

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK  
MUNICIPAL COMPLEX BUILDING ON MARCH 14, 2023 AT 6:00 P.M.**

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|---------------|--|--|
| Present:      | Dale Janway<br>Lisa A. Anaya Flores<br>Edward T. Rodriguez<br>Jason O. Chavez<br>Wesley A. Carter<br>Karla Niemeier<br>Judith E. Waters  | Mayor<br>Councilor<br>Councilor<br>Councilor<br>Councilor<br>Councilor<br>Councilor  |
| Absent:       | Mark C. Walterscheid<br>Jeff Forrest   | Councilor<br>Councilor   |
| Also Present: | John Lowe<br>K.C. Cass<br>Ted Cordova<br>Denise Madrid-Boyea<br>Nadine Mireles<br>Angie Barrios-Testa<br>Mike Abell<br>Wayne Hatfield<br>Brent Griffith<br>Melissa Salcido<br>Ken Ahrens<br>Jeff Patterson<br>Shane Skinner<br>Patrick Cass<br>Deanna Peterson<br>Rudy Kline | City Administrator<br>Deputy City Administrator<br>Deputy City Administrator<br>City Attorney<br>City Clerk<br>Director of Municipal Services<br>Director of Utilities<br>IT Director<br>IT Technician<br>Finance Director<br>Fire Chief<br>Planning Director<br>Police Chief<br>Public Works Director<br>Citizen<br>Citizen |

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00      **Call Meeting to Order**

0:00:05      Invocation - Pledge of Allegiance

0:00:44      **PRESENTATION OF CITY OF CARLSBAD EMPLOYEE SERVICE AWARDS**

**Mayor Janway** asked Mr. Lowe and Council members to join him in presenting service awards honoring employees who have achieved 20, 25, and 30 years of service with the City of Carlsbad. **Mayor Janway** added the City of Carlsbad has outstanding employees and we are proud of each one of you.

0:05:17      **1. APPROVAL OF AGENDA**

0:05:19      **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Anaya-Flores to approve the Agenda.

0:05:22      **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:05:37      **2. CONSIDER APPROVAL OF RESOLUTION 2023-07, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2022-23 FISCAL YEAR BUDGET**

**Mrs. Salcido** reviewed the third-quarter Budgetary Adjustments for Fiscal Year 2023 highlighting the General Fund, the Carlsbad Community Foundation, and the Promotional and Discretionary Lodgers' Tax Funds.

0:07:18      **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2023-07, a Resolution making certain budgetary adjustments to the 2022-23 Fiscal Year Budget.

0:07:23      **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:07:37      **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on February 28, 2023
- B. Minutes of the Special City Council Meeting held on March 3, 2023
- C. City Personnel Report
- D. Monthly Reports
  - 1) Human Resources Department February 2023
  - 2) Municipal Court Department February 2023
  - 3) Transportation and Facilities Department February 2023

0:08:01      **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Routine and Regular Business.

0:08:07 **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:08:23 **4. CONSIDER APPROVAL OF RESOLUTION 2023-08, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURE, RUINS, RUBBISH, WRECKAGE AND DEBRIS AT 103 S OLIVE OWNER: AZEL ASBURY OR LORINE ASBURY**

Mrs. Madrid-Boyea explained this property is commonly known as 103 S. Olive St. She said there appears to be a fire damaged structure on the property and a large amount of rubbish, debris and weeds that may have pre-existed the fire. She said the Eddy County Assessor's office lists Azel S. Asbury Jr. and a Lorine Asbury as owning or having an interest in the property. She stated that a Notice of Violation was mailed by certified mail to the owners on February 8, 2023. She said the Fire Department responded to a fire at the property on January 5, 2023. She explained that the property has been inspected by City Code Enforcement, the Building Inspector and the Fire Marshal and they have found that the property remains out of compliance with applicable codes. She said the Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned and the debris be removed. She said a resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds from the property within sixty days of the service of the resolution.

0:11:09 **Mayor Janway** asked if there was a representative of the property present. No one appeared.

0:11:18 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to approve Resolution 2023-08, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structure, ruins, rubbish, wreckage and debris at 103 S Olive Owner: Azel Asbury or Lorine Asbury.

0:11:24 **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:11:38 **5. CONSIDER APPROVAL OF RESOLUTION 2023-09, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURES, RUINS, RUBBISH, WRECKAGE, AND DEBRIS AT 211 N OAK STREET OWNER: DEANNA PETERSON AND DONNA FOUCHE**

Mrs. Madrid-Boyea explained this Agenda item involves a property located at 211 N Oak St. She said there appears to be a fire damaged structure on the property and a

large amount of weeds that may have pre-existed the fire. She said the Eddy County Assessor's Office lists Deanna Peterson and Donna Fouche as owning or having an interest in the property with an address for them in Edna, Texas. She said a Notice of Violation was mailed by certified mail to the owners on January 18, 2023. She stated a fire erupted at the property on January 13, 2023, and the fire department was on scene shortly after the fire. She said the property was inspected by City Code Enforcement, the Building Inspector and the Fire Marshal and they found the property remains out of compliance with all applicable codes. She explained the Fire Marshal found the property presents an extreme fire hazard for responding firefighters and emergency personnel, and recommends the buildings be demolished, the property be cleaned and the debris be removed. She said a resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds from the property within sixty days of the service of the resolution.

0:14:08      **Mayor Janway asked if there was a representative of the property present.**

Deanna Peterson and Rudy Earl Kline stepped forward and **Mayor Janway** asked if they could come to the podium. **Mrs. Peterson** said the letters that were sent out in January were sent to Donna Fouche in Florida, and stated that she takes care of everything related to the property. **Mrs. Peterson** said Donna has been traveling since November of 2022 and just returned to her Florida home last week. **Mrs. Peterson** said she did not receive any paperwork until Thursday, March 9th. She said local family members had reached out to her about the fire that erupted on January 13, 2023, and she called and left a few messages for Lonnie Jaquez and never received a call back. **Mrs. Peterson** said she is aware that squatters have been present in the storage unit on the property in the past, and over time they have updated their locks and doors on the unit, but nothing seems to help. She mentioned that the main house was secure enough and has never been broken into. She said her and her husband drove from Edna, Texas, and drove by the property and she was devastated to learn the main house was the issue. She stated if her phone calls were returned in January, she would have started to resolve the problem sooner. **Mr. Kline** starts to mention that the paperwork states something about both buildings on the property having to be demolished. **Mr. Kline** says once they visited the property, he went into the storage building in the back and he stated the damage is minimal, but the house itself has heavy damage. **Mr. Kline** said they are willing to correct the property however they have to, and they want to avoid demolition. **Mr. Kline** reiterates they live in Texas and that if they would have known sooner, they would have taken care of it. **Mr. Kline** says he has family members that have access to equipment to start repairs on the property and does not want an issue with the City.

0:18:16 **Mayor Janway asked if there were any questions from the Council.**

0:18:19 **Councilor Rodriguez** said from the pictures provided by Mrs. Madrid-Boyea, he sees burned rafters on the main house, and asked if it is structurally sound. **Mrs. Peterson** states that they could fix the roof and walls. She mentions that the recent winds did no damage to the house, therefore it was structurally sound. She said the Fire Department took out insulation to prevent any new fires to be caused by the wind.

0:21:25 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2023-09, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at 211 N Oak Street Owner: Deanna Peterson and Donna Fouche.

0:21:34 **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:21:43 **Mayor Janway** asked Denise Madrid-Boyea to once more explain the procedure of the resolution to the owners of 211 N Oak Street. **Mrs. Madrid-Boyea** starts with confirming their mailing address due to the paperwork that is being issued after the Council meeting. **Mrs. Peterson** responds with an address in Edna, Texas. **Mrs. Madrid-Boyea** said she will call Mrs. Peterson while she is still in town to pick up her paperwork which will trigger the 60 days that she will have to complete the work. **Mrs. Madrid-Boyea** reiterates that the property has to be left in a clean, flat level. **Mrs. Peterson** asks if they can go in and start to rebuild. **Mrs. Madrid-Boyea** states the structure is not sound according to the Building Inspector. **Mr. Kline** asks if the building in the back has to be torn down as well. **Mrs. Madrid Boyea** answers yes, to her understanding, the Building Inspector inspected both buildings on the property and both buildings on the property are part of the resolution. **Mrs. Madrid-Boyea** said they can confirm if both buildings need to be demolished by making an appointment with the City Building Inspector.

0:25:52 **6. CONSIDER APPROVAL OF RESOLUTION 2023-10, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS OR WEEDS AT 1101 W THOMAS STREET OWNER: DALE THOMPSON**

**Mrs. Madrid-Boyea** explained this Agenda item involves a property located at 1101 W. Thomas Street. She said there is a residence on the property and a large amount of overgrown weeds and grass, as well as junk and debris on the property and in the alley. She said the Eddy County Assessor's office lists Dale Thompson as owning or having an interest in the property and the records of the Eddy County Assessor's list him as living on the property. She said a Notice of Violation was mailed by certified mail to the owner on April 6, 2021, January 12, 2023, and January 26, 2023. She said Code

Enforcement has spoken to the occupants in person on several occasions regarding complaints and the code violations. She states the property has been inspected by City Code Enforcement and the Fire Marshal and they found that the property remains out of compliance with applicable codes. She said the Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends that the property be cleaned and the weeds, trash, and debris be removed. She said a resolution has been prepared which, if adopted, would require the property owner to remove the rubbish, wreckage, debris, weeds, and ruins to be cleaned within 30 days of service of the resolution.

0:28:08 **Mayor Janway asked if there was a representative of the property present. No one appeared.**

0:28:16 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve Resolution 2023-10, a Resolution requiring the removal of the ruins, rubbish, wreckage, debris or weeds at 1101 W Thomas Street Owner: Dale Thompson.

0:28:22 **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:28:33 **7. CONSIDER APPROVAL OF RESOLUTION 2023-11, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, AND DEBRIS AT 601 NORTH MESQUITE STREET OWNER: MICHAEL BROMKA**

Mrs. Madrid-Boyea explained this property is located at 601 N. Mesquite Street. She said there appears to be a fire damaged structure on the property, as well as a large amount of overgrown weeds, trees, grass and cactus. She said the Eddy County Assessor's office lists Michael Bromka as owning or having an interest in the property and the records of the Eddy County Assessor's list him as living on the property. She said a Notice of Violation was mailed by certified mail to the owner on October 26, 2022. She states the property has been inspected by City Code Enforcement and the Fire Marshal and they found that the property remains out of compliance with applicable codes. She said the Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends that the property be cleaned and the weeds, dead and damaged trees, and debris be removed. She said a resolution has been prepared which, if adopted, would require the property owner to remove the rubbish, wreckage, debris, weeds, and ruins to be cleaned within 30 days of service of the resolution.

0:30:52 **Mayor Janway asked if there was a representative of the property present. No one appeared.**

0:31:03        **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve Resolution 2023-11, a Resolution requiring the removal of the ruins, rubbish, wreckage, and debris at 601 North Mesquite Street Owner: Michael Bromka.

0:31:11        **VOTE**

The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:31:27        **8.        COUNCIL COMMITTEE REPORTS**

**Councilor Chavez** states he recently went to the Waste Management Symposium in Phoenix, Arizona. He said there were over 1,700 participants and over 100 vendors. He said he spoke with most of the vendors and it seemed like they all have something tied in with WIPP. He said one thing that came up at the Symposium is WIPP is critical for the national defense and to keep the nation safe.

0:32:49        **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:32:55        **9.        ADJOURN**

0:33:01        **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Waters to adjourn.

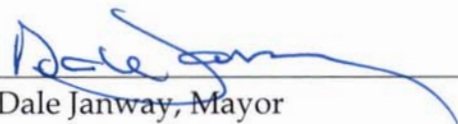
0:33:05        **VOTE**

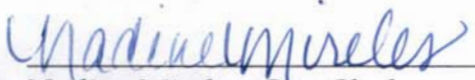
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Niemeier, Anaya-Flores; No - None; Absent - Forrest, Walterscheid; the motion carried.

0:33:23        **Adjourn**

There being no further business, the meeting was adjourned at 6:33 p.m.



  
Dale Janway, Mayor

  
Nadine Mireles, City Clerk