

MINUTES OF A REGULAR MEETING OF THE **CARLSBAD BOARD OF SOLID WASTE COMMISSIONERS** OF THE CITY OF CARLSBAD, NEW MEXICO, HELD AT CITY HALL IN THE PLANNING ROOM ON APRIL 19, 2017 AT 3:30 P.M.

Voting Members Present: Jerry Stanley, Chairman – Member at large
John Beasley, Board – Ward 3
Jim Grantner, Board – Ward 4

Voting Members Absent: Lisa Flores, Board – Ward 1
Alvin Doporto, Board – Ward 2

Ex-Officio Members Absent: Mayor Dale Janway
Steve McCutcheon, City Administrator

Board Secretary Present: Luis Camero, Director of Engineering

Staff Present: Stephanie Shumsky, Deputy City Administrator
Wendy Hammett, Finance Director
Lin Pickens, Solid Waste Superintendent
Terra Dougan, Solid Waste Coordinator
Mary Garwood, Beautification Coordinator

Others Present:

Jerry Stanley called the meeting to order at 3:30 p.m.

1. ROLL CALL OF VOTING MEMBERS and DETERMINATION OF QUORUM

Jerry Stanley called the roll of voting members, determining that three of the five appointed board members were in attendance, which constitutes a quorum. Jerry Stanley informed the board and the staff that he received an email from Alvin Doporto resigning from the Solid Waste Board.

2. APPROVAL OF AGENDA

Jerry Stanley called for a motion to approve the agenda as presented. John Beasley made the motion, which was seconded by Jim Grantner. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried.

3. APPROVAL OF MINUTES OF MARCH 15, 2017 MEETING

John Beasley made the motion to approve the March 15, 2017 minutes as presented. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried.

4. DISCUSS QUESTIONS AND CONCERNS FROM CITIZENS

Mary Garwood stated there are numerous complaints from citizens in regards to illegal dumping. John Beasley asked where the illegal dumping was located. Mary Garwood replied there is illegal dumping going on everywhere especially in the alleys. John Beasley asked if the city pays people to stop illegal dumping. Terra Dougan replied there is only one Code Enforcement officer right now and that she received an email where a resident had

called the police but the police department told her they could do nothing about illegal dumping. John Beasley asked Stephanie Shumsky if the police could do anything about illegal dumping. Shumsky replied if the offender is caught in the act of illegal dumping the police can ticket the offender but if a resident complains someone illegally dumped behind their house but did not see the person or cannot prove it was in fact illegally dumped the police unfortunately could not ticket anyone for the mess. Shumsky added when citizens call to report illegal dumping code enforcement is notified along with Terra and the debris does get picked up. Mary Garwood informed the board and staff she was able to purchase four game cameras for code enforcement to use. Terra Dougan informed the board and staff she has been in contact with Eydie Harrell in code enforcement about an illegal dumpsite next to the Fiesta Drive In and Harrell was going to make contact with the owner and ask if there was a place to set up a camera on her property to record the offenders that dump next to her business. Dougan added the owner has to be willing to put the camera in a safe place so it does not get stolen or vandalized. Jim Grantner asked staff when they are referring to illegal dumping are they referring to debris being placed outside the container or inside the container. Staff replied the illegal dumping being mentioned is outside the dumpster. Lin Pickens added alleys are constantly being dumped in. Jim Grantner asked if the grappler service was staying steady with the amount of calls coming in. Luis Camero asked staff if all the grapplers were being utilized. Terra Dougan replied there is a shortage of employees in the Solid Waste Department so on Mondays it is hard to have a grappler running due to the fact every driver needs to be on a route to pick up the trash. Dougan added the rest of the week, excluding Monday, there are typically two to three grapplers running. Jim Grantner asked if the grapplers are picking up the debris that is being called in. Terra Dougan replied the calls that come in are picked up and if the grapplers are caught up they are then sent to a route to run the streets and pick up all the debris they see in front of the residence. Lin Pickens stated he ran the Orchard Lane route and found numerous debris not turned in so once the grappler calls were caught up he sent a grappler over to the Orchard Lane route to pick up the debris. Jim Grantner asked if the illegal dumping is only happening in one part of town. Terra Dougan replied there is not a specific part of town where it is happening there is illegal dumping all over the city. Luis Camero asked if the citizens on Orchard Lane call in to request grappler service. Terra Dougan replied some of the citizens to utilize the 311 system in place. Luis Camero stated there needs to be more education on illegal dumping and the grappler service. Camero added the Solid Waste department needs to designate someone to go out and there needs to be more public outreach including newspapers, radio etc.... Camero went on to add there would be expenses with the public outreach but it would be effective. Terra Dougan agreed but added there needs to be consequences for the offenders that do illegally dump. Luis Camero replied there could not be consequences due to the fact there are too many variables. Lin Pickens added there was an option being talked about to itemize the cost like they do at the water department with illegal water being used. Pickens added the problem then is who to charge; do you charge the home owner but what if they didn't dump it the only solution is to charge everyone involved with the dumping along with the property owner. Luis Camero added the charge would cause people to pay attention to their property more. Lin Pickens agreed once property owners are charged they will start paying attention and reporting people who illegally dump. Luis Camero stated everyone needs to be on the same page starting with the Mayor's office.

5. REPORTS AND UPDATES

a. Financials – Wendy Hammett stated the February 2017 revenues were \$508,000.00 the budget was \$469,000.00 which is favorable almost \$40,000.00. Hammett added year to date the revenues are \$4 million the budget is \$3.7 million which is favorable \$260,000.00. Hammett stated she is forecasting the fiscal year will end with \$6 million in revenue which is favorable \$390,000.00. Hammett informed the board year to date the expenditures for Solid Waste disposal is \$1.7 million the budget from July 2016 to February 2017 is \$2 million which makes the expenditures favorable \$279,000.00. Jerry Stanley asked Wendy Hammett if she expects anymore transfers out of the Solid Waste fund into the general fund. Wendy Hammett replied her and Sandy Gonzales are going over those numbers, Hammett is not sure how much will be transferred but she did say there will be some money transferred. Hammett added going into the 2018 budget the Finance Department is really trying to analyze the numbers on how much money is transferred to the general fund so it can be far not only to the Solid Waste Department but the Water Department as well. Luis Camero asked Hammett if it was correct only \$945,000.00 has been transferred to the General Fund from \$2.5 million. Hammett stated it was correct. Hammett stated the goal moving forward for the enterprise funds is to have a fair allocation to the general fund rather than some arbitrary number. Luis Camero asked Hammett if she thinks the city would get the \$600,000.00 dollars for Lodger's Tax that has been estimated. Wendy Hammett stated she did not think the city would reach the \$600,000.00 dollar mark for Lodger's Tax but was hopeful due to the fact that February's lodger's receipts actually met the projected target for that month. Hammett added she feels positive the Lodger's Tax targets for the following months will be met also. John Beasley asked Hammett if there was any equipment in the new budget, which was put together in January or February, which needs to be bought or loans to be approved to buy. Hammett replied the city is not taking out loans at this time. Beasley asked what equipment was asked for in the new budget. Stephanie Shumsky replied Mike Hernandez had asked for an additional ARC truck but the truck was not going to be bought this year but a reserve would be started so every couple of years a new ARC truck could be bought. John Beasley stated he was not worried about ARC trucks being replaced he is worried about the grappler trucks. Hammett replied there was a new grappler truck in the budget to be bought but unfortunately the grappler truck would not be bought in fiscal year 2018 but with the reserve being started the grappler truck could be bought in fiscal year 2019. Luis Camero stated one of the older ARC trucks could be retro fitted with a new compactor and would cost less than buying a new ARC truck. Jerry Stanley asked staff if all the grappler trucks were the same age. Luis Camero stated they either came in 2005 or 2007 but they were only 7 years old. Jerry Stanley stated he likes to plan ahead and replacing trucks every year is better than replacing trucks all at once. Wendy Hammett stated she looked at March and there was a transfer from the solid waste fund to the general fund so total transfers year to date are 2.5 million dollars but there is going to be an ending balance over a million dollars.

b. Solid Waste – Lin Pickens stated there were 14 ARC trucks in operation, there were 315 trips to the landfill and 1,985.33 tons were collected and delivered. Pickens added there were 9,591 residential services and 1,009 commercial services. Lin Pickens went on to inform the board containers and roll-outs are getting repaired as needed but the numbers are down due to the fact there are parts that need to be bought but the good containers that were picked up from the alleys are being brought back in and replacing the containers that need to be replaced. Pickens added there were three grappler trucks in operation, there were 67 trips to landfill delivering 171.51 tons of garbage along with eight trips and eight tons being delivered to the Waste Water Treatment Plant limb pile. Stephanie Shumsky

asked if the column on the report that states last year refer to the same month as last year. Lin Pickens replied the column does in fact refer to the same month as last year. Pickens informed the board there was a truck designated for recycling that picks up the blue recycling containers around town and also there was no mulching due to the tub grinder being down. Jerry Stanley stated he noticed the tonnage was up on the garbage received and taken to the landfill but also the trips to the landfill were way up and asked if the drivers are only taking half loads or if there were problems. Lin Pickens replied there were a couple sheets missing from the landfill report last month and there has been trouble balancing out the numbers from last month and they do appear to be on the low side. Terra Dougan added when the winds are high the landfill will close early; they will call one of the supervisors and let them know they are closing early when this happens all the ARC trucks and grappler trucks are sent to the landfill to unload whether they are full, half full or barely full. Dougan went on to add last month there was at least four to five times the landfill closed early. Jim Grantner stated you can expect those numbers to go up especially getting into spring and summer months. John Beasley asked if the city could put up a sign on the Hobbs highway, closer to Carlsbad, stating the landfill is closed on Sunday. Beasley added the signs that are out state different information; the one right outside of Carlsbad stated the landfill is open and as you drive further out the other sign states the landfill is closed. Luis Camero replied the county would have to change the signs. John Beasley asked why the county has to change the signs when the city owns half of the landfill. Lin Pickens replied he would look into the sign problem and contact the county. Pickens continued his report and informed the board the waste received from Carlsbad was 3,969.65 tons, the tipping fees received at the landfill gate were \$7,672.88 and the charges billed were \$36,672.87 both were up from the previous month. Pickens added at the convenience station there were 227.30 tons of garbage collected and delivered to the landfill, there were 240 tons of metal collected and disposed of and 18 tons of limbs were collected and taken to the Waste Water Treatment Plant limb pile. Pickens went on to state every roll-off is being rented at this time and there is a waiting list to rent one; the fees billed were \$13,804.50 and tons collected and delivered to the landfill were 135.76. Jim Grantner asked where the fees are deposited that are charged for the roll-off. Wendy Hammett, Terra Dougan and Lin Pickens all stated the funds go into the Solid Waste account. Hammett went on to explain there is a breakdown on the finance sheet of what money was deposited into the account. Lin Pickens asked Wendy Hammett if the fees are deposited in the general fund and then disbursed to the solid waste account due to the fact there was not a line item for roll-off. Terra Dougan stated the amount is probably included in the fees due to the fact the charges for roll-offs are billed with their garbage service on the water bills. Jerry Stanley stated the visits to the convenience station from the county are up compared to previous months. Luis Camero asked Stephanie Shumsky if the totals show county charges. Camero went on to add the city was allowing county residents to use the convenience station due to the fact they did not have the availability to dump their garbage elsewhere. Shumsky replied the information collected was given to the City Attorney because the County Attorney sent a letter stating the county was no longer going to provide the city money for the services the city offers to the county. Shumsky went on to add Steve McCutcheon and the City Attorney drafted a rebuttal letter including the information that has been collected showing how many county residents use city services.

c. Public Outreach Campaign – Jerry Stanley asked staff if there was any new information that Kyle Marksteiner wanted the board to know. Stephanie Shumsky answered there was no new changes but after the meeting today, if the board makes a recommendation to present the Solid Waste Ordinance to City Council, Marksteiner will start the public outreach

on the Solid Waste Ordinance. Luis Camero stated the last three graphics that Marksteiner presented were good but more needs to be done. Jerry Stanley asked if Kyle Marksteiner maintains the city website. Stephanie Shumsky replied Marksteiner does not maintain the city website there is an IT person responsible for that task. Shumsky went on to state the website for the city is going to be completely overhauled and the web master would maintain and manage all the content. Jerry Stanley stated the website needs to be easy to access and the Board of Solid Waste Commission portion the description is of the water department and needs to be changed.

6. CONSIDER AND APPROVE RECOMMENDATION TO CITY COUNCIL OF THE UPDATED SOLID WASTE ORDINANCE

Jerry Stanley stated his understanding was the only minor change to the ordinance was the separation of the rates. Luis Camero replied from the last meeting John Beasley reminded staff there needs to be a mechanism to determine the rates in the ordinance instead of the actual fees. Camero added he crossed out everything on page 11 sections 44-60 that referred to dollars per month and added a replacement as an appendix. Camero said for example residential use include single family residences and duplexes with no more than two dwelling units per lot the monthly rate should be based on the use of 0.5 cubic yard roll-out serviced twice a week. Camero added the 0.5 cubic yard roll-out is new it was previously mentioned as a 95 or 96 gallon roll-out but since cubic yards are being used in the smaller and larger metal containers it should be used for the roll-out as well. Camero went on to add another reason for the change was multi-family use, including more than two residents on one lot, apartments, motels, hotels and mobile home parks, makes sense to continue charging amount per space, per apartment and per room. Jim Grantner asked if trailer counts were still being done. Luis Camero replied trailer counts are being done and the ordinance states the charge should be per space regardless of how many spaces are being occupied. Camero added the board needs to emphasize the trailer count needs to stop and should be charged per space. Jerry Stanley agreed and stated charge per space should be charged and not how many spaces are occupied. Jim Grantner asked Luis Camero if the trailer park manager could call and request additional containers if he sees there is too much garbage or call and ask for his containers to be picked up if he there is not enough garbage to fill the ones he has. Luis Camero replied the adjustment is made by the Solid Waste Superintendent. Jerry Stanley stated some of the trailer parks are more liable for transient turnover. Luis Camero replied there is no way to determine the turnover. Camero added there are no increases at all in the ordinance and with that said the additional roll-out, which was talked about as being charged half of a regular roll-out, will be charged at the same rate as the first roll-out. Camero asked the board to inform him if they wanted to change the second roll-out rate but as of right now the Solid Waste Department is providing a second roll-out to customers, charging the same price as the first one and there are little to no complaints. Camero added he had spoken with Terra Dougan and Dougan told him she receives four requests a month for an additional roll-out and when she explains the price half of the callers accept and the other half decline and make due with one roll-out. Camero went on to state there was talk about once a week pick-up and when on to read what he had written in the ordinance a once per week service for all commercial uses not needing the twice per week service shall be made available by the Solid Waste Department in an effort to reduce its operating cost. Camero added the decision from the board did not have to be done right away but at some point once a week pick-up does need to be talked about and Lewandowski said 70% of businesses do not need twice a week service but the board and staff need to talk about and calculate how much once a week service will be.

John Beasley asked staff and the board if the ordinance was the best quality it would be at. Stephanie Shumsky replied the ordinance was pretty good but if he had suggestions he could let staff know. John Beasley replied no he had no suggestions he is ready to vote for the recommendation to send the ordinance to City Council. Jim Grantner wants the City Council to know review of the ordinance will be done within so many years, it shows responsibility and there are too many ordinances within the city and the county that are forgotten about. Jerry Stanley asked if an annual review needs to be done. Jim Grantner stated an annual review does not need to be done but every three to five years would be good. Stephanie Shumsky stated she would put in the council agenda briefing memorandum that the Solid Waste Board would make a commitment to review the ordinance as needed. Luis Camero informed the board there was an appendix called the Solid Waste Collection Rate Appendix and as of October 2016 the current rates are listed and the appendix could be changed as needed.

Jerry Stanley called for a motion to approve and recommend presenting to City Council the new Solid Waste Ordinance as amended. John Beasley made the motion, which was seconded by Jim Grantner. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried.

7. MOTION TO ADJOURN

Jerry Stanley called for a motion to adjourn. John Beasley made the motion to adjourn, seconded by Jim Grantner. The vote was as follows: Yes – Beasley and Grantner. No – none. Abstain – none. Absent – Flores and Doporto. The motion carried. The meeting was adjourned at approximately 4:32 p.m.



JERRY STANLEY, Chair