

**City of Eunice, New Mexico**  
**January 12, 2010**

- TIME & PLACE** A regular meeting of the City of Eunice, New Mexico was held in City Hall at 5:30 p.m. on 12 January 2010.
- OFFICERS** The meeting was called to order by Mayor Matt White presided and Joyce Tolsma acted as secretary of the meeting.
- ATTENDANCE** The following council members were present: Wardell Allen, Bill Robinson, Nina Lynch, Billy Hobbs, Terry Bettis, and Gailand Overton.
- ABSENT** Terah Bettis
- PUBLIC ATTENDANCE** Kevin Burnam, Brenda Brooks-LES, Gregory Smith-LES, David Martin, Michael and Penny Brock, Bobby Bruton, and Lynn and Tanya White of Eunice News.
- INVOCATION PLEDGE** City Manager Curtis Schrader led Invocation.  
Mayor Matt White.
- CONSENT CALENDAR** Councilman Terry Bettis made a motion, seconded by Councilman Bill Robinson to approve minutes of December 8, 2009, special minutes of December 17, 2009, special minutes of December 28, 2009 and all bills.
- Councilman Billy Hobbs questions twenty-nine thousand dollars (\$29,000) paid to Constructor's Inc. for paving golf cart paths. Hobbs stated that he understood water would be supplied in exchange for paving and questions why there is now a charge. City Manager Curtis Schrader explained that an agreement had been reached on water exchange for work but along the way, another well was developed at the opposite end of the highway. A greatly reduced priced was worked out and more paving was done than planned, including more to the parking lot and between the cart sheds. This work is now complete and looks really good.
- Councilman Bill Robinson questions the purchase of radios at six thousand eight hundred forty dollars and sixty-nine cents (\$6,840.69). Schrader stated this purchase was for 800 meg radio's for County emergency response. Our fire and police are included in this group.
- ROLL CALL:**
- |                 |     |
|-----------------|-----|
| Billy Hobbs     | Yes |
| Wardell Allen   | Yes |
| Gailand Overton | Yes |
| Bill Robinson   | Yes |
| Nina Lynch      | Yes |
| Terry Bettis    | Yes |
- MOTION:** Carried
- MGR COMMENTS** City Manager Curtis Schrader points out project updates from Molzen, but personally wanted to point out the water system project is close to being finished in area "A", the NW part of town. Patching is to be done but with the weather

being so cold and wet recently, the process has been very slow. Schrader expresses appreciation for citizen patience through this work process in their section of town.

The wastewater pre-construction was last Tuesday and went very well. The contractor has started moving equipment and construction should begin at the end of month or first of February. Completion date was originally set for August but with the late start, the project will not be complete until October.

Schrader had hopes of have the downtown phase II project pre-construction today (1-12-10), but could not get everyone together so a re-schedule has been set for January 19. The project should begin before the end of the month.

Schrader attended a capital outlay meeting in Lovington and gave thanks to Senator Leavell for saving our cemetery appropriation money. That is one hundred thousand dollars (\$100,000) we were looking at losing from DFA. Senator Leavell was very instrumental in helping us out and again we appreciate him and his effort.

We met with our Federal Lobbyist last week and reviewed outlay needs. We are still in the hunt for additional Federal money.

The fire department appointed and Schrader approved an interim Fire Chief, David Walser and Assistant Fire Chief Dax Kimble. Schrader also requested the department recommend a five (5)-member committee to serve as a Chief Advisory Board, for his approval. Selected and approved by Schrader were David Walser, Dax Kimble, Danny Wooten Monique Montanez and Ronnie Savell. We are advertising the Fire Chief position statewide and will add to the Municipal League's website. The committee will help with selection of the new Chief, with Schrader stating the department should have some input since they will be working together.

We have received a tort claim notice from Mr. Grogan's (former Fire Chief) attorney that he may or may not file suit against the City.

Schrader has been subpoenaed to appear in Hobbs Magistrate Court on January 20 in regards to the theft charges against persons within the fire department. Schrader has been asked to testify on behalf of the State of New Mexico.

**GREGORY  
SMITH/  
LES**

Gregory Smith, CEO of LES presented a Subsidy Agreement for Council approval. Smith briefly went over terms of the contract and states that LES is proud to be partnering **CONTRACT** with the City and recognizes the importance of the community. Annual subsidy payments for 2010 will be for one hundred seventy-five thousand dollars (\$175,000), 2011-one hundred ninety thousand dollars (\$190,000), 2012-two hundred thousand dollars (\$200,000), 2013 – two

hundred six thousand dollars (\$206,000), 2014 - two hundred twenty thousand dollars (220,000), and 2015 - two hundred fifty thousand dollars (\$250,000). LES also entered into an agreement with the City to donate annually to the Eunice Community Foundation for capital improvements. These donations will be 2010 - twenty thousand dollars (\$20,000), 2011- sixty-five thousand dollars (\$65,000), 2012- one hundred thirty thousand dollars (\$130,000), 2013- one hundred eighty-five thousand dollars (\$185,000), 2014 – two hundred twenty thousand dollars (\$220,000) and 2015 – two hundred fifty thousand dollars (\$250,000). Smith states that monies are to be used for improvements that can be recognized and not just ordinary improvements.

Councilman Billy Hobbs made a motion, seconded by Councilman Bill Robinson to approve and sign the subsidy agreement that LES proposed.

**ROLL CALL:**

Bill Robinson	Yes
Gailand Overton	Yes
Terry Bettis	Yes
Billy Hobbs	Yes
Nina Lynch	Abstain
Wardell Allen	Yes

**MOTION:** Carried

**DANIEL'S  
INSURANCE**

Councilman Bill Robinson made a motion, seconded by Nina Lynch to approve the proposed premium of seventy-nine thousand seven hundred twenty-seven dollars (\$79,727) for insurance coverage from Daniel's Insurance.

**ROLL CALL:**

Terry Bettis	Yes
Nina Lynch	Yes
Wardell Allen	Yes
Billy Hobbs	Yes
Bill Robinson	Yes
Gailand Overton	Yes

**MOTION:** Carried

**ORDINANCE  
426/AMENDING  
PERSONNEL  
ORDINANCE**

Councilman Billy Hobbs made a motion, seconded by Councilwoman Nina Lynch to approve Ordinance 426, amending Personnel Ordinance No. 358.

**ROLL CALL:**

Bill Robinson	Yes
Wardell Allen	Yes
Billy Hobbs	Yes
Gailand Overton	Yes
Nina Lynch	Yes
Terry Bettis	Yes

**MOTION:** Carried

**RESOLUTION  
NO. 1086,  
SUPPORTING  
ISOTOPES**

Councilman Bill Robinson made a motion, seconded by Councilwoman Nina Lynch to approve supporting International Isotopes.

**ROLL CALL:**

Wardell Allen	Yes
Billy Hobbs	Yes
Nina Lynch	Yes
Bill Robinson	Yes
Terry Bettis	Yes
Gailand Overton	Yes

**MOTION:** Carried

**RESOLUTION  
NO. 1087/STATE  
LANDSWAP**

Councilman Bill Robinson made a motion, seconded by Councilman Terry Bettis to approve Resolution No. 1087, State Land swap, exchanging the old city dump ground for the airport property.

Bobby Bruton approached Council questioning grazing rights, originally set up between the City and his late father, Sam Bruton. After discussion, it was concluded that water rights and grazing rights will remain and a new quitclaim will be filed between the City of Eunice and Bruton Cattle Company, instead of City of Eunice and Sam Bruton.

**ROLL CALL:**

Billy Hobbs	Yes
Wardell Allen	Yes
Gailand Overton	Yes
Nina Lynch	Yes
Terry Bettis	Yes
Bill Robinson	Yes

**MOTION:** Carried

**RESOLUTION  
NO. 1088/  
OPEN  
MEETINGS**

Councilman Billy Hobbs made a motion, seconded by Councilman Terry Bettis to approve Resolution No. 1088, notifying the public of the Open Meetings Act.

**ROLL CALL:**

Bill Robinson	Yes
Gailand Overton	Yes
Billy Hobbs	Yes
Terry Bettis	Yes
Wardell Allen	Yes
Nina Lynch	Yes

**MOTION:** Carried

**DEPARTMENT  
REPORTS**

Councilman Bill Robinson made a motion, seconded by Councilman Terry Bettis to approve department reports.

**ROLL CALL:**

Wardell Allen	Yes
Bill Robinson	Yes

Nina Lynch	Yes
Billy Hobbs	Yes
Terry Bettis	Yes
Gailand Overton	Yes

**MOTION:** Carried**MAYOR  
COMMENTS**

Mayor White stated that the question of Councilwoman Joann Pender's vacant seat has come up a couple of times and he has checked and cited 2-203, stating the Mayor shall appoint that seat. With the election being March 2, 2010, Mayor White proposes that since Pender resigned after the election resolution was in place, and not being placed on the ballot, the newly elected Mayor should appoint a new Council member to fill Pender's position.

After discussion, Council was in full agreement to leave the seat open until after the election and the new Mayor can appoint that vacant seat.

**CITIZEN  
COMMENTS**

None

**COUNCIL  
COMMENTS**

Councilman Gailand Overton points out that GRT is really down at \$155,000. Schrader states that we are dead even with where we were in actual revenue this time last year but if the next check is down, we will be looking at some cutbacks.

Overton also states that he has had a citizen complain about his alley being dug up since October and he cannot get his motorcycle out of his garage. This person has visited with Curtis about the issue as well. Mayor White states that work is about to be completed.

Councilman Bill Robinson stated that Pam is having big problems with the phone system at the Center and has an estimate from Windstream of four thousand dollars (\$4,000). Another estimate will be requested from the Phone Man.

Councilman Billy Hobbs states that he has visited with the monument people that will put up the Hope for Hero's plaque in the triangle. The plaque will be mounted on a 3 ½ foot stand made of granite and run between five (5) and six (6) hundred dollars.

**ADJOURNMENT**

Councilman Billy Hobbs made a motion, seconded by Councilwoman Nina Lynch to adjourn the meeting at 6:25 p.m.

**ROLL CALL:**

Billy Hobbs	Yes
Wardell Allen	Yes
Gailand Overton	Yes
Bill Robinson	Yes
Nina Lynch	Yes
Terry Bettis	Yes

**MOTION:** Carried

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Mayor

ATTEST:

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City Clerk