

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
January 26, 2021**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 26, 2021 at 6:00 p.m. in regular session with Mayor Raye Miller presiding, and the following present to wit:

Mayor Pro Tem Terry Hill	Ignacio Mariscal
Sam Hagelstein	Raul Rodriguez
George G. Mullen	Jeff Youtsey
Jarrold Moreau	Kent Bratcher

Also, present:
Aubrey Hobson, City Clerk/Treasurer
Attorney Jay Francis (by telephone)

It was determined that a quorum was present. The invocation was given by Councilor Rodriguez and all joined in the Pledge of Allegiance.

New Requests for City Facilities

None.

City Departments and Employees

None.

Special Reports

None.

Consent Agenda

Councilor Rodriguez moved to approve the consent agenda as written. Second by Councilor Moreau and upon vote, the motion carried 8-0.

**CONSENT AGENDA
January 26, 2021**

1. **Approval of Minutes** *January 12, 2021
2. **Consideration of Bids:**

3. Contracts, Leases and Agreements:**4. Appointments:**

- A. Approval of the appointment of Beth Walker to the Library Board of Trustees (*term to expire June 2021- fulfilling term of vacated seat*)

5. Personnel Resignations, Hirings, Promotions, and Transfers:

Upon recommendation of the Mayor, subject to successful completion of required pre-employment testing, permission to:

A. *Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>Cody Stone</u>	Police	Uncertified Police Officer	\$3178 per month CA32

- B. Accept the resignation of Erin Loveland, Library Supervisor, effective January 31, 2021
 C. Accept the resignation of Antonio Baca, Police Corporal, effective January 26, 2021
 D. Carolyn Jo Scott to be Acting Library Supervisor effective February 1, 2021. This will be a 5% temporary increase to her salary

6. Dates of Hearing:**7. *Travel and Training:**

- A. Police – Permission for one (1) employee to attend the National School Safety Conference in Orlando, FL. **No costs from City Funds*
 B. Police – Permission for one (1) employee to attend the FBI-LEEDA Supervisor training in Carlsbad, NM

8. Routine Requests for City Facilities:**9. Routine Resolutions (to be assigned a number by staff):****10. Budgeted Items:****11. Quarterly Journal Entries:**

- A. *2nd quarter adjustments

12. Non-budgeted Items:**13. *Payment of Bills**

Public Hearings – including consideration of final passage of any ordinance as to which proper notice has been published.

None.

Period for Hearing Visitors

Alissa Hodgson introduced herself, a resident of Artesia, she then told us a little about herself; she has a degree in molecular biology, a minor in chemistry. She is here to talk about her extreme concerns about the direction that not only our country but also our state is going, so she

is coming to speak to the city elected officials. She talked specifically about the Covid vaccine. She has heard a lot of talk about that it will be our savior that it will help us stop social distancing and stated that is not true; the manufacturers state it will not prevent infection or transmission and the only benefit is that it might reduce symptoms. Alissa then stated there are far better, safer, more effective and affordable options for reducing symptoms. She would also like to remind you that this virus has a 99.8 percent survival rate across all age groups. Alissa then stated that the vaccine has not been FDA approved, it has an emergency use authorization that has not been tested thoroughly or effectively; this concerns her greatly and she hopes to offer some polite but hopefully some effective challenges to our paradigms regarding what we will effectively get out of this; Alissa stated it will not be the vaccine, it will be us. She would like to finish with the idea that she truly feels like we are in a war of words, we are in a conversation about doing what is best for the greater good.

Mayor Miller asked if Alissa recommends to not take the vaccine. Alissa replied personally yes she does not recommend taking the vaccine. Mayor Miller wanted to be straight forward with her and stated that he took the first shot on Sunday and is scheduled for the second one the 20th of February and that tomorrow on the radio he is going to encourage folks to sign up on the registry to get their shots.

Brad spoke about sharing the same concerns about the vaccine. He has a safety engineering degree and PPE is his expertise, has worked in the oil and gas business for a large company that is nation-wide. Brad stated that he is really concerned about our kids needing to be back in school it's been almost an entire year; kids without social interaction with suicide rates continuing to rise. Brad stated that the pool, parks, library and businesses need to open up and that any business that puts food on the table is an essential business. Brad stated these are the trying times that we have to stand for our beliefs and not waiver. -When he came in he was asked if he had a mask and he replied yes I have a mask. Brad spoke on the surgical type mask that it is not a respirator and are intended for general purposes, when properly worn it reduces potential contact with the wearer of fluids but does not eliminate of contracting any virus disease or infection so the mask shaming needs to stop. If you have a concern and you want to wear a mask he fully supports you wearing a mask, he totally respects it. Also, that the mask shaming needs to stop because people are not informed and they are letting their fear control them and that this is all that he has to say.

Shane greeted everyone and wanted to open up with the 1776 Report from President Trump's advisory and wanted to read the introduction that reads "in the course of human events there have always been those who deny or reject human freedom, but Americans will never falter in defending the fundamental truths of human liberty proclaimed on July 4th, 1776. "We will -we *must*-always hold these truths". Shane stated that he moved to Artesia in 2013 and wanted to say that he really loves this community and respects it, that the city does such a great job supporting the kids, the schools and have always held high respect for that. One of the things Shane has

noticed is in the main-stream media narrative is that here recently since the 20th, DC is opening up their indoor dining, California is opening up all regions, Chicago is opening up and has opened up the schools before the 20th, MI is opening up, communities surrounding us are opening up; that Roswell's Councilors have voted on that. We have found out today that on February 8th here in NM, schools are going start some sort of in classroom learning. Shane stated when in Texas he wanted to point out that he feels like an American again. Shane stated all of this has been a shock to him that our leaders are not doing more and he just wants to say let's open up these businesses, these peoples livelihoods, lets open up even if we have to do stages and be safe about it with some kind of action to get it open, then thanked everyone for their time.

Mayor Miller stated it is recognized that when Roswell and surrounding areas opened, the Governor closed them and some have received \$5,000 daily fines which the Supreme Court have sustained. The Mayor stated that we do not believe that we have the power to tell businesses to open up subjecting them to fines; as a result the key is that there is an election in two years and hopefully the voters will remember and make their decision to whether this was done properly or there should be something different done. The Mayor also stated that we are looking at things that might bring positive change because so far the editorials, resolutions and legal things that are being done have all failed in every attempt. The Mayor is pleased that at least the schools are opening back up.

Jared Turner spoke about the citizen meetings and that people are really looking for a strong political leadership, somebody to stand up and say we have had enough, we need to do something, is what he is hearing in the community. Other than this he has heard from thirty people that they would like the library opened.

Mayor Miller stated that in 13 months five city positions are up for elections including his position. The Mayor then asked if anyone else would like to speak.

Jay Dodds stated that he appreciates them having this meeting tonight and would like to encourage us to reopen things, that they need the cities help, the community is starving and it not going to change until someone steps up and changes that. Jay also stated that the purpose of Government is to protect the rights of citizens not to suppress subjects and there is a lot in that, we are turning into subjects; not free citizens, that all you have to do is have to look around. Jay would like to encourage us to look into that and whether you are for or against the vaccine it is each individuals own business; Jay and his family will not be taking it and does not believe that the Government has any authority to tell citizens to take it, if they do you are no longer a citizen you are a subject and he does not intend to be a subject and does not think anyone else does either.

Mayor Miller stated that he appreciates what Jay is saying but unfortunately, we do not think we have the authority. Also, that the Governor has statutory authority she has invoked and the powers that she is claiming she has. The Mayor stated he does not read that into the law but so

far the Supreme Court of the State has backed her 100 percent. As a result, the Mayor sees it as very difficult for any business to defy the orders. As a result, the Mayor is not recommending businesses defy the order. The Mayor appreciates Jay's thought process but we do not believe that any of the legislation gives us the authority to override the Governors power.

Jay stated that he understands and would like to respectfully disagree.

Stacey Turner thanked everyone for hearing their hearts. They have been meeting the last month and a half and are bringing what the community says to them and she does recognize the unique positions that city officials are in. Stacey wanted to encourage the Mayor and Councilors to write down three questions and asked if they knew what a PCR threshold is; the question is why it was reduced from 30 to 25 the day after inauguration. This means the more times the cycle is replicated the more chance you will find a viral particle resulting in a false positive. Stacey continued to speak about the vaccine and asked why does Moderna and Pfizer call their vaccine gene therapy that it is not a vaccine that it is a code that is being injected into your body. Her third question is why today, the Governor announced the opening of school by February 8th with a statewide seven-day average of 795 cases over the last seven days if it was unsafe to do so in August where an average of 173. Stacey brings this up for an overall understanding that we have all been played with part of a political game.

Mayor Miller stated that members of the Governing Body are nonpartisan by law; there are different community members with different viewpoints on both sides with all these issues and we try to do our best to represent the citizens and tend to what we believe we can control in the City of Artesia.

Stacey asked if we could open city parks and the library. The Mayor responded that the parks are all open and the library will be discussed in the upcoming weeks. The aquatic center is also open. Stacey thanked the Mayor and everyone for representing them and for what they do; that they do not take it lightly and know that it cannot be easy. Stacey would also like to invite anyone that would like to attend the group meetings.

Mayor Miller asked if there was anyone else on the phone that would like to address the Council.

Comments from Public Officials and Contracted Services

None.

Committee Reports

Budget and Finance

*Mid-year budget adjustment resolution

Councilor Hagelstein made a motion to approve the mid-year budget adjustment resolution.

Second by Council Bratcher. Upon vote, the motion passed 8-0.

RESOLUTION - 1748

Personnel – None.

Police and Fire – None.

Planning (Project Management, Code Enforcement, Permits and Inspections) - None.

Recreation – JC Park is now open.

Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – There will be a meeting Thursday at 4:30. In the meeting they will be discussing the illegal RV dumping.

Government – None.

Personnel

Human Resource Director Sandi Countryman stood for questions.

Public Safety

Police

Chief Roberts greeted the Mayor and Council and then stood for questions.

Fire

Chief Hope greeted the Mayor and Council.

- 1) Approval to submit application for Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program

Chief Hope stated they are looking at eventually putting in for a grant for the radios that will be needed to communicate effectively with our County partners. The grant requires a 5 percent match based on our population size; somewhere between 10 or 12 thousand dollars on our part if we are successful on the grant.

Mayor Pro Tem Hill made the motion for approval to submit the application for the AFG Grant. Second by Councilor Mullen. Upon vote, the motion passed 8-0.

- 2) Update on transports

Chief Hope went through the last three months of 911 transfers into facilities, then stood for questions.

Community Development

Community Development Director Jim McGuire stood for questions.

Infrastructure Department

Infrastructure Director Byron Landfair greeted the Mayor and Council and stood for questions.

City Attorney

Attorney Jay Francis gave an update that they have filed lawsuits in Magistrate Court for two former Police Officers to recoup money the City has paid sending them for their training at the Academy.

Mayor Miller asked if there were any questions for the Attorney and then thanked him.

City Clerk

None.

Mayor

A. Update on call with Governor's office

The Mayor stated that he is glad the Governor has made some change, that he wished it would have been more.

B. Information on Free Civil Legal Advice for Veterans event

The Mayor stated that he will also mention on the radio that there is free civil legal advice for a Veteran's event February 2nd. Mayor Miller talked about House Bill 4 that is in the packet and Chief Roberts has spoken about some of the problems with the bill. The Municipal League has also put together some bullet points and asked for all of the Cities and Counties to talk with their legislators on this bill.

The Mayor mentioned that our next Council meeting will be at 6:00 that has been advertised but he is looking at going to a 5:00 pm start time for future meetings. If anyone has an objection to changing our meetings to 5:00 to come and see him. Also, we will be having a meeting on February 1st about the Library.

New or other business from Councilors

Mayor Pro Tem Hill stated that he enjoyed the discussion from the concerned citizens group; that they put out some good points and they are strong in their convictions, he applauds them and that we do what we can taking into consideration the entire community.

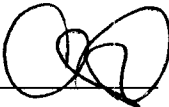
Adjournment

There being no further business, the meeting was adjourned at 7:36. On January 26, 2021.

Ray Miller

Raye Miller, Mayor

ATTEST:



Aubrey Hobson - City Clerk