

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
December 14, 2021**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, December 14, 2021 at 5:00 p.m. in regular session with Mayor Raye Miller presiding, and the following present to wit:

Mayor Pro Tem Hill	Kent Bratcher
Sam Hagelstein	Jeff Youtsey
Ignacio Mariscal	Raul Rodriguez
George Mullen	

Also, present:

Aubrey Hobson, City Clerk/Treasurer  
Summer Valverde, City Assistant Clerk/Treasurer  
City Attorney Jay Francis

Absent:

Councilor Jarrod Moreau

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:**

City Assistance Clerk/Treasurer Summer Valverde stated there was cancellation of the Road Runner Running Club due to being unable to get insurance.

**City Departments and Employees**

Summer introduced our new Finance Supervisor Lynne Bryant; they went to GFO together and stated that Lynne has been doing great so far.

**Special Reports**

None.

**Consent Agenda**

Mayor Pro Tem Hill made a motion to pull Item #5 from the consent agenda. Second by Councilor Hagelstein and upon vote, the motion passed 7-0.

Councilor Rodriguez moved to approve the consent agenda as written minus Item 5. Second by Mayor Pro Tem Hill and upon vote, the motion carried 7-0.

**CONSENT AGENDA  
December 14, 2021**

1. **Approval of Minutes** \*November 23, 2021
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
4. **Appointments:**
  - A. Approval of the reappointment of Sharon Snowden to the Woodbine Cemetery Board (term to expire January 2024)
  - B. Approval of the reappointment of Lynn Atteberry to the Woodbine Cemetery Board (term to expire January 2024)
  - C. Approval of the reappointment of Jerry Terpening to the Woodbine Cemetery Board (term to expire January 2024)
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>Auden Escajeda</u>	Fire	Fire Cadet	\$10.91 per hour
2. <u>Tyler Forrester</u>	Fire	Fire Cadet	\$10.91 per hour
3. <u>Ramiro Granados</u>	Fire	Fire Cadet	\$10.91 per hour
4. <u>Micheal Hope</u>	Fire	Fire Cadet	\$10.91 per hour
5. <u>Rylan Ruiz</u>	Fire	Fire Cadet	\$10.91 per hour
6. <u>Daniel Holmes</u>	HR	City Prosecutor	\$7500 per month CA55
7. <u>Kennon Swinney</u>	Streets/Parks	Equipment Operator I	\$2507 per month CA22
  - B. Accept the resignation of Rick Fidone, Streets/Parks Department Equipment Operator, effective November 30, 2021
  - C. Accept the retirement of Sandi Countryman, Human Resources Director, effective April 29, 2022
  - D. Permission to advertise and fill Human Resources Director

Mayor Pro Tem Hill had issue with a couple of the fire cadets being related that would have certain influences of punishment, pay or benefits and the ability to negotiate a hire; he respects the opinion of the committee.

Councilor Bratcher made a motion to approve Item 5 A.) B.) C.) & D.). Second by Councilor Youtsey and upon vote the motion passed 6-1. Mayor Pro Tem Hill being the Nay.

6. **Dates of Hearing:**
7. **Travel and Training:**
8. **Routine Requests for City Facilities:**
9. **Routine Resolutions (to be assigned a number by staff):**
  - A. \*Approval of a resolution adopting an Open Meetings Resolution and rescinding resolutions 1747 and 1749
10. **Budgeted Items:**
11. **Quarterly Journal Entries:**
12. **Non-budgeted Items:**
13. **\*Payment of Bills:**
  - A. Permission for payment of bills through December 31, 2021

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

- A. \*Consideration and approval of an ordinance for Case No. 21-09: 6<sup>th</sup> Street Approx. 10' Westerly Vacation, Park Avenue Approx. 25' Northerly Vacation, Lot 1, Block 57, Artesia Improvement Company. A vacation of a portion of 6<sup>th</sup> Street and a portion Park Avenue along Lot 1 of Block 57 of the Artesia Improvement Company Subdivision; Location: 601 W. Washington Avenue; Owners: Adrian & Jerilyn Lee Munoz, and the City of Artesia

Community Development Director Jim McGuire presented the consideration and approval of O-1091, Case No. 21-09. The Planning & Zoning Commission at the November 17<sup>th</sup> meeting reviewed this request and unanimously approved and staff is in approval.

Councilor Rodriguez made a motion for approval of Ordinance – 1091 Case No. 21-09 of approx. 10' Westerly vacation . Second by Councilor Hagelstein and upon rollcall vote, the motion passed 7-0.

### **ORDINANCE 1091**

- B. \*Consideration and approval of an ordinance amending section 7-3-2 of the Artesia City Code: Sewer User Rates and Charges

City Clerk/Treasurer Aubrey Hobson presented the consideration and approval of Ordinance – 1092 amending section 7-3-2 change of the sewer rates as recommended by the Infrastructure Department.

Councilor Rodriguez made a motion to approve O – 1092 amending the sewer rates. Second by Councilor Hagelstein and upon rollcall vote, the motion passed 7-0.

## ORDINANCE 1092

### Period for Hearing Visitors

None.

### Comments from Public Officials and Contracted Services

None.

### Committee Reports:

- A. Budget and Finance - None.
- B. Personnel – None.
- C. Police and Fire – None.
- D. Planning (*Project Management, Code Enforcement, Permits and Inspections*) – Councilor Rodriguez gave a reminder of their meeting tomorrow at Jim’s office.
- E. Recreation – None.
- F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – None.
- G. Government – None.

### Personnel

- A. \*Discussion of vacation roll over policy, with possible action to be taken

Human Resource Director Sandi Countryman stated that Item A. can be deleted because of Government policy that allows 40 hours per roll over.

- B. \*Safety Stats

Sandi stated that safety stats are in the packet and that as discussed in the personnel meeting there will be some personnel policy changes that she will be bringing forward.

### Public Safety

#### Police Department:

- 1) \*Stats

Police Chief Roberts greeted everyone, then stated that all he had on the agenda are the crime stats; overall he is happy with the stats and that burglaries are up due to the holidays.

#### Fire Department:

- 1) \*Consideration and approval of a resolution declaring surplus property (3 vehicles) for training use by the Fire Department
- 2) \*Stats

Fire Chief Hope greeted the Mayor and Council and had one item on the agenda for approval of Resolution – 1775 for surplus property of 3 vehicles used for extricating training; one of which he is donating. In addition, stated that stats are in the packet.

Councilor Rodriguez made a motion to approve Resolution – 1775 declaring surplus property of 3 vehicles for training use by the fire department. Second by Mayor Pro Tem Hill and upon vote, the motion passed 7-0.

## **RESOLUTION 1775**

### **Community Development**

A. \*Stats

Community Development Director Jim McGuire greeted the Mayor and Council. Jim stated that this year fees were more compared to last year and then stood for questions.

### **Infrastructure**

A. \*Consideration and approval of 2021 Amendment to Wastewater Service Agreement with HollyFrontier Navajo Refining LLC, Renewable Diesel Unit (RDU)

Infrastructure Director Byron Landfair greeted the Mayor and Council. Byron then presented the consideration and approval of the 2021 Amendment to the Wastewater Service Agreement with Holly Frontier Navajo Refining LLC, Renewable Diesel Unit.

Councilor Rodriguez made a motion for approval of the 2021 Amendment to the Wastewater Service Agreement with Holly Frontier Navajo Refining LLC, Renewable Diesel Unit. Second by Councilor Mullen and upon vote, the motion passed 7-0.

### **City Attorney**

Attorney Jay Francis stated that he had spoke with the new City prosecutor and will be willing to work with him to get up to speed. Also, stating that he will be retiring to part-time as of the end of this month and will continue to cover the City Council meeting and responding to e-mails.

### **City Clerk**

A. \*Approval of a resolution Designating Signatory Agents for the City of Artesia and rescinding resolution 1746

Assistant City Clerk/Treasurer Summer Valverde presented approval of Resolution – 1776 Designation Signatory Agents for the City of Artesia and rescinding Resolution – 1746.

Councilor Rodriguez made a motion to approve Resolution – 1776 Designation Signatory Agents for the City of Artesia and rescinding Resolution – 1746. Second by Councilor Bratcher and upon vote, the motion passed 7-0.

## RESOLUTION 1776

### B. \*Discussion of elected officials' salaries

City Clerk/Treasurer Aubrey Hobson presented discussion of elected officials' salaries as a precursor to increase officials salaries knowing that if changed before the election it would only affect the officials coming in at that time and the ones sitting would have to wait till the next election.

Mayor Miller stated that he is not looking for a change tonight; that it is a change that should be thought about.

Councilor Rodriguez stated that the last time they had this discussion was about 7 years ago and would like to see the salary increased and considered for the next election.

Aubrey stated that for the next election the ordinance would have to be adopted by February. Mayor Miller stated if the increase is wanted, we would get this on the agenda in January meetings. The Mayor asked if there were any questions.

## Mayor

### A. Legislative discussion

Mayor Miller spoke on the capital requests discussion which had some confusion because of the additional request sent to legislation. Advice was sought from Hubert Quintana as to what the impact of these requests would have and whether or not there was a conflict between them or if they were separate. It was explained that a Jr. Bill carried by legislature could not be allocated for capital type items which all of our request under RICVA are capitalized. If there is a Jr. allotment at this legislative session we would be able to seek a request; one of the items allowed would be police/fire vehicles which is equipment and fall under that same category. As a result of this understanding the Mayor will have Lisa prepare an e-mail to all council and legislators primarily addressing the capital requests and then if a Jr. Bill to have considered the radios since that is an allowed item if everyone else agrees; which everyone agreed.

### B. \*Discussion and direction on the MFA Notification to the Local Governing Body of the Application for Request of Funding under NM State Statute 58-18-10 for EMLI at Wells of Artesia located at 2104 W. Richey Avenue

The Mayor presented the Mortgage Finance Authority discussion based on the request for funding. The City declined being a conduit bond issuer and expressed concern regarding the location.

Richard Ashton the Community Developer spoke on the financing and a mix of income and stated the rent would be between \$800 - \$1,200 and would not be Section 8 housing. The specific request is for part of the funding with the State; if awarded it would give the ability to further fund commercial use to have urgent care or doctor's offices. The preliminary report has about 40% property market rent and the rest would be considered the lower rent.

Councilor Rodriguez asked what would be the percentile of the \$800 amount rent? Mr. Ashton replied that the overall is that rent cannot exceed 30% of their income.

Mayor Pro Tem Hill asked how many units would there be in total? Mr. Ashton replied 198.

Attorney Jay Francis stated in answer to Councilor Rodriguez question according to this letter only 28 of the 198 units would be the \$800 rent.

Councilor Youtsey stated that in essence this request is to decide whether or not they receive funding from NM Finance Authority and that even if voted down they are still moving forward with the project. Mr. Ashton stated that it is only for part of the project the first part is already approved.

Mayor Pro Tem Hill made a motion to approve the MFA notification to the Local Governing Body of Application for Request of Funding under NM State Statute 58-18-10 for EMLI at Wells of Artesia located at 2104 W. Richey Avenue. Second by Councilor Mullen and upon rollcall vote, the motion passed 5-2. Councilor Rodriguez and Mayor Pro Tem Hill being the Nay's.

Mayor Miller stated that we would advise MFA that we would not have a majority disapproval.

- C. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(2)(8):
  - 1. Limited personnel matters – Infrastructure Department
  - 2. \*Real Property – Lease of City Property

6:13 PM Councilor Rodriguez made a motion to go into executive session in accordance with the NM State Open Meetings Act Section 10-15-1-(H)(2)(8) to discuss limited personnel matters and real property – lease of City property. Second by Councilor Mullen and upon rollcall vote, the motion passed 7-0.

- D. Action as a result of executive session

6:40 PM Councilor Rodriguez made a motion to come out of executive in accordance with the NM State Open Meetings Act Section 10-15-1-(H)(2)(8). Second by Councilor Hagelstein to give the Infrastructure Director discretion to enforce actions as outlined with the personnel handbook and upon vote, the motion passed 7-0.

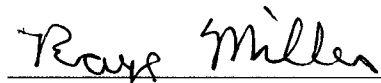
Councilor Rodriguez made a motion to in-act lease at a future meeting once all of the prerequisites have been made. Second by Councilor Bratcher and upon vote, the motion passed 7-0.

**New or other business from Councilors**

Councilors wished everyone a Merry Christmas and Happy New Year; also, to be safe.

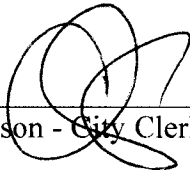
**Adjournment**

There being no further business, the meeting was adjourned at 6:50 p.m. On December 14, 2021.



\_\_\_\_\_  
Raye Miller, Mayor

ATTEST:



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Aubrey Hobson - City Clerk