

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
November 2, 2017

Call to Order

- Robert Teague called the meeting to order at 6:30 p.m.

Roll Call

- Present: Robert Teague, Dennis Kintzler, L.E. Rubin, John Thompson and Lawrence Gordon
- Absent:
- Also present: City Manager Bob Skerry

1. General Discussion –

- Robert Teague reviewed questions discussed at the last meeting and began discussion on additional questions:
- **Do we need to worry about a recycling center now or down the road?** – Lawrence Gordon said we need recycling now. Dennis Kintzler said AC Disposal said they will put a recycling center in Belen. Robert Teague said if they put one in Belen, they won't put one here. Lawrence Gordon said they'll take our recycling to their plant in Belen - we don't care where they take it, but it should be in the ordinance. Dennis Kintzler said he doesn't think the recycle issue should be part of the ordinance at this time. He said we need to take care of collection first, then work with the hauler to see what they'll do. Robert Teague said it may drive up the cost if we insist on a recycling plant. L.E. Rubin said the problem should be trash and, at some point, if the hauler wants to make recycling available they can put it in their proposal. Bob Skerry said maybe the question should be how feasible it is to have a recycling plant.
- **Who takes care of the billing?** Robert Teague said the company will be responsible – not the city. Lawrence Gordon asked what will happen if people don't pay their bill and the company comes to the city. He asked if the city gets involved by requiring trash pick-up, how will the code enforcer handle it. L.E. Rubin said the city has nothing to do with the billing. He read Belen's ordinance which includes a violation misdemeanor penalty, and after some discussion, it was determined that a penalty should be included for both residential and commercial service.
- **Should it include special pick-up of heavy items that don't fit in trash cans?** Lawrence Gordon said the customer should be able to call for special pickup. John Thompson said that's the kind of stuff that ends up in the desert or on the side of the road. Dennis Kintzler said that is one reason he thought the hauler should have an office within city limits and be open two days a week, so people can go there and talk to someone.
- **Will there be additional bins available for people who need more than one?** Robert Teague said a family of five will have more trash and need more than one bin. L.E. Rubin said Belen specifically addresses that in their ordinance and outlines what the fee is for a second bin. John Thompson said when the ordinance is adopted, we should say we're discontinuing city cleanup days.
- **Will there be a declaration of vacant dwelling?** – L.E. Rubin said Belen has that and Silver City does too but it's not part of their solid waste ordinance. He said Belen charges a \$25/year fee and by paying the

fee, the customer isn't responsible for payment for trash pickup on that lot. He said failure to pay the fee leaves the customer responsible for payment for garbage pickup.

- **Bonded and insured to ensure completion of the contract in the event the provider fails to meet their agreed terms?** L.E. Rubin said the city wouldn't have to pay if the company is insured and bonded. He said also if one of their trucks runs over something, someone may try to sue the city because we contracted with a provider and residents didn't have a choice. Bob Skerry said nobody does work in the city unless they're bonded and insured but it doesn't hurt to re-state it.
- **Penalty for enforcement of non-compliance** – Robert Teague said the penalty would have to be assessed by the city. Bob Skerry said if someone doesn't pay, we take them to magistrate court and get a judgement against them and it goes on their record.
- Robert Teague said all the questions we have are answered and asked everyone to think about questions that didn't come up for discussion at the next meeting. He said after those questions are answered we'll try to schedule a joint meeting with council in December.
- Bob Skerry said there should be a vote on a motion to accept the recommendations or at least hit on highlights. He said P&Z needs to make recommendation based on a majority vote.
- Robert Teague said he will type the questions and we can move to accept the recommendations and ask Council to meet with us.
- L.E. Rubin clarified that, at the meeting on November 16, we'll vote on all the points and try to schedule a workshop meeting with Council on December 7.
- Bob Skerry said P&Z should also be prepared to say why we've come to the conclusions.

2. Discuss solid waste options/possible vote on Mission Statement –

- Robert Teague read the mission statements that have been submitted and started a discussion. He said Dennis Kintzler mentioned in his statement that the ordinance should require that the hauler be bonded and insured for a certain amount of money which would eliminate liability for the city.
- L.E. Rubin said there should be a clause in the ordinance that assures that the city is taken care of if the hauler goes out of business and the city has to transfer service to another company.
- Dennis Kintzler said bonding would take care of that.
- Robert Teague said whether we go with a single hauler or not, Bosque Farms' ordinance should be looked at.
- John Thompson asked if we need a mission statement for everything that comes up.
- Bob Skerry said we do not but this is a very touchy subject. He said we have 700 people who aren't paying for solid waste disposal in the city and those people will hold it against the council if they try to change that. He said the mission statement should say why we think this is important.
- Robert Teague said we may say something like "this will make the community a cleaner place to live" and whether the residents agree with it or not it will still be a cleaner city.
- Bob Skerry said when they say we've been doing fine without a solid waste ordinance for years, why should we change that, you can say because it provides a cleaner city, it's good for economic development and it's good for health, safety and welfare. He said the mission statement will be the answer to why we are doing this - not a statement about why the P&Z exists, but a statement about why we need a solid waste ordinance.
- Robert Teague said some of the reasons are to clean up our city, build a place for business, health issues and to reduce the impact on the roads.
- Bob Skerry said another thing is the environmental issue because of the things we've been picking up in the desert.

- Lawrence Gordon said we should mention the betterment of the community and that covers road and clean-up without saying anything specific, but we'll get the point across.
- John Thompson asked why we don't work on a mission statement for the entire commission and then work on one for garbage.
- Bob Skerry explained that we already have a mission statement for the commission. He said the job of P&Z is set by statute.
- Robert Teague said the statement should be something like "make a cleaner environment for people to live and economically friendly for business while reducing the impact on our roads." He said we're doing this because people have complained and because the mayor asked a senator who visited our city what we needed to do to attract businesses and the senator told him we need to clean the place up. He also said we see what is coming in on cleanup day and we know people are keeping trash in the back of their truck for weeks.
- Robert Teague said as soon as we get the questions answered we're going to have a joint meeting with council which hopefully will save time. He said all we need to do is come up with a mission statement, answer some questions and move forward.
- After some discussion, Dennis Kintzler moved to accept the following Mission Statement: "To promote a cleaner city where residents are proud to live, and businesses prosper through development which integrates environmental protection and community economic goals and furthers the welfare of the community by creating healthful, efficient and attractive environments for present and future generations". Lawrence Gordon seconded the motion and the Mission Statement was accepted on 5-0 vote.

ADJOURN

- John Thompson moved to adjourn the meeting. L.E. Rubin seconded the motion and the meeting was adjourned at 7:56 p.m. on 5-0 vote.

Respectfully submitted,

Pam Johnson, Deputy Clerk

Robert Teague, Chair

John Thompson, Vice Chair

L.E. Rubin, Secretary

Dennis Kintzler

Lawrence Gordon

Date: _____