

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, OCTOBER 13, 2014 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

Call to Order: The meeting was called to order by Mayor Gandy at 5:30 p.m.

Present and answering roll call: Commissioner Bengé, Commissioner Trujillo, Commissioner Butcher, Commissioner Campos and Mayor Gandy

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Finance Director Gary Chapman, City Clerk Carol Ann Hogue, City Attorney Patrick McMahon, and Interim Police Chief David Rodriguez

Invocation: Commissioner Trujillo gave the invocation

Pledge of Allegiance: Commissioner Trujillo led the pledge

Approval of Agenda: Mayor Gandy called for a motion to approve the agenda as submitted. Commissioner Bengé so moved to approve the agenda with the change of resolution for variance in zoning at JL Reed Addition move to the first of the list of action item. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes and Mayor Gandy - Yes.

Approval of the Regular Minutes of September 22, 2014: Mayor Gandy called for a motion to approve the regular minutes of September 22, 2014. Commissioner Campos so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher asked for an update on Avenue D; City Manager Williams stated electrical work was delayed due to paperwork to get restrooms electrical work inspected by State Engineer
- Mayor Gandy asked for an update on potholes; City Manager Williams stated potholes are 80% complete
- City Manager Williams updated Commissioners of completion of 9th Street by November 9, 2014. Library request of recommending Board of Trustee Imogene Hanners as Honorary Life Board Member, action item in next Commission Meeting

NON-ACTION ITEMS:

Discussion of Quarterly Financial Report: Commissioner Bengé questioned the percentage an expected trend on funds for the quarter. City Finance Director stated usually the first three months of the Year City makes big purchases in the beginning of year. No action was taken.

Discussion of RV Parks Ordinance: City Manager Williams informed Commissioners of proposed changes from City Planner Hildreth and Assistant City Manager Cobb addressing potential health and safety issue standards for the RV park ordinance, a planning and zoning work session will be held October 14, 2014 to address new RV park ordinance. City Manager Williams suggested for Commissioners to consider a resolution to put a hold on future RV Parks until Ordinance is updated. Commissioner Bengé stated RV Parks occupancy needs to be addressed and to include in the RV Park Ordinance to updating codes for existing RV Parks. City Manager Cobb stated mainly addressing public safety and in the future considering the zoning. No action was taken.

ACTION ITEMS:

Consideration of Resolution for Variance in Zoning at JL Reed Addition, Block 9, lot 1 Unit 3 – Front yard setback: Mayor Gandy called for a motion to approve the resolution for variance in zoning at JL Reed Addition, Block 9, lot 1, Unit 3 – front yard setback. City Manager Williams stated planning and zoning commission approved variance of unusual shape of the lot setback to be no less than 20 feet 7 7/8 inches. Justin Davis addressed Commissioners for approval of variance which would allow for a difference of 5 feet 9/16 inches. Commissioner Trujillo so moved to approve resolution 2014-50 variance. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-47: Termination of Lease: Mayor Gandy called for a motion to consider approval of resolution 2014-47: termination of lease. City Manager Williams addressed the Commissioners to approve the resolution to terminate Resolution of lease with Extreme Services, LLC for the 5.00 acre tract of land; Extreme Services, LLC has decided to terminate the lease. City will go out to bid again for interested parties. Commissioner Campos so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-48: MOU between City of Lovington and Lovington Public Schools for SRO: Mayor Gandy called for a motion to approve the resolution 2014-48: MOU between City of Lovington and Lovington Public Schools for SRO. City Manager Williams addressed Commissioners of the SRO MOU between the City and School District. The agreement will be in effect for five year term, implemented November 1, 2014. The cost will be split 50/50, first year is prorated; school board will

take action tomorrow, if approved by Commission board. Officer Jennifer Buford, Brandon Solomon, and Joshua Hooper will be assisting with SRO. No further discussion. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy - Yes. Motion was approved.

Consider Approval of Resolution 2014-49: Update of 2014 Capital Asset Inventory:

Mayor Gandy called for a motion to approve the Resolution 2014-49: Update of 2014 Capital Asset Inventory. City Finance Director Chapman addressed Commissioners stating auditors have requested a Certification of an updated Capital Asset Inventory list to comply with New Mexico laws. City Manager Williams addressed the Commissioners. Commissioners reviewed asset list and discussed depreciation value of assets on list. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of Resolution 2014-51 for Variance in Zoning at 1209 W. Polk – Carport to exceed maximum size:

Mayor Gandy called for a motion to approve the resolution 2014-51 for variance in zoning at 1209 W. Polk – Carport to exceed maximum size. City Manager Williams stated building permit was approved by the State, but was not reviewed or approved by the City. Carport exceeds the maximum allowable size of 720 square feet in Zone A; Jose Vega requests a variance for 1,540 square foot carport on two separate lots. Planning and zoning commission approved variance contingent to meet all other required requirements. Commissioner Campos so moved to approve resolution 2014-51 variance. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of 9th And Avenue K Traffic Control:

Mayor Gandy called for a motion to approve the 9th and Avenue K Traffic Control. City Manager Williams addressed Commissioners of request from Lovington Municipal Schools for City to implement right turn only on Avenue K side of the parking lot and pylons be placed at the northern 9th street exit; City staff has concerns with pushing traffic into residential streets and neighboring schools. Request was made from schools in order to reduce congestion during lunch and at the end of school. Planning and Zoning Commission recommend that the schools develop on-site parking lot control measures before traffic patterns and flow on streets are changed. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – No, Commissioner Trujillo – No, Commissioner Campos – No, Commissioner Butcher – No, and Mayor Gandy – No. Motion was not approved.

Consider of Temporary Soccer Field Expenditures: Mayor Gandy called for a motion to consider temporary soccer field expenditures. City Manager Williams addressed the Commissioners on development of an adult size soccer field located on the northwest corner of Chaparral Park. Soccer field will require purchase of sprinkler risers, adult goal nets and goals. Parks and Recreation Board recommended funding project cost of about \$7,000.00; project was not a budgeted expenditure, but funds are available. Commissioner Benge mentioned to consider moving it east of the skate park to try to accommodate two fields to help with parking; thinks it's a great idea and great proposal. City Manager Williams explained the east side of the park would not accommodate the two fields because of the light poles and unlevelled surface; City will look into signage or speed zone to slow down traffic on Commercial. Commissioner Campos so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Benge – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of Approval of Lodger's Tax Funding Recommendations: Consideration of Approval of Lodger's Tax Funding Recommendations: Mayor Gandy called for a motion to approve the Lodger's Tax Funding Recommendations. City Manager Williams stated that the Lodger's Tax Board has an estimated funding available of \$25,399.18 with dedicated chamber funding of \$3000.00 leaving \$22,399.18 with \$4000.00 in reserve. All funds are projected funds. The remaining funds were allocated utilizing the evaluation system approved by the City Commission as follows:

➤ Lea County Museum – Ron Helmen Ensemble Jazz Concert	\$	1,020.76
➤ Lea County Museum – Wright/Williams Concert	\$	1,127.21
➤ Lea County Museum – Lea County Quilt Show	\$	355.13
➤ Lea County Museum – Military Family Exhibit	\$	1,020.76
➤ Lea County Museum – Betancourt Photography Exhibit	\$	524.21
➤ Lea County Museum – Max Evans Presentation	\$	183.47
➤ Lovington Main Street – Farmers Market	\$	2,872.34
➤ Lovington Main Street – Holiday Shop Local Campaign	\$	1,723.18
➤ Lovington Main Street – Rope Light Installation	\$	2,628.08
➤ Lovington Main Street – Halloween on the Plaza	\$	1,525.88
➤ Alfredo Gomez – Wild Bunch Tournament	\$	1,160.71
➤ Foundation for Arts – Lea Theater Grand Re-opening	\$	804.69
➤ Lovington Chamber of Commerce – Fall Classis Barrel Race	\$	1,773.69
➤ Lovington Chamber of Commerce – Fall Arts & Crafts Festival	\$	1,679.06

TOTAL: \$ 18,399.18

Tabatha Lawson, Lovington MainStreet informed Commissioners of rope lights to be installed by C&N Electric, installed by second week of November, cost is \$4900.00; Commissioner Trujillo amended motion to approve Lodgers Tax Recommendation. Commissioner Butcher amended his second. Commissioner Trujillo so moved to allocate part of Farmers Market funds of \$1313.62 to increase funding to MainStreet rope lights installation. Commissioner Butcher seconded the motion and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes. Motion was approved.

Consider Approval of Accounts Payable: Mayor Gandy called for a motion to approve the accounts payable. Commissioner Bengé so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT:

Robbie Roberts addressed Commissioners speaking in behalf of some people in attendance, with complaints of mosquitos due to recent rain. Community has concerns with mosquitos testing positive for West Niles Virus in Chaves and Lea County. Mayor Gandy and City Staff suggested personal protection, maintaining weeds, maintain pools of water, and Lea County Environment Services will continue to spray, but spraying is not as effective.

Elaine Vigil stated RV Parks owners should be held at a very high standard.

Angie Marquez addressed Commissioners with young children crossing the street was a concern with the Soccer Field at the park.

CLOSED SESSION:

At 6:35 p.m., Commissioner Bengé moved to adjourn Regular Session and convene in Closed Session: Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8 regarding the purchase, acquisition, or disposition of real property or water rights, Subsection H-2 regarding limited personnel matters, and Subsection H-7 to discuss threatened or pending ligation. Commissioner Campos seconded and a roll call vote was taken: Mayor Gandy - Yes; Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher – Yes; and Commissioner Campos - Yes.

Commissioner Trujillo excused himself from Closed Session and left the meeting.

At 7:35 p.m., Commissioner Bengé so moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion and no action was taken. Commissioner Butcher seconded and a roll call vote was taken: Mayor Gandy - Yes; Commissioner Bengé - Yes; Commissioner Butcher – Yes; and Commissioner Campos – Yes; Commissioner Trujillo – Absent.

OPEN SESSION:

Consider Approval of Police Chief Hiring: Mayor Gandy called for a motion to approve the police chief hiring. Commissioner Bengé so moved to offer position of Chief of Police to Lieutenant David Rodriguez. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Absent and Mayor Gandy - Yes. Motion was approved.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:36 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-52: Library Grant
DEPARTMENT: Lovington Public Library
SUBMITTED BY: Tueredia McBride
DATE SUBMITTED: October 20, 2014

STAFF SUMMARY:

The Lovington Public Library has received a grant in the amount of \$7,780 from the State of New Mexico. This grant may be utilized for:

1. Library collections
2. Staff salaries
3. Staff training
4. Library equipment
5. other operational expenditures associated with the delivery of library services

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Grant award of \$7,780.00

50% of this funding will be distributed in Fall of 2014 and the remaining distributed in January 2015.

ATTACHMENTS:

Resolution 2014-52
Grant award notification
Grant Agreement

RECOMMENDATION:

Motion to approve Resolution 2014-52.

Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-52

WHEREAS, the Lovington Public Library provides a valuable service to the citizens of Lovington; and

WHEREAS, the State Librarian is required to administer grants-in-aid and encourage local library service; and

WHEREAS, the City of Lovington has received a grant from the New Mexico State Library in the amount of seven thousand seven hundred eighty dollars and no cents (\$7,780.00) to support our local library.

NOW, THEREFORE, BE IT RESOLVED, that the Lovington City Commission:

1. Accepts the grant from the New Mexico State Library and agrees to its terms and conditions
2. Authorizes the Mayor to sign the Agreement on behalf of the City of Lovington.

DONE THIS 27th DAY OF OCTOBER, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

New Mexico State Library
1209 Camino Carlos Rey
Santa Fe, NM 87507

FY2015 STATE GRANTS-IN-AID AWARD NOTIFICATION

1.	Recipient:	Lovington Public Library
2.	Remit to Vendor Name:	City of Lovington, Lovington Public Library
3.	State of NM Vendor #:	54447
4.	Project Title and Legal and Fiscal Data:	State Grants-in-Aid to Public Library Statute/Administrative Code NMSA 1978 Section 18-2-4 B, NMAC 4.5.2
5.	State Library Contact:	New Mexico State Library Development Bureau Phone: 800-340-3890
6.	Source of Funding:	<i>State of N.M. 51st Legislature – General Appropriation Act of 2014</i>
7.	Grant Type and Amount Received:	Library Grant: Public Library Amount: \$7,780.00
8.	Award Period:	October 1, 2014 – June 30, 2015 ALL FUNDS MUST BE SPENT BY JUNE 30, 2015.
9.	Terms and Conditions of Award:	<p>The library grants program is intended to supplement and encourage local effort in providing local library service.</p> <p>Funds may be used for</p> <ol style="list-style-type: none"> 1) library collections; 2) library staff salaries; 3) library staff training; 4) library equipment; 5) other operational expenditures associated with delivery of library services. <p>Libraries must report on how funds were spent in the 2014/2015 Annual Report. Library's local budget shall not be reduced by its governing body as a result of eligibility for the library grants program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.</p>
10.	Date:	October 7, 2014

State Grants-in-Aid to Public Libraries

**Agreement
For FY2014/2015**

This agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called **NMSL**, and **Lovington Public Library**, Lovington, NM, hereinafter called the Recipient.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4 (1978);

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing state grants-in-aid to public libraries, codified as Section 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under Section 4.5.2 NMAC.

THEREFORE, the Parties agree to the following terms and conditions:

I. NMSL agrees to pay the Recipient a grant in an amount not to exceed seven thousand seven hundred eighty dollars and no cents (**\$ 7,780.00**) to support Recipient's library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2 NMAC.

II. The Recipient agrees to

1. Use the grant only for library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are defined in Section 4.5.2 NMAC;
2. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
3. Expend the grant according to the rules outlined in Section 4.5.2 NMAC, attached hereto as Attachment A;
4. Provide NMSL with a report on how the grant was spent as part of the Recipient's annual report for the fiscal year; and
5. Return any funds from the grant not spent in the 2015 fiscal year to NMSL by July 15, 2015.

III. The Laws of New Mexico shall govern this Agreement.

☞ **Signed:** _____ **Date:** _____

By: _____ Chairman or Authorized Agent of Recipient (print name)

Signed: _____ **Date:** _____

By: Michael S. Delello, New Mexico Interim State Librarian

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-53
DEPARTMENT: Finance
SUBMITTED BY: Gary Chapman, Finance Director
DATE SUBMITTED: October 20, 2014

STAFF SUMMARY:

City credit cards have become necessary in order to conduct routine business and travel directly related to operations. The City has strict controls in place to monitor expenditures. At present, the City Manager, Assistant City Manager, and City Clerk have cards issued in their name. The City also has two travel cards. In order to ensure cards are available for use and sufficient credit is available, it has been deemed necessary to provide credit cards to the Finance Director, Fire Chief, and Police Chief.

This Resolution will allow for the issuing of the additional cards as well as establishing the maximum overall credit available on the City VISA account.

FISCAL IMPACT:

REVIEWED BY: *Gary Lee Chapman*
(Finance Director)

None. All credit cards are strictly monitored and balances paid in full each month. The total combined credit limit for all cards is \$41,000.

ATTACHMENTS:

Resolution 2014-53

RECOMMENDATION:

Motion to approve Resolution 2014-53.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-53

WHEREAS, the City of Lovington has increasing need for more flexibility in paying travel expenses and purchasing incidental goods and services; and

WHEREAS, additional credit cards with certain controls and limited to expenses only incurred by the City would fulfill that need.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington obtain additional credit for authorized expenses, travel expenses, and other incidental goods and services incurred for the City of Lovington.

BE IT FURTHER RESOLVED, the master limit for City credit cards is \$41,000.00.

DONE THIS 27th DAY OF OCTOBER, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-54: Grant Agreement for Water System & Well F
DEPARTMENT: Executive
SUBMITTED BY: Jared Cobb, Assistant City Manager
DATE SUBMITTED: October 21, 2014

STAFF SUMMARY:

The NM Environment Department has provided the City a copy of the grant agreement for the \$100,000 Capital Outlay Appropriation for the acquisition of land, planning, design, and construction of wells and water system improvements. This resolution is necessary in order to proceed with this project.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Eligible for \$100,000 reimbursement for this project.

ATTACHMENTS:

Resolution 2014-54

RECOMMENDATION:

Department Head

James R. Williams
City Manager

RESOLUTION 2014-54

WHEREAS, the Commission of the City of Lovington of Lea County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department; and

WHEREAS, the Agreement is identified as the 14-1643-STB Grant Agreement; and

WHEREAS, pursuant to Executive Order 2013-66, "Establishing Uniform Funding Criteria and Grant Management and Oversight Requirements for Grants of State Capital Outlay Appropriations by State Agencies to Other Entities," the New Mexico Environment Department has determined that the City of Lovington is required to have a fiscal agent for the grant.

NOW THEREFORE, BE IT RESOLVED by the City of Lovington that:

Scotty Gandy, Mayor, is authorized to sign the agreement for this project, and

James R. Williams, City Manager and Jared Cobb, Assistant City Manager, or his successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests and act as a single point of contact in conjunction with the designated signatory authority for the Fiscal Agent concerning all matters related to the grant agreement; and

Hubert Quintana, Executive Director, or his successors of the Southeastern New Mexico Economic Development District/Council of Governments is the FISCAL AGENT and is hereby appointed as the Administrative Authority and is authorized by the MOU between the City of Lovington and the Southeastern New Mexico Economic Development District/Council of Governments to administer the Grant Agreement and is authorized to sign reimbursement requests along with the designated signatory authority for reimbursement requests from the City of Lovington and other documents requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED: October 27, 2014.

Scotty Gandy, Mayor

Date

(SEAL)

Carol Ann Hogue, City Clerk

ATTEST:

Date

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-55: 2014 Water Well Agreement
DEPARTMENT: Executive
SUBMITTED BY: Jared Cobb, Assistant City Manager
DATE SUBMITTED: October 21, 2014

STAFF SUMMARY:

The NM Environment Department has provided the City a copy of the grant agreement for the 2014 \$125,000 Capital Outlay appropriation for the water meter and equipment project. This resolution is necessary in order to proceed with the project.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Eligible for \$125,000 in reimbursement for this project.

ATTACHMENTS:

Resolution 2014-55

RECOMMENDATION:

Motion to approve Resolution 2014-55

Department Head

James R. Williams
City Manager

RESOLUTION 2014-55

WHEREAS, the Commission of the City of Lovington of Lea County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department; and

WHEREAS, the Agreement is identified as the 14-1642-STB Grant Agreement; and

WHEREAS, pursuant to Executive Order 2013-66, "Establishing Uniform Funding Criteria and Grant Management and Oversight Requirements for Grants of State Capital Outlay Appropriations by State Agencies to Other Entities," the New Mexico Environment Department has determined that the City of Lovington is required to have a fiscal agent for the grant.

NOW THEREFORE, BE IT RESOLVED by the City of Lovington that:

Scotty Gandy, Mayor, is authorized to sign the agreement for this project, and

James R. Williams, City Manager and Jared Cobb, Assistant City Manager, or his successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests and act as a single point of contact in conjunction with the designated signatory authority for the Fiscal Agent concerning all matters related to the grant agreement; and

Hubert Quintana, Executive Director, or his successors of the Southeastern New Mexico Economic Development District/Council of Governments is the FISCAL AGENT and is hereby appointed as the Administrative Authority and is authorized by the MOU between the City of Lovington and the Southeastern New Mexico Economic Development District/Council of Governments to administer the Grant Agreement and is authorized to sign reimbursement requests along with the designated signatory authority for reimbursement requests from the City of Lovington and other documents requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED: October 27, 2014.

Scotty Gandy, Mayor

Date

(SEAL)

Carol Ann Hogue, City Clerk

ATTEST:

Date

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-56
DEPARTMENT: Executive
SUBMITTED BY: Jared Cobb, Assistant City Manager
DATE SUBMITTED: October 21, 2014

STAFF SUMMARY:

The NM Environmental Department has provided the City a new copy of the grant agreement for the \$350,000 Capital Outlay appropriation for the water meter and equipment project. A new agreement and resolution are required as the NMED changed form and report formats.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Eligible for \$350,000 in reimbursement for this project.

ATTACHMENTS:

Resolution 2014-56

RECOMMENDATION:

Motion to approve Resolution 2014-56

Department Head

James R. Williams
City Manager

RESOLUTION 2014-56

WHEREAS, the Commission of the City of Lovington of Lea County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department; and

WHEREAS, the Agreement is identified as the 13-1458-STB Grant Agreement; and

WHEREAS, pursuant to Executive Order 2013-66, "Establishing Uniform Funding Criteria and Grant Management and Oversight Requirements for Grants of State Capital Outlay Appropriations by State Agencies to Other Entities," the New Mexico Environment Department has determined that the City of Lovington is required to have a fiscal agent for the grant.

NOW THEREFORE, BE IT RESOLVED by the City of Lovington that:

Scotty Gandy, Mayor, is authorized to sign the agreement for this project, and

James R. Williams, City Manager and Jared Cobb, Assistant City Manager, or his successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests and act as a single point of contact in conjunction with the designated signatory authority for the Fiscal Agent concerning all matters related to the grant agreement; and

Hubert Quintana, Executive Director, or his successors of the Southeastern New Mexico Economic Development District/Council of Governments is the FISCAL AGENT and is hereby appointed as the Administrative Authority and is authorized by the MOU between the City of Lovington and the Southeastern New Mexico Economic Development District/Council of Governments to administer the Grant Agreement and is authorized to sign reimbursement requests along with the designated signatory authority for reimbursement requests from the City of Lovington and other documents requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED: October 27, 2014.

Scotty Gandy, Mayor

Date

(SEAL)

Carol Ann Hogue, City Clerk

ATTEST:

Date

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Advertisement of Ordinance No. 530
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: October 20, 2014

STAFF SUMMARY:

As requested by Commission, staff have prepared Ordinance No. 530, which will amend language in the Municipal Code in regards to the appointment of the City Clerk and Treasurer, Police Chief as well as the Fire Chief. Prior code does not identify who appoints the City Clerk and Treasurer. The current code also identifies the governing body (City Commission) as appointing the Chief of Police. Current code also requires approval by the City Commission prior to the employment of the Fire Chief by the City Manager.

This Ordinance places the responsibility for appointment on the City Manager for all three of these positions. The attached Ordinance draft identifies deletion by strikethrough and new language in red font.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Ordinance No. 530

RECOMMENDATION:

Motion to approve advertisement of Ordinance 530.

If advertisement is approved, the Ordinance will be presented for final adoption at the November 24, 2014 City Commission meeting.

Department Head

James R. Williams

City Manager

ORDINANCE NO. 530

An Ordinance of the City of Lovington, New Mexico, amending Title 2, Chapter 2.20 Clerk and Treasurer, Chapter 2.40 Police Department, and Chapter 2.44 Fire Department of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO THAT TITLE 2, CHAPTER 2.20 BE AND HEREBY IS AMENDED AS FOLLOWS:

2.20.025 Appointment of City Clerk and Treasurer

The City Clerk and Treasurer shall be appointed by the City Manager.

FURTHERMORE, TITLE 2, CHAPTER 2.40 BE AND HEREBY IS AMENDED AS FOLLOWS:

2.40.030 Police Chief – Appointment – Duties – Oath – Bond

The Chief of Police shall be appointed by the governing body ~~City Manager~~. The Chief of Police shall:

- A. Execute and return all writs and processes as directed by the municipal judge; **and**
- B. Serve criminal writs and processes in any part of the county wherein the municipality is situated; **and**
- C. Within the municipality, to suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons, pursue and arrest any person fleeing from justice, and apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring him before competent authority for examination and trial; **and**
- D. Render such accounts of the police department, his **or her** duties, department operations and receipts as may be required by the commission **and City Manager** and keep records of the department and his **or her** office open to public inspection at all reasonable times; **and**
- E. Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he **or she** will support the constitution and laws of the State of New Mexico, the constitution of the United States and the ordinances of the municipality, and that he **or she** will faithfully perform the duties of the office upon with he **or she** is about to enter.
- F. He **or she** shall furnish a surety bond in a principal sum to be fixed and conditioned upon the faithful discharge of the duties of his or her office, or a surety bond covering all officers of the department may be secured.
- G. He **or she** may be removed for just and probable cause relating to malfeasance in office, neglect of duties or failure to carry out the desires of the governing body.

FURTHERMORE, TITLE 2, CHAPTER 2.44 BE AND HEREBY IS AMENDED AS FOLLOWS:

2.44.030 Fire Chief – Duties

- A. The Fire Chief shall be employed **appointed** by the City Manager ~~subject to the approval of the city commission~~. The fire chief shall:
 - 1. Be accountable to the city manager for the personnel, morale and general efficiency of the department;

2. Direct the operations of the fire department and ambulance service and set the rules and regulations thereof;
3. Supervise the manner of handling fires in order to minimize injury to persons and damage to property. During the progress of a fire or emergency incident involving the personnel and/or equipment of the department, the authority of the fire chief in all matters connected with the management or direction thereof or the disposition of property endangered by it shall be absolute, subject to authority of mayor. All orders issued by the fire chief on such occasions shall be respected, and any fireman or citizen ignoring or refusing to obey the same is guilty of a misdemeanor;
4. Conduct, or cause to be conducted, suitable drills or instruction in the operation and handling of equipment, first-aid and rescue work, civil defense and salvage operations;
5. Prepare, or cause to be prepared, studies of building structures and other potential hazards within the municipality, be familiar therewith, and have the study results available to the department personnel;
6. Establish fire zones;
7. Investigate the origin, cause and circumstances of all fires and assist other proper authorities in investigating and suppressing arson;
8. Inspect buildings and premises, places of public assembly and places housing dangerous material, or cause the same to be inspected, serve written notice upon owner or occupants of inspected premises to abate within specified time and correct any and all fire hazards and violations that may be found.

For the purpose of conducting such inspections, the chief, or designated representative of the chief, may enter any and all buildings and premises within the municipality at any reasonable hour. Any person served with notice to abate any fire hazard and/or violation shall comply therewith and promptly notify the chief of remedial measures taken;

9. Keep complete records of all fires, inspections, emergency medical runs, apparatus and equipment, personnel and other information concerning operations of the fire department and ambulance service, furnish the commission with such information as may be requested and maintain records open to the public for inspection at all reasonable times, except for records that may violate rights of privacy and/or require subpoena action;
 10. Make a complete annual report, in writing, to the commission within one month after the close of the fiscal year, such report to include the information specified in subdivision 9 of this subsection, together with comparative experience data for previous years with recommendations for improvement of the fire department and ambulance service;
 11. Employ, evaluate, promote, demote, dismiss or expel any officer or member of the fire department and ambulance service, which demotion, dismissal or expulsion of any officer or member of the fire department and ambulance service may occur for neglect or refusal to perform departmental duties but shall be subject to the right of any member so demoted, dismissed or expelled to appeal to the commission or other body as provided by personnel rules and regulations; and approve work and vacation schedules for personnel of the fire department and ambulance service;
 12. Enforce, or cause to be enforced, all ordinances, laws and regulations of the city, state and federal government, insofar as they pertain to the fire department and ambulance service;
 13. Establish, subject to the approval of the city manager and/or the city commission, employment policies and selection procedures for all departments under his control;
 14. Perform, or cause to be performed, the duties of the civil defense coordinator for the city;
 15. Prepare, or cause to be prepared, the annual budget for the fire department and ambulance service.
- B. The duties and authorities of the fire chief which apply to employees of the fire and ambulance department shall also apply to members of authorized volunteer and/or nonemployee members of agencies and/or organizations assigned to the fire chief. (Ord. 326 (part), 1984: Ord. 280, 1979: prior code § 4-2-3)

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON ON THE ____ DAY of _____,
2014.

SCOTTY GANDY, Mayor

ATTEST:

CAROL ANN HOGUE, City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Ordinance 531: RV/MH Park Licenses Advertisement
DEPARTMENT: Planning
SUBMITTED BY: Merideth Hildreth, City Planner
DATE SUBMITTED: October 24, 2014

STAFF SUMMARY:

The Planning Department has submitted Ordinance 531 for your review and consideration to advertise. This Ordinance will address the licensing of RV and Manufactured Home Parks in the City limits. This Ordinance does not change zoning. This establishes requirements that must be met prior to approval of a license to operate a Park.

Planning and Zoning did review these changes in a work session and their recommendations are contained within the document. Strikethroughs indicate portions of the existing code that will be omitted. The red font indicates new language that has been added.

Staff have provided options under the compliance section (5.52.160) that Commission need to select from so it may be incorporated in the final version.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Ordinance No. 531

RECOMMENDATION:

Staff recommend approval to advertise Ordinance No. 531 with specific option in 5.52.160 noted.

Department Head

James R. Williams

City Manager

ORDINANCE NO. 531

An Ordinance of the City of Lovington, New Mexico, amending Title 5 Business Licenses and Regulations Chapter 5.52 Trailers and Trailer Courts of the Lovington Municipal Code,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO THAT TITLE 5, CHAPTER 5.52 BE AND HEREBY IS AMENDED AS FOLLOWS:

Sections:

- 5.52.010 Definitions.
- 5.52.020 ~~Trailer courts-License to operate required.~~
RV/MH Parks-Licenses to operate required.
- 5.52.030 ~~Trailer courts-Application and issuance of license-Fees.~~
RV/MH Parks-Application and issuance of license-fees.
- 5.52.040 ~~Trailer courts-Water and sewer regulations.~~
RV/MH Parks-Water, sanitary sewer, plumbing, and sanitation regulations. (Part of Section moved to 5.52.140)
- 5.52.050 ~~Trailer courts-Sanitary facilities.~~
RV/MH Parks-Electrical requirements.
- 5.52.060 ~~Trailer lots-Regulations.~~
RV/MH-Natural gas connections. (Moved from 5.52.150)
- 5.52.070 ~~Caretaker-Registration.~~ (Part of Section moved to 5.52.130)
RV/MH-Site regulations.
- 5.52.080 ~~Inspection by health officer~~ Revocation of license.
- 5.52.090 ~~Occupancy of house trailer not in trailer court~~ Permit required.
Manufactured Homes- Applicable HUD code.
- 5.52.100 ~~Permit to occupy trailer~~ Application-Fee Expiration.
RV/MH Parks-Internal streets.
- 5.52.110 ~~Permit to occupy trailer~~ Renewal.
RV/MH Parks-Stormwater retention.
- 5.52.120 ~~Permit to occupy trailer~~ Refusal-Revocation.
RV/MH Parks-Fire hydrants and protection.
- 5.52.130 ~~Permit issuance-Sanitary facilities required.~~ (Moved to 5.52.040)
RV/MH Parks-Management and tenant information.
- 5.52.140 ~~House trailer-Plumbing and sewer regulations.~~
(Moved to 5.52.040)
- 5.52.150 ~~House trailer-Natural gas connections.~~ (Moved to 5.52.060)
- 5.52.160 ~~Prohibited parking of house trailers.~~ RV/MH Park-Compliance.
- 5.52.170 ~~Violations of building or zoning regulations~~ municipal code prohibited.
- 5.52.180 ~~Violation of chapter~~ Impoundment. -Penalty

5.52.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

~~—"House trailer" means and includes any house, car, house trailer, trailer home, or other mobile unit, either similar or dissimilar, which may be used as living quarters and is generally of a mobile character, notwithstanding the fact that the mobile character is temporarily removed.~~

~~—"House trailer lot" means a tract of level, adequately drained ground of definite size, clearly indicated by corner markers, for the placing of a single house trailer or house trailer and two cars. Any two or more continuous house trailer lots owned, occupied, or controlled by a person or group of persons shall be considered a trailer court for the purposes of this chapter.~~

~~—"Trailer court" means and includes any tract or parcel of land maintained, offered or used or intended for the use and occupancy of any house trailer or trailers except it shall not include the parking of trailers by the owner thereof on his own land when the same is not used or occupied and shall not include trailers not parked for the purpose of occupancy but for the purpose of display and sale. (Prior code § 23-1-1)~~

"Manufactured Home (MH)" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD); built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, measures at least eight body feet in width or at least 40 body feet in length or, when erected on site, includes at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term manufactured home does not include a recreational vehicle. This definition includes the terms "Single-Wide" and "Double-Wide" homes or housing units.

"Recreational Vehicle (RV)" means a vehicle which is built on a single chassis; measures 400 square feet or less when measured at the largest horizontal projections; is self-propelled or permanently towable by a light duty truck; and is designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling. The term shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, motor home or house car, and any pickup camper, on or off the pickup, except a simple shell, on the pickup, having no cooking or bath facilities. As used in this code, the term recreational vehicle is synonymous with vacation travel trailer.

"Recreational Vehicle or Manufactured Home Park (RV/MH Park)" means and includes any tract or parcel of land maintained, offered or used or intended for the use and occupancy of any Recreational Vehicle or manufactured home except it shall not include the parking of trailers by the owner thereof on his own land when the same is not used or occupied and shall not include trailers not parked for the purpose of occupancy but for the purpose of display and sale.

"Recreational Vehicle or Manufactured Home Site (RV/MH Site)" means a portion of level, adequately drained ground of definite size, clearly indicated by corner markers, for the placing of a single Recreational Vehicle or manufactured home and for the parking of personal vehicles as well as storage and outdoor living space.

"Recreational Vehicle or Manufactured Home Site Width" means the horizontal distance between the side site lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Recreational Vehicle Pad" means a specifically prepared area of a Recreational Vehicle Site that is a minimum of 15 feet wide and a minimum of 45 feet in length in developed areas of the city and 60 feet in new development that is level and constructed of materials such as packed caliche, base course gravel, or paving that support the weight of the RV and associated vehicles (....)

5.52.020 ~~Trailer courts License to operate required.~~
RV/MH Parks-Licenses to operate required.

A. It is unlawful for any person to construct or operate a ~~trailer court~~ RV/MH Park within the city without first obtaining a ~~license and payment of the license fee provided by this chapter.~~ applicable state permits, a city RV/MH Park License, and paying the RV/MH Park license fee.

B. It is unlawful for any person to construct or operate a ~~trailer court~~ RV/MH Park within the city without first obtaining a business license issued by the City upon payment of the business license fee provided by this chapter.

C. RV/MH Park licenses granted under this chapter shall be valid only for the term for which issued, which term shall be recited on the face of the licenses issued pursuant to this chapter. (Prior code § 23-4-1)

D. Renewal of RV/MH Park Licenses are required. Prior to renewal approval, the city may conduct a compliance inspection.

E. RV/MH Park Licenses are non-transferable.

5.52.030 ~~Trailer courts Application and issuance of license Fees.~~
RV/MH Parks-Application and issuance of license-fees.

A. Any person desiring to construct or operate a ~~trailer court~~ RV/MH Park within the city shall make application to the city manager for a license therefor. ~~Such application shall state the name of the applicant and all persons who will be interested in such trailer court. It shall state the location of such court by legal description and such application shall be accompanied by a complete plat and plan of the proposed court.~~ Such application shall be accompanied by the following documentation.

(1) A current property survey prepared by and stamped by a licensed surveyor that contains a description of all monuments, both found and set, which mark the boundary of the property, and a description of all control monuments used in the survey.

(2) A complete professionally prepared site plan of the proposed park, which shall be

drawn to scale and stamped by a licensed engineer. At minimum, the plans must show the following:

- (a) Existing site conditions including property boundary; existing streets, street right-of-way, easements, principal utility lines and storm drainways on adjoining properties to service the area; existing utilities on the property if any; location and extent of floodplain or flood hazard areas; grade elevations and existing drainage; and permanent structures.
- (b) North arrow and scale of 1 inch equals 100 feet or less.
- (c) Total property area in square feet.
- (d) Proposed improvements including the property boundary, set-backs, grade elevations, on-site drainage retention system, streets, permanent structures, utilities, individual RV/MH sites indicating dimensions and location of water, sewer, electrical tower, and gas (if any), amenities such as clubhouse, laundry room, lavatories/showers, restrooms, recreational facilities, playgrounds, open space, photovoltaic structures, additional parking and storage areas.

B. Upon the filing of such application, such applicant shall pay to the city clerk the license fee for such trailer court RV/MH Park on an annual basis to be computed as follows:

~~—1. Ten dollars for the first three accommodations or less;~~

1. Initial license fee of \$150.00

~~—2. Twenty five dollars for four to ten accommodations or major fraction thereof;~~

2. Annual renewal license fee of \$100.00.

~~—3. Two dollars and fifty cents for each additional accommodation in excess of ten.~~

C. All licenses so issued shall expire on December 31st the year in which issued. ~~If issued for less than one year, the amount of the license fee to accompany such application shall be reduced, prorated on a quarterly basis, for each quarter of the year or fraction thereof remaining at the time the license is issued.~~

D. Upon the filing of such application, ~~it shall be the duty of the city manager of the city to~~ **shall** make a thorough inspection of the proposed location and the plans and specifications for such trailer court RV/MH Park. If the court park and plans are found to comply with all requirements of this chapter **and applicable ordinances and requirements**, ~~it shall be the duty of the city manager shall~~ to issue a RV/MH Park license to the applicant for the remainder of the calendar year. The license so issued shall be displayed by the applicant in the office of the trailer court RV/MH Park or at some other prominent place in the camp park. (Amended during 1992 codification; prior code § 23-4-2) (....)

5.52.040 ~~Trailer courts Water and sewer regulations.~~

RV/MH Parks-Water, sanitary sewer, plumbing, and sanitation regulations.

~~Every trailer court shall furnish and have available an adequate supply of water from the municipal utilities or from private wells; and all waste water and water-carried wastes shall be discharged into the sewer system if such sewer system is available. In the event the sewer is not available to the trailer court, a septic tank system which has been approved by the health-~~

officer of the city shall be used in place of the sewer connection. (Prior code § 23-4-5)

A. Every RV/MH Park shall furnish and have available an adequate supply of municipal water, and all wastewater shall be discharged into the municipal sewer system.

B. Each RV/MH Park site shall be equipped with an individual site-specific water tap and an individual site-specific sewer hookup. Individual site specific water and sewer lines shall be located a minimum of five (5) feet apart.

~~Moved from 5.52.140 C. The use of house trailer plumbing fixtures of any character is prohibited unless such fixtures are connected to the sewer system of the city in conformity with the ordinances and laws of the city and the state relating to plumbing and sewer connection. In no case shall any plumbing fixture be permitted to discharge waste of any sort upon the surface of the ground. (Prior code § 23-2-4)~~

D. RV/MH Parks water and sewer feeder lines that connect to public infrastructure shall comply with state and municipal regulations.

~~5.52.050 RV/MH Parks Sanitary facilities.~~

~~A. Every trailer court, where house trailers not equipped with complete sanitary facilities are permitted to park, shall be equipped with one toilet building with not less than one water closet, one lavatory and one shower for each sex. Courts having accommodations for in excess of twelve house trailers shall provide one additional water closet, lavatory and shower for each sex for each additional twelve accommodations or fraction thereof.~~

E. Every RV/MH Park, where RVs not equipped with complete restroom facilities are permitted, shall be equipped with not less than one full restroom on site for each sex with toilet, sink, and shower facilities. Parks having more than twelve (12) total sites shall provide one additional restroom for each sex for each additional twelve sites or fraction thereof.

~~B. All toilet buildings shall be located so as to be within one hundred feet of trailer house accommodations. The floors in all toilet buildings shall be of concrete or tile construction and such floors and all toilet facilities shall be disinfected daily by the use of chlorine compounds.~~

F. The floors, fixtures, and surfaces in all on-site restrooms shall be cleaned and disinfected daily.

~~C. G. All plumbing and electrical installations, alterations or repairs in trailer courts~~ RV/MH Parks shall be done in full conformity with the ordinances of the city and the laws and regulations of the state. (Prior code § 23-4-7)

H. RV/MH Parks shall provide a designated area for trash disposal that is accessible by trash collection vehicles. Trash disposal areas shall be kept clean, free of weeds and debris, and maintained at all times.

5.52.050 RV/MH Parks-Electrical Requirements.

A. RV/MH Parks shall comply with the electrical code adopted by the city and the state and shall be subject to an electrical inspection.

B. Each RV Site shall be equipped with a 30 amp/50 amp tower or 50 amp tower.

5.52.060 ~~Trailer lots Regulations.~~ RV/MH Natural Gas Connections.

~~All trailer courts shall provide a lot for each house trailer with boundaries indicated by corner markers. Each trailer house shall be parked parallel to the adjacent trailer houses and shall be at least fifteen feet from the side of any other trailer house or building, whether included within the trailer court or upon adjacent property. Trailers may be parked in staggered rows with the front of such trailers being less than fifteen feet laterally. (Prior code § 23-4-4)~~

Each occupied trailer recreational vehicle or manufactured home if supplied with natural gas, shall be supplied with gas by means approved by the state. ~~of a branch line of approved black or galvanized pipe buried at least one foot underground to a point not more than one foot from the outside wall of the occupied trailer nearest the gas service line. The riser to each branch line shall be equipped with an approved gas stop. In no case shall a connection from service branch be made with copper tubing or rubber hose. (Moved from 5.52.150)~~

**5.52.070 Caretaker-Registration. (Part of section moved to 5.52.130)
RV/MH Park and Site-Regulations.**

A. Every RV/MH Park shall require a minimum of forty thousand (40,000) square feet.

B. RV/MH Park operators shall comply with the following minimum site regulations at all times. RV/MH Park operators may exceed these requirements.

	RV	MH Less 18 Ft Wide	MH Greater 18 Ft Wide
Minimum Site Requirement	New Development: 30 feet wide by <u>60</u> feet deep. Infill Development: 30 feet wide by <u>45</u> feet deep. <u>A minimum distance of 15 feet is required between the outer edges of RV Pads, from any permanent structure or building, and from MH.</u>	40 feet wide by 100 feet deep. <u>A minimum distance of 15 feet is required between the outer edges of RV Pads, from any other MH, or permanent structure or building.</u>	50 feet wide by 100 feet deep. <u>A minimum distance of 15 feet is required between the outer edges of RV Pads, from any other MH, or permanent structure or building.</u>

Corner Markers Required	Permanent material required and clearly visible.	Permanent material required and clearly visible.	Permanent material required and clearly visible.
RV Pad	RV Pad footprint shall be developed on level ground with packed caliche, base course gravel, or paving with delineated edge 15 feet wide by required length.		
Parking Requirements	2 designated off-street parking spaces for personal vehicles that shall each be 9 feet wide by 20 feet deep.	2 designated off-street parking spaces for personal vehicles that shall each be 9 feet wide by 20 feet deep.	2 designated off-street parking spaces for personal vehicles that shall each be 9 feet wide by 20 feet deep.

5.52.070 ~~Caretaker Registration.~~ (Part of section moved to 5.52.130)

A. ~~Every trailer court shall have at least one competent attendant or caretaker on duty at least twelve hours per day, whose duty it shall be to maintain the court and its facilities and equipment in a clean, orderly and sanitary condition. Every trailer court shall keep a register and written record of all trailers parked in the court, the name and address of the owner, house trailers and the number of occupants of each unit.~~

B. ~~The owner or operator of any trailer court shall cause the owner of each trailer using the facilities of such trailer court to register, setting forth his name and the names of each person residing in such trailer, the automobile and trailer license state and number, the make and model of such trailer house, the owner's permanent address if any, and such other information as may be required by the health officer. Such registration shall be a public record and be open to inspection at reasonable times by any person having a proper reason for examining the same. (Prior code §§ 23-4-3, 23-4-6)~~

5.52.080 ~~Inspection by health officer~~ Revocation of license.

~~It shall be the duty of the health officer of the city to make periodic inspections of all house trailers and trailer courts in the city, at intervals to be fixed by the mayor, to ascertain whether or not the provisions of this chapter are being complied with. If at any time it is found that the owner or operator of a trailer court has violated or permitted the violation upon his premises of any provisions of this chapter or other applicable ordinances of the city or laws of the state, the city commission shall have the power, after notice and upon proper hearing, to suspend or revoke any license issued under this chapter, and in such event, to order such trailer court closed and house trailers situated therein removed. (Prior code § 23-4-8)~~

The city may conduct periodic inspections of RV/MH Parks in the city to ascertain whether or not the provisions of this chapter are in compliance. If at any time it is found that the owner or

operator of a RV/MH Park has violated or permitted the violation upon his premises of any provisions of this chapter or other applicable ordinances of the city or laws of the state, the city shall have the power, upon notice, to suspend or revoke any license issued under this chapter, and in such event, to order such RV/MH Park closed and RV or manufactured homes situated therein removed.

~~5.52.090 Occpency of house trailer not in trailer court Permit required.~~

~~No person shall park, use or occupy a house trailer upon any house trailer lot, except in a trailer court, for more than twelve hours, unless such person shall have paid the license fee and obtained and have prominently displayed upon the exterior portion of such house trailer a permit in good standing for such occupancy. No person, the owner, lessee or proprietor of any tract of land within the city, shall permit the parking, use or occupancy of any house trailer in violation of the provisions of this section upon real estate owned, leased or controlled by him. (Prior code § 23-3-1)~~

5.52.090 Manufactured Homes- Applicable HUD code.

All manufactured homes moved into the city shall meet the 1985 HUD Code. If the manufactured home is older than 1985, the owner of the home must submit a report from a certified HUD inspector that such home meets or exceeds the 1985 HUD Code. This requirement is prospective and does not apply to any previously permitted manufactured home.

~~5.52.100 Permit to occupy trailer Application Fee Expiration.~~
RV/MH Parks-Internal streets.

~~A. Any person desiring to occupy a house trailer upon any house trailer lot, except in a trailer court, within the city, shall make application to the city manager of the city for a permit therefor. Such application shall be signed by the applicant and, in addition to other information which may be required by the city manager, shall state the name and address of the owner, the license number and state of origin of such house trailer and the vehicle, if any, used in connection therewith, the street and number of the lot so to be occupied, the name of the owner of such lot, a general description of the house trailer to be used thereon, the number and names of the persons who will occupy such trailer, and the nature and location of the sanitary facilities to be used by the occupants of such house trailer. Such applicants shall also furnish and attach to such application written permission from the owner of the lot for the use thereof by the applicant, together with written permission from the owner of the sanitary facilities to be used by the occupants of the house trailer for such use.~~

~~B. Such application shall be accompanied by a cash payment of the license fee of ten dollars.~~

~~C. Upon filing of such application it shall be the duty of the city manager to make a personal inspection of the house trailer to be occupied and the premises whereon it shall be situated. In the event the city manager ascertains that the use of such house trailer and the sanitary facilities to be used in connection therewith comply with all of the provisions of this chapter, it shall be the duty of the city manager to issue to such applicant a permit to park and use such house trailer upon the tract of land described in the application for the remainder of the~~

~~calendar month during which such application is made. All permits so issued shall expire at the expiration of the calendar month in which such permit is issued. (Amended during 1992 codification: prior code § 23-3-2)~~

A. Every RV/MH Park shall provide for a system of internal streets to access each RV/MH site. The street plan shall be designed and stamped by a licensed engineer. At minimum, streets must have a width of twenty (20) feet, be constructed of concrete or asphalt, and meet the minimum weight load requirement of a residential street.

B. Individual curb cuts for sites or spaces are strictly prohibited.

C. Internal streets longer than 150 shall have an ingress and egress or shall have a cul-de-sac, hammerhead, or “Y” turn around.

D. Construction and maintenance of RV/MH Park internal streets shall be the sole responsibility of the owner/operator.

~~**5.52.110 Permit to occupy trailer Renewal.**
RV/MH Parks-Stormwater retention.~~

~~Any person desiring to continue the occupancy of a trailer after expiration of any permit held by him, shall, prior to the expiration of such permit, obtain from the health officer of the city a renewal permit. Such permit shall be for the next succeeding calendar month and the applicant shall make such application as may be required by the health officer and shall pay to such officer the sum of ten dollars in payment of the license fee for one calendar year. Upon proper application, the health officer shall issue a renewal permit to such applicant if he is found to have complied with the provisions of this chapter during the period of his preceding permit. (Prior code § 23-3-3)~~

Every RV/MH Park shall provide a stormwater management plan that shows drainage and retention areas, as approved and amended by the city. The stormwater management plan shall be designed and stamped by a licensed engineer.

~~**5.52.120 Permit to occupy trailer Refusal-Revocation.**
RV/MH Parks-Fire hydrants and protection.~~

~~Any permit issued by the city manager of the city under the provisions of this section may be removed by the sanitary committee or the city commission for violation of any ordinance of the city or law of the state relating to the use and occupancy of such house trailer. Such revocation shall be only after notice and hearing by such committee. The city manager shall refuse to issue a permit under this chapter to any person whose house trailer does not comply with the requirements of this chapter in all respects and may refuse such permit to any applicant who has previously permitted his trailer house to become a nuisance as defined by this chapter. (Amended during 1992 codification: prior code § 23-3-5)~~

MH/RV Park owner/operator shall comply with the most current version of Fire Code adopted by the City.

5.52.130 ~~Permit issuance-Sanitary facilities required.~~

RV/MH Parks-Management and tenant information.

~~Unless complete sanitary facilities properly connected with the sewer system of the city are available in a house trailer, no permit shall be issued to any person for the use or occupancy of a house trailer upon any house trailer lot, except in a trailer court, unless, by the written consent of the owner, there shall be available for the use of occupants of such house trailer at all hours a toilet and other approved sanitary facilities located not more than one hundred feet from the location at which such house trailer will be parked. (Prior code § 23-3-4)~~

~~A. Every trailer court shall have at least one competent attendant or caretaker on duty at least twelve hours per day, whose duty it shall be to maintain the court and its facilities and equipment in a clean, orderly and sanitary condition. Every trailer court shall keep a register and written record of all trailers parked in the court, the name and address of the owner, house trailers and the number of occupants of each unit. (Moved from 52.52.070)~~

A. RV/MH Park owner or manager contact information shall be provided on site in a visible location such as on a sign or structure within the park. Tenants shall be provided with management contact information.

~~B. The owner or operator of any trailer court shall cause the owner of each trailer using the facilities of such trailer court to register, setting forth his name and the names of each person residing in such trailer, the automobile and trailer license state and number, the make and model of such trailer house, the owner's permanent address if any, and such other information as may be required by the health officer. Such registration shall be a public record and be open to inspection at reasonable times by any person having a proper reason for examining the same. (Prior code §§ 23-4-3, 23-4-6)~~

B. Every RV/MH Park shall keep a register and written record of all vehicles and units parked in the park, the name and address of the owner, RV or manufactured homes and the number of occupants of each unit. The register shall be provided to the City upon request.

5.52.140 ~~House trailer-Plumbing and sewer regulations.~~ (Moved to 5.52.040)

~~The use of house trailer plumbing fixtures of any character is prohibited unless such fixtures are connected to the sewer system of the city in conformity with the ordinances and laws of the city and the state relating to plumbing and sewer connection. In no case shall any plumbing fixture be permitted to discharge waste of any sort upon the surface of the ground. (Prior code § 23-2-4)~~

5.52.150 ~~House trailer-Natural gas connections.~~ (Section moved to 5.52.060)

~~Each occupied trailer, if supplied with natural gas, shall be supplied with gas by means of a branch line of approved black or galvanized pipe buried at least one foot underground to a point not more than one foot from the outside wall of the occupied trailer nearest the gas-service line. The riser to each branch line shall be equipped with an approved gas stop. In no~~

case shall a connection from service branch be made with copper tubing or rubber hose. (Prior code § 23-1-2)

5.52.160 Prohibited parking of house trailers, RV/MH Park-Compliance.

~~—A. It is unlawful for any person to locate any house trailer or to occupy a house trailer upon any privately owned tract of land situated within the fire limits of the city except trailer courts in existence on the effective date of this chapter.~~

~~—B. It is unlawful for any person to park a house trailer upon any street, alley, highway or public place within the city for a longer period than twelve hours. It is unlawful for any person to park any house trailer or to use or occupy a house trailer upon any privately owned tract of land within the city except upon a house trailer lot as described in this chapter. (Prior code §§ 23-2-2, 23-2-3)~~

A. All existing RV/MH Parks licensed prior to November ____ 2014, shall be brought into compliance with the amendments adopted by Ordinance 531 no later than January 1, 2020.

B. All existing RV/MH Parks licensed prior to November ____ 2014, that do not comply with the 40,000 minimum square feet parcel requirement shall be brought into compliance

Option 1: no later than January 1, 2025. A RV/MH Park license that lapses for more than 90 days shall not be eligible for renewal.

Option 2. Reduce or omit the minimum parcel size.

C. Recreational Vehicles licensed for a single lot outside a RV/MH Park as of the date of adoption of Ordinance 531 shall be eligible for one renewal period ending December 31, 2015.

5.52.170 Violations of building or zoning regulations municipal code prohibited.

A. It is unlawful for any owner, manager, or owner representative of a RV/MH Park to be in violation of any provisions of this chapter of the municipal code or other applicable municipal, state, or federal codes.

B. The city has the right to suspend or revoke a RV/MH Park business license and/or RV/MH Park permit for reasons of non-compliance with the code or endangerment of human life or property, or for health and public safety reasons. Such action by the City shall be the sole financial responsibility of the property owner, manager, or property owner representative.

C. Upon suspension or revocation of a RV/MH Park business license and/or RV/MH Park permit, the city shall issue in writing a cease and desist order to the owner, manager, or owner representative. The cease and desist order shall specify the amount of time allowed for either compliance with the code or the amount of time allowed for all recreational vehicle and manufactured homes to be removed from the property.

~~—A. It is unlawful for the owner, lessee or other person having control of any lot in the city to authorize or permit a trailer house to be occupied or used on any such lot in the event such occupancy or use violates any building restriction or restrictive covenant or zoning restrictions covering such lot. It shall further be a violation of this chapter for any person or persons to use or occupy a trailer house in the event such use or occupancy violates any building restriction or~~

~~restrictive covenant or zoning restriction covering the lot upon which such trailer is parked. The city manager shall not issue a trailer house permit for any trailer house located or to be located on any such lot in violation of any such restrictive covenant or building restriction.~~

~~–B. Any owner, lessee or other person residing in such trailer houses contrary to the provisions of this section shall be punished as provided in this chapter and the parking of any trailer house on any such lot is declared a nuisance. Such nuisance may be summarily abated as provided in Section 5.52.180. (Amended during 1992 codification: prior code § 23-1-3)~~

5.52.180 Violation of chapter Impoundment -Penalty

~~–A. The occupancy by any person of a house trailer in violation of any provisions of this chapter constitutes a nuisance and may be summarily abated by the health officer or any police officer of the city by padlocking such house trailer or taking such house trailer into his custody and removing it to a convenient place of storage. Any house trailer so padlocked or taken into custody shall be released to the owner upon satisfactory assurance that the situations creating such nuisances are or will be rectified. (Prior code § 23-2-1)~~

Anyone found guilty of violating the provisions of this chapter shall be punished by a fine of up to five hundred dollars or imprisonment of up to ninety days, or by both such fine and imprisonment.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON ON THE _____ DAY of _____, 2014.

SCOTTY GANDY, Mayor

ATTEST:

CAROL ANN HOGUE, City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Honorary Life Member Appointment
DEPARTMENT: Library Board of Trustees
SUBMITTED BY:
DATE SUBMITTED: October 10, 2014

STAFF SUMMARY:

The Lovington Public Library Board of Trustees has submitted a request to the Lovington City Commission to appoint Imogene Hanners as an honorary life member. This is allowable under Lovington Municipal Code 2.76.030.

This appointment will allow for Mrs. Hanners to continue to serve in an advisory capacity to the library board as an ex officio member.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Request letter

RECOMMENDATION:

Motion to approve appointment.

Department Head

James R. Williams

City Manager



Lovington Public Library

115 S. Main St. • Lovington, NM 88260
(575) 396-3144 • (575) 396-6900

October 10, 2014

James Williams
Lovington City Manager
P. O. Box 1268
Lovington, NM 88260

Dear James:

The Lovington Public Library Board of Trustees voted to recommend to the City Commission the appointment of Imogene Hanners as an honorary life member at its October 9, 2014 meeting. In accordance with Lovington Municipal Code, chapter 2.76.030, Mrs. Hanners will be an ex officio member, having no vote, but serving in an advisory capacity to the library board.

Thank you for presenting this recommendation to the Mayor and the City Commission at its next meeting.

If the recommendation is accepted, we would like the Mayor to present Mrs. Hanners with a plaque from the Board at a commission meeting.

Sincerely,

Tueredia McBride
Library Director

Plaque: HONORARY LIFE MEMBER
Presented to

Imogene Hanners

In Honor of your outstanding contribution as
a Lovington Public Library Board of Trustee
Member.

Since 1993

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Additional Lights on 700 - 800 block of West Cottonwood
DEPARTMENT: Planning and Zoning Commission
SUBMITTED BY:
DATE SUBMITTED: October 14 2014

STAFF SUMMARY:

City staff received a request for additional street lights on the 800 block of West Cottonwood. The City did approve the installation of streetlights in November 2013 as there were no lights in this new development. Presently, the existing lights are an average distance of 350 feet. The average spacing of lights in most residential areas of town are 310 feet.

The 700-800 block of West Dogwood (north of area) has similar distance between existing streetlights. The 700 - 800 block of West Birch (south) has a spacing of 180 feet between lights.

The Planning and Zoning Commission recommended installation of two additional lights as it will conform with the makeup of the area.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Each 150W residential streetlight will increase electrical costs by \$105.96 annually.

ATTACHMENTS:

Aerial map

RECOMMENDATION:

Motion to approve.

Department Head

James R. Williams
City Manager



● Existing Light

● Existing Pole

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 27, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Accounts Payable
DEPARTMENT: Finance
SUBMITTED BY: Gary L. Chapman, Finance Director
DATE SUBMITTED: October 23, 2014

STAFF SUMMARY:

Finance Department staff have prepared the accounts payable for your review and approval.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See accounts payable detail.

ATTACHMENTS:

General Fund Payables
Utilities Payables

RECOMMENDATION:

Motion to approve accounts payable.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - General
From 10/1/2014 Through 10/31/2014

101 - General Fund

Vendor Name	Dept Code	Current Balance
ALCO Stores, Inc		223.11
Alsco		379.93
Animal Control Training Serv		550.00
Arrowhead Forensic, Inc.		198.14
Asbestos Consulting		501.13
Atco International		476.00
BeGeo Investment LLC		522.50
Betsy Ross Flag Girls, Inc.		412.80
Blaine Industrial Supply		598.28
Bob's Thriftway		304.67
Bound Tree Medical, LLC		1,544.23
C & S Motor Parts Co.		185.49
Capers		10,000.00
Casco Industries		9,982.80
Constructors, Inc		4,841.95
Copies, Inc.		531.35
Cowboys Corner		155.15
Dailey-Wells Communications		4,447.10
E.N.M.U.R.		252.00
Farmer Brothers Company		68.62
Federal Express Services		140.37
Forrest Tire Co.		671.21
Galls/Quartermaster		546.47
Gebo Credit Corporation		187.63
General Welding Supply		691.00
Haarmeyer Electric		1,085.68
Higginbotham-Bartlett Co.		1,766.86
Hobbs News-Sun		366.58
Hobbs Spring & Suspension, Inc		556.22

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - General
From 10/1/2014 Through 10/31/2014

Hospital Services Corporation	34.24
Jay's Inc.	4,922.00
Jim D Koontz & Associates	6,799.13
Kaufman's West LLC	440.00
Lea County Septic Tank Service	643.55
Lea County Treasurer	375.30
Lee Gamelsky Architects	898.80
Lovington Auto Supply	102.34
Lovington Leader	46.46
Lyle Signs	262.50
M & R Tire Service, LLC	12.83
MailFinance	1,015.50
Mustang Country	1,063.82
NASRO	40.00
Overhead Door Co.	2,005.58
Pro-Treat Power Equipment	81.28
ProForce Law Enforcement	5,233.25
Roberts Oil & Lube	289.00
Sherwin-Williams	464.06
Squeaky Clean	4,563.74
Staples Advantage	263.72
Sunbird Home Resort Products	307.60
SWAT, LLC	2,396.66
Swissphone	362.65
Travelers	561.00
U S Food Service	3,082.18
U-Select It	1,200.00
Unifirst Corp.	115.41
United HealthCare Insurance Co	168.85
Valentine Auto Service	1,395.22
Watermaster Irrigation Supply	1,465.73
Wylie Manufacturing Co.	37.24

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - General
From 10/1/2014 Through 10/31/2014

Zia Consulting, Inc.

535.00

Report Balance

83,371.91

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - Water
From 10/1/2014 Through 10/31/2014

505 - Water & WasteWater

Vendor Name	Current Balance
California Cont. Supplies, Inc	449.82
DPC Industries Inc.	42.00
Farmer Brothers Company	6.68
GWC Construction, Inc.	747.69
Haarmeyer Electric	800.44
Higginbotham-Bartlett Co.	27.95
Hobbs News-Sun	52.33
Industrial Muncipal Products	2,002.77
Lovington Auto Supply	164.31
M & R Tire Service, LLC	250.75
MailFinance	1,015.50
Master Printers	1,110.50
Staples Advantage	3,727.56
Report Balance	<u>10,398.30</u>