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CITY COUNCIL MEETING
AGENDA
February 12, 2018
6:00 P.M.

Call to Order/Pledge of Allegiance

1. Consent Agenda
 - A. Minutes – City Council Meeting 01/08/18
 - B. Minutes – City Council Special Meeting 01/30/18
 - C. Minutes – Parks Commission Meeting 01/09/18
 - D. Minutes – Planning and Zoning Commission Meeting 01/16/18
 - a. Recommendation to approve a variance request to allow a mobile home in the Industrial zone, located at 2435 N. Tovar Ave. *(To be presented later in meeting as a Quasi-Judicial Public Hearing)*
 - E. Minutes – Tourism Development Committee Meeting 01/25/18
2. Public Forum
3. Proclamation to Acknowledge Western New Mexico University’s 125th Anniversary
4. Resolution to Remove Debris from 908 S. Copper Street, Deming, NM
5. Procurement:
 - a. RFP #18-11 Butterfield Trail Regional Landfill Cell Expansion Phase 1C
 - b. Bid #18-13 Cardiac Monitor-Defibrillator
6. Quasi-Judicial Public Hearing on a Proposed Variance Request to Allow a Single- wide Mobile Home for Security Purposes on the Premises at 2435 N. Tovar
7. Administrator’s Report
8. Closed Session to Discuss the Purchase, Acquisition, or Disposal of Real Property at the Peru Mill Industrial Park and other location, Pursuant to NMSA 1978, Section 10-15-1(H)(8) of the Open Meetings Act
9. Adjourn Meeting

The next regular City Council Meeting is scheduled for March 12, 2018 at 6:00 p.m.

CITY COUNCIL MEETING MINUTES February 12, 2018

Council Present: Dr. Victor Cruz, Mayor Pro Tem
David L. Sanchez, Councilor

Joe "Butter" Milo, Councilor
Roxana Rincon, Councilor

Council/Staff Absent: Benny L. Jasso, Mayor

Staff Present: Aaron Sera, City Administrator
Bryan Reedy, Community Svcs. Director
Jim Massengill, Public Works Director
Gina Gentile, City Planner

Raul Mercado, Fire Chief
Bobby Orosco, Police Chief
Jim Foy, City Attorney
Mary Corral, Receptionist

Recording Secretary: Lila Jasso, Administrative Secretary

Mayor Pro Tem Cruz called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

1. Consent Agenda

Mr. Sera presented the Consent Agenda to Mayor Pro Tem Cruz and the rest of the Council. He called attention to item C. Parks Commission Meeting 01/09/18, and recommendation which Mr. Reedy further explained. Mr. Reedy explained that at last Parks Commission meeting, it was brought forward that the Deming Public Schools wanted to begin charging at the gate for softball and baseball games held at Hooten Park. The Parks Commission recommended this request for approval with the stipulation that none of the other fields could be limited from use by others or that those persons could not be charged to enter the gates.

Councilor Milo asked which field this would pertain to. Mr. Bernie Chavez, DPS Activities Director, stated that the fees would be charged for both softball and baseball games taking place on the large baseball field, and on the two smaller fields.

Councilor Sanchez how they were going to do this, and if they would be putting up temporary fencing. Mr. Chavez stated that what they will be doing is charging at the parking lot gates. He went on to say that the Activities Office does have passes and senior citizen passes. Councilor Milo asked what the fee would be. Mr. Chavez stated that the fees will be \$5 for adults, \$3 for children/students, senior citizens are free. Councilor Milo asked how much they anticipate the earning will be from the fees. Mr. Chavez stated that he estimates the earnings will be \$8,000-\$10,000 throughout the season, which all that money goes back to the kids at Deming High School. Councilor Milo asked if the funds go back only to the baseball and softball teams. Mr. Chavez stated that the gate receipts help everybody, with whatever they are lacking; the funds are not specified for a specific sport. Mayor Pro Tem Cruz asked if they charge for track meets. Mr. Chavez stated that they do charge for track and wrestling.

Mr. Reedy interjected that the Parks Commission recommendation stated that the funds be used for “sport specific” field being used. Mr. Reedy stated that this recommendation was made prior to knowing the rule from the school.

Mayor Pro Tem Cruz asked Mr. Reedy if he could explain why this has come before Council for approval. Mr. Reedy stated that the park (Hooten) is a City-owned facility, and the Schools use it during their baseball and softball seasons. Because it is a public park and the schools is looking at charging at a public park, the Council would have to approve the charging of a fee at the public park, because of the existing ordinance. Mr. Sera stated that the Schools does pay the City of Deming for use of the fields during the season.

Councilor Sanchez asked what needs to be done with the language in the Parks Minutes, prior to approving the Consent Agenda. Mr. Foy asked for a few minutes to review the minutes.

Mayor Pro Tem Cruz asked Mr. Chavez to give a brief history as to why DPS feels it is necessary to start charging a gate fee. Mr. Chavez stated that with the rising costs of equipment and uniforms, it was decided that they would start charging gate fees. He went on to say that in the past, the teachers and staff would get free passes to events, and this year they had to purchase their passes. He stated that the decision to charge fees has helped considerably. He also made note that DPS was the only school that didn’t charge at the baseball and softball games. Councilor Sanchez asked what the price of a pass is. Mr. Chavez stated that the fees are \$30 for children/students, and \$60 for adults; and these passes are good to enter all sports throughout the school year. Mr. Borden confirmed that DPS and the City have an MOU for the use of the ball fields.

Mr. Foy stated that DPS is asking Council for approval to give them the authority to charge at charge at the sporting events. His recommendation from Council would be a motion to allow DPS to charge for baseball and softball at the Hooten Park.

Councilor Sanchez moved to pull item C. Parks Commission Meeting Minutes 1/9/18 for further review. Councilor Rincon seconded the motion; motion carried unanimously.

Councilor Sanchez moved to approve the rest of the Consent Agenda, as presented. Councilor Milo seconded the motion; motion carried unanimously.

Councilor Sanchez moved to approve the Parks Commission Meeting Minutes of 1/9/18, with the change that gives the authority of Deming Public Schools to charge at baseball and softball games to be held at Hooten Park. Councilor Rincon seconded the motion; motion carried unanimously.

2. Public Forum

Mayor Pro Tem Cruz opened the public forum session. The following people had comments:

- Christie Ann Harvey, President, Deming MainStreet, 14455 Purple Sage Road

No other public comments were made. Mayor Pro Tem Cruz closed the public forum session.

3. Proclamation to Acknowledge Western New Mexico University's 125th Anniversary

Mayor Pro Tem Cruz read the proclamation into record.

Councilor Milo move to accept the proclamation to acknowledge Western New Mexico University's 125th Anniversary. Councilor Rincon seconded the motion; motion carried unanimously.

4. Resolution to Remove Debris from 908 S. Copper Street, Deming, NM

Mr. Massengill stated that the first resolution regarding this issue was passed in October 2017. He stated that, as noted in this resolution, there was some progress after October, then in December, based on the photo log maintained by the City, it has been noted that progress was being made, but no progress has been made since December 2017. He went on to say that after discussion with Chief Orosco and Mr. Foy, the City has decided to move forward with this resolution to include some timeframes and deadlines. He noted that according to the photo log, staff has notices some progress of solid waste being removed from the premises. Mr. Massengill read the resolution into record.

Mayor Pro Tem Cruz asked if there were any questions of Mr. Massengill by Council.

Councilor Sanchez stated that it sounds like the owner has been given the opportunity to clean up their premises. He asked Mr. Massengill that by his account, the owner is moving backwards. Mr. Massengill clarified, that was the case until last week when they started seeing good activity.

Mayor Pro Tem Cruz asked if there is any record of how many times the City has talked to the owner about this. Mr. Massengill asked Chief Orosco for assistance with this question. Chief Orosco stated that he did not have the exact number of times that the owner has been addressed about this issue, but he stated that it has been approximately 4-5 times. Chief Orosco went on to say that a discussion has taken place between the owner and law enforcement, in which a couple of citations have been issued for the dogs on the premises, as well. He stated that this issue has been taking place since August 2017. He noted some of the family members who attended the meeting.

Mayor Pro Tem Cruz asked if any of the family members would like to say anything regarding this matter.

Michael Dilullo, son of the property owner, stated that he disagreed with some of the comments that were made regarding trash being added. He went on to say that the family members are trying to help clear out some of the debris, but they all have full-time jobs.

Donna Dilullo, daughter-in-law of the property owner, introduced herself. She stated that she has been helping clear some of the debris. She stated that nothing has been added to the yard, and that she has moved the debris from the east side of the backyard to the west side in order to get it closed to the gate in the alleyway. She also noted that she works 60 hours a week and

that she goes to help as much as possible. She presented pictures of the before and after of the yard.

Councilor Milo asked the family members how the yard got to this point. Mrs. Dilullo stated that they did not notice it was to this point, as she does not go into the backyard. Mrs. Dilullo stated that she is willing to allow code enforcers to go and see the progress. She just asked that they let her know in advance, so that she can be present to assist.

Councilor Sanchez stated that the issue is how long would it take the family to clean up the yard. Mrs. Dilullo stated that she could get it done within 60 days. Mr. Dilullo stated that they are working on this, but between working and other things, it is difficult.

Chief Orosco, reiterated that this issue has been going on since August 2017, and that the 30-day timeframe should be ample time to take care of the matter. He noted that the code enforcers have been talking to the owner about this since May 2015.

Mr. Massengill stated that the code enforcement has been in contact with the owner since May 2017, which at that time they were cited and notified about the hazards and talked to about the excessive debris.

Mayor Pro Tem Cruz asked Mr. Foy if he would like comment. Mr. Foy stated that the real problem is that the City Code Enforcement has been addressing this since May, and this is the first time the owner or representative for the owner has been in to talk to the Council about this. He went on to say that the City has been working on this for quite a while, and it just isn't going in the right direction. He went on to say to the representatives of the owner that they have stated that it would need 60 days to get this done. Mr. Foy stated that he believes that there are some services in Deming, in which people have to do community service, that could help the owner. Mr. Foy went on to say that all this resolution does, is set a time frame, and what it says is even by the best standards it would be 45 days before anything would happen. He reminded the owner that they are asking for 60 days and they will get 45 days. He stated that he has been on both sides of the fence for these types of cases, and his experience has been that if the owner is not given a set date to get the issue resolved, it doesn't get done.

Mr. Dilullo asked if the Code Enforcers explained to the owner what the paper that they were given stated. Mr. Foy replied that this resolution basically says that in the backyard we're leaving the red Ford pickup and the single-axle utility trailer, right? Mr. Massengill stated that was so.

Mayor Pro Tem Cruz stated that he had empathy and compassion with the family members, because he knows that sometimes family can be an issue. He went on to say that Council is giving them 45 days, and Councilor Sanchez felt comfortable with giving them 60 days, which is only a difference of 15 days. He went on to say that this would be a compromise for both parties. He stated that the resolution wording will be changed in items d. and f. from 30 days to 45 days, which gives them more time and still states a definitive time.

Mrs. Dilullo asked if the Code Enforcers can go check on the progress, possibly every 2 weeks. She asked if they can contact her when they go do their inspections, because she knows that the owner can be anti-social and very derogatory but they would be able to inspect with her present. Councilor Sanchez reminded them to contact the church groups for assistance.

Mayor Pro Tem Cruz stated that the Council is trying to balance compassion and public safety, but due to the mice and other animals that may be in the yard, it is a safety concern.

Chief Orosco interjected and stated that the Code Enforcers don't necessarily have to go check the progress every two weeks. He stated that what they will do is go out at the end of the deadline to see if it's been done. They just want entire place cleaned up by the timeframe given. If not, there could be the possibility of citations issued.

Mr. Foy had one thing to impress, he stated that with his experience with these matters, the owners seem to come back with excuses as to why they didn't get the cleanup done. He stated to the owner's family that, "you've made the time frame, you need to keep the time frame".

Mayor Pro Tem Cruz entertained a motion from Council.

Councilor Sanchez moved to approve the resolution to remove debris from 908 S. Copper Street, Deming, NM in which the owner will have forty-five (45) days following the duly posted and served Resolution to complete the cleanup project, and to change the wording in f. to forty-five (45) days from thirty (30) days, as well. Councilor Rincon seconded the motion; motion carried unanimously.

5. Procurement:

a. RFP #18-11 Butterfield Trail Regional Landfill Cell Expansion Phase 1C

Mr. Massengill presented this RFP to Council. He stated that with the remaining funds left from the Solid Waste Bureau and additional funds from the City, they would like to add Cell 1C at the Butterfield Regional Landfill.

Mr. Massengill read the memo which stated that seven bids were received for Bid. Number 18-11 and opened on February 9, 2018. Deming Excavating Inc. submitted the lowest base bid in the amount of \$372,645.50 excluding NMGRT. He went on to say that a bid package review was conducted and Deming Excavating Inc. complies with the bid requirements and is qualified to perform the required work. He stated that the bid opening report is attached.

Mr. Massengill stated that the bid package for Deming Excavating Inc. did not include a project schedule as indicated in the bid documents, however the lack of a specific schedule does not affect the bid amount, the quantities, or the quality of the bid package. He went on to say that the contract documents clearly state there are sixty (60) calendar days for project completion. Staff recommends waiving the requirement as a minor technicality that does not affect the bid amount. He also stated that this project is funded by the remaining amount of funds from STB 14-1652 and City funds. Staff recommends awarding the

construction bid to Deming Excavating Inc. for the base bid amount of \$372,645.50. Staff requests authorization for the Public Works Director and/or City Administrator to enter into an agreement with Deming Excavating Inc. and execute any documents related to this project.

Mr. Massengill further explained the sixty (60) calendar days requirement for project completion. He hopes they can start the second week in March and complete the project sixty (60) days from then. He stated that the site is construction ready.

Councilor Sanchez asked if this cost is reasonable to what we have paid in the past for this type of project. Mr. Massengill stated that the last project was roughly, \$340,000. He referred to the bid opening sheet and noted that other 2 close bids.

Mayor Pro Tem Cruz entertained a motion from Council.

Councilor Sanchez moved to approve awarding Bid. No. 18-11 Low Bid Recommendation for Liner Construction at Butterfield Trail Regional Landfill Cell 1C to Deming Excavating Inc. for the base bid amount of \$372,645.50 excluding NMGRT, as presented. Councilor Milo seconded the motion, motion carried unanimously.

b. Bid #18-13 Cardiac Monitor-Defibrillator

Chief Mercado presented this bid to Council.

He stated that one bid was received for Bid No. 18-13, and the sealed bid was opened on January 31, 2018 at 2:00 p.m. and evaluated by Lt. Hudson, Battalion Chief Davalos, and Chief Mercado. He went on to say that staff recommends awarding the purchase contract to Physio-Control for \$59,432 (\$29,716 ea.) for two LifePak 15 hear monitor/defibrillators, as they met the specifications that the Deming Fire Department had requested. Chief Mercado mentioned that the monitors will be paid through a \$24,000 grant from the EMS Bureau/Department of Health, Ambulance General Fund and match from the Fire Protection Fund. He stated that the \$24,000 grant was submitted by past Battalion Chief Sosa. He noted that this purchase will be for numbers 2 and 3 heart monitors, in which they will be fully outfitted with the same brand of monitor as the first.

Councilor Sanchez asked if these monitors costs about the same as the first. Chief Mercado stated that they paid about \$36,000 for the first monitor and they received a discount for buy two.

Mayor Pro Tem Cruz asked Council if they had any more questions. There were none, so he entertained a motion from Council.

Council Sanchez moved to award Bid No. 18-13 Cardiac Monitor-Defibrillators to Physio-Control for the amount of \$59,432 for two LifePak 15 heart monitor/defibrillators, as presented. Councilor Rincon seconded the motion; motion carried unanimously.

6. Quasi-Judicial Public Hearing on a Proposed Variance Request to Allow a Single-wide Mobile Home for Security Purposes on the Premises at 2435 N. Tovar

Mayor Pro Tem Cruz called to order the public hearing to consider a variance request to allow a single-wide mobile home for security purposes on the premises at 2435 N. Tovar. He confirmed with Council that there were no abstentions, ex-parte contacts, no conflicts of interest; that the legal notices were properly posted by the secretary and swore in all parties who would be giving testimonies.

Ms. Gina Gentile, City Planner, presented the case. She stated that the applicant is requesting a variance to allow a mobile home to be located at 2435 N. Tovar, in the Industrial zone. She went on to say that the applicant is going to be storing equipment in the yard at this location and wishes to have a mobile home located there for security purposes and for an office. She noted that a photo of the proposed mobile home is attached along with the legal description and survey. She went on to say that the Planning and Zoning Commission recommended approval of this request and that staff has no technical objections. Ms. Gentile stated that staff has the options for approval, approval with conditions, denial, or tabling the motion. Ms. Gentile failed to mention that the equipment they are storing is related to an industry looking to locate in Deming for an agricultural product he is hoping to patent. The applicant is hoping to grow it as an industry but at this time just wants to have some security so that there is no theft or vandalism while he gets started.

Mr. Sera stated that this seems to come up quite a bit, and should consider an ordinance change to allow for mobile homes for security purposed. He asked her if she knew why the ordinance didn't already have some allowance for this use. Ms. Gentile stated that maybe it is to keep people from developing in a residential way in the valuable industrial land, but if it is worded such to where the use must be connected with an industry and follow building codes. Councilor Sanchez interjected and stated that he believes the reason this was done was because in the past, there were issues with people having mobile homes in the industrial area and using them as living quarters. He noted a few examples of where this has happened and also feels that if it is allowed it should be connected to an industry.

Councilor Rincon asked where the subject location is. Ms. Gentile pointed out the area on the map. Ms. Gentile stated that the applicant owns the land and has been working on this invention for agricultural use, in hopes to get a patent.

Councilor Milo referenced an instance in the past, where a mobile home in the industrial area was being used for residential use.

Ms. Gentile stated that she sees the need and likes the idea to change the ordinance for this purpose only. She stated that they would need to make sure they have very strict reasons for this use to avoid misuse of the land. A brief discussion was entertained regarding the process for a permit from the building inspector/planner. Ms. Gentile stated again, that if this change is made it would have to outline very strict guidelines.

Ms. Gentile stated that in this case, the applicant first contacted the Economic Development

Coordinator with a business plan then went to her about the mobile home, so she feels that in this case it is legitimate.

Mr. Foy asked Mr. Reedy if he stated he has seen some equipment out at the subject property. Mr. Reedy confirmed.

Ms. Gentile stated that she presented the photo to show Council the type of structure the applicant is planning on setting on the property. A discussion was entertained regarding the type of structure that should be allowed by variance, on the property. She stated that the applicant stated this mobile home would only be temporary until he can build a permanent structure.

Mayor Pro Tem Cruz asked if there were any questions of the applicant or agent by any Council member. They were not present.

Mayor Pro Tem Cruz asked if there are any affected parties that would like to speak. There were none.

Mayor Pro Tem Cruz asked if there were any questions of other persons. There were none.

Mayor Pro Tem Cruz asked if any registered party would like to cross-examine any party having already given testimony. There was no response.

A discussion was entertained between Council and staff as to changing the ordinance to say that only modular buildings could be used on industrial zoned property for security or office purposes.

Mayor Pro Tem Cruz closed the public comments and brought the hearing back to the Council. He asked if a Council member was prepared to make a motion or if they want to go into closed session under NMSA 1978 10-15-1(H).

Councilor Sanchez suggested giving the applicant the variance for a certain timeframe as to how long he could have this mobile home on the premises, until he gets his business off and running. Mr. Foy noted that the only problem he saw with doing this is that every other time this has come up the Council has granted the variance. So, if the City is changing it for this applicant, in which Mr. Sera mention that it comes up quite often, it could be seen as this applicant being treated differently from the others. He noted that if the Council wants to start this change today, that is fine, but they need to understand that they could be looking at some kind of repercussions from the applicant and from here on out, every other applicant is going to have to have that.

Ms. Gentile noted that there was a previous case that was denied due to specific reasons.

Mayor Pro Tem Cruz entertained a motion from Council. He reminded Council that they could go into closed session for discussion.

Mr. Sera stated that if the Council decides to grant the variance with a timeframe, the next step would be to work on the ordinance to change the language and allow for these types of mobile home or other building.

Mr. Foy recommends working on the ordinance and get the change done. Leave this case as is and work on the ordinance.

Mayor Pro Tem Cruz recommends making the motion with a 2-year timeframe. A discussion was entertained between Council discussing the use of the mobile home.

Mr. Foy asked Ms. Gentile that since the owner is from out of town, did she think he would be using the mobile home as a residence while he is in town? She stated that she thought he would use it while here, because he comes from an hour and a half away, but he does have a legitimate plan to do an industry and that's his purpose for wanting to be here.

Councilor Milo asked if besides for security, is he going to employ anyone else? Ms. Gentile stated she did not ask him.

Council Sanchez moved to go into closed session. Councilor Rincon seconded the motion, motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Sanchez	Aye
Councilor Rincon	Aye
Mayor Pro Tem Cruz	Aye
Councilor Milo	Aye

Councilor Sanchez moved to go back into open session. Councilor Rincon seconded the motion, motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Cruz	Aye
Councilor Rincon	Aye

Mayor Pro Tem Cruz announced that no decision was voted on during the closed session and only discussion of the case took place in closed session.

Mayor Pro Tem Cruz entertained a motion from Council.

Councilor Sanchez moved to postpone this hearing to a future date. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Cruz	Aye
Councilor Rincon	Aye
Councilor Sanchez	Aye
Councilor Milo	Aye

7. Administrator’s Report

Mr. Sera reported the following:

- Spent time in Santa Fe visiting with Legislators and Cabinet Secretaries. Primary focus is the business incubator study which he presented to Sen. John Arthur Smith, Rep. Candie Sweetser, Cabinet Secretary Geisel. Met with different developers that are interested in developing their businesses in Deming.
- Met with Sen. Smith, Tom Church, NMDOT Cabinet Secretary, and Trent Doolittle, District 1 Engineer, to discuss the reimbursement issues from Capital Outlay that have not been reimbursed. After that meeting, a check was received.
- HB198 regarding tax reform. Monitoring this bill heavily.
- HB38 Wireless Consumer Advanced Infrastructure bill which allows for wireless companies to be able to put cell phone towers in municipal right-of-ways without the municipality have any say so.
- Local Election Act-this went through in the last legislation session but was vetoed by the Governor. This bill is an attempt to increase voter turnout.
- Cedar Street Connection Project, working with Dist. Engineer Doolittle to obtain \$100,000 from NMDOT to do the study for this project.

8. Closed Session to Discuss the Purchase, Acquisition or Disposal of Real Property at the Peru Mill Industrial Park, Pursuant to NMSA 1978, Section 10-15-1 (H)(8) of the Open Meeting Act.

Mayor Pro Tem Cruz entertained a motion to go into closed session.

Councilor Sanchez moved to go into closed session. Councilor Rincon seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Councilor Milo	Aye
Councilor Rincon	Aye
Councilor Sanchez	Aye
Mayor Pro Tem Cruz	Aye

Mayor Pro Tem Cruz entertained a motion to go back into open session.

Councilor Sanchez moved to go back into open session. Councilor Milo seconded the motion; motion carried by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Cruz	Aye
Councilor Rincon	Aye
Councilor Milo	Aye
Councilor Sanchez	Aye

Mayor Pro Tem Cruz stated for the record that only the items mentioned in the motion to go into closed session were discussed and that no motions were made during the closed session.

9. Adjourn Meeting

With no further business to discuss, Councilor Sanchez moved to adjourn the meeting. Councilor Milo seconded the motion; motion carried unanimously. Meeting adjourned at 8:15 p.m.



CITY OF DEMING, NEW MEXICO

A handwritten signature in black ink, which appears to read "Victor Cruz", is written over a horizontal line.

Victor Cruz, Mayor Pro Tem

ATTEST:

Aaron Sera, Administrator/Clerk

Proclamation

CITY OF DEMING HONORS WESTERN NEW MEXICO UNIVERSITY'S 125TH ANNIVERSARY

WHEREAS, Western New Mexico University was founded on February 11, 1893, as a state normal school for the training of teachers in the thriving southwestern New Mexico mining communities; and

WHEREAS, for 125 years, Western New Mexico University has made important contributions to the State of New Mexico; and

WHEREAS, Western New Mexico University, situated in the shadows of the Gila National Forest, near the continental divide; and

WHEREAS, recognized today as the state of New Mexico's only public Applied Liberal Arts and Sciences-offering institution and has been continuously accredited since 1942 Higher Learning Commission; and

WHEREAS, a Hispanic-serving institution, Western New Mexico University has made enormous contributions to the state's cultural, intellectual, social and educational growth of its citizens while remaining firmly attached to its community roots; and

WHEREAS, Western New Mexico University continues to educate and train thousands of students and professionals in the region through a dedication to educational excellence, academic proficiency and a commitment to community that has been demonstrated for one hundred twenty-five years; and

WHEREAS, located in Silver City, New Mexico, Western New Mexico University has served the people of the State of New Mexico and its surrounding areas as a comprehensive, regional, rural, public university since 1893 and is committed to continuing this service toward a student population diverse in age, culture, language and ethnic background; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE GOVERNING BODY OF THE CITY OF DEMING, NEW MEXICO that 2018 be proclaimed "Western New Mexico University's Quasiquicentennial" in the legislature to serve as an opportunity to reflect on the past, present, and future contributions of the university; and

BE IT FURTHER PROCLAIMED that copies of this memorial be transmitted to the board of Western New Mexico University.

Done this 12th day of February, 2018 in the City of Deming, New Mexico.

CITY OF DEMING, NEW MEXICO



Victor Cruz, Mayor Pro-Tem

ATTEST:



Aaron Sera, Administrator/Clerk



**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 18-09**

WHEREAS, under Section 3-18-5, N.M.S.A. (1978 Comp.), the governing body of a municipality may adopt a resolution, “Wherever any building or structure is ruined, damaged and dilapidated, or any premise is covered with ruins, rubbish, wreckage or debris, damaged and dilapidated building, structure or premise is a menace to the public comfort, health, peace or safety and require the removal from the municipality of the building, structure, ruins, rubbish, wreckage or debris.”

WHEREAS, after continued inspection and investigation of the property (the “premises”) located at **908 S. Copper Street, Deming, New Mexico**, more particularly described in the deed conveying said property to the current owner, **Cecilia Dilullo**, attached hereto as Exhibit A, which is incorporated and made a part of this resolution, the City Council has determined that the provisions of NMSA Section 3-18-5 and City of Deming Municipal Code 9-1-7 apply.

THEREFORE, the City Council of the City of Deming, New Mexico resolves:

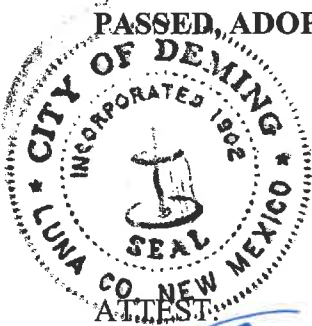
1. Upon the property to the west of the house is rubbish, wreckage, debris and solid waste including, but not limited to tires, evaporative coolers, wire, metal, plastic, animal waste, wood, barrels, furniture, carts, construction material, pipe, recyclables, etc. The rubbish, wreckage, debris and solid waste is located within the area defined by the west side of the house, and the three walls of the “back” yard – north wall, south wall and west wall located adjacent to the City alley. The west wall contains a large metal gate for access.
2. The house, trees, and back yard walls will not be disturbed.
3. The rubbish, wreckage, debris and solid waste within the west yard of said premise is a nuisance and violates City ordinances and State Statues.
4. The City Council finds that said premises constitutes a menace to the public comfort, health, peace, or safety, and as such the rubbish, wreckage, debris and solid waste must be removed from the property and from the City of Deming, New Mexico.
5. The previous Resolution No. 17-31 was posted and published as stated in the Resolution.
6. City Staff has been monitoring progress and taking photos regularly since August 2017.
7. Following the posted Resolution No. 17-31, the Owner began moving trash from the back yard and reduced the volume until the beginning of December 2017. The photo log indicates that approximately the second week in December, rubbish, wreckage, debris and solid waste began to increase. To date, the volume of rubbish, wreckage, debris and solid waste visible in the back yard continues to increase.
8. This Resolution establishes the schedule of events for the Owner and City:
 - a. Advertise the current Resolution, post on site and serve the Resolution, NM Statute 03-18-5 and City Code 9-1-7 as stated in the Statute.
 - b. Within ten (10) days following the completion of the advertisement and posting, the Owner shall commence removal of all rubbish, wreckage, debris, and solid waste from the back yard including but not limited to tires, evaporative coolers, wire, metal, plastic, animal waste, wood, barrels, furniture, carts, construction material, pipe, recyclables, etc.

- c. Two items may remain in the back yard. The red Ford pickup and the two wheeled, single-axle black utility trailer. Both the truck and the trailer must be empty and not contain any of the items noted in *Section 8,b* above.
 - d. The Owner will have forty-five (45) days following the duly posted and served Resolution to complete the cleanup project. Rubbish, wreckage, debris and solid waste as noted in *Section 8,b* above must be deposited at the Deming Luna County Solid Waste Transfer Station or the Butterfield Trail Regional Landfill. None of the rubbish, wreckage, debris and solid waste detailed in *Section 8,b* are allowed to be relocated to any private property within the City limits.
 - e. If Owner fails to commence removing rubbish, wreckage, debris and solid waste within ten days following the posted Resolution, the City and/or a contractor will enter said property and finish the removal as noted in *Section 8,b*.
 - f. If the Owner begins moving rubbish, wreckage, debris and solid waste within the ten (10) days noted in *Section 8,b* above and fails to complete the removal within the forty-five (45) days noted in *Section 8,d* above, the City and/or a contractor will enter said property and finish the removal as noted in *Section 8,b*.
 - g. The combined costs of any cleanup by the City and/or a contractor will be cause to file a lien on said property as per State Statute and City Code.
9. Notice of this resolution shall be served upon the Owner or agent in charge of the premises. If the owner or agent cannot be served within the City of Deming as shown by the real estate records of the Luna County Clerk, a copy of this resolution shall be posted on the structure located at **908 S. Copper Street** or in a conspicuous place on the premises and published once in a newspaper of general circulation in the City of Deming. The posting process is in accordance with the provisions of N.M.S.A. 1978, §3-18-5 and City Municipal Code 9-1-7.

PASSED, ADOPTED, AND APPROVED this 12th day of February, 2018.

CITY OF DEMING, NEW MEXICO


Victor Cruz, Mayor Pro-Tem



ATTEST.


Aaron Sera, Administrator/Clerk