuz I avoid it like the plague already you know I mean I just don't go there and then I got back to the actual dollars and cents on the appraisal I don't have that but I questioned all the discounts that were listed there were lots of discounts on discounts lot lots of discounts that I didn't understand nor did I have time to inquire because first off I didn't know who I needed to inquire um but there's just discount on discount on discount whenever you look at that appraisal sheet and I don't know what that what that is I mean I guess you can't

Louis Najar: I can't answer those Councilor Corn

Councilor Corn: well I don't You're not the right guy on page 261 I'm told I ran out of things to mark the pages Mr. Mayor I apologize a little bit well it actually starts on 260 when it's discounted 80% middle 20 ft with excess easement I don't understand what that really means and then you go to 264 and they've got discounted 80% discounted 80% discounted 90% discounted 99% discounted 80% and the first one is discounted 80% I Okay why are we discounting it I don't know so I've got more questions and I appreciate the some of the conversation tonight cuz I was I had very little knowledge of this thing did I know if something was going on yes but I haven't talked to anybody about this this is an independent review of the documents that were presented to us in our packet and so when I find slaten errors early in a report then it's a lot easier to discount the stuff that the last and so I I've got more questions than I've heard answers for tonight and I don't think anybody that was here can answer those questions

Louis Najar: that is correct

Mayor Jennings: are there any further comments or questions

Councilor Moore: but it's not a question for him I do I have a question for or I don't know who is so maybe for you all right maybe I don't you're done so my question here is where are we are we don't get to vote on this no longest no is it no longer a hearing because of the letter that we received just a few as I as we sat down or are we not open for conversation anymore is done because the Mayor and the city managers deemed it essential or is it not essential or is it not enough money I'm kind of that question is I feel like it's a fair question to for the permanent question is it about the money or is it about the is it valuable to the city so where are we now are we just because they made that letter the city the council no longer gets to vote on this it's just because they said it and so they said it's essential so the council no longer votes on it is that what it is Mr. Yntema

Hess Yntema: Mr. Mayor madam counselor no the council absolutely still votes so there's kind of three things going on at the same time which is what makes this a little goofy so the first is this would be a real property transaction and as you recall we have been dinged repeatedly for not doing it not keeping it kosher so the in the in 2403 what the council did was it delegated its fact finding to the manager and the Mayor well and the Mayor sort of had his own independentness the executive and the manager is the highest ranking official that serves at will to you so they came up with that determination and now that is presented to the governing body which gets us to the case if the council had determined that it's not essential like for what we have in our next item you guys then vote and say because this is a vacation one is it in the public interest two do we think it's a fair value so you vote anyway so because you were the governing body but if you were to vote against the if you were to vote to sell the property it would be in violation of your own ordinance about the procedure to follow so you can always vote to violate your procedure I don't recommend that as your effort

Councilor Arnold: what

Hess Yntema: okay so yes I know that sounds goofy council

Councilor Moore: it does because then why are we why are we here as we would be voting against if we felt and we voted against the policy because we just now hearing that policy so it's just strange to put those people in this position and we're just they're just now hearing they're just now hearing the policy and we're just now hearing the policy

Hess Yntema: oh so I could the determination so that I can get more background on so the applicant was told months ago that the Mayor and manager had to review this and that in reviewing it an appraisal would also be necessary because this was a property transaction why were we involved in the

Councilor Moore: why didn't somebody from the city get to be involved in that appraisal is that just the way it's done

Hess Yntema: yeah and so it's the applicant's burden and so typically the city doesn't pay for

Councilor Moore: understand otherwise we would have those 80% 80% discount questions because somebody from the city would have been there but I understand and why they get 80% off of something that don't belong to them but okay go ahead

Hess Yntema: no and that's the reason why I stated earlier that the it's the applicant's job to bring the evidence here so if they didn't bring somebody to defend that appraisal and counselors can't ask about it right where

Councilor Moore: we can't we don't have nobody to back up or answer those questions so that's not a fair appraisal to me because we don't get to answer question sorry okay go ahead I'm sorry

Hess Yntema: yeah no and so that's the if So let's say just to walk you through how this could have gone if the Mayor manager determined that there was not a municipal purpose then you guys would have to determine whether it's a public benefit to get rid of it anyway so there's a difference between public benefit and municipal purpose um legally speaking and then the second part is you would say okay it is a public benefit what's the price so and so the council would be determining the amount at that point so the council could you're because of the way council procedures work you guys can vote against what the Mayor and manager said but you would be violating your own ordinance to do it okay

Mayor Jennings: you know just one thing I cuz I'm obviously I'm the villain but it's fine I just when I looked at when I looked at this appraisal and it came from California and I had some questions upon it and I looked and I looked if you look on page 5 258 the value of as is value of the land conclusion value per square foot okay and indicated value if you lose the indicated value at 575 u square foot they had 582 but okay if it was 575 this value and actually square foot on the square foot basis it was 2 582 but so if you look at that in the value here it was \$230,000 and it went down to 14 that is about 5% that piece of property that street went from a value of \$230,000 to \$14,000 which is 5% of the value of that of this property that we're talking about

Councilor Moore: so where did the 200 come from where did it go well they were Where did it come from where did it start the 230B that's where that was what the appraisal started at that's where the appraisal said the value it's the road and the alleys the road so that 230 is that road and the two alleys that they're trying to they want us to vacate that was \$230,000 for the Yeah correct as his land value page 258 no I saw the number I just wanted to make sure that I wasn't losing my mind that that you go from 230 to 414 I thought that was something that they decided that just for the sidewalk so that's what the value of this paper is from the guy from California that thought it was served by Central Valley Electric I mean that it's been a while since Central Valley Elect's never been over there that's the other thing

Councilor Heldenbrand: Mr. Mayor to point out what Councilor Korn was saying in their cover letter they refer to 39,535 ft but then they get down the properties known as 35,535 ft and in their own in their own language they tell you they have a quality control review and so without local knowledge what councilor Korn says they think we're still on Central Valley Electric Co-op I question what their quality control review is because right on the front page question all they don't they don't have the right they contradict themselves

Mayor Jennings: and you know I'm so

Councilor Heldenbrand: thank you Mr. Mayor

Mayor Jennings: I don't think about this I'm just saying streets and easements and all that is to the people who are accompanied to using them they're invaluable and when all of a sudden you can't go down some way that is something that's been a long-established practice and I think that to me has a value but I don't think that I can see looking at the appraiser going from 230,000 whatever it was dollars to 14 6% or 5% what it is but you know that's to me that's I had enough you know I've been accused of everything in the world I've had enough

Councilor Halvorson: I call the question

Councilor Heldenbrand: one thing to ask Mr. Hicks

Mr. Hicks: sir

Councilor Heldenbrand: when you talk about your existing traffic conditions you said that there were 251 vehicles per day

Mr. Hicks: that was the average weekday every average weekday use of

Councilor Heldenbrand: and then on the weekend you said it went to 170 117 vehicles that's correct which tells me the weekend usage is 46% of the weekly rate so how does that explain to me how that becomes this becomes non- essential because I when I went and asked the question last time of Mr. Najar which wasn't the information was not in our packet but explain to me why 117 vehicles is not essential um

Mr. Hicks: well I'm not saying it's not essential or essential I'm just saying that that's what the counter is recording

Councilor Heldenbrand: right but you're saying you're saying then the road is not essential because there's 117 vehicles on the weekend that go down that road

Mr. Hicks: yeah that average was for Saturday and Sunday and Ford is open on Saturday

Councilor Heldenbrand: the service department is not open all day on Sunday

Mr. Hicks: yeah but Ford is open on Saturday so they still sales office is open they still have business there yes yeah

Councilor Heldenbrand: let's get the facts right they're open

Mr. Hicks: so some of the folks are still using that that go to Ford and work at Ford

Councilor Heldenbrand: right all I'm trying to say is you're saying in here 117 vehicles you didn't say whether it was Saturday you didn't say it was Sunday

Mr. Hicks: Oh it's on there it's in there

Councilor Heldenbrand: it says 24 hour average dropped to 117 vehicles per day right for over the weekend

Mr. Hicks: right that's what you're saying that was Saturday and Sunday history

Councilor Heldenbrand: and that's my question I'm trying to get their facts and you're telling me your facts aren't right

Mr. Hicks: no those are the facts yes sir okay

Councilor Heldenbrand: cuz that's what we're supposed to hear are facts

Mr. Hicks: right it just drops off during the weekend as opposed to the weekend

Councilor Heldenbrand: so tell me why

Mr. Hicks: less deliveries those kinds of things

Councilor Heldenbrand: tell me why 117 vehicles using that street non business time is makes that road non- essential that's what I'm trying to get to

Mr. Hicks: I would look at Sunday if you want to look at Sunday there was 39 cars going east all day the summary of your report 2318 it's in there

Councilor Heldenbrand: you should have said that in your in your existing traffic condition report

Mr. Hicks: it's in there

Councilor Heldenbrand: but it's not there

Mr. Hicks: okay well I'm just trying to say that the vehicle count per day is very small on 9th street compared to the other streets that we were talking about

Councilor Heldenbrand: if you put that in there I could I can get a better understanding of that

Councilor Halvorson: Mr. Mayor I move that we maintain the street

Mayor Jennings: well I have to make a motion well we still we can still have she had made a motion we can accept that and still have discussion we have

Hess Yntema: I'm sorry Mr. Mayor so the councilor did call the question properly attached a motion to it so you have to vote on whether to accept the question accept the question and that that requires seven

Mayor Jennings: it requires seven people to pass the motion

Hess Yntema: to call the So first you call the question and then the motion question and then and she presented the question that would be called because the only motion right now was to have a public hearing so now the motion presented is to call the question and the question is to maintain the street as is

Mayor Jennings: okay we have a motion by council lady Halvorson

Councilor Cavin: so if we pass this is councilor Cortez still going to be able to ask his question before we vote

Hess Yntema: no but sorry the problem is calling the question takes precedence over all other

Councilor Cavin: That's I'm just listening to the Mayor saying I'm sorry

Councilor Heldenbrand: he had asked to vote or ask for prior

Mayor Jennings: Councilor Cortez

Councilor Cortez: I guess I have some procedural questions real quick for I guess for Chad or Mr. Yntema so I really am a little frustrated with this apparent fake complement where we have to vote against our own ordinance it seems like something we should not have to do but prior to sale exchange or donation of real property along the city such real property shall be determined to be not essential what is the threshold for not essential is it 12% is it 15% what is the threshold that we are using for not essential because apparently 12% if we were considering the traffic study in this whole that's the interpretation that I have to go with is that we've decided that 12% non use if that's the real number which we don't you know I think you know in your letter that that's self-reported so that you know so we don't know and you note in your letter that too Mr. manager that we're saying 12% we also it's a little contradictory because we're also saying that the employees are also member of the public as are the customers so we run out 12% which means 88% is for let's just accept that number which we're just going to accept it on faith right now we don't know if it's real but 88% of that traffic count times 52 a week is quite a few number it's a big number compared to 12% so I guess I have some grief with my question is how do we determine essential I don't know how if how we can be at this phase if the Mayor the ordinance says the Mayor and the city manager have to make that determination and we haven't or you have you've made that you made a determination that's essential so therefore you're asking us to vote against our own ordinance or potentially we've agreed to vote against our ordinance because we city councilors um I also go to 220 which is the appraisal it says that if it were to be made we do have a it does say in our ordinance that and I guess we're saying we don't want it to be appraised it does say ordinance that this the Mayor the city shall cause the appraisal so it just seems a little the ordinance seems a little bit inconsistent and that's concerning to me so I guess I guess my question is what is the because we obviously vacate right of ways and we're obviously going to be in a position where we vacate right of ways we have this municipal this museum or this not museum the railroad district redevelopment which we're trying to encourage so our ordinance says we should encourage development and commercial development in our railroad district so you know which is it and when because I think for the public and the people in our community that are trying to do project

work it's helpful for them to know these thresholds and that's it what is the threshold is it a moving target what can they rely on before they even go to these things and that's what I want to know what is the session and what's the motion to do it

Hess Yntema: so Mr. Councilor Cortez has So as the guy who drafted the ordinance this language is actually picked up from Albuquerque and has been workable since the 1980s the core of essential and you're going to hate this answer is case by case now where this process in particular went sideways was at P&Z so P&Z did not alert the applicant to the ordinance until the day before their initial hearing now that said ignorance of the law is no excuse and an applicant always carries the burden but what should have happened is what happened with the Amazon deal that we have coming up next which is Amazon contacts the city says "We're interested in acquiring property of yours how do we do this?" So we would typically then say "Well is this what is the property let us look at it." and we then say "Oh we use this or we don't." So in Amazon's case it was a piece of property from 1988 that's been followed since then and we've been actually trying to unload it for as long as I've been alive effectively now so that so first they would have come in and said "We will so we come to this is a street how does vacation work?" Okay well first the Mayor and the manager should start the proceeding would say whether or not the city actually uses it and if we don't use it we would then proceed with a appraisal so when it says shall cause that doesn't mean the city shall pay it just means the city shall make sure that it occurs so generally speaking it's and then the second part too is that the actual declaration of non-essentialness is still made by the council so and what's not written in here but is kind of an underlying principle of law is that if there's manifest error made by the Mayor and manager say for deeply personal reasons like well like the guy who was the applicant killed somebody's child in a car accident years before so the manager holds it up then the council can overrule it but they'd have to make findings about that all right but yes so I'm sorry I can't give a more satisfactory answer but generally speaking you've been here long enough to see that we've done a number of trans real property transactions and they go smoothly in this one the applicant or the requester simply didn't give us information until this week right

Councilor Cortez: and we gave him a determination this week

Hess Yntema: we turned around a determination a lot quicker than we normally do because there was a hearing

Councilor Cortez: well I appreciate it but it's just hard to sit here and hear that we welcome to vote against it but that we'd be violating our ordinance

Hess Yntema: again we ask our hosts to

Councilor Cortez: the ordinances of our of our community so that's it's a little tough position to be in here so that's it thank you Mr. Mayor thank you Hess I appreciate you

Councilor Cavin: Mr. question mr kevin Mr. counselor is this is this something that that we can table I get two questions so can we table this so we can have better information on making the decision here I realize we're going against our ordinance but can this be tabled by the city council until next month

Hess Yntema: so the and this is something that I unfortunately hadn't thought about when writing this code up for you guys it's the and so this has to be treated like a plat according to the subdivision code and so the termination has to be presented to the council and the council shall rule unless there's one extension the applicant's entitled to one extension so the by the rule we should be voting tonight or you should be voting tonight now that said that in while there's always a question of enforceability so you should I encourage you to follow your own rules as they're written in the ordinances but there's not exactly mechanisms to stop you from taking another month

Councilor Cavin: well I would agree with you and so the second the second point and it goes back to what councilor Moore was saying okay we sat here tonight and heard that there was a willingness to trade property for this or that it could have been bought but at this particular stage we're looking at this as it is an essential street so now we have a conundrum in front of us that I hope that doesn't open us to some type of lawsuit where we're having to deal with it in court because we've gone from trading or buying to it's essential and so we're not going to let you have it so that's a real concern for me from a legal standpoint

Hess Yntema: sure and I Mr. Mayor Counselor I won't say never say never but there there's two underlying principles so the first one is the Mayor and manager couldn't have made a determination well the deter the default determination of law is to preserve a street full stop and so the applicant has to make this showing and the applicant asked for another month to make the showing to the Mayor and manager they produced a study the study did not the well the communication speaks for itself so and then the second part is the you know the city engineer had mentioned that this is quasi-judicial that's not quite correct vacating easements is typically considered a legislative function and the courts do not disturb it again unless you get into this manifest injustice thing

Councilor Cavin: thank you I'm sorry Mr. Mayor

Mayor Jennings: and if you have any questions about why I brought up some other things I knew there were problems down there in that other property down there down on the river there were a lot of problems down there when the bird sanctuary and all that stuff and I was just wondering if was there something when you're getting \$10,000 is for something that was worth \$230,000 correct you know all I'm saying is was there some other piece of property that we would be of more beneficial use to the citizens of Roswell to make it worthwhile for the benefits to the citizens of this town be worth closing that street I wasn't looking for necessarily a dollar to dollar trade I'll never do that again with them um but I I'm just saying I was just looking for a way to solve other issues that we have in our community that have been involved with the individual who was here presenting this and was quite was quite a show back then

Councilor Halvorson: I have a motion on the table can I modify it looking to turn it to a one-way street

Hess Yntema: Councilor Halvorson I think that or does that even matter for this yeah it doesn't matter for it's it wasn't posted so it' be an OMA issue but I think engineering and legal are both on the same team on this one and we'll make sure that that's in

Councilor Halvorson: my motion was to maintain the street and not vacate it

Mayor Jennings: okay we have council lady Halvorson

Councilor Moore: so if we don't know one second it then you can change

Councilor Corn: to pay that recall for the question I can't believe it

Mayor Jennings: well I know what you've been gone we're just leaving Mr. g motion by Council Lady Halverson is there second it's Council Lady Halverson's motion to vote on not vacating the street is there a second

Councilor Heldenbrand: if we do not second does this just die on its own

Hess Yntema: yes the whole project yeah is it

Mayor Jennings: all right is there a second to the motion is there a second to the motion is there a second to the motion the motion dies for lack of a session so this item is gone

Councilor Halvorson: does he have to wait six months

Hess Yntema: again that that's in the governing resolution so if the governing body chooses five more than six votes to do something differently they can

Mayor Jennings: okay case number 23 is has not been granted okay next we have approval of the following appointments under new business.

FOR THE RECORD: Councilor Arnold left the meeting at 7:11 pm and returned at 7:14 pm

FOR THE RECORD: Councilor Marrujo left the meeting at 7:26 pm and returned at 7:28 pm

FOR THE RECORD: Councilor Cavin left the meeting at 8:05 pm and returned at 8:07 pm

MOTION: Councilor Halvorson made a motion Request Vacation of East 9th Street 60' wide Public Right-of-Way (ROW) from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 10th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts. No Second.

Motion died for a lack of a second.

Appeal Hearing(s)

NEW BUSINESS / REGULAR ITEMS

24. Approval of the following appointment as recommended by Mayor Jennings Deputy City Clerk, Angela Garcia.

BACKGROUND: Deputy clerks. There shall be a deputy city clerk who may exercise the powers and duties granted by the city clerk in the absence or disability of the city clerk and as assigned by the city clerk. The deputy city clerk shall be recommended by the city clerk through the mayor's nomination for approval by the governing body. Pursuant to Chapter 2 of the Roswell Code and NMSA § 3-13-1(b).

MOTION: Councilor Halvorson made a motion to approve the appointment as recommended by Mayor Jennings for Deputy City Clerk, Angela Garcia. Councilor Marrujo was the second.

VOTE: A voice vote was unanimous motion passed, 10-0.

25. Consider approval of Mayor Jennings' recommendation of appointments to the Airport Advisory Commission is as follows: Position 1: Carolyn "Carrie" Hollifield (1st term May 9, 2025 - March 31, 2027) Position 3: Mike Espiritu (renewal) Position 5: Dr. Shawn Powell (renewal) *Item was moved to the consent agenda at the approval of the agenda.*

Ordinance(s)

26. Ordinance 25-03: authorize to advertise for a public hearing recommending Ordinance 25-03: An Ordinance for the sale of Real Property and approval for The City of Roswell to enter into a Purchase and Sale Contract with Amazon.com Services LLC. Todd Verciglio presented this item.

BACKGROUND: The property is situated at the corner of South Sunset Avenue and Monksdale Road in Roswell, Chaves County, New Mexico. The total purchase price for the property is \$60,240.00. This property was independently appraised at \$60,240.00 for 7.53 acres. The City Attorney has reviewed the Purchase and Sale Contract from Amazon.com Services LLC.

MOTION: Councilor Heldenbrand made a motion to authorize advertising for a public hearing recommending Ordinance 25-03: An Ordinance for the sale of Real Property and approval for The City of Roswell to enter into a Purchase and Sale Contract with Amazon.com Services LLC. Councilor Cavin was the second.

ROLL CALL VOTE:	Councilor Cortez	yes
	Councilor Corn	yes
	Councilor Oropesa	yes
	Councilor Cavin	yes
	Councilor Moore	yes
	Councilor Marrujo, Jr.,	yes
	Councilor Johnson	yes
	Councilor Arnold	yes
	Councilor Halvorson	yes
	Councilor Heldenbrand	yes

Motion passed: 10-0

CITY MANAGER REPORTS/ANNOUNCEMENTS (Informational Only)

[Signatures Follow on Next Page]

ADJOURNMENT

Meeting adjourned at 8:53 p.m.

Approved on this 10th day of July 2025.

(City Seal)

Timothy Z. Jennings, Mayor

Amalia Martinez, City Clerk

DRAFT