

**MINUTES OF SPECIAL CITY COUNCIL MEETING**  
**ARTESIA, NEW MEXICO**  
**September 22, 2020**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall with limits in place for the public attendees because of the coronavirus pandemic and the Governor's executive order with Mayor Raye Miller presiding, on Tuesday, September 22nd, 2020 for the Utility Lien Appeals Hearing at 5:30 p.m. immediately following with the Council Meeting and the following present to wit:

Sam Hagelstein  
Kent Bratcher  
Ignacio Mariscal  
Raul Rodriguez

Jarrod Moreau  
George G. Mullen  
Mayor Pro Tem Terry Hill  
Jeff Youtsey

Also, present:  
Aubrey Hobson, City Clerk-Treasurer  
Matt Byers, City Attorney

**Utility Lien Appeal Hearing**

A) Utility lien appeals

Aubrey stated that this is a public hearing to appeal utility lien that may be placed for delinquent utility accounts and that he has not been contacted from anyone that said they would be at the Council meeting tonight.

Mayor Miller stated that it is a public hearing and asked if anyone wanted to address an issue on the utility lien appeal.

B) Action as a result of hearing – None.

Aubrey stated that we will have an action at the next Council meeting.

Mayor Pro Tem Hill made a motion to adjourn the utility lien appeals hearing as there was no one here. Second by Councilor Hagelstein. Upon vote, the motion passed 8-0.

The regular meeting was called to order by Mayor Miller at 5:34 p.m.

It was determined a quorum was present. The invocation was given by Mayor Raye Miller and all joined in the Pledge of Allegiance.

**New Requests for City Facilities:**

- A. \*Artesia Arts Council has requested the use of Central Park from 1:00 pm, Friday, October 16, 2020 through 4:00 pm, Saturday, October 17, 2020 for Market in the Park. Use of City Services and road closures as stated on application. Request waiver of fees. *Contingent upon proof of insurance and security*

Laurie Shotz spoke about Farmer's Markets being eligible under the Governor's order since March 16<sup>th</sup>; they have gone to several Farmer's Markets to research to see what they are doing. Ms. Shotz thinks that we will be able to do a Farmer's Market as well with safety measures in place along with sanitizers and wash stations. They have gone out to the community and have several letters supporting the Farmer's Market. They also have the certificate of liability changed to say Market in the Park with all the appropriate signatures.

Mayor Miller asked how many total vendors they will have. Laurie stated she would like to do twenty. Mayor Miller stated that he is worried about liability for the city if there are cases that develop. The Mayor understands that there is a strong group of supporters but that there is also a great amount of people in town whose desire is to get their children back into school and want to do everything possible that does not allow the spread of the virus. The Mayor thinks that the Farmer's Markets that are in the Central and Northern part of the state are truly summer events for locals to raise produce for the community to have farm fresh produce.

Mr. Larue stated that this is the Arts Council's number one fundraiser and will try and do everything that they can to keep Art in the Park. He stated that they are community outreach and there are a lot of people that do not understand what they do with how much outreach they do with kids that are hurting; that is why they are trying so hard to do whatever they can to continue; It is not just because they want to have Art in the Park, it is because they want to continue their instrument and theater lessons, tutoring programs because of the struggles that our children are going through now and to do that they have to be able to raise funds to keep the organization alive. They are desperately trying to find a way to keep the Arts Council alive; this has been a tradition for 45 years and if that tradition needs to change a little bit, they are willing to do whatever it is they need to do to have the fundraiser.

Councilor Youtsey asked if they have spoken to the health department about their plans to get an approval so that they do not have any issues. Ms. Shotz stated that she has not, she has talked with Raeann from the state to talk about what they need to do for the Farmer's Market. Councilor Youtsey stated that what he is leaning towards is that if they could get approval from the health department, he would be to approve the request.

Councilor Hagelstein spoke about consulting with the City Attorney with what liability might fall on the City if someone came after them. Attorney Matt Byers stated that as far as liability of the

City he does not know if we would have that, he honestly doesn't think so but we do not want the State Police coming down and enforcing what the Governor has ordered. Additionally, one of the things that is stated, the majority of revenue must come from the sale of foods. The Mayor has pointed out that majority of the sales is not going to be coming from produce foods it is going to be coming from crafts. Attorney Matt Byers stated that after looking over everything that this does not qualify as a Farmer's Market under the Governors orders but does not know if Council could put it imprimatur on something as important as this.

Mayor Miller stated the only way he could see this is with Councilor Youtsey's suggestion that is if they got something from the Department of Health that said based on your plan with the amount of food booths recognizes this amount of craft booths are there with safe practices; without their stamp of approval he does not see where the Council would be comfortable trying to base an approval going against the Governor's orders.

Councilor Hagelstein made a motion to approve the use of Central Park on October 16<sup>th</sup> 2020 for Market in the Park pending confirmation from the Governor's office, Department of Public Safety or Department of Public Health that the plan they are doing is acceptable to the State so that we are in compliance with the State. Second by Councilor Bratcher. Upon vote, the motion passed 8-0.

Councilor Mullen suggested that if they go to the State and get approval that rather than having a Council meeting that we allow the Mayor or Mayor Pro Tem to approve rather than having to wait for another Council meeting.

Councilor Mullen made a motion to allow the Mayor and Mayor Pro Tem Hill to review and approve approval from the State. Second by Councilor Hagelstein. Upon vote, the motion passed 8-0.

### **City Departments and Employees**

None.

### **Special Reports:**

None.

**Approval of Consent Agenda**

The consent agenda for September 22, 2020 was presented for passage with a motion by Councilor Rodriguez, as written. Councilor Rodriguez provided a second. Upon vote, the motion passed 8-0

**CONSENT AGENDA  
September 22, 2020**

1. **Approval of Minutes** \*September 8, 2020

2. **Consideration of Bids:**

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

4. **Appointments:**

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>Matthew Hernandez</u>	Water	Technician	\$2482 per month CA22
2. <u>David Palmer</u>	Solid Waste	Equipment Operator II	\$2673 per month CA25
3. <u>David Watson</u>	Fire	Firefighter/Paramedic	\$4067 per month CA29
4. <u>David Avina</u>	Fire	Firefighter/EMT I	\$3646 per month CA27

B. Accept the resignation of Jessyca Haeck, Detention Officer, effective September 12, 2020

C. Probationary termination of Aida Florez, Wastewater Assistant, effective September 17, 2020

6. **Dates of Hearing:**

A. Approval to set a public hearing on October 13, 2020 for consideration of an ordinance for Case No. 20-10: Replat on the NE/4 of the NE/4 of Section 19, Township 17 S, Range 26 E; Location: 1415 W. Hermosa; Owners: Joe G. and Elia M. Mariscal

7. **\*Travel and Training:**

A. Police – Permission for one (1) employee to attend the online Marijuana Impaired Driving Detection training

B. Police – Permission for one (1) employee to attend the online Intox Update training

\*Denotes material included in Council Packets or previously received material

C. Police – Permission for one (1) employee to attend the Fire Death/Fatality Scene Investigation training in Roswell, NM

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

Morgan Fox stated she is a mom of three boys from Artesia and has lived here for about three years, is an avid reader, a book enthusiast and is here to ask to reconsider the plan to delay the opening of the library. Morgan also stated that the Library can be open safely with appointments and to please open the library.

Peyton Yates spoke on the library that it can be open; the State has deemed it essential. Mr. Yates also spoke on the difficulties students and children are having with school and that our library needs to be part of the solution of making us face this virus in a proper way to keep our society working properly. He is convinced that the staff of the library will do everything it can to help in this process. If there are not enough people to help in the process; if there is more observation of people that come into the library required, we could get volunteers and there maybe even funds available in the City to help in the process. He understands the sensitivity of the Council towards the people who work there but we must think bigger than that, we must have leadership that we can solve these matters and we can do it in a safe manner. Mr. Yates encourages us to encourage the people there and then thanked everyone.

Mayor Miller stated that no one had been in contact about putting the library on the agenda and in order for action to be taken on opening the library it will need to be on the agenda with specific items requesting what is needed by e-mail.

\*Denotes material included in Council Packets or previously received material

**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*) – None
- E. Recreation – None
- F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – None
- G. Government - None

**Personnel:**

Human Resource Director Sandi Countryman stood for questions.

**Public Safety:**

**A. Police Department:**

- 1) REDA/County Communication Update

Chief Roberts greeted the Mayor and Council and spoke about the update being done on the radio communication for public safety. The County has entered into a contract to update their towers, moving to a different type of radio called 700 MHz trunking a very specific type of radio system that has a lot of benefits. The City is not part of that system, we are working with the County, and REDA Executive board to make sure that we maintain interoperability so that if we need to help the County we can go out there and speak to them on the radio and understand things that are happening by scanning our radios and being able to hear them; the County is meeting with them and they are seeing progress. There are a number of solutions that they have talked about; some that are preferable for the City over others. It is important that we are aware that this system is being updated and moving forward. The contract has already been signed for the new system that they are going to have. They will continue to work on this to do what is most feasible to work operationally, there is a lot of money involved in this.

Mayor Miller stated that the optimum solution is to probably have new radios in each one of both police and fire vehicles and the price tag is expensive. There is a grant that is being worked on which is a possible source. We may make a request from the County for a budget allocation if the grant doesn't come through.

**B. Fire Department:**

Update on the task force for the County and have done 94 fire investigations in the County. The inspections have been unique, which have been shut down for a while. The Fire department have had the Chamber send out a bulletin with an attached copy of their inspection form; they gave a list of things they would normally look at to walk through their business to see what they can do. They have done approximately 300 this year which is down because of Covid-19. They have gone to inspect large businesses, hotels and school. Then stood for questions.

**Community Development:**

Community Development Director Jim McGuire greeted the Mayor and Council and stated that he doesn't have anything on the agenda. With new changes the Aquatic Center will be able to begin the water aerobics classes. Jim then stood for questions.

**Infrastructure:**

Infrastructure Director Byron Landfair greeted the Mayor and Council gave an update with a cemetery worker testing positive for Covid-19 and they also had to send all the employees in to be tested; in the mean time they will be sending other employees to work at the cemetery. They will be testing tanks on Hermosa and 26<sup>th</sup>. The static pressure will be 85 psi, which will be quite a change; they will be putting out letters letting everybody know about the change. Byron then stood for questions.

**City Attorney:**

None.

**City Clerk:**

A. \*Consideration and approval of Budget Adjustment Resolution

\*Denotes material included in Council Packets or previously received material

City Clerk Aubrey stated that last Council Meeting we had a budget adjustment to take care of CARES Relief Act Small Business Grant. DFA had then sent a message saying that you couldn't do it that way, even though you are getting it back in general funds you couldn't put it back in general funds until later when you transfer it into general funds. It also allows for the million dollars in GEADC going towards the Industrial Park.

Councilor Moreau made a motion for budget adjustment. Second by Councilor Rodriguez. Upon vote, the motion passed 8-0.

Aubrey stated that applications are being turned in for the business grant and we are just waiting on those to see how many we get.

Mayor Miller stated that applications were sent out to anyone that is a registered business last week on Thursday and for anyone that didn't receive one, the application is available at the City, at the Chamber and our website. The Mayor stated that it is not a loan it's a grant. The application deadline is October 5<sup>th</sup>, they have met with the committee and are hoping to have a recommendation to Council by October 9<sup>th</sup>, then on the Council Meeting on the 13<sup>th</sup>. If the recommendation is approved, it will be immediately sent to the State for their approval. As soon as the State signs off, Aubrey will then work on how to get to get the CARES money distributed.

Mayor Miller asked if anyone had any questions and to mention on the radio about the CARES Grant as well the 85 psi on the water pressure.

**Mayor:**

A. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(7)(8):

Councilor Rodriguez made a motion at 7:20 to move into executive session pending discussion on pending litigation and possible purchase of real property. Second by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

1. Pending litigation
2. Possible purchase of real property

B. Action(s) as a result of executive session

Councilor Rodriguez made a motion at 8:00 to come out of executive session reporting that discussion on pending litigation and possible purchase of real property was discussed, no action was taken. Second by Councilor Hagelstein. Upon vote, the motion passed 8-0.

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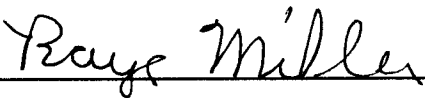


**New or other business from Councilors:**

Councilor Bratcher thanked everyone for all the work that they do.  
Councilor Rodriguez wanted to thank everyone for being able to work well together and come to solutions.

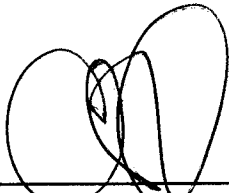
**Adjournment**

There being no further business, the meeting was adjourned at 8:07 pm on September 22, 2020.

  
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Raye Miller – Mayor

ATTEST:



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Aubrey Hobson – City Clerk