

**MINUTES
REGULAR
MEETING
6/24/22**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
June 24, 2022

Meeting called to order at 11:58 a.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene, Linda S. Farnsworth, City Clerk; Councilor Julie V. Montenegro; Councilor Martin Neave; Councilor Alfredo Morelos, Jr. and Councilor Manuel D.V. Saucedo (also present - Roxann Randall who was sworn in after the meeting to replace Caesar Alvarez)

Absent: Councilor Rodney Plowman

Attendance: Eddie Parra, Neomi Parra, Stephanie Helbig, ACO; Martha Jimenez, Administrative Assistant LPD; Eric McSpadden, Smith Ford; Joseph and Tessa Brown; Robert Lindsay, LNZ Western Auto; Mitchel Meyers, Interim Police Chief and Esther Orona who signed onto ZOOM.

Approval of Agenda: Councilor Morelos moved to approve the Agenda as written, 2nd by Councilor Neave. Council present polled. Motion carried.

1. Minutes – Special Meeting/Budget Workshop of May 13, 2022

Councilor Saucedo moved to approve the Minutes of the Special Meeting/Budget Workshop of May 13, 2022, 2nd by Councilor Morelos. Council present polled. Motion carried. With a side note from Councilor Saucedo who stated that he wants to see the Joint Powers Agreement between the City and the County on the next agenda.

2. Minutes – Regular Meeting of May 13, 2022

Councilor Saucedo moved to approve the Minutes of the Regular Meeting of May 13, 2022, 2nd by Councilor Morelos. Council present polled. Motion carried.

3. Minutes – Special Meeting of May 23, 2022

Councilor Morelos moved to approve the Minutes of the Special Meeting of May 23, 2022, 2nd by Councilor Montenegro. Council present polled. Motion carried.

4. Financial Statement for May 2022 and Bank Statement

a) Martha Salas, Finance Director was out due to illness. The Council had a chance to view the Statements included in their monthly packets. Councilor Saucedo requested to note that our investments are higher at the rate of .588 vs. the local investment rate which is lower. With no further questions or comments concerning the Financial Report, Councilor Morelos made a motion to approve the report, 2nd by Councilor Montenegro. Council present polled. Motion carried.

5. New Business

- a) Discussion was had on the formal resignation of Council Member and Mayor Pro-Tem Caesar Alvarez as he has taken a job in another city.
- b). Roxann Randall, a former Council Member was brought before the Council to fill the vacancy left by the termination of Caesar Alvarez. Councilor Montenegro made a motion to approve the nomination of Roxann Randall as a new Council Member, 2nd by Councilor Neave. Council present polled. Motion carried. Ms. Randall was given her Oath of Office after the Council Meeting adjourned.
- c). Nomination of Mayor Pro-Tem was discussed amongst the Council. Motion was made by Councilor Montenegro to accept the nomination of Councilor Alfredo Morelos, Jr.. 2nd by Councilor Neave. Councilor Morelos accepted the nomination of said post. Council present polled. Motion carried.
- d). Ordinance No 2022-03 concerning the Registration and Maintenance of Neglected Vacant Residential and Commercial Structures within the City Limits was discussed. Councilor Neave added that he would like to see abandoned cars and travel trailers added to this Ordinance in the future. Mayor Pro-Tem Morelos made a motion to approve this Ordinance, 2nd by Councilor Montenegro. Council present polled. Motion carried.
- e). Notice of Intent regarding Ordinance No 2022-04 concerning the protection of public health and safety of citizens regarding Solar Energy systems. Discussion was had amongst the Council. Motion was made by Councilor Montenegro to table discussion until the July 29, 2022 meeting so that adjustments could be made to Ordinance before it goes into effect, 2nd by Mayor Pro-Tem Morelos. Council present polled. Motion carried to table discussion on said Ordinance until the next meeting.

f). PNM Quick Silver Program to upgrade the lighting to LED fixtures in the Museum, City Hall and Water Treatment Plant was discussed. Motion was made by Councilor Montenegro to take advantage of this program for the Museum and Water Treatment Plant, but to hold off on upgrading City Hall, 2nd by Mayor Pro-Tem Morelos. Council present polled. Councilor Neave voted No - All other Councilors present voted yes. Motion carried.

g). Termination of Animal Control Officer – motion was made by Councilor Montenegro to approve the termination, 2nd by Mayor Pro-Tem Morelos. Council present polled. Motion carried.

h). Hiring of 2 new Police Officers (Patrolmen) and new Animal Control Officer – Motion was made by Councilor Montenegro to approve the hiring of 2 Police Officers – Jesus Salcedo and Aaron Salazar and the hiring of Stephanie Helbig as the new Animal Control Officer, 2nd by Councilor Neave. Council present polled. Motion carried.

i). Hiring for Police Corporal position – Interim Chief Mitchel Meyers approached the Council asking permission to hire Isaiah Chadborn as the new Corporal based on his enthusiasm, education and record. Councilor Montenegro made a motion to accept the hiring of Isaiah Chadborn for the Corporal position, 2nd by Mayor Pro-Tem Morelos. Council present polled. Motion carried.

j). Eddie Parra (corrected to read as Eddie and not Edward as originally listed on the agenda per Mr. Parra's request) approached the Council requesting an Ordinance be put in place or be enforced to protect his family from an unhealthy environment of the neighbors having a fire pit. Mr. Parra's wife, whose health was compromised due to Covid has long term health issues and the smoke coming into their house through their venting system only makes his wife's health matters worse. Mr. Parra stated that he has called the Police on several occasions and that they, themselves have seen the heaviness of the smoke. This usually occurs within the hours of 8 pm through sometimes 4 am on the weekends, and because of this, he and his family cannot enjoy sitting outside in the evening when the neighbors are burning wood or whatever else gets thrown into the fire. There is a presently a no burn, no campfires mandate in place by the State that needs to be enforced. Mr. Parra thanked the Council for allowing him to speak and the Mayor and Council agreed that any codes regarding this matter need to be addressed immediately.

6. Old Business

a). Tire Changing Machine was discussed in length and detail by Councilor Neave. He stated that he felt that how much we pay out yearly for tire repair did not justify the cost of such an expensive piece of equipment nor the cost that would be incurred to adapt the shop with the correct voltage for the machine and the training that would need to be done in order to use the machine properly. Eric McSpadden with Smith Ford stated that even his company does not have a tire machine the size that we are requesting and that Smith Ford has our vehicles in and out in timely manner for tire repair. Robert Lindsay with LNZ Western Auto feels that our machine is not cost effective for what it is to be used for. Discussion only with no decision made on this agenda item.

The Mayor announced that the next monthly meeting as well as the upcoming Zoning Meeting will be held on July 29, 2022 at 12:00 p.m. noon to accommodate our yearly budget hearing.

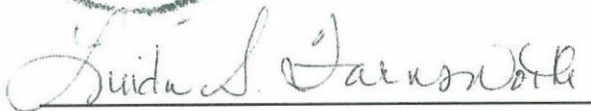
Adjourn

With nothing further to be discussed, a motion was made by Mayor Pro-Tem Morelos to Adjourn, 2nd by Councilor Montenegro. Council present were polled. Motion carried and meeting was adjourned at 12:55 p.m

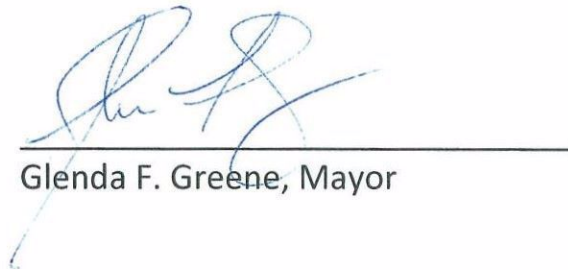
Approved this 29th day of July, 2022



Attest:



Linda S. Farnsworth, City Clerk



Glenda F. Greene, Mayor

**ORDINANCE
NO.
2022-03**

CITY OF LORDSBURG
ORDINANCE No. 2022-03

AN ORDINANCE CONCERNING THE REGISTRATION AND MAINTENANCE OF NEGLECTED VACANT RESIDENTIAL AND COMMERCIAL STRUCTURES WITHIN THE CITY LIMITS OF LORDSBURG, NEW MEXICO.

WHEREAS the City of Lordsburg is requesting to enact an Ordinance pursuant to their statutory authority under NMSA 1978, Section 3-17-1 (1965, as amended through 1993), which ordinance would require the registration and payment of an annual fee where a vacant residential or commercial structure is certified in writing by the City of Lordsburg or Fire Chief to be neglected.

WHEREAS the Clerk of the City of Lordsburg has published timely notice in the Hidalgo County Herald, a newspaper of weekly circulation in Hidalgo County, and gave timely notice to interested parties in accordance with the provisions of NMSA 1978 Section 3-17-1 (1973); and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LORDSBURG, HIDALGO COUNTY, NEW MEXICO, THAT:

SECTION 1. **INTRODUCTION.** The City of Lordsburg would like to add an Ordinance titled "Registration and maintenance of Neglected Vacant Residential and Commercial Structures, to read as follows:

SECTION 2. **PURPOSE.** The purpose of this Ordinance is to help protect the health and safety of the residents of the City of Lordsburg so that vacant structures do not constitute a public nuisance, by ensuring appropriate maintenance of vacant residential and commercial structures to prevent the development of unsanitary conditions, unsafe deterioration of the structure, and unauthorized entry. This Ordinance will help promote the City's public welfare by preventing blight and protecting property value and neighborhood integrity and safety.

SECTION 3. DECLARATION OF PUBLIC NUISANCE. It is declared a public nuisance for any owner to cause, permit, or to fail to maintain any vacant residential or commercial structure in a manner contrary to the provisions of this Ordinance.

SECTION 4. APPLICABILITY. The provisions of this Ordinance shall apply to all vacant residential and commercial structures within the city limits of the City of Lordsburg, as those boundaries may be altered from time to time by annexation.

SECTION 5. DEFINITIONS. For purposes of this Ordinance, the following terms are defined as follows:

LOT A measured parcel of land having fixed boundaries designated on a survey under one ownership as shown on the last Assessor's roll of Hidalgo County or the records of the City of Lordsburg, whichever is most recent.

NEGLECTED VACANT STRUCTURE A structure which is vacant and is not maintained in accordance with the provisions of this Ordinance and certified in writing to be neglected by the City Police Chief or Fire Chief.

OCCUPANCY The act of residing in the structure with full utilities service or conducting a legal business, properly registered, from the structure with full utilities service.

OWNER The owner of record based on the public records of the Hidalgo County Clerk and the office of the Hidalgo County Assessor and any person with legal, financial, or equitable interest in the structure, land or premises at the time of the determination that the vacant structure is a neglected structure under the provisions of this Ordinance.

REGISTRATION The process of providing name, present address, and other

contact information of the owner of a vacant structure for protection of the subject premises and the owner's investment.

STRUCTURE A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, and constructed to as a dwelling for the shelter of persons, including a building for the conduct of a legal business. **A structure shall include any mobile home or manufactured home**, as those homes are defined in NMSA 1978, Section 3-21A-2(A) and –(B) (1987, as amended through 2001), whether used for residential or commercial purposes.

VACANT STRUCTURE (1) A residential or commercial structure that has remained unoccupied for a period of more than thirty (30) days.
(2) A structure is not deemed to be vacant for the purpose of This Ordinance if any of the following circumstances exist:
a. Any unit or portion of the structure is occupied by authorized persons.
b. Any other structure on the same lot occupied by authorized persons; or
c. Construction or alteration of the structure is in progress, and where a state permit is required such unexpired permit must be posted. If a required state permit is not posted or has expired, then the structure shall be considered a vacant structure and subject to the requirements of the Ordinance

SECTION 6. REGISTRATION OF NEGLECTED VACANT STRUCTURE.

A. Notification of Determination of Neglect and Required Registration. When A vacant structure is determined to be neglected, and certified in writing, the Clerk of the City of Lordsburg shall notify the owner by certified mail, return receipt requested, of the neglect determination and the requirement to register the neglected vacant structure with the City. Said notice shall contain a registration form.

- (1) The owner must register the neglected vacant structure within (30) calendar days of receipt of the notice,
- (2) The owner must pay the neglected vacant structure fee with registration.

B. Registration Information. Registration shall be on a form available from City Clerk, which includes but is not limited to the following information:

- (1) Name, address (physical and mailing), and contact phone numbers of the owner.
- (2) Name, address (physical and mailing), and contact telephone numbers of the local agent or representative for the structure/property, if other than the owner.

C. Keep Registration Information Current. Upon any change in the facts provided in the initial registration, the owner shall file up-dated information within ten (10) business days of such change.

D. Neglected Vacant Structure Fee. Upon notification of the neglected vacant structure determination, the owner must pay a prorated fee as established below, and continue to pay an annual fee on or before January 31 of each calendar year the vacant structure continues to be classified as a neglected vacant structure.

- (1) Initial fee shall be prorated from the month following the receipt of notice of the neglected vacant structure determination, which shall be based on a first-year annual fee of \$300.00 (\$25.00 per month).
- (2) First full calendar year annual fee, where the structure is still designated as a neglected vacant structure, shall be \$300.00 (three hundred dollars).
- (3) For each additional full calendar year, the premises remains designated as a neglected vacant structure, the fee shall increase an additional \$100.00 (one hundred dollars) per year up to a maximum of \$500.00 (five hundred dollars)

E. Owner Not Exempt from Complying with Standards Upon Payment of Fee. payment of the neglected vacant structure fee does not exempt the owner from complying with this Ordinance and other applicable laws. Upon a

showing that the vacant structure and lot are in full compliance with this Ordinance, the City will vacate the neglected vacant structure fee. No further fee will be due provided the vacant structure and lot continue to be in compliance with this Ordinance.

SECTION 7. **REQUIREMENTS AND STANDARDS,**

- A. Maintenance in Accordance with all Applicable Laws. The owner of a vacant structure shall maintain it and its lot(s) in accordance with all applicable local Ordinances and the state sanitary codes, building codes, and fire codes pertaining to the lost and the external (visible) parts of the structure.
- B. Security Standards. The owner shall maintain the vacant structure in a way that secures the structure from any unauthorized entry and shall comply with the following minimum-security standards:
- (1) Promptly cover, secure, or repair all broken windows, doors or other openings, and any unsafe conditions at a vacant structure. boards or coverings must be fitted and sized to the exterior opening.
 - (2) There shall be at least one operable door into each vacant structure, secured with a suitable lock.
 - (3) The lot(s) upon which a vacant residential or commercial structure is located shall be appropriately secured based on the conditions and Surroundings, and maintained in a manner that eliminates any Public safety hazard. Said lot(s) must be free of all combustible Materials.
- C. Appearance Standards. The owner of a vacant structure shall comply with The following minimum appearance standards:
- (1) All vacant structure must be maintained in a manner that minimizes the appearance of neglect and deters unauthorized occupation. owners shall promptly remove graffiti from the vacant structure and any fencing and immediately repair damage from attempted or actual intrusions into the vacant structure.
 - (2) All exterior surfaces, including any boarded windows or doors, shall be applied with sufficient paid, siding, stucco, or other finishes in the same color or similar color to blend with the structure's existing exterior color scheme. All exterior surfaces, including roofs,

shall be of sufficient construction to weatherproof the vacant structure.

- (3) The lot(s) upon which the vacant structure is situated, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured structure. Said lot(s) shall be free of litter, which includes debris and garbage.

SECTION 8. **PARTIAL OR COMPLETE DESTRUCTION OF STRUCTURE.** An Owner of a structure rendered vacant as a result of catastrophic fire or act of nature shall: (i) *immediately* secure the premises with appropriate fencing and no trespass signs, (ii) within four calendar weeks from the catastrophic event demolish any remaining parts of the structure and clear the site or show proof to the Code enforcement Officer of completed and filed application for appropriate state permits for rebuilding the partially destroyed structure.

SECTION 9. **PENALTIES**

- A. Penalties: It is unlawful for any person who owns, controls or is The responsible agent of a vacant structure to fail to register and pay the requisite fee as provided in this Ordinance, and to maintain or cause or permit the maintenance of the vacant structure in a condition defined as a “neglected vacant structure” in this Ordinance. Violations of this ordinance are in addition to any other violation established by law.
- B. Penalties. The court may impose fine of not more than \$500.00 (five hundred dollars) or imprisonment of more than 90 (ninety) days or both upon finding any person in violation of any provisions of this ordinance.
- C. Remedies Not Exclusive. This Ordinance shall not be interpreted as limiting the penalties, actions, or summary abatement procedures that may be taken by the City under existing laws, Ordinances, or rules, including perfecting a lien upon the premises and foreclosure thereof.

SECTION 10. **REPEALER.** All Ordinances or parts of Ordinance in conflict with this ordinance are repealed

SECTION 11. **SEVERABILITY.** Should any provisions of this Ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.

- Findings:
1. The presence of unmaintained vacant residential and commercial structures creates a negative impression and has been shown to have an adverse economic impact on the neighboring properties and businesses by depressing property values.
 2. It is the property owner's responsibility to maintain a vacant structure to minimize the appearance of neglect and to secure the vacant structure from unauthorized entry, and such responsibility should not be a burden placed upon the entire community.
 3. Trespassers find vacant structures to be attractive places to conduct criminal activities, and unauthorized access can lead to vandalism and even fires that put the structure and surrounding area at risk.
 4. Neglected vacant and unsecured residential and commercial structures can become an attractive but dangerous play area for children and can harbor wild animals, pests and vermin.
 5. Vacant structures that have deteriorated or been neglected are a threat to public safety, health and welfare of the community.
 6. The City of Lordsburg has an interest in identifying and registering property owners of neglected and unsecured vacant residential and commercial structures located within the City limits of the City of Lordsburg; and
 7. To provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the City of Lordsburg and its inhabitants, it is necessary to establish a process whereby the City of Lordsburg can identify neglected vacant structures and impose

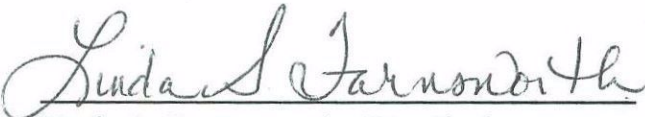
a fee upon the owners thereof in order to monitor compliance with applicable laws.

PASSED, ADOPTED, AND APPROVED by vote of the City Council of the City of Lordsburg, Hidalgo County, New Mexico this 24th day of June, 2022.





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk