

**MINUTES
REGULAR
MEETING
OF
7/24/24**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
July 24, 2024

Meeting was called to order at 5:30 p.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Dusti Conover, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Irene Galvan; Councilor Sean Lindsay; Councilor Julie V. Montenegro; Mayor Pro-Tem Manuel D.V. Saucedo; Councilor Krystal DeLaO and Councilor Martin Neave.

Attendance: Vanessa Haynes, Director Chamber of Commerce; Cindy Talavera; Ida Martinez; Valerie Martinez, Library; Sally Rodriguez, Library; Collista Jensen, Library; Adelina Lindsay; Commissioner Art Mallott; Tisha Green, County Manager; Carmen and Frank Acosta; Becky Cabrera, City Hall; Dan Otero, Hidalgo Medical Services; Roman Orona; Selina Derichsweiler, Sunshare, LLC and George Esqueda, Stantec.

Approval of Agenda:

Mayor Greene stated that some changes were needed to the agenda 1). Removal of Notice of Intent UTO under Ordinances (C) as errors were found in the document. 2). An Emergency Request for Proposal (RFP) to fix a rip in the liner at the Waste Water Treatment plant (G under New Business). Mayor Pro-Tem Saucedo then moved to remove Ordinance (C), the Emergency RFP and he also stated that 3). the Solar Moratorium also be removed as no procedure was yet in place to authorize a solar system installation. Seconded by Councilor Montenegro. Council Members were polled. Motion passed on all three changes to the Agenda.

Minutes

a). Minutes of Regular Meeting June 18, 2024

Councilor Montenegro moved to approve the minutes of the Regular Meeting of June 18, 2024, seconded by Councilor Neave. Council Members were polled. Motion passed.

b). Minutes of Work Session June 26, 2024

Mayor Pro-Tem Saucedo moved to approve the minutes of Work Session Meeting of June 26, 2024, seconded by Councilor Lindsay. Council Members were polled. Motion passed.

c). Minutes of Special Meeting of July 15, 2024

Mayor Pro-Tem Saucedo moved to approve the Minutes of the Special Meeting of July 15, 2024, seconded by Councilor DeLaO. Council Members were polled. Motion passed.

New Business

a). Lordsburg Police Officer resignation

Councilor Lindsay moved to approve the Lordsburg Police Officer resignation, seconded by Councilor DeLaO. Council Members were polled. Motion passed.

b). Roman Orona Presentation

Mr. Orona gave a presentation on his proposed Botanical Garden Project at Southside School property. He asked for a Letter of Support from the City of Lordsburg and has received one from the Lordsburg Schools. The Letters of Support would aid in the grant process for monies to fund this project. Mayor Pro-Tem Saucedo moved to give Mr. Orona a letter of Support from the City of Lordsburg, seconded by Councilor Montenegro. Council Members were polled and Letter of Support was approved.

c). Presentation from Hidalgo County regarding Library funding FY 2025, Ena Mitchell Senior Services funding FY 2025 and Chamber of Commerce Funding FY 2025

Tisha Green, County Manager and Art Mallott, County Commissioner approached the City Council about additional funding for the Library, Ena

Mitchell Senior Service and Chamber of Commerce. The Library requested \$107,500.00 in support from the City and County, whereas, the County budgeted \$65,000.00 while the City budgeted \$50,000.00. Dan Otero, CEO with Hidalgo Medical Services stated that the Ena Mitchell Senior Services requested \$52,000.00 to be split evenly between the City and County at \$26,000.00 each, however, the City only agreed to \$15,000.00. Ms. Green also stated that it is a different issue with the Chamber of Commerce. Councilor Neave questioned the late requests and negotiations after budget hearings have already been held and why we are now in a showdown at the end of the budget process. Councilor Neave also stated that he would like to see better communication next year from everyone involved and Ms. Green agreed that a joint work session between the City and County will be in the works for next year. Councilor Neave then stated that during our Budget Workshops, no one showed up from the County. Collista Jensen with the Library stated that they came in one time but they were not allowed to speak. No one on the Council nor the Mayor remembered that occurring. Dusti Conover, Finance Director added that the City Council had already approved and submitted the Interim Budget and that changes could be made at the State level but that it is a bit complicated.

d). Payment Side Letter between Pivot Energy and City of Lordsburg

Pivot Energy, a solar company has agreed to pay the City of Lordsburg \$1,500.00 to access property that that City owns adjacent to the Waste Water Treatment Plant. Mayor Pro-Tem Saucedo moved to approve the Payment Side Letter, seconded by Councilor Neave. Council Members were polled. Motion passed.

e). Access and Utility Agreement between Pivot Energy and City of Lordsburg

Councilor Montenegro moved to approve this Agreement between Pivot Energy and the City of Lordsburg, seconded by Councilor Neave. Council Members were polled. Motion passed.

f). Stantec update on Projects – George Esqueda

Mr. Esqueda gave a complete presentation on the twelve (12) projects that Stantec is currently working on for the City of Lordsburg. The project numbers, project descriptions and balance information remaining on the projects is provided in the minutes herewith to provide a complete representation of what has been and is presently being done by Stantec and is listed as “**Exhibit A**”.

g). Emergency Request for Proposal (RFP)

The liner at the Sewer Treatment Plant has been damaged and needs to be repaired as soon as possible. Mayor Pro-Tem Saucedo moved that we do a request for proposal for professional design services to include surveying, planning and engineering for the Waste Water Treatment Plant, seconded by Councilor Montenegro. Council Members were polled. Motion passed.

Finance Department

a). Finance Statement Summary for June 2024 and Bank Statement

Dusti Conover, Finance Director approached the Council and stated that we earned interest of \$10,843.00 on our overnight account and interest earned of \$25,325.00 on our LGIP Account for June. Mayor Pro-Tem Saucedo questioned what the P-Cards were being used for and Ms. Conover stated that they are for purchases only; Mayor Pro-Tem Saucedo also questioned why we paid out so much to Richardson Tech over the past month – it was for our Fiber Optics Project and why did we reimburse a customer \$4,381.91- it was because the City billed the customer for sewer for several years when they unknowingly have a septic tank. The Lodger’s tax was for payout of Lodger’s Tax allotments. Councilor Montenegro moved to approve the Finance Statement for June 2024 and Bank Statement, seconded by Mayor Pro-Tem Saucedo. Council Members were polled. Motion passed.

b). Bills paid for June 2024

No action was taken

c). Resolution No. 2024-22 Budget Adjustments

Dusti Conover, Finance Director explained the need for the budget adjustments to the Council which included an employee who decided to take out insurance out on he and his family, payout of Lodger’s Tax allotments and

Stone Garden payment received for \$60,000.00 that needs to be placed in the proper line item. Mayor Pro-Tem moved to approve Resolution No. 2024-22 for Budget Adjustments, seconded by Councilor DeLaO. City Clerk polled the Council Members. Motion passed.

Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

d). Resolution No. 2024-23 Final Budget

Mayor Greene told the Council to keep in mind the requests that were heard tonight. Ms. Conover then went over the corrections to the Final Budget which were highlighted for the Council. Councilor Neave had questions regarding the Heritage Society and why there was a reimbursement. We paid out the \$5,000.00 Lodger's Tax as well as a reimbursement for Stantec for engineering services that the Heritage Society had paid for but the City was responsible for as it is a City cemetery. The other changes were for the NM True Grant where we have a match of \$19,500.00 and a USDA Grant for \$65,700.00, which is our match for a computer lab where our in-kind includes the building and utilities with USDA match being \$21,500.00. Councilor Neave wanted to know if that was actual money or in-kind. Ms. Conover said that it was in-kind but had to show in our budget because it used to reflect under Chamber of Commerce and now has been taken out of the Chamber of Commerce and put under the grant match where the USDA wants to see where the money is going so it now has it's own line item. As for the County, any additional funds would come out of the General Fund. The Mayor asked the Council if they were going to consider the County request for the three (3) entities. Councilor Montenegro spoke up in favor of additional funding and stated that we need to reconsider the extra funding as the programs that run under those three entities service a lot of people in Hidalgo County, including Lordsburg. Councilor Lindsay then moved to accept the final budget as is and without corrections, seconded by Mayor Pro-Tem Saucedo. City Clerk polled the Council Members. Motion passed.

Councilor Galvan NAY
Councilor Lindsay AYE
Councilor Montenegro NAY
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

Ordinances

a). Ordinance No. 2024-02 repealing Ordinance No. 2022-04 (Solar Ordinance) in its entirety.

Tristyn Gandara, Community Development/Code Enforcement is in the process of completing the new Solar Ordinance, however, this one must be repealed first. Councilor Montenegro moved to approve Ordinance No. 2024-02, seconded by Mayor Pro-Tem Saucedo. City Clerk polled the Council Members. Motion passed.

Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

b). Notice of Intent Ordinance No. 2024-03 - Renewable/Alternative Energy Systems Ordinance.

Mayor Pro-Tem Saucedo moved to approve the Notice of Intent for Ordinance No. 2024-03, seconded by Councilor Montenegro. City Clerk polled the Council Members. Motion passed.

Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

Resolutions

a). 4th Quarter Report Resolution No. 2024-24

Councilor Montenegro moved to approve the 4th Quarter Report Resolution, seconded by Councilor Neave. City Clerk polled the Council Members. Motion passed.

Councilor Galvan AYE

Councilor Lindsay AYE

Councilor Montenegro AYE

Mayor Pro-Tem Saucedo AYE

Councilor DeLaO AYE

Councilor Neave AYE

Executive Session to discuss threatened or pending litigation (Lordsburg Police Department and Railroad) as authorized by NMSA 1978 Section 10-51-1 (H)(7)

Mayor Pro-Tem Saucedo moved that they go into Executive Session for the purpose of discussing threatened or pending litigation (Lordsburg Police Department and Railroad), seconded by Councilor Montenegro. City Clerk polled the Council Members. Motion passed to go into Executive Session at 7:15 p.m.

Councilor Galvan AYE

Councilor Lindsay AYE

Councilor Montenegro AYE

Mayor Pro-Tem Saucedo AYE

Councilor DeLaO AYE

Councilor Neave AYE

At 7:33 p.m. Mayor Pro-Tem Saucedo made a motion to return to Open Session and affirmatively stated that only those matter for which the meeting was closed were discussed in Executive Session, seconded by Councilor Montenegro.

Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

Adjourn


With no further business to be discussed, Councilor Lindsay made a motion to adjourn, seconded by Councilor Montenegro at 7:34 p.m.

Approved this 21st day of August, 2024





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

“EXHIBIT A”

**STANTEC
PROJECT
UPDATES**



City of Lordsburg Projects Update July 24, 2024

1. General Engineering Support

- RFP No. GES2022
- Master Services Agreement (MSA) effective date is May 5, 2022
- Option of extending MSA three (3) times for a total term of the MSA being four (4) years
 - 1st Time Extension executed May 5, 2023 – extending to May 5, 2024
 - 2nd Time Extension executed May 5, 2024 – extending to May 5, 2025
- Task Orders issued to date under MSA

#1	Special Events Center	181711148
#2	Shakespeare Cemetery Arch	20426557
#3	Human Services Building Structural Assessment	2042655206
#4	Maverick, Pyramid & Chester TPF Design	2042655501
#5	Pyramid Heights TPF Design	2042655502
#6	Northside Water Phase 2 Easement	2042655404
#7	Design of Various Streets northern portion of City	1720006701
#8	Mary Dee Kipp Water Main Extension	1720006704
#9	Alleyway between 4 th & 5 th Streets Water	Cancelled
#10	Animas Street COOP	Pending
#11	A Street Design COOP	Pending
#12	HWY70 Force Main Utility Permit	Pending

2. Special Events Center (Stantec #181711148)

- Fund 89200 Capital Appropriation 20-E2591
 - o Closed Out
- CDBG #22-C-RS-I-04-G-03
 - o Awarded Amount: \$750,000.00
 - o Scope: design, construct, and renovate/remodel
 - 1. ADA and Electrical Upgrades
 - 2. Kitchen Upgrades
 - 3. HVAC Upgrades & Roof Repair
 - o Reversion: August 2, 2025
- Fund 93100 Capital Appropriation 23-H3043
 - o Awarded Amount: \$200,000.00 (minus \$2,000.00 for Art in Public Places)
 - o Scope: to plan, design, construct, improve, equip and furnish a Special Events Center
 - o Reversion: June 30, 2027
 - o December 22, 2023, quote "to upgrade 6 lanes" in the amount of \$99,525.00 will be paid utilizing the 2023 Appropriation
- Representative Gabe Vasquez
 - o Still awaiting verification of \$500,000.00 in Federal funding

Special Events Center (Stantec #181711148) - continued

- Project Status
 - o August 21, 2023, email from Alison Gillette, DFA Project Manager – City and Stantec need to coordinate on requested documentation. October 19, 2023 – Martha submitted a portion of the required documentation. Awaiting list of remaining requirements from Alison Gillette; July 11th – “I will get you a list as soon as I have a free moment.”
 - o September 13, 2023, Alison provided Exhibit 2-A for required CDBG Environmental Assessment – Categorically Excluded.
 - o January 2, 2024, email from Mayor Greene – “I don't really want to purchase from the contractor.” This is in reference to the kitchen equipment.
 - o Desert Peak Architects provided 100% Construction Drawings and Specifications on February 15, 2024. Emailed copy to City on July 22, 2024.
 - o Desert Peak Architects working on providing updated OPCC
 - o Need to Finalize the following:
 - Environmental Assessment
 - o City submitted Supplemental CDBG Application for \$750,000.00 on July 18, 2024; no match required.

3. FY 2023 NMDOT TPF – Maverick, Pyramid, Chester, & 2nd Streets (Stantec #2042655501)

- Project Scope per executed Grant Agreement – CN HW2 LP10049
Maverick, Pyramid, Chester & 2nd Streets Design – Survey and Design of Roadway, Drainage, Sidewalk & ADA Improvements Maverick – Motel Dr to 2nd St; Pyramid – Motel Dr to 7th St; Chester – Motel Dr to 7th St; 2nd Street – Main Street (NM494) to Mary Dee Kipp
- All allocated funds must be spent by June 30, 2025
- Project Funding Summary
 - o NMDOT Share (95%) \$296,875.00
 - o Lordsburg Share (5%) \$ 15,625.00
 - Total Amount \$312,500.00
- Currently working on completing Final Design

4. FY 2023 NMDOT TPF – Pyramid Heights (Stantec #2042655502)

- Project Scope per executed Grant Agreement – CN HW2 LP10050
Pyramid Heights Survey & Design – Survey and Design of Roadway, Drainage, Sidewalk & ADA Improvements
- All allocated funds must be spent by June 30, 2025
- Project Funding Summary
 - o NMDOT Share (95%) \$117,895.00
 - o Lordsburg Share (5%) \$ 6,205.00
 - Total Amount \$124,100.00
- Stamped Plans hand delivered on December 21, 2023
- Need to Closeout project with NMDOT
- FY2025 NMDOT Transportation Project Fund (TPF) Application
 - o Project Feasibility Form due April 5th
 - NMDOT Share (95%) \$1,069,700.00
 - Lordsburg Share (5%) \$ 56,300.00
 - Total Amount \$1,126,000.00
 - o Should find out the beginning of September if will be awarded funding

5. **FY 2024 NMDOT TPF – Design of Various Streets (Stantec #1720006701)**

- Project Scope per executed Grant Agreement – CN HW2 LP10054
Design of Various Streets within northern portion of City of Lordsburg – Planning and Design for Roadway, Drainage, ADA & Sidewalk Improvements on (1) West Street – A St to E St, (2) Center Street – A St to H St, (3) East Street – A St to D St, (4) Silver Street – A St to H St, (5) A Street – Gold St to Silver St, (6) B Street – Gold St to Silver St, (7) C Street – Gold St to Silver St, and (8) D Street – West St to Silver St. Proposed improvements will consist of roadway reconstruction with subgrade prep, 4" of base course and approx. 2" of new asphalt; construction of new curb and gutter, ADA ramps at intersections, valley gutters and possible sidewalks
- Actual streets being designed:
 - o Gold Street – A Street to C Street
 - o West Street – A Street to C Street
 - o Center Street – A Street to C Street
 - o East Street – A Street to C Street
 - o Silver Street – A Street to E Street
 - o A Street – Gold Street to Silver Street
 - o B Street – Gold Street to Silver Street
 - o C Street – Gold Street to Silver Street
- All allocated funds must be spent by June 30, 2026
- Project Funding Summary

o NMDOT Share	(95%)	\$274,550.00
o Lordsburg Share	(5%)	<u>\$ 14,450.00</u>
	Total Amount	\$289,000.00
- Need to complete Environmental Certification and Disbursement Request
- Working on Preliminary Design plans and will be looking to schedule a meeting to review with City early part to mid-August.

6. **2nd St & Mary Dee Kipp Water (Stantec #1720006704)**

- Plans and Specifications submitted to NMED DWB on July 2, 2024. Email response from DWB – "You will receive a formal written response as soon as possible but not later than August 13, 2024."
- Need to review plans with Frank; will look to schedule meeting last week in July or first week in August.
- No construction funding is in place currently.

7. **FY 2022/2023 NMDOT COOP – Animas Street Re-paving Improvements**

- Project Scope per executed Grant Agreement – CN HW2 L100527
Design, Construction Management, Pavement Rehabilitation / Improvements and Reconstruction of City Streets
- Project funding terminates on December 31, 2024
- Project Area per Resolution 2022-28: S. Animas Street – approximately 600' north of Hill Road
- Project Funding Summary

o NMDOT Share	(75%)	\$40,875.00
o Lordsburg Share	(25%)	<u>\$13,625.00</u>
	Total Amount	\$54,500.00
- City has already received one quote for the work: requires two additional quotes. Contractors must be on NMDOT's Pre-Approved Contractors list
- Requires Task Order for the following:
 - o Project Management Assistance
 - o Environmental Certification
 - o Periodic Construction Observation
 - o Project Closeout

8. FY 2023/2024 NMDOT COOP – Design Various Streets

- Project Scope per executed Grant Agreement – CN HW2 L100561
Design of City Streets
- Project funding terminates on December 31, 2024
- Resolution 2023-18: Project Development, Survey & Design for Roadway, Drainage & ADA Improvements
- Project Funding Summary
 - o NMDOT Share (75%) \$37,500.00
 - o Lordsburg Share (25%) \$12,500.00
 - Total Amount \$50,000.00
- Application identified the following streets/roadways as the Routes/Termini
 - Power Plant Road – Hidalgo County/Lordsburg City limits west to Silver Street
 - A Street – Silver Street to HWY70
 - Animas Street – Motel Drive to 3rd Street
 - **West Street – Motel Drive to 2nd Street (Priority)**
- Recommend reconsideration of Priority to A Street?
- Requires Task Order for the following:
 - o Project Management Assistance
 - o NMDOT Project Certifications
 - o Topographic/Utility Survey
 - o Preliminary Design
 - o Final Design

9. FY 2024/2025 NMDOT COOP – Design Various Roadway Improvements

- Project Scope per Grant Agreement – CN HW2 L100596
Power Plant Road, A Street, Animas Street, and West Street – Design and Construction Management
- Project Application Funding Summary
 - o NMDOT Share (75%) \$37,500.00
 - o Lordsburg Share (25%) \$12,500.00
 - Total Amount \$50,000.00
- Application identified the following streets/roadways as the Routes/Termini
 - Power Plant Road – Hidalgo County/Lordsburg City limits west to Silver Street
 - **A Street – Silver Street to HWY70 (Priority)**
 - Animas Street – Motel Drive to 3rd Street
 - West Street – Motel Drive to 2nd Street
- City applied for a Match Waiver
- Requires Task Order for the following:
 - o Project Management Assistance
 - o NMDOT Project Certifications
 - o Topographic/Utility Survey
 - o Preliminary Design
 - o Final Design

10. North Side Water Phase 1 (Stantec #181301515)

- 2023 Colonias Award

- o The loan and grant are to be used by the City for the Phase 1 construct/replacement of approximately 10,780 LF of existing water mains with new 6" PVC water mains, replacement of service taps and lines, fire hydrants and water valves.

6132-CIF Grant	(80%)	\$1,743,200.00
6132-CIF Loan	(20%)	\$ 435,800.00 (20-yr term @ 0% interest)
Total		\$2,179,000.00

- o June 26, 2023, NMFA Award Letter

To secure the funding agreement for the award, the City must submit the following Readiness to Proceed (RTP) Items no later than October 31, 2023.

1. Monthly Draw-down Schedule
2. Verification of complete and approved plans/specifications
3. Verification that ROW, easements and permits have been secured
4. Consent of additional debt by USDA

- Project Status

- o NMED Drinking Water Bureau approval received September 8, 2023
- o Certification of Community Acceptance for the Plans & Specs received from Frank Madrid on October 2, 2023
- o Waiting to Finalize Bid Documents until Colonias Grant Agreement is fully executed. Will be combined with North Side Water Phase 2 project – one set of Bid Documents, but two (2) separate set of Plans.
- o May need an additional Time Extension for submittal of RTP Items. NMFA approved 3rd Time Extension on May 2, 2024, until **July 29, 2024**. Per Elizabeth Ybarra, Community Programs Loan Specialist, USDA, email of July 17, 2024 – "You should be receiving concurrence before the end of next week."

- Tentative Project Schedule if in fact receive Consent of additional debt by USDA before July 26th.

▪ Submittal of RTP Items	August 2, 2024
▪ Executed Loan/Grant Colonias Agreement	November 1, 2024
▪ Begin Advertisement for Construction	November 13, 2024
▪ Pre-Bid Meeting	December 3, 2024
▪ Bid Opening	December 10, 2024
▪ Bid Award	December 18, 2024
▪ Notice of Award	December 20, 2024
▪ Pre-Construction Conference	January 9, 2025
▪ Construction Notice to Proceed	February 3, 2025
▪ Substantial Completion (7 months)	September 15, 2025
▪ Project Closeout	October 15, 2025

11. North Side Water Phase 2 (Stantec #181301516)

- 2023 Colonias Award

- o The loan and grant are to be used by the City for the Phase 2 construct/replacement of approximately 11,200 LF of existing water mains with new 6" PVC water mains, replacement of service taps and lines, fire hydrants and water valves.

6133-CIF Grant	(80%)	\$1,928,000.00
6133-CIF Loan	(20%)	\$ 482,000.00 (20-yr term @ 0% interest)
Total		\$2,410,000.00

North Side Water Phase 2 (Stantec #181301516) – continued

- June 26, 2023, NMFA Award Letter
To secure the funding agreement for the award, the City must submit the following Readiness to Proceed (RTP) Items no later than October 31, 2023.
 1. Monthly Draw-down Schedule
 2. Verification of complete and approved plans/specifications
 3. Verification that ROW, easements and permits have been secured
 4. Consent of additional debt by USDA

- Project Status
 - NMED Drinking Water Bureau (DWB) approval received October 25, 2023.
 - Certification of Community Acceptance for the Plans & Specs received from Frank Madrid on October 2, 2023
 - Waiting to Finalize Bid Documents until Colonias Grant Agreement is fully executed. Will be combined with North Side Water Phase 1 project.
 - May need an additional Time Extension for submittal of RTP Items. NMFA approved 3rd Time Extension on May 2, 2024, until **July 29, 2024**. Per Elizabeth Ybarra, Community Programs Loan Specialist, USDA, email of July 17, 2024 – “You should be receiving concurrence before the end of next week.”
 - Robert Holguin easement document was signed March 12, 2024.

- Tentative Project Schedule if in fact receive Consent of additional debt by USDA before July 26th.
Same as North Side Water Phase 1

12. HWY70 Lift Station & Force Main (Stantec #181301517)

- 2024 Colonias Award
 - The loan and grant are to be used by the City for the construct/replacement of approximately 4,600 lf of existing force main pipe, two existing grinder pump and improvements to SCADA system related to existing lift station.

6427-CIF Grant	(80%)	\$ 860,000.00	
6427-CIF Loan	(20%)	\$ 215,000.00	(20-yr term @ 0% interest)
Total		\$1,075,000.00	

 - June 28, 2024, NMFA Award Letter
To secure the funding agreement for the award, the City must submit the following Readiness to Proceed (RTP) Items no later than October 31, 2024.
 1. Monthly Draw-down Schedule
 2. Verification of complete and approved plans/specification
 3. Verification that right-of-way, easements, and permits have been secured
 4. Consent of additional debt from USDA

- Project Status
 - Final Design, Opinion of Probable Construction Cost (OPCC), and draft Bid Documents have been completed.
 - Certification of Community Acceptance for the Plans & Specs received from Frank Madrid on October 2, 2023
 - NMED Construction Programs Bureau (CPB) approval received November 2, 2023
 - Current alignment is within NMDOT ROW up to Fletcher Road and then transitions on private property; as per July 10th meeting with City – recommend alignment to stay within NMDOT ROW entire route
 - NMDOT Utility Permit is still required. Task Order will be required.

**MINUTES
SPECIAL
MEETING
OF
8/2/24**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Special Council Meeting
Friday August 2, 2024

Meeting was called to order at 4:00 p.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Linda S. Farnsworth, City Clerk; Councilor Sean Lindsay, Councilor Julie Montenegro; Mayor Pro-Tem Manuel D.V. Saucedo; Councilor Krystal DeLaO and Councilor Martin Neave.

Absent: Councilor Irene Galvan

Attendance: Tristyn Gandara, Community Development/Code Enforcement

Approval of Agenda:

Councilor Montenegro moved to approve the Agenda as written, seconded by Mayor Pro-Tem Saucedo. Council Members were polled. Motion passed.

Solar Moratorium Resolution No. 2024-20

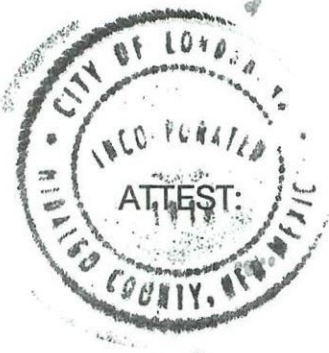
Tristyn Gandara, Community Development/Code Enforcement informed the Council that the Solar Ordinance is complete and ready to be presented at the August 21, 2024 meeting. Councilor Montenegro moved to approve Solar Moratorium Resolution No. 2024-20, seconded by Councilor Lindsay. City Clerk polled the Council Members. Motion passed.

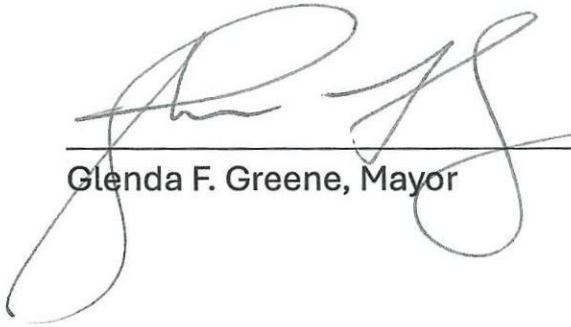
Councilor Galvan Absent
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo AYE
Councilor DeLaO AYE
Councilor Neave AYE

Adjourn


With no further business to be discussed. Councilor Montenegro made a motion to adjourn, seconded by Councilor Lindsay at 4:02 p.m.

Approved this 21st day of August, 2024





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**MINUTES
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8/21/24**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
August 21, 2024

Meeting was called to order at 5:31 p.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Dusti Conover, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Irene Galvan; Councilor Sean Lindsay; Councilor Julie Montenegro; Councilor Krystal DeLaO and Councilor Martin Neave.

Absent: Mayor Pro-Tem Manuel D.V. Saucedo

Attendance: Edward Lopez; Kayla Sparks and Alfred Holguin - Wilson & Co.; Matt Lane, The Environmental Lane, LLC; Tisha Greene, Hidalgo County Manager; Gabriel Ramos; Patrick K. Saucedo, Kelly's Los Arcos and Roberto Gonzalez, Tejano Fiesta

Approval of Agenda:

Mayor Greene asked that Notice of Intent – Ordinance No. 2024-05 Fee Schedule Ordinance be struck from Agenda to be revisited at the next Regular Meeting. Councilor Montenegro moved to accept the Agenda with correction, Seconded by Councilor DeLaO. Council Members were polled. Motion passed.

Minutes:

1). Minutes of Regular Meeting July 24, 2024

Councilor Montenegro moved to approve the Minutes of the Regular Meeting of July 24, 2024, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

2). Minutes of Special Council Meeting August 2, 2024

Councilor Neave moved to approve the Minutes of the Special Council Meeting of August 2, 2024, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

Finance Department

a). Finance Statement Summary for July 2024 and Bank Statement

Dusti Conover, Finance Director approached the Council and stated that we earned interest of \$10,401.22 on our overnight account and interest earned \$26,297.35 on our LGIP Account for July. Councilor Montenegro moved to approve the Finance Summary for July 2024 and Bank Statement, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

b). Bills paid for July 2024

No action was taken

New Business

a). Wilson & Co Update on USDA Projects

Alfred Holguin with Wilson & Co. approached the Council to give an update on their USDA projects. Mr. Holguin went over the two projects that his company presently has with the City being what he referred to as Phase 1 project and Phase 2 Project which are both water line replacements. They had finished the full design for Phase 1 in August 2023 but there have been problems with the easements. They have sent easement packets to all landowners along the easement lines in hopes of getting responses back and have only received back four (4) to date. Easements are a process and it takes time to locate all of the property owners. Recommendation from USDA is to start working along properties that have easements and pull out of portions of the project that do not contain easements. They should have an updated project sent to USDA by mid October 2024 with construction beginning in Summer 2025. **Attachment "A"** attached shows the difference between Phase 1 and Phase 2. Phase 2 also includes more water line replacements within the City as well as a new fluoride removal plant to replace the existing plant. They are working with their architects, mechanical group, electrical group just to make sure that all of the components work with the City's existing SCADA system. Councilor Montenegro wanted to know what the plan was if we were not able to get all the easements. She was told that worse case scenario would be imminent

domain. Mr. Holguin stated that it is all a process that must be gone through. Councilor Neave asked if there was a list of names and Mayor Greene told him that Superintendent Frank Madrid has that list.

b). MOU Agreement between Luna County and Lordsburg Police Department (HIDTA)

One correction was made to the agreement and that was to remove one Officer and replace him with another which was shown as “Attachment B” to Agreement. Councilor Neave wanted to know about the length of the contract. He was told that it can be terminated anytime within 30 days, on either side, but that it is an annual contract. Councilor Lindsay moved to accept the MOU Agreement along with the correction on “Attachment B”, Seconded by Councilor Neave. Council Members were polled. Motion passed.

c). MOU Agreement between US Immigration and Customs

Homeland Security will be working with the Lordsburg Police Department and we will be using their resources. It was clearly stated that it was not Officer Specific and that it would include the entire Police Department. Councilor Montenegro moved to accept the MOU Agreement between US Immigration and Customs and the Lordsburg Police Department, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

d). Approval to Amend Building Permits to include Site Development Application

Tristyn Gandara, Community Development presented the new permit to the Council for approval to go along with Residential and Commercial Building permits for Renewable and Alternate Energy. Councilor Montenegro moved to approve the Site Development Permit, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

e). Consideration of new checking account for events

Dusti Conover, Finance Director approached the Council to ask permission to set up a separate account that would allow for ticket sales directly on the Tejano Fiesta website. At the end of this event, all money would then be collected online and deposited into our General Account. Mayor Greene told the Council that this could limit the cash on hand at an event. After much

discussion, Councilor Neave moved to table this item, Seconded by Councilor Lindsay. Council Members were polled. Motion passed to table this item.

f). Liquor Sales at Tejano Fiesta

Patrick Saucedo with Kelly’s Los Arcos approached the Council regarding permission to sell alcohol at the Tejano Fiesta. Councilor Galvan wanted to make sure that he had received all permissions to sell alcohol during the Fiesta and Mr. Saucedo stated that it was a bit different now and that everything had to be done on-line but he had submitted to the State and was approved. Councilor Neave stated that he would like to see a safe non-alcohol zone for the children and he wanted to know why Mr. Saucedo was selling alcohol throughout North Park instead of sectioning off for a “beer garden”. Mr. Saucedo stated that he could section off for that. Councilor Galvan stated that she would not approve it without seeing some paperwork and new floor plan on where alcohol is to be served. Councilor Montenegro moved to approve the liquor sales at the Tejano Fiesta contingent on a safe zone for children, Seconded by Councilor Neave. Council Members were polled. Motion passed.

- Councilor Galvan NAY
- Councilor Lindsay AYE
- Councilor Montenegro AYE
- Mayor Pro-Tem Saucedo Absent
- Councilor DeLaO AYE
- Councilor Neave AYE

g). Proposal for Weather Station Contract Airport

Ms. Conover presented this proposal to the Council as a storm previously shorted out our weather board. AviMet Data Link is an automated weather dissemination service for the distribution of Automated Weather Observation System (AWOS) DBT Transportation Services shall provide the services in accordance with FAA specifications every 20 minutes, twenty-four (24) hours per day, seven (7) days a week. The quote for these services are \$6,343.00 for the first year. Councilor Neave moved to accept a five (5) year contract with DBT Transportation Services, Seconded by Councilor Montenegro. Council members were polled. Motion passed.

h). Approval to advertise for Request for Proposal (RFP) for Animal Shelter
Request for Proposal (RFP) went before the Council for approval. The City previously received \$250,000.00 in Capital Outlay funding and also has \$181,000.00 set aside for this project. The Council also added a generator for power outages for cooling/heating purposes and a food room has also been added to the RFP as well. The building will most likely be pre-fab and the cages will be larger. Councilor Montenegro moved to accept the RFP with additions, Seconded by Councilor DeLaO. Council Members were polled. Motion passed.

i). COG Agreement and Invoice (Resolution No. 2024-25)
Councilor Neave moved to approve the annual COG Agreement and Invoice, Seconded by Councilor Lindsay. Council Members were polled. Motion passed.

- Councilor Galvan AYE
- Councilor Lindsay AYE
- Councilor Montenegro AYE
- Mayor Pro-Tem Saucedo Absent
- Councilor DeLaO AYE
- Councilor Neave AYE

j). Unbudgeted expense – Street Sweeper
The Street Sweeper is not used much and should be a one man job instead of two, per observation of the Council. Councilor Montenegro moved to table this decision, Seconded by Councilor Neave. Council Members were polled. Motion passed to table this item.

k). Colonias Grant Match
A debt letter was presented to the Council from NM Finance Authority (NMFA) for its Wastewater Infrastructure Project in the amount of \$1,075,000.00. The approved loan consists of a 20% loan in the amount of \$215,000.00 and an 80% grant in the amount of \$860,000.00. Councilor Lindsay wanted to know why we were taking on so much debt before breaking ground. Councilor Neave then asked if the Council could have a head’s up when it comes to matches. Councilor Neave moved to accept the Colonias Grant Match, Seconded by Councilor Lindsay. Council members were polled. Motion passed.

Ordinances

a). Ordinance No. 2024-03 – Renewable/Renewable Energy

Tristyn Gandara, Community Development presented Ordinance to the Council. Councilor Montenegro moved to approve Ordinance No. 2024-03, Seconded by Councilor Galvan. City Clerk polled the Council Members. Motion passed.

- Councilor Galvan AYE
- Councilor Lindsay AYE
- Councilor Montenegro AYE
- Mayor Pro-Tem Saucedo Absent
- Councilor DeLaO AYE
- Councilor Neave AYE

b). Notice of Intent – Ordinance No. 2024-04 – Municipal Court Fee Changes

Councilor Irene Galvan moved to approve the Notice of Intent for Ordinance No. 2024-04, Seconded by Councilor Montenegro. Council Members were polled. Motion passed.

c). Notice of Intent – Ordinance No. 2024-05 – Fee Schedules

This item was struck from Agenda to be brought back at September 2024 meeting.

Executive Session to discuss a). purchase, acquisition or disposal of real property as authorized pursuant to NMSA Section 10-15-1 (H)(8) and b). Limited Personnel Matters (Maintenance Dept.) pursuant to NMSA 1978 Section 10-15-1.

Councilor Montenegro moved that they go into Executive Session for the purpose of discussing purchase, acquisition or disposal of real property and Limited Personnel Matters (Maintenance Dept). City Clerk polled the Council Members. Motion passed to go into Executive Session. Mayor Greene announced that the Regular Meeting was adjourned to go into Executive Session at 6:35 p.m.

Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo Absent
Councilor DeLaO AYE
Councilor Neave AYE

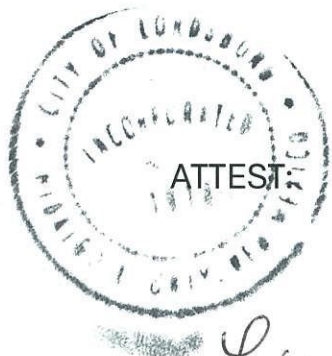
At 7:20 p.m. Councilor Montenegro made a motion to return to Open Session and affirmatively stated that only those matter for which the meeting was closed were discussed in Executive Session, Seconded by Councilor Lindsay.

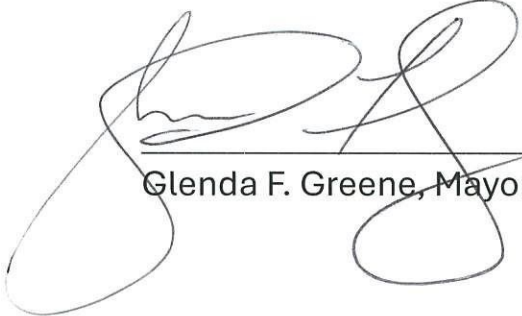
Councilor Galvan AYE
Councilor Lindsay AYE
Councilor Montenegro AYE
Mayor Pro-Tem Saucedo Absent
Councilor DeLaO AYE
Councilor Neave AYE

Adjourn


With no further business to be discussed, Councilor Montenegro made a motion to adjourn, Seconded by Councilor Lindsay. Council Members were polled. Motion passed and meeting was adjourned at 7:21 p.m.

Approved this 18th day of September, 2024





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

ATTACHMENT

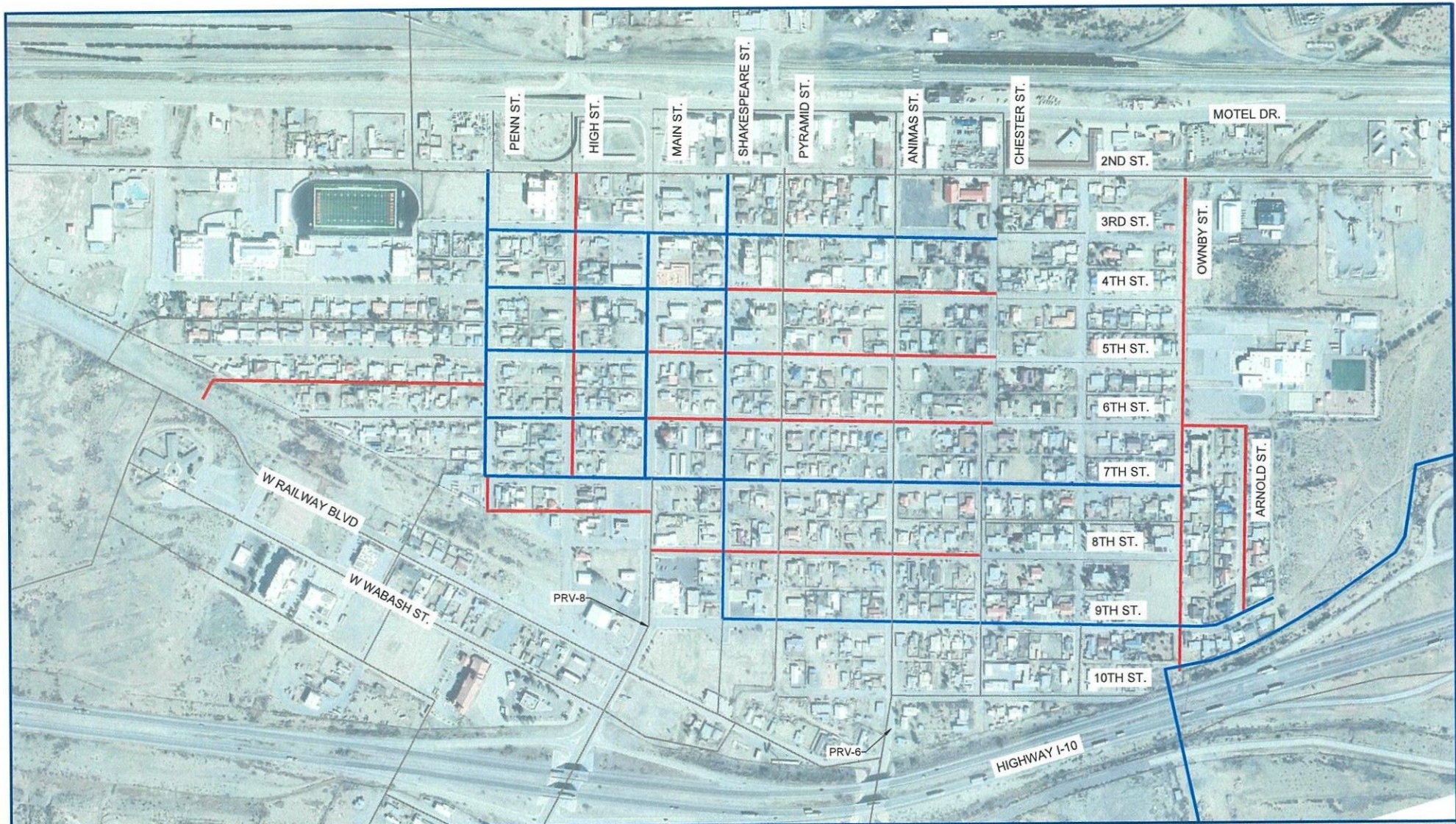
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WILSON

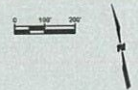
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CO.

**UPDATE ON ALL
USDA PROJECTS**



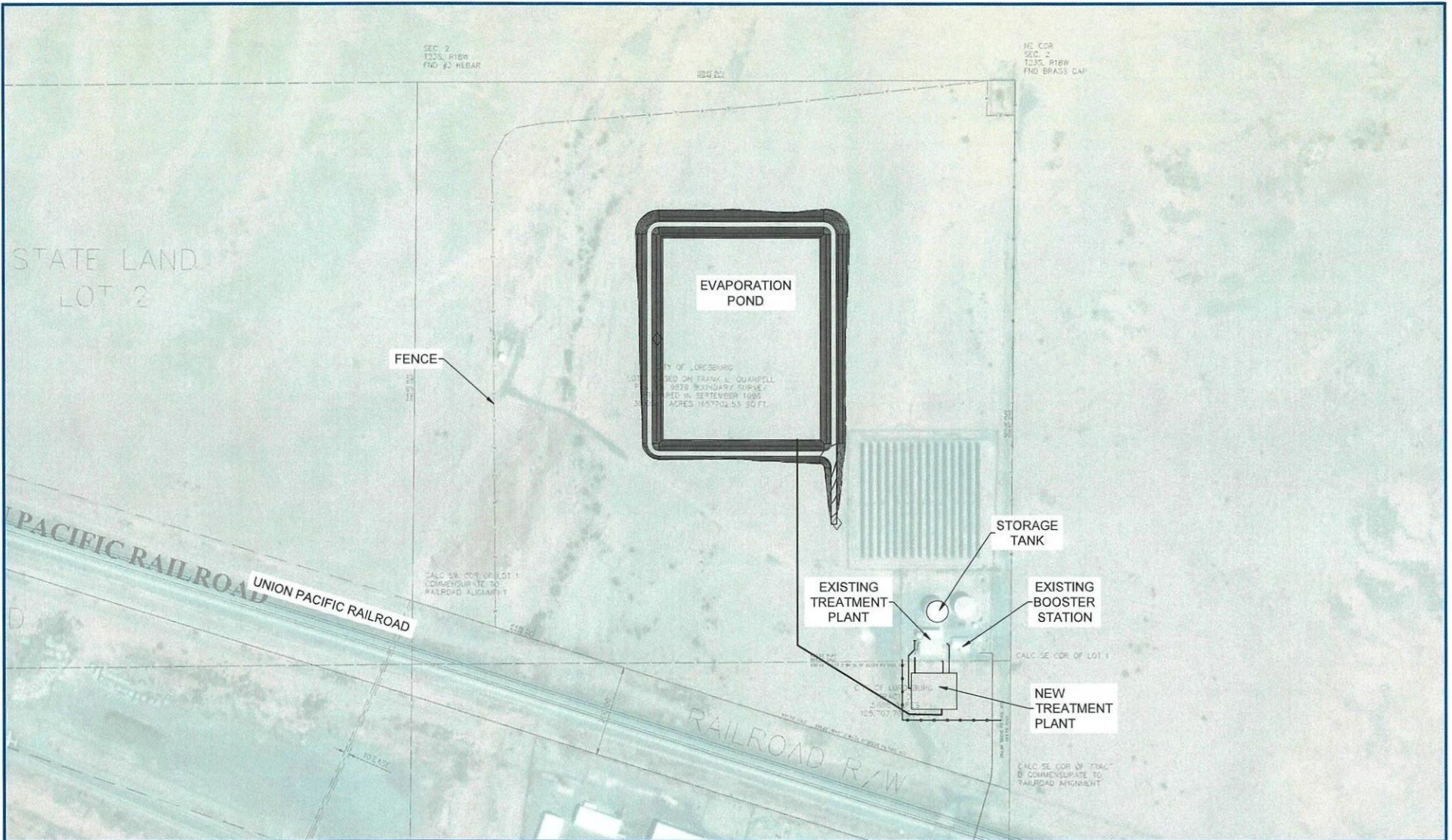
WILSON & COMPANY
 414 Main St. a
 Los Cruces, New Mexico 89001
 575-527-9237



LEGEND

- PHASE 1 WATERLINE REPLACEMENT
- PHASE 2 WATERLINE REPLACEMENT
- EXISTING WATERLINES

City of Lordsburg, New Mexico
Water System Improvements
Phase 1 & Phase 2
 System Layout



10

WILSON & COMPANY

414 Main St. S.
Las Cruces, New Mexico 88001
575-527-9257

City of Lordsburg, New Mexico
Water System Improvements
Treatment Plant & Evaporation Pond
Site Plan

RESOLUTION

NO.

2024-25

**COUNCIL OF
GOVERNMENTS
AGREEMENT
AND INVOICE**

RESOLUTION NO. 2024-25

RESOLUTION OF THE CITY OF LORDSBURG RATIFYING A CERTAIN AGREEMENT BETWEEN THE CITY OF LORDSBURG AND THE SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS DATED AUGUST 21, 2024, AND AUTHORIZING THE EXECUTIVE OF SAME BY THE PROPER OFFICIAL OF THE CITY OF LORDSBURG.

WHEREAS, the CITY OF LORDSBURG is a member of and desires to have the services of the Southwest New Mexico Council of Governments; and

WHEREAS, it is necessary than an agreement setting forth the services to be performed by the Southwest New Mexico Council of Governments for the CITY OF LORDSBURG be entered into and is a requirement of the New Mexico State Laws; and

WHEREAS, it is necessary to set forth the sum to be paid by the CITY OF LORDSBURG to the Southwest New Mexico Council of Governments, as annual dues, for said services; and

WHEREAS, it is the desire of the CITY OF LORDSBURG to accomplish these purposes:

NOW THEREFORE BE IT RESOLVED BY THE CITY OF LORDSBURG T HAT:

1. The AGREEMENT referred to in the caption of this Resolution (a copy of which is attached hereto and made a part hereof) expresses he desires and intent of the CITY OF LORDSBURG.
2. The AGREEMENT set above is hereby ratified and approved by the authorized representative of the CITY OF LORDSBURG and is hereby authorized and instructed to affix their signature thereto.
3. A Certified copy of this Resolution (together with Agreement) shall be filed at the Southwest New Mexico Council of Governments.

Done this the 21st day of August, 2024 in Regular Session at City of Lordsburg, Hidalgo County, New Mexico.



ATTEST:

Linda S. Farnsworth

Linda S. Farnsworth, City Clerk

Glenda F. Greene

Glenda F. Greene, Mayor

**SWNM COUNCIL OF GOVERNMENTS
2024-2025 GENERAL MEMBER AGREEMENT**

This AGREEMENT, entered into by and between the Southwest New Mexico Council of Governments (hereinafter known as SWNMCOG), and the City of Lordsburg of said Southwest New Mexico Council of Governments region (hereinafter known as Member) is as follows:

1. SWNMCOG agrees to furnish the following services to Member for a flat annual rate of \$2,331.19, as REQUESTED by the Member:
 - (a) Provide an updated federal and state statistical data.
 - (b) Furnish technical assistance in planning efforts of infrastructure, housing, legislative, transportation, and economic development.
 - (c) Coordinate planning efforts with either/all, other Members of SWNMCOG and/or various local, state, and federal agencies.
 - (d) Advise with assistance implementing plans to Member.
 - (e) Advise the development of clearinghouse and environmental review materials of all projects of Member.
 - (f) Advise and assist Member in developing Infrastructure Capital Improvement Plan (ICIP), Capital Outlay, and Community Development Block Grant (CDBG).
 - (g) Advise the development, monitoring, and compliance of Community Development Block Grant applications and awards.
 - (h) Advise Member in the preparation of applications for funding under various State and Federal grants.
 - (i) Advise and represent Member with economic development, housing, transportation, community development, and legislative initiatives and programs.
 - (k) Advise Member with Capital Outlay process.
 - (l) Provide trainings, meeting, and other events that will benefit the membership.

2. Member agrees to furnish the following:

- (a) Designate a voting member to the Southwest New Mexico Council of Governments and participate in policy development and administration.
- (b) Will designate to be a member of the:

Committee	Name & Email	Alternate Name & Email
COG Board Member	DUSTI CONOVER FINANCE.OFFICER @CITYOFLODSBURG.ORG	LINDA FARNSWORTH CITY.CLERK@CITYOFLODSBURG.ORG
Economic Development	EMILY GOJKOVICH ECONOMIC.DEV@CITYOFLODSBURG.ORG	
RTPO		

- (c) To pay the flat annual dues of \$2,331.19 to the treasury SWNMCOG in one lump sum as payment for general services.
- (d) All payments will be made for services rendered to the Member by the SWNMCOG during fiscal year 2024-

2025 invoices will be monthly; shall be expended by the SWNMCOG as budgeted and may be amended following laws and regulations.

This Agreement between the City of Lordsburg and the SWNMCOG is entered into on the 21st day of August, 2024 in Lordsburg, New Mexico.


Glenda F. Greene, Mayor


ATTEST:


Linda S. Farnsworth, City Clerk

Linda S. Farnsworth, City Clerk



SOUTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS


Aaron Sera, Chairman


Priscilla C. Lucero, Secretary/Treasurer

ORDINANCE

NO.

2024-03

RENEWABLE/

ALTERNATIVE

ENERGY

SYSTEM

CITY OF LORDSBURG
RENEWABLE/ALTERNATIVE ENERGY SYSTEM
ORDINANCE No. 2024-03

AN ORDINANCE CONCERNING THE INSTALLATION, PLACEMENT,
MODIFICATION, CONSTRUCTION, AND REMOVAL OF
RENEWABLE/ALTERNATIVE ENERGY SYSTEM WITHIN THE
CORPORATE LIMITS OF THE CITY OF LORDSBURG, AMENDING
CHAPTER 10 “ZONING” OF THE CITY OF LORDSBURG CODE BY
INSERTING THE FOLLOWING NEW SECTION 11
“RENEWABLE/ALTERNATIVE ENERGY SYSTEM”

WHEREAS the City of Lordsburg is enacting an ordinance pursuant to their statutory authority under N.M.S.A 1978, Section 3-17-1 (1965, as amended through 1993), which ordinance would require the installation, placement, modification, construction, and removal of renewable/alternative energy system (RAES) to be approved by City Council;

WHEREAS the Clerk of the City of Lordsburg published timely notice in the Hidalgo County Herald, a newspaper of general circulation in Hidalgo County, and gave timely notice to interested parties in accordance with the provisions of N.M.S.A 1978, Section 3-17-3 (1973); and

WHEREAS the City Council conducted meetings where the public could provide input on April 17, May 15, June 18, June 26, July 24, and August 2, 2024, and duly considered all statements presented as well as written commentary provided.

Section 1. INTRODUCTION

The LORDSBURG MUNICIPAL CODE, Chapter 10 “Zoning” is hereby amended by adding Chapter-Section 11 titled “Renewable/Alternative Energy System,” to read as follows:

Section 2. PURPOSE AND INTENT

The purpose of this Ordinance is to provide the specifications related to the installation, placement, modification, construction, and removal of renewable/alternative energy systems in Lordsburg, New Mexico.

The intent of the Ordinance is to protect public health, safety, and welfare subject to reasonable conditions while providing an opportunity for economic growth and prosperity.

Section 3. DEFINITIONS

As used in the Renewable/Alternative Energy System (RAES) Ordinance of the City of Lordsburg.

A. Building-mounted Solar	A solar energy system (SES) that is structurally mounted to a building.
B. Ground-mounted Solar	A solar energy system (SES) that is structurally mounted to the ground. It can be further classified as Small-scale SES and Large-scale SES.
C. Small-scale Solar Energy	A Ground-mounted SES that is less than or equal to 40,000 square feet in panel area.
D. Large-scale Solar Energy	A Ground-mounted SES that is greater than 40,000 square feet system in panel area.
E. Municipal Utility Solar Energy	A solar energy system constructed in partnership with a municipal electric utility system and located within the corporate limits of the municipality.
F. Solar Panel	A photovoltaic device capable of collecting and converting solar energy into electrical energy.
G. Solar Energy System (SES)	An energy system and all related solar energy equipment that uses the power of the sun to capture, store, and transmit energy.
H. Solar Energy Equipment	Electrical energy storage devices, material, hardware, inverters, or other electrical equipment, and conduit of photovoltaic devices associated with the production of electrical energy.
I. Solar Canopy	A structure designed to support solar panels, typically installed over parking lots, driveways, or other open spaces. These structures provide shade and weather protection while also generating clean, renewable energy.
J. Hydrogen Energy	The use of hydrogen, usually either in a fuel cell or internal combustion engine to generate energy while emitting only water vapor as a by-product.
K. Wind Turbines	A device that converts the kinetic energy of wind into electrical energy.

L. Certified Natural Gas	Natural gas for which an independent third-party attest to the technical and environmental standards presents at the wellhead and processing facilities.
M. Electric Vehicle	Vehicle that uses one or more electric motors for propulsion. The vehicle can be powered by a collector system with electricity from extravehicular source or can be powered autonomously by a battery or by converting fuel to electricity using a generator or fuel cells.
N. Electric Vehicle Charging Station	A device specifically designed to supply electrical power for recharging plug-in electric vehicles.
O. Site Plans	A diagram used to develop a clear design for the site by showing the existing and proposed conditions of a plot of land, including property lines, structures, and landscape features.
P. Building Permit	An official document that gives a person or company permission to build a new structure or modify an existing one by ensuring that the project complies with all relevant regulations to ensure that the structure is safe, legal, and meets code.
Q. Site Development Permit	A contract between a local government and a property owner or business that allows them to use their property in a way that zoning ordinances do not typically permit.

Section 4. SAVING CLAUSE

Any Renewable/Alternative Energy System (RAES) constructed prior to this Section's effective date shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to existing RAES whether existing prior to the effective date of this Ordinance that materially alters the RAES, shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

Section 5. PERMIT APPLICATION PROCESS

All applicants for a Renewable/Alternative Energy System (RAES) permit shall comply with the requirements of this Ordinance. A Site Development Permit must be submitted for all small-scale and large-scale solar and wind projects; a Building Permit for Solar Canopies; and a Solar-Residential Permit for all residential projects; EV charging stations shall have main site development permits and Building Permit applications and must be submitted to the Community Development Specialist to review, analyze, evaluate, and for recommendations regarding the

approval or disapproval of the RAES permit. Applicants shall commence construction within ninety (90) days after approval of the permit.

A. PERMIT APPLICATION CONTENTS

1. Applications for construction/ installation of a new RAES shall contain the information contained herein.
 - a. A written statement verifying the renewable/alternative energy system complies with all applicable state and federal rules and regulations.
 - b. Where certification is required, such certifications shall bear the signature and seal of a professional engineer and/or architect licensed in New Mexico.
 - c. Documentation, drawings, or descriptions showing: the Site Plan which shall include location, size, and height of proposed and existing structures; location, size, and height of the system(s); landscaping, irrigation, and fencing; drainage, flood and erosion control; warning signage; and electrical grounding and junctions to electrical service.

Section 6. REQUIREMENTS AND STANDARDS

6.1 ALL RAES SYSTEMS

- A. The applicant of a permit under this article shall obtain and maintain, at its own expense, all permits and licenses required by the City of Lordsburg.
- B. The system installer shall be a licensed New Mexico Contractor, experienced in installing RAES.
- C. The holder of a permit shall notify the Community Development Specialist prior to any modification to the facility.
- D. RAES construction shall comply with all local, state, and federal building and electrical codes.
- E. RAES containing batteries for any reason shall comply with all local, state, and federal regulations/guidelines for the safe handling, use, storage, and disposal of batteries.
- F. RAES that is to be interconnected with a local electrical utility shall be done in compliance with New Mexico Public Regulation Commission (NMPRC) and utility provider's regulations.
- G. Upon completion of construction and prior to operating the system, the applicant must request a final inspection by a certified Building Inspector of the RAES to ensure the system has been installed in accordance with the approved permit.
- H. The owner of the RAES must provide a periodic audit of the bond for the assurance of removal of the system after the life cycle is complete. The decommissioning bond shall be 2% premium rate.
- I. The system owner shall be responsible for mitigating any harm caused by the system.

6.2 SOLAR

- A. Building-mounted Solar Energy Systems (SES)

Building-mounted SES are permitted in residential and commercial zoned districts under the following requirements:

1. May not exceed the maximum allowed building height of the building or structure on which it is located by five (5) feet in a residential zone.
2. May not project off a building façade up to three (3) feet into the required setback.
3. Must be installed on legally established nonconforming buildings if the SES installation does not increase the nonconformity, except for the allowances in height and projection as outlined above.
4. Shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof and provide smoke ventilation opportunities in accordance with the New Mexico Fire Code.

B. Ground-mounted Solar Energy Systems:

- Small-scale Solar Energy Systems are ground-mounted SES that are less or equal to 40,000 square feet in panel area.
- Large-scale Solar Energy Systems are ground-mounted SES that are greater than 40,000 square feet in panel area.
- Small-scale and Large-scale SES shall be installed in such a manner as to ensure that the systems do not reflect into or onto a neighboring building or home.
- The owner of the RAES shall maintain proof of current liability insurance which covers bodily injury and property damage with limits of at least \$1,000,000.000 per occurrence and \$1,000,000.00 in aggregate.
- Certification of insurance shall be provided to the City of Lordsburg before the Conditional Use Permit and Building Permit can be issued. Certificates shall be available upon request during the RAES life cycle.

B1. Small-scale Solar Energy Systems are permitted use in residential and commercial zones under the following requirements:

- a. Shall not be taller than twenty (20) feet above grade.
- b. Shall meet the required setbacks of the zone in which they are located in.
- c. Shall not be located over a septic field unless approval is granted from the State of New Mexico Health Department.
- d. Shall only be permitted on rooftops in residential zones.

B2. Large-scale Solar Energy Systems are permitted use in commercial, industrial, and agricultural zones under the following requirements:

- a. Shall be no less than 1,320 feet from any residential subdivision to the nearest piece of above ground solar energy equipment.
- b. Shall not be higher than twenty (20) feet above grade.
- c. Shall be at least fifty (50) feet from any nonparticipating adjoining parcel.

B3. Solar Canopy shall be installed in commercial, industrial, and agricultural zones under the following requirements:

- a. The structure shall have minimal maintenance for 20 to 25 years.
- b. Shall provide adequate structural framework for solar modules while also providing for vehicular traffic and organization under and around the canopy. Canopy columns and trusses should not interfere with parked cars, car doors, or emergency vehicle traffic around the site.
- c. Parking spaces may be diagonal or perpendicular to the drive aisle and the spaces may be “one space deep” along the perimeter of a property or “head-to-head” parking (two space deep) along interior aisle parking areas.

6.3 WIND

- A. The height of a wind turbine shall not exceed 35 feet from the pre-existing grade to the height of the blade.
- B. The system and all accessory structures shall maximize the use of building materials, colors, and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
- C. No artificial lighting of an RAES shall be permitted unless it is required by the Federal Aviation Administration, due to a structure’s height.
- D. The system shall be constructed to prevent unauthorized persons from climbing onto the wind turbines.
- E. Access to the wind turbines and electrical equipment shall be securely fenced off to prevent unauthorized access or injury from the system components.
- F. The system shall be equipped with redundant braking systems that include aerodynamic over-speed controls which vary the pitch of the blades to slow down, as well as a fail-safe mechanical braking system that slows down the rotation speed of the blades at the hub. Stall regulations shall not be considered a sufficient braking system for over-speed protection.
- G. The system shall be designed and certified to withstand sustained winds of 90 miles per hour.
- H. The system shall ensure the system’s clearance will not interfere with overhead or underground utilities.
- I. The system’s propeller tips at the lowest point in rotation shall NOT be closer than fifteen (15) feet from the existing grade in all installations.
- J. A “stand alone” system shall be no closer to any property line than the total height of the completed unit, plus five (5) feet. Should the structure collapse for any reason, it shall not be capable of falling onto an adjacent property or structure.

6.4 ELECTRIC VEHICLE CHARGING STATIONS

A. Types of Electric Vehicle (EV) Charging Stations (*Examples include electric vehicle charging stations that serve residential homeowners, exclusive parking areas, designated employee parking areas and fleet parking areas*).

A1. Public Electric Vehicle Charging Station: A station accessible to and available for use by the general public; these are permitted as accessory use to lawfully established principal nonresidential use in all zoning districts.

A2. Electric Vehicle Parking Space: A space clearly used exclusively for electric vehicle parking.

A3. Private Electric Vehicle (**restricted access**) Charging Stations are permitted as accessory use to lawfully established principal uses in all zoning districts.

B. PARKING

B1. Electric Vehicle Charging Stations shall be counted toward satisfying minimum off-street parking space requirements.

B2. Public Electric Vehicle Charging Stations must be reserved for parking and charging electric vehicles.

C. EQUIPMENT

Electric Vehicle charging equipment must be designed and located not impede pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

K. SIGNAGE

Public Electric Vehicle Charging Stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an EV is parked and connected to the battery charging equipment at an Electric Vehicle Charging Station.

Section 7. METHOD OF MEASUREMENT

7.1 Solar

Solar Energy Systems (SES) shall be measured in the following manner:

- A. Area – The area of the SES shall be determined by the total surface area of all the panels located on the parcel.
- B. Height – The height of the SES shall be calculated as the distance from grade or roof to the top of the solar panel at its greatest incline.
- C. Projection – The projection of a façade-mounted SES is measured from the façade to the outside edge of the SES that is perpendicular to the ground.
- D. Setback – Setback for Ground-mounted SES shall be measured from edge of the nearest SES above ground equipment to 1,320 feet from the center of the nearest subdivision.

7.2 Wind

Wind Systems shall be measured in the following manner:

- A. The height of a wind turbine shall not exceed 35 feet from the pre-existing grade to the system's highest point.
- B. Shall be designed and certified to withstand sustained winds of 90 miles per hour.
- C. The system shall ensure the system’s clearance will not interfere with overhead or underground utilities.
- D. The system’s propeller tips at the lowest point in rotation shall NOT be closer than fifteen (15) feet from the existing grade in all installations.
- E. A “stand alone” system shall be no closer to any property line than the total height of the completed unit, plus five (5) feet. Should the structure collapse for any reason, it shall not be capable of falling onto an adjacent property or structure.

Section 8. NUISANCE CONTROL

1. Measures shall be taken to prevent the following nuisances from disrupting the residential nature and setting of neighborhoods throughout the city. Applicant and owner are responsible for preventing the development of, and correcting any nuisance created by, the RAES which could adversely affect neighboring properties. Examples of nuisances include, but are not limited to:

A. Solar Energy Systems:

- A1. Glare from reflections created by the system components onto neighboring properties.
- A2. Debris from the system components detached by natural forces.
- A3. Physical obstructions that reduce or eliminate any emergency responder's ability to access the permitted property.
- A4. A system which appears to be in poor condition or blighted.

B. *Wind Energy Systems:*

- B1. Audible sound from the system exceeding 50 decibels as measured at the exterior property boundaries of the system site.
- B2. Methods for measuring and reporting acoustic emissions from the system shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Energy Systems, Volume 1, first tier," according to https://cleanpower.org/wp-content/uploads/2021/12/AWEA_2009_Small_Turbine_Standard.pdf.
- B3. Create shadow flickers onto neighboring properties or vehicular passersby; the owner shall minimize shadow flicker.
- B4. Glare from blades; anti-glare paints shall be used on the blades of the system. B5. Disruption or loss of radio, telephone, television, internet, or other wireless signals to property owners on neighboring properties.
- B6. Debris from the system's components detached by natural forces.
- B7. Visual impairment of neighboring properties views which hinder safety.
- B8. Physical obstructions that reduce or eliminate any emergency responder's ability to access the permitted property.
- B9. A system which appears to be in poor condition or blighted.

B. Systems that fall into disrepair and create a nuisance for neighboring properties shall be repaired or shut down within 24 hours of when the nuisance is first reported to the City of Lordsburg as a problem. If repairs cannot be administered within 24 hours, the system must be deactivated or disabled until such repairs can be made to eliminate the nuisance.

C. Systems that are irreparable and no longer functional must be dismantled and removed from the property in accordance with Section 9.

Section 9. PROCEDURES FOR REMOVAL

1. The owner of the RAES shall provide a periodic audit of the bond for the assurance of removal of the system after the life cycle is complete.
2. The City of Lordsburg may require the removal of RAES when a system with a permit has been abandoned for a period exceeding ninety (90) consecutive days or a total of one hundred eighty (180) calendar days. The system shall be removed within ninety (90) days if the permitted RAES falls into such disrepair that it creates a health or safety hazard as determined pursuant to a review by a New Mexico licensed engineer; a RAES has been located, constructed, or modified without a permit, or in a manner inconsistent with the approved permit requirements; an applicant/owner has failed to comply with the certified liability insurance requirements; or the RAES has not repaired within sixty (60) days or longer as necessary upon the permit holder demonstrating good faith efforts, such disrepair could not be responsibly cured within the provided time; and the facilities have been located, constructed, or modified without first obtaining or in a manner not authorized by the required permit, or any other necessary authorization.
3. If the City of Lordsburg determines as noted in subsection (2) above, the City shall notify the permit holder within 48-hours during business hours that said RAES are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the system. After receiving notice of such a decision, the permit holder shall have ninety (90) calendar days to cure the violation. The City shall extend such cure period as necessary upon the permit holder demonstrating good faith efforts, such default cannot be cured.
4. If the permit holder does not cure the violation within the cure period, the permit holder shall dismantle and remove the RAES, and any associated structures, from the site and restore the site to as close to its original condition as possible, reasonable wear and tear excepted, within ninety (90) days of the expiration of the cure period.
5. If the RAES is not removed or has substantial progress has not been made to remove it within ninety (90) days of the permit holder receiving notice, then the City may order representatives of the City to remove the RAES at the sole expense of the permit holder or property holder.
6. If the City of Lordsburg removes or causes to be removed the RAES and the owner does not claim and remove it from the site to a lawful location within one hundred and twenty (120) days, then the City may take steps to declare the item abandoned and sell the system and its components.
7. Notwithstanding anything in this Section to the contrary, the City of Lordsburg may approve a temporary use permit/agreement for the RAES for no more than ninety (90) days. During which time a suitable plan for removal, conversion, or relocation of the affected system shall be developed by the holder of the permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the permit and the City of Lordsburg. If such plan is not developed, approved, and executed within the ninety (90) day

time period, then the City of Lordsburg may take possession of and dispose of the affected RAES in the manner provided in this section.

8. If the City of Lordsburg determines the RAES is hazardous, creates an emergency situation, or adversely affects public safety, the City may remove or cause to be removed the item after three (3) days written notice to the permit holder or the holder of the Certificate of Compliance.

SECTION 10. PENALTY

A court may impose a fine of a minimum of \$100 but not more than \$299 (two hundred ninety-nine dollars) upon finding any person in violation of any provision of this Ordinance. Violations of this Ordinance are in addition to any other violation established by law.

SECTION 11. REPEALER

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

SECTION 12. SEVERABILITY

Should any provision 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.

NOW, THEREFORE, BE IT ORDAINED, PASSED, ADOPTED, AND APPROVED by vote of the City Council of the City of Lordsburg, Hidalgo County, New Mexico this 21st day of August, 2024.



A handwritten signature in blue ink, appearing to read "Linda S. Farnsworth".

Linda S. Farnsworth, City Clerk

A handwritten signature in blue ink, appearing to read "Glenda F. Greene".

Glenda F. Greene, Mayor