



City of Bayard
CITY COUNCIL REGULAR MEETING
September 12, 2022 at 5:30 PM
Bayard Community Center

MINUTES

WORK SESSION

Consent Agenda

Clerk/Treasurer Kristy stated the Municipal Clerks Certification Institute is for Marlena Valenzuela.

Councilor Diaz asked who would be attending the Grant Writing Training.

Clerk/Treasurer Kristy stated she wasn't sure who would be available to go. She suggested maybe one from each department.

Councilor Gonzales stated maybe one of the councilor can attend. She would be available to attend the training.

New Business

Clerk/Treasurer Kristy stated the Fire Department is applying for state funds and part of the requirement is to have a Fire Stipend Policy. So this fire stipend policy is just for discussion no action will be taken today.

Clerk/Treasurer Kristy stated these three projects are approved by the New Mexico Colonias Infrastructure Program each are required a 10% cash match. Water and sewer combined the amount will be \$24,870. That will come out of the water and sewer acquisition reserved account and the wastewater in the amount of \$10,000 will be coming out of the regular operation fund. This needs to be approved by council.

2024-2028 Infrastructure Capital Improvement Plan is project for ICIP in order are wastewater system improvements, sewer system improvements, upgrade water distribution system, street improvements project, sewer vac truck, public safety equipment, fire truck, splash pad, city hall renovation project, recreation facility and property improvements, drainage improvements, outdoor library extension, community center improvements, equipment purchase, fire station, solar project, public safety improvements, ADA municipal improvements, Hurley Avenue improvement, train depot improvements, cemetery fencing, mine mill museum, and HMS clinic building.

City Council Meeting Time

Clerk/Treasurer Kristy stated at the last meeting it was brought up to change the regular meeting to start at 5:30pm and eliminate the work session.

Councilor Villanueva stated he would like to get the public's input on this discussion.

Mayor Fierro stated he brought this up at the last meeting because things are discussed in the work session and then more discussion is going on at the regular meeting. The reason for the work session is to discuss the items on the agenda and the regular meeting will go faster. He does not see a point in the work session.

Covid-19 Administrative Leave Adjustments

Clerk/Treasurer Kristy stated this is the leave that employees take while being out of work with Covid-19 or taking care of someone with the virus.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz

A quorum was present. Others in attendance were Dolores Charon, Rafael Jimenez, Manuel Garcia, Larry Ojinaga, Jade Wilson, Jo Lutz, Joan Perez, Jesus Perez, Denise Galaz, Betty Tovar, Marisela Silva, Rudy Martinez, Garry Stanker, Pamela Stanker, Helen Doporto, Matthew Valenzuela, Felipe Jauregui, Guy Gutierrez Jr., Euphemio Gonzalez, Gary Arellano, Mike Armendariz, Jason Jaeger, Marlena Valenzuela, Hector Carrillo, Sonya Dixon, Kristy Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz, with a change of moving Senior League Proclamation up before public input. Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

1. Proclamation for Senior League Boys and Senior League Girls Teams was presented.

PUBLIC INPUT

Jesus Perez stated he was worried about his next door neighbor's abandoned house. He has been fighting this since 2017. His neighbor has received a citation but his weeds are overgrown again. There is brown water inside the house and the roof is fallen in. He does not know his neighbor has health issues but so does he and his wife. He needs to take care of his and his wife's health. If there is a fire at his neighbor's house, his house and cars will have smoke damage. This is his concern and it should be a concern to the councilor also.

Joan Perez stated what she is worried about is the black mold this is in her neighbor's house. The house stinks and she is worried about the mold going into her house. She is worried about her health and understands the neighbor have health issues also but something has to be done.

Police Chief Carrillo stated tomorrow and Wednesday the gentleman will be cleaning the yard. The neighbor was cited in the municipal court.

Pamela Stanker is a resident from Handover. She stated Matthew Valenzuela helped distribute food boxes and he is a great help to his community. Also the money from his shop is great revenue for Bayard and she supports Matthew Valenzuela.

Rudy Martinez stated he received a call from a gentleman that works in DC. He is willing to travel to Bayard. He helps to get funding for water and wastewater. He will provide Kristy with all his contact information.

Dolores Charon stated Silver City participates in "Paint the town Purple" in October. She asked if Bayard can participate. She has contact information for the lady that is in charge of the event and would like to get the businesses of Bayard involved. She let Police Chief Carrillo know El Refugio has domestic violence training October 18-19. She has some information on the training and will provide it to him. She is going to help and start getting the Paint the town Purple event stated in Bayard.

Gary Stanker asked if this is a list of projects that the city is promoting?

Clerk/Treasure Kristy provided him a copy of the ICIP worksheet.

Ralph Jimenez Copper Little League President thanked the council for another season. Elections will be held in October for officers for the Copper Little League. On behalf of the the board of directors and himself he thanked the girls in City Hall he stated the girls are a great asset to the little league program and to the City of Bayard. He also thanked the council members for allowing them to use the baseball fields. He thanked Bayard Maintenance department for all there hard work and having the nicest fields in the state. He has traveled the state to others fields and Bayard has one of the nicest and last he thanked the council for watching out for the future.

Matthew Valenzuela would like to know what is going on with his business license. He also stated when Eddie Sedillos worked for the city he would take him business and now that Eddie is no longer working for the city Matthew has not had an business from the city and would like to know why. He has been working hard by himself and would like to know why he has not got his license. He stated he helps his community and he works hard.

Councilor Diaz stated when his license was not renewed there was a criteria that needed to be met. If Matthew feels like all that has been taken care of he can go in to city hall and reapply for his business license. If Matthew gets clearance from the Fire Chief, Police Chief, Fire Marshal, EPA, and Code Enforcer and he is in compliance with all city ordinance he can be placed back on the next City Council agenda the get approved. There has been a lot of issues for many years. This issue has taken a long time to get addressed but now Matthew has some time to address these issues and work on them.

Matthew stated he has been going this job since he was little and now the council is trying to tell him how to do his job.

Councilor Diaz stated they are not trying to tell him how to do his job. They are asking for him to abide by the City Ordinance. And Councilor Diaz advised Matthew to go by city hall and put your self on the agenda for the next council meeting.

Guy Gutierrez Jr. would like to know what is going on with Matthew's business license also. He stated Matthew is a hard working man. He dose not charge everybody and he is a real good man to the low class like himself. He stated everyone dose not have a lot of money to go to Big O Tire and get a tire for a lot and Matthew would help people out in a situation like this. The council has to understand Matthew needs to work to be able to get the thing done. Guy thinks Matthew needs more respect then what he is receiving. Matthew has helped him out a lot.

Felipe Jaurequi stated he is attending the meeting on behalf of Mr. Valenzuela, Mr. Valenzuela has been a lot of great and many jobs for him. He appreciates him and he dose not see anyone else in Grant County that will show up to his house in 5 minuets and do the work that he needs done. He hopes that the council gives Matthew a second change. Mr. Valenzuela has not committed a murder or anything like that and he is just trying to make a living.

Helen Doporto stated she is at the meeting to support Mr. Valenzuela he helps everyone. He is running a auto shop. She asked they are the council trying to close the business? We need to keep the people business in Bayard but the council is trying to push them out to Silver City or Las Cruces.

CONSENT AGENDA

Motion made by Councilor Gonzales, Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

2. Approval of the Minutes of Regular Meeting on August 22, 2022.
3. Approval of the Minutes for Infrastructure Capital Improvement Plan.
4. Approval of the Accounts Payable Report for September 12, 2022.
5. Approval of the Fire Report for August, 2022.
6. Approval for Librarian Sonya Dixon and Assistant Jennifer Castanon to attend NMLA Library Strong Conference in Albuquerque on October 26-28, 2022.
7. Approval for Louis Gomez to attend League of Zoning Officials Meeting in Taos on September 14-16, 2022
8. Approval to attend Grant Writing Training for Staff online in the amount of \$273.
9. Approval to attend Municipal Clerks Certification Institute in Albuquerque on October 23-28, 2022 for Administrative Staff.

NEW BUSINESS

10. Discussion of Fire Stipend Policy Draft.

Clerk/Treasure Kristy stated if the council had any comments or changes on this policy.

Councilor Diaz stated this is very well detailed and Kristy and the Fire Chief did a good job on it.

No action was taken.

11. Approval of Colonias Cash Match W/S Acquisition \$24,870 and W/W Operations \$10,000.

Clerk/Treasure Kristy stated this is the cash match that needs to get approved for the next step for the readiness of the notice to proceed.

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

12. Approval of 2024-2028 Infrastructure Capital Improvement Plan.

Clerk/Treasure Kristy stated this is the final approval of the 5 year plan so Kristy can finalize it tomorrow.

Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

13. Discussion of City Council Meeting Time.

Councilor Villanueva stated he would like to hear from the public to see what they think about changing the meeting to no work session or to kept it the same and continue to have a work session.

Councilor Diaz stated sometimes people are late to the meeting and what was discussed during the work session they have to bring it up again in the regular meeting and discuss it again. He is not here to cut the time of the meeting short he is here for the publics time. As long as business is taken care of that what matters.

Chief Gonzalez stated what takes the longest is when there is a closed session.

14. Approval of the Covid-19 Administrative Leave Adjustments.

Clerk/Treasure Kristy stated she provided the Covid-19 leave hours that was taken from employees. The policy that was approved meeting prior she is asking that the hours on the list proved be adjusted back to the employees.

Motion made by Councilor Medina, Seconded by Councilor Diaz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

ORDINANCES/RESOLUTIONS

15. Approval of Resolution 20-2022.

Clerk/Treasure Kristy stated this is the time extension for the pavement rehabilitation project. Extending the time from December 31, 2022 to December 31, 2023.

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

16. Adoption of Resolution 21-2022 ICIP.

Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

17. Adoption of Resolution 22-2022 Open Meetings.

This is to change the time for the regular meeting to state are 5:30 with no work session.

Councilor Villanueva stated he is good with keeping it as is. He knows there is a lot of repeat. But if that could be monitored he thinks that will work fine.

Councilor Gonzales agrees with Mayor Pro-tem Villanueva to leave as is. Councilor Medina agrees as is. Councilor Diaz agrees as is. No action taken.

18. Adoption of Resolution 23-2022 Credit card procedure internal controls.

Motion made by Councilor Medina to postpone, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

19. Adoption of Resolution 24-2022 NMDOT/TPS N. Foy Street.

Clerk/Treasure Kristy stated this is the Resolution for the construction funds for the North Foy Street project. The city was awarded \$732,000 the NMDOT local transpiration fund. This Resolution needs to be adopted so it can be submitted with the agreement for final approval from DOT.

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

20. Intent to Adopt Public Nuisance Ordinance and Neglected Structure Ordinance.

Clerk/Treasure Kristy stated these two ordinances are drafted from the copies from Santa Clara which has been aiding there community to help with beautification through there town. This is brought to the council to move forward to something like this. If the council would like to move forward the Intent to Adopt would need to be approved and the next step would be public comment period. Police Chief Carrillo has worked hard on this. There still might be errors that need to be corrected.

Councilor Villanueva stated he thinks this is good and this needs to be proceeded. This will better the community, it will help the residents that need there neighbors to clean up there properties. This will beautify the city and he thinks this needs to move forward.

Motion made by Councilor Gonzales, Seconded by Mayor Pro-tem Villanueva.

Councilor Diaz asked Kristy if the code enforcer can get a copy of this ordinance. This is very well detailed and he thinks is it going to help address the issues that are going on.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva stated he would like to address the issue with the M&M Auto, he believes in to bring business in to the community. The council has had discussion with Mr. Valenzuela and his wife as to why there business license was not renewed. Mr. Valenzuela did receive some guidelines as to what needed to be done in order to get his business license to get renewed. The council is hoping he is getting things done and if it has been done he needs to come forward so he can get his license approved. The council needed to be sure everything has been taken care of to protect the neighbor and everyone else. Councilor Villanueva knows he is a good person, he has done work for his son and himself. Councilor Villanueva is not against giving him is license. There are rules that need to be followed. The people that have came to support Mr. Valenzuela he would like for them to know he already has the things he needs to take care of before getting his license renewed. We need a lot in Bayard and we all need to work together to get it done. Councilor Villanueva thanked all the employees. He said he knows everyone has been getting sick and we all just need to work through it. The job is still getting done and thanked everyone again. He thanked the people that comes to the meeting and lets him know what is going on.

Councilor Medina stated he is not against business. He has spoken with Mr. Valenzuela and he hopes he is doing what has been asked of him. The people that have come in support of him are the people that he has helped and in the time we are in now this is what people need is a brake. He believe Mr. Valenzuela belongs here in Bayard and this is why he wants an update for him and try and get him up and running again, but he dose have to comply. There are people complying about code enforcement and now that code enforcement has taken action of his business. Now it is the responsibility of the business owner to take care of the

issues. Councilor Medina got a call from resident Dave Wilguess with a concern that emergency vehicles could not get to his residence. He called Mikey and Mikey went up to Foy Street and got the road cleared to where Mr. Wilguess felt more comfortable about the road. Mr. Wilguess did give him a call and thanked him. Councilor Medina thanked the fire department for the work they did at the structure fire. He also thanked Clerk/Treasure Kristy for everything she and her staff do.

Councilor Gonzales stated September 21 is there Bayard Housing meeting, if anyone were to have any issues be sure to attend the meeting. She the Police Chief, Code Enforcer, and Kristy for putting together the ordinance for the Neglected Structures. She is glad that employee is going to training. Councilor Gonzales thanked Rudy Martinez for the money he secured for the little league when he was in office and also some of the sidewalk projects that was done when he was in office. She thanked the public for coming to the meetings and giving there input. Bayard is getting a lot of the projects done. Councilor Gonzales stated who every gets elected in the up coming election we need them to take a look at our wastewater treatment plant. Mississippi has a disaster with there wastewater plant and whoever get elected we need to get with them so we can secure money to get the wastewater plant up to par. The legislators that get elected really need to help the city to secure the money that we can get from the legislator and any other money to get it up to par. She dose not want to see a serous disaster occur and this is a serous concern for her.

Councilor Diaz stated last week he attend the New Mexico Municipal League Annual Conference and interacted with other elected officials and Ruidoso has a good strategic plan. They didn't know there were gonna need it and its always good to have one you never know when an emergency will happen. He asked Kristy ask about the water assistance program for the residences if we got approved?

Deputy Clerk Marlana stated she did talk with the lady that is in charge of the program and should be hearing back from her by the end of the week.

Councilor Diaz stated this program is to help with your water bill. If you receive any kind of assistance you should qualify for this program. They will give you \$300 and you can use it all at once for stager it out. This program is through the income support division. You go online and fill out the application. He thanked the maintenance department for the restrooms at the little league. Councilor Diaz meet up with Mike and took some pictures and saw the progress. The Beautification Committee has a trunk or treat coming up on October 30. Councilor Diaz stated the mayor and council and residents are here to help a business succeed. The council did not removed the business license from M&M Auto over night. It was based off of public input. Meeting after meeting the neighbors and residents coming in a complaining about a lot of issues going on over there. The opportunity was given to the business owner to fix the issues and at the end a final decision was given to the council. Mr. Valenzuela can reply for his license once all his criteria is taken care of. He highly recommends he reapplies and he dose agree he is a good man and he help out the community and this is what we need to do help each other out. When there is business next to each other and the two follow ordinance and the one dose not, do we lose the two business or the one business that dose not follow the ordinance and these are the decision that the council has to make. If all the rules and guidelines are followed then there is not problem. The council did not do the problem he brought the problem a pond himself.

Fire Chief Gonzalez asked about the roof at the fire department.

Clerk/Treasure Kristy stated the project will start September 15.

Fire Chief Gonzalez stated there was a nasty fire on South Foy Street they fought. They fought till 1 am and got called back a few more times for reurns.

Clerk/Treasure Kristy stated Wastewater dewatering system project is just about done. The effluent line project is starting the contractor is waiting on there supplies to come in. Dewater was just about 1.4- 1.5 million dollars, the cash match is \$97,000. The effluent line project she will know if there will be a cash match but if there is it will be \$36,000 and that project is coming out to \$2.9 million in grant funds. North Foy Street is funded and she will be getting with the engineers to submit there documents to get approved with the DOT for approval. After that they will start advertising for that project. She has not heard from the state on the Quality of Life grant for the community center. Railroad project she had the notice to proceed for the contractors from DOT. That total project cost is \$239,832. The contractors dose have a 6 month lead time for supplies.

Mayor Fierro stated Marry Chaves works for the Governs office and he helps community with fixing roads with potholes. He is willing to come to Bayard and look around to see what we need. Mayor will be giving him a call. Mayor thanked all the departments for all there work. Mayor Fierro feels the same way Councilor Medina and Councilor Villanueva feel about the M&M Auto. He dose not want business to leave but just to comply. He stated Mr. Valenzuela should go to city hall and reapply to see how they can help him. They want to help him.

NEXT MEETING DATE:

Regular Meeting - September 26, 2022

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURNMENT 7:13 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer