

**BOARD OF APPEALS  
MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
July 14, 2015**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, July 14, 2015 at 5:30 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Kent Bratcher	Nora Sanchez
Terry Hill	Jeff Youtsey
Manuel Madrid Jr.	

The following were absent:

Jose Luis Aguilar (\* joined the meeting at 5:34 p.m.)  
Raul Rodriguez (\*joined the meeting at 5:32 p.m.)  
Bill Rogers (\*joined the meeting at 5:32 p.m.)

Also present:

Aubrey Hobson, City Clerk-Treasurer  
John Caraway, City Attorney

It was determined that a quorum was present. Mayor Burch stated that the purpose of the meeting was to hear an appeal of Resolution No. 1575, the condemnation of 702 N. 14<sup>th</sup> Street.

Councilors Rodriguez and Rogers joined the meeting at 5:32 p.m.  
Councilor Aguilar joined the meeting at 5:34 p.m.

Ms. Rosalinda Salas stated that on June 23, 2015, she came before the Council to request that they not condemn the structures at 702 N. 14<sup>th</sup> Street. She stated that she had requested a letter of what needs to be done from Planning Administrator Louis Jaramillo. Ms. Salas stated that she had filed the paperwork with the city clerk to request the appeal. Ms. Salas distributed copies of her letters.

Ms. Salas stated that she requested that the city not demolish the house and stated that two people from the planning department had looked at the backyard that morning and did not see any grey water. She reported that no people were living in the backyard. Ms. Salas stated that on Friday Ms. Hinkle stated there was grey water in the backyard, but today there was none to be seen. Ms. Salas stated that they have removed the trailers from the backyard as well as stuff from the shed. Ms. Salas stated that she believes that Ms. Hinkle lied to the Council regarding the grey water

Ms. Salas requested a list of what was needed to be done.

Rudy Flores, cousin to Ms. Salas stated that he had spoken on her behalf with Louis Jaramillo regarding the decision on June 23<sup>rd</sup>, and since then has received a citation for weeds. Mr. Flores stated that he believes this was retaliation.

Ms. Hinkle reported that Ms. Salas came to her office on June 24<sup>th</sup> and she gave her the packet regarding the condemnation.

Ms. Hinkle presented an overview in pictures from 2005. She reported as of July 14<sup>th</sup>, they have done a lot of work on the property, and have cleaned under the carport so that EMS can see the front door.

Rudy Flores stated that he agreed that the property was a mess, but questioned who gave Ms. Hinkle permission to intrude on their privacy. Mr. Flores stated that he had been written up for weeds, he had been on vacation for two weeks and then had hip surgery. He stated that he had requested for her boss a list of the things that needed to be addressed, and that the list was too generic and not specific to her house. Mr. Flores questioned whether the letters regarding the clean up fees ever reached Ms. Huerta or Ms. Salas. He also questioned the charge of open fire cooking in the backyard, as everyone has a barbeque. He questioned the pipe in the backyard – could it have been salvageable material? He stated that the trailers and the yard have been cleaned up. He questioned what structures were being condemned.

Ms. Salas stated that she had had six (6) citations and all were dismissed. She presented photos (from her son Matthews's phone) for inspection by the Council.

Community Development Director Jim McGuire stated that he had visited the site that morning and noted that most of the backyard had been cleaned. He did not see a pipe coming out of the house.

Ms. Salas stated that the people who had been living in the backyard had left, there is nothing left in the shed but junk. All the beds, wires and TV are gone.

Mayor Burch called for a motion to confirm the condemnation. No motion was made. City Attorney John Caraway stated that if no action is made/taken, Resolution No. 1575 remains and would be enforced.

Councilor Youtsey noted that a huge effort has been made in a very short period of time and asked if the city could give them 30 days to complete the process, and asked if there was anything the city could do to keep it from returning to the current state.

Mayor Pro tem Hill stated that he doesn't want to drop the condemnation at this time, but would be willing to give them six (6) months to complete the process, with the caveat that if the two sons return to living in the backyard, the six month extension would be void and the condemnation would proceed.

Councilor Sanchez stated that she would like to give them an opportunity to continue the cleanup.

Councilor Aguilar stated that currently the condemnation is in place, but the council could give them time to finish, and as long as they continue working, nothing further would happen, but if they fall back, then the condemnation could be enforced.

City Attorney John Caraway requested that the record show that the entire council is present at this meeting.

Mr. Caraway stated that while the City Council is meeting as the Board of Appeals, since the entire council is in attendance, the meeting can be called a meeting of the City Council.

Mr. Caraway stated that the record needs to be clear if the Council wishes to enforce the condemnation or to rescind it, but that the Council does have the option of placing conditions on the enforcement.

Mayor Pro tem Hill moved to allow Ms. Huerta 6 months to continue to clean the property and bring it up to code, not to rescind the condemnation, but in 6 months to look at that once again and make that determination, and as a condition of that, have Ms. Huerta to allow Ms. Hinkle access inside the house and all that premises to monitor. The motion was seconded by Councilor Sanchez.

Councilor Bratcher stated that the family had accomplished a lot in two weeks, so he would like to see the momentum continue. Councilor Bratcher moved to amend the motion to allow 90 days for the cleanup. The amendment was seconded by Councilor Rodriguez and upon vote, with Councilor Aguilar voting “nay”, the amendment passed.

Mr. McGuire expressed a concern about the shed because there is a woodstove in the shed.

Code Enforcement Officer Cheryl Hinkle reported that she had reviewed building permits and could not locate a permit for any structure to be built in the backyard. Based on that, Ms. Hinkle recommended that the structure be removed, especially since there is a wood stove in the building, and it is close to the property line and poses a threat to the neighbors. Ms. Hinkle stated that the building was on the list given to Ms. Salas.

Mayor Pro tem Hill stated that several years ago, there was an incident with grey water on the ground at that address, that was witnessed by the current Sherriff (a former Artesia PD employee).

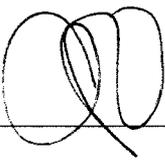
Upon vote of the amended motion, to allow Ms. Huerta ninety (90) days to clean the property, with the condition that Ms. Huerta allow Code Enforcement Officer Cheryl Hinkle access to the property and inside all structures, and to maintain the property according to code, the motion passed.

Mayor Burch stated that the efforts of the last two weeks have been a start toward correcting the previous ten years of abuse, and encouraged them to continue.

There being no further business to come before the Council, the meeting adjourned at 6:27 p.m. July 14, 2015.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**Mayor**

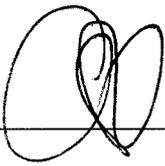
Mayor Burch reported that the NM Taxation and Revenue Department has proposed a bill to change the distribution of the state shared gross receipts tax to a per capita basis. Councilor Rogers moved to adopt a resolution opposing the proposed change for the distribution of gross receipts tax to a per capita basis, Resolution No. 1577. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

**RESOLUTION NO. 1577**

There being no further business to come before the Council, the meeting adjourned at 7:25 p.m. July 14, 2015.

  
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Mayor

ATTEST:

  
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City Clerk