

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, NOVEMBER 24, 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 Butcher, Commissioner Trujillo and Mayor Gandy

Not Present: Commissioner Campos

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

Invocation: Commissioner Butcher gave the invocation

Pledge of Allegiance: Commissioner Butcher led the pledge

Approval of Agenda: Mayor Gandy called for a motion to approve the agenda as submitted. Commissioner Trujillo so moved to approve the agenda. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes and Commissioner Bengé - Yes.

Approval of the Regular Minutes of November 10, 2014: Mayor Gandy called for a motion to approve the regular minutes of November 10, 2014. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher asked for an update on parks building. City Manager Williams stated shade shelters will be going up by first week of December and waiting on final electrical inspection.
- Mayor Gandy suggested for City to consider installing more lights at the Avenue D park to help with litter issues
- Commissioner Bengé stated a disposal of a diaper was thrown under her truck; Commissioner Bengé attended a conference which presenter discussed “Keep America Beautiful.” Presenter spoke in reference to community on the east coast how it is noted for its history and a successful community; but discussed the cultural of norm. The presenter was amazed about how filthy and dirty the community was. Commissioner Bengé stated that the picture she provided is the epitome of the cultural of norm in Lovington. Commissioner Bengé asked “Who

did they expect would pick it (disposable diaper under pickup) up?" Community does not want to clean up, or pick up; this is the cultural of norm in Lovington; Mayor Gandy agreed

NON-ACTION ITEMS:

Discussion of Library Board Appointment: City Manager Williams stated Susan Bogan and Michelle Williams are interested in the Library Board opening. The position will be published in newspaper. Voting will take place in the next City Commission Meeting on December 8, 2014. Commissioner Bengé stated the problem with current membership is meeting quorums because individuals work and asked if Ms. Bogan and/or Ms. Williams would have an issue with attending meetings. City Manager William stated it would not be an issue.

ACTION ITEMS:

Consideration Adoption of Ordinance 530 – Appointment of City Clerk and Treasure, Police Chief, and Fire Chief by City Manager: Mayor Gandy called for a motion to adopt Ordinance 530 - Appointment of City Clerk and Treasure, Police Chief, and Fire Chief by City Manager. City Manager Williams addressed the Commissioners, as directed by Commission staff prepared Ordinance 530 amending the Municipal Code to reflect that the City Manager appoints the City Clerk, Police Chief, and Fire Chief. Clarifying chapter 2.20 on who appoints the City Clerk, chapter 2.40 changing governing body to city manager as requested; similar language to Fire Chief. Chapter 2.16.010 under city manager states: city manager employs all department heads subject to discharge, employment, suspension, and demotion, placing all responsibility on City Manager. Commissioner Bengé supports the Ordinance, stated it firmly establishes a chain of command; takes politics out of it. Commissioner Butcher had no comment. Commissioner Trujillo stated it takes the power from City Commissioners, Ordinance is not in our favor; feels as a board issue should be reviewed, than take action; other than one person. Commissioner Trujillo understands some clarification on wording is necessary. Mayor Gandy disagreed with Commissioner Trujillo on retaining power, since Commissioners are not around for the day-to-day activity. Mayor Gandy feels the board is responsible to oversee the City Manager, but feels it is a wise decision to separate the board from employee situations. City Manager Williams stated if considered to not approve the ordinance as submitted, recommends to change 2.16.010 as it states all municipal employees and including department supervisor, City Clerk, Chief of Police, director of public works, City Attorney or subordinate to subject to discharge or suspension in the discretion of City Manager personnel merit system; this section of the code also states that the City Manager shall employ, promote, suspend, and discharge, subject to the provisions of the personnel merit system, all person, including department heads engaged in the administrative services of the municipality; code as written conflicts with the Governing body appoints does not discharge the positions. Commissioner Bengé so moved. Commissioner Butcher second and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – No, Commissioner Butcher – No, and Mayor Gandy – Yes. Deadlock. Motion was not approved.

Commissioner Campos arrived at 5:46 P.M.

Consideration Adoption of Ordinance 531 – Amending Chapter 5.52: Trailers and Trailer Courts: Mayor Gandy called for a motion to consider adoption of Ordinance 531 – amending Chapter 5.52: Trailers and Trailer Courts. City Manager Williams addressed the Commissioners of Ordinance 531 addressing RV/MH permitting process; discussed, presented to Fire and Planning and Zoning board, Ordinance has been published, and is ready for adoption, if approved by Commission.

Public Comment:

- Paula Vancleve stated there have been six mobile home parks that have been in business over 40 years; Mrs. Vancleve owns three of them. Mrs. Vancleve stated she maintained property, paid taxes, and has provided services that was needed. Mrs. Vancleve feels RV's should not be compared to Mobile Homes; totally different regulations. In the six mobile home parks there are 245 families; and if we shut down, where will they go? Workers? Students? Mrs. Vancleve stated she has never had a problem with her caliche road. Mrs. Vancleve got a quote of \$6.85 per square foot for asphalt paving for a total cost of \$375,000.00 to her. Mrs. Vancleve asked Commissioners to grandfather existing mobile home parks, separate manufactured homes from RV's and stated this is her retirement. Thanked Commissioners
- Mary Allen Garcia works at U-Store It as a manager for 11 years. Mrs. Garcia stated they have 88 spaces, with black top, pay taxes, mobile homes are to par, mobile homes are inspected, and RV/MH owners need to prove ownership before they are allowed to park at facility.
- Carolyn Lovett owner of an RV park; stated she went to the County, State and City for permit. Mrs. Lovett complied with the rules, pays taxes, and has ten spots. Mrs. Lovett stated this is her birth home, this is her retirement, and feels this burden will imposition five families and herself.
- Gary Clemens owns two RV Parks; stated he has followed rules to the law, but now getting penalized for more permits and other issues about health and wellbeing in Lovington. Mr. Clemens stated to stop picking on RV Parks and deal with other issues like 910, 912 and 914 on Love Street has a mess in their yard; residents living on their RV Parks are spending money on eating here, buying grocery and gas. Mr. Clemens stated lets enforce other ordinances first, one street at a time, and then deal with new RV Parks first, leave the existing RV/MH Parks alone.
- David Villar, his family owns a RV Park, feels they provide a service and a place to live here in the community, for school construction workers, road workers, and oil field workers; who will stay here during the holidays and weekends. Mr. Villar feels there is a problem with Ordinance as written, such as the pavement issue will shut down all mobile homes and RV parks alone, dealing with inspectors, and providing restrooms in the RV Parks. Mr. Villar discussed the concern of families and workers finding somewhere to go. Mr. Villar asked Commissioners to make

an exception on the gravel or caliche roads; stated, current MH/RV Parks maintain their gravel or caliche roads much better than the City maintains East Avenue O.

- Nelson Wilson owner of Cherokee Village lived here since 1974. Mr. Wilson stated he worked hard to get where he is now; stated he is not able to do more, physically and financially, he keeps his 33 spaces clean, mowed, and takes care of street with tractor, but is not financially able to pave RV Park.
- Carol Young, Nelson Wilson's daughter, asked what is reasonable. Is it reasonable to spend that kind of money after a long time of dedication to their cause? Would it be reasonable to ask neighborhoods in Lovington residents to build a 6 foot cement walkway in front of your house all around your street because it makes it better for people? Mrs. Wilson asked to look at grandfathering existing RV/MH Parks; ask yourselves "what would something do to your family and I think you will come up with a good decision."
- Kallie Windsor, chairman of Planning and Zoning board, stated from our work session to here some of the items were changed; for example the 10 feet slide out to slide out between the RV instead of 15 feet, because even between houses, in subdivisions only 10 feet is required. Also, on the caliche roads and delineated that was approved for existing for RV/MH Parks.
- Dave Roser, asked how many RV and MH owners were consulted in the process of administrating this policy? Mayor Gandy answered Ordinance was advertised in newspaper and on website. Mrs. Vancleve stated as Commissioners when your constituency will be affected by your actions do you feel a need to contact the businesses to see what they say about mobile homes. Do you go except for re-election, to talk to your constituency and find out what they want? Mrs. Windsor stated work session was published and paving was not part of the work session. Mr. Wilson asked Commissioners to have some mercy.

Commissioner Bengé understood the biggest issue is the paving requirement. Commissioner Campos apologized for being late. Commissioner Butcher no comment. Commissioner Trujillo agreed with business owners in the audience, the ordinance needs more clarification; stated he would never vote on section 5.52.180, business owners work hard, if you have a down time we ought to work together and not put business owners in prison. Commissioner Bengé asked if ordinance needs to be revisit to address pavement issue and how many will be affected by the pavement in access of 150 feet roadway. City Planner Hildreth stated for fire protection to enter a of RV/MH Parks requirement is 20 foot of pavement to go to units, if 150 feet longer they require a turn around. Commissioner Bengé asked if a caliche base would suffice for fire trucks to be able to service RV/MH Parks. City Manager Williams replied, it's an engineer question, not sure of the answer concerning weight. City Planner Hildreth stated in recent RV/MH Parks meetings with Fire Marshall was explained that heavy fire trucks bog down even in a caliche base when there is lots of water; this is why City is requiring paving. Commissioner Campos stated to community, I hear you, appreciate what was said, Planning and Zoning will revisit issue before ordinance is continued. Commissioner Bengé

suggested allowing the affected owners to meet with Planning and Zoning in a work session, address life threatening situations, and try to get ordinance right. Mayor Gandy called for a motion to table ordinance and to withdraw motion. Commissioner Butcher withdrew motion. Commissioner Bengé withdrew second. Commissioner Butcher so moved to table Ordinance 531 for review with increase publicize and notification to the RV/MH owners of next planning and zoning work session. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Resolution 2014-59: Renewal of Lease by Reliant Asset Management:

Mayor Gandy called for a motion to approve resolution 2014-59: renewal of lease by Reliant Asset Management. City Manager Williams addressed Commissioners of the work force housing development located by the Cheese Plant with a 30 month lease; they are in good standing and are asking for renewal for the first of three one year terms. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

Consideration Resolution 2014-60: Right of Way Grant to LCEC:

Mayor Gandy called for a motion to approve resolution 2014-60: Right of way grant to LCEC. City Manager Williams addressed Commissioners of the Lea County Electric Coop. is requesting a Right-of-Way Grant to extend power onto the City owned property located in the industrial park; located to the South of Navajo Refinery. Commissioner Campos so moved. 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.

Removed: Consideration Resolution to Approve Vacation of 15th Street, J.L. Reed Addition, Unit 3.

Consideration Replat of Lots 1-5A & 6-13, Block 3, Faye Heights Subdivision:

Mayor Gandy called for a motion to approve the replat of Lots 1-5A & 6-13, Block 3, Faye Heights Subdivision. City Manager Williams addressed Commissioners of request increase the number of lots from 14 to 23; the replat will keep the lots above the minimum intensity of use of 7,000 square feet per lot as established in Zone A – Single Family. Ryan Burkett, the owner, discussed with Commissioners of size of homes, time frame, and infrastructure. Commissioner Bengé so moved. Commissioner Trujillo 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.

Consideration Installation of Streetlights on the 600 & 700 blocks of West Aspen, Birch, and Cottonwood: Mayor Gandy called for a motion to approve the installation of streetlights on the 600 & 700 blocks of West Aspen, Birch and Cottonwood. City Manager Williams addressed Commissioners of new cul-de-sac being developed on West Aspen, Birch, and Cottonwood which have no street lights, as roads are paved additional street lights will be installed. Planning and Zoning has discussed for in the future to require new subdivisions to have appropriate street light placement. Commissioner Trujillo so moved. Commissioner Butcher 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.

Consideration Appointment of Planning and Zoning Commission Member: Mayor Gandy called for a motion to approve the appointment of Planning and Zoning Commission Member. Commissioner Trujillo so moved. Commissioner Campos seconded. Commissioner Trujillo recommended appointing Kallie Windsor to the Planning and Zoning Board. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy - 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 Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT:

RaeLynn Stuart, Chamber Director, address parliamentary inquiry, when you laid the motion on the table that was temporary delay; so when it comes back up for a motion you are going to be voting on that motion you should have referred it to a committee. Than the main motion dies for what you had past. That's just a parliamentary inquiry, just wanted to let you know.

Ermelinda Juarez, is there a moratorium on new RV Parks? City Manager Williams answered there is not, it is taking three to four week per request, City is not delaying or stalling; City Planner Hildreth is overwhelmed with work.

Paula Vancleve would like Commissioners to understand that they do not read the local radio or local newspaper, we are busy. Mrs. Vancleve asked Commissioner Trujillo to keep her informed and up-to-date on issues that affect us. Mrs. Vancleve stated if she would have known about Ordinance change she would have been here attending meetings.

Robbie Roberts, the first time in many years, Lovington is being pushed in a position to come up to speed as far as resolutions and their enforcement of items which have been

over looked because of the lack of necessity. As business owners and entrepreneurs, we are trying to accommodate these people who want to live and work in this area, just as you are accommodating safety and welfare to the constituents that are living here. Commissioner Ava statement is right on, we are not going to get it right in the first try; problem is for 30 years there wasn't any reason for anyone to watch or listen for notifications because there wasn't any reason too. We as businessmen need to realize we are in a whole new era, there are reason for this, just because we did not do this in the past, does not mean we should not do this in the future. The majority of us are coming up to speed, we ask that you have some understanding, gives us some time frame, be reasonable; Lovington is in a great position to grow, in schools, and lots of other areas. We are going to be more involved, we are asking to be heard, we ask for compassionate ear, this is the way everyone else does it, but let's get the word out. Mr. Roberts thanked Staff and Commissioners for work they are doing.

Judge David Finger, in Ordinance section 5.52.180 an occupancy by any person in RV/MH constituted a nuisance and may be summarily abated of the city by padlocking, just as Commissioner Trujillo express some concern. Judge Finger asked for clarification, it appears to me that we could have some situations where violations by the owner of the RV/MH Park and the owner of the RV will be padlock which can be a concern, without giving notice to home/RV owner would lack the opportunity to be heard, without proper procedure. What would be the plan notice process for individual RV/MH owners? City Manager Williams stated it is removed from existing ordinance, the points brought up by Judge Finger is the motivation for striking of ordinance violation section.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:32 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Library Board Presentation
DEPARTMENT: Lovington Public Library
SUBMITTED BY: Tueredia McBride, Librarian
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

The Lovington Public Library staff and Board of Trustees wish to present Imogene Hanners a plaque in appreciation for her years of service on the Lovington Public Library Board of Trustees.

The Commission previously appointed Mrs. Hanners as a lifetime member.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

N/A

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: December 8, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Senior Citizens Board Appointment Discussion
DEPARTMENT: Senior Citizens Board
SUBMITTED BY: Norma Vejil, Director
DATE SUBMITTED: November 20, 2014

STAFF SUMMARY:

The Senior Citizen Advisory Council has recommended the following individuals be reappointed to the board for two year terms.

Wilma Kimbell
Virginia Spears
Thomas Griffin

Staff will advertise the openings for three positions and bring to the Commission for appointment at the January 12, 2015 Commission Meeting.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Letter of Recommendation

RECOMMENDATION:

Information only

Department Head

James R. Williams

City Manager

Lovington Senior Citizen Center

Bill McKibben Building

18 West Avenue F

Lovington, NM 88260

(575)396-4161

November 20, 2014

Lovington City Commission
214 South Love Street
Lovington, NM 88260

Dear Mayor Gandy & Fellow Commissioners:

I would like to take this opportunity to recommend the following citizens be reappointed to the Senior Citizen Advisory Council. Each term will be for two years and will expire in January 2015.

Wilma Kimbell
Virginia Spears
Thomas Griffin

It has been a pleasure working with these board members in the past and with your approval, I look forward to another two years.

Sincerely,

Norma Vejlil, Director
Lovington Bill McKibben Senior Citizen Center

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: City Commission Work Session
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

Staff are requesting a potential Commission work session in January, 2015 for the purposes of

- Discussing current City code and what areas
- Discussion regarding capital projects and the Infrastructure Capital Improvement Fund
- Other business as the Commission deems necessary.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Determine if a work session is necessary and determine a date.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Ordinance 530
DEPARTMENT: Legislative
SUBMITTED BY: Scotty Gandy, Mayor
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

Mayor Gandy has requested that this Ordinance be brought back to Commission.

At this time, there is a conflict within the current City Code regarding the appointment of these positions. Chapter 2.20 does not address what body appoints the City Clerk and Treasurer, Chapter 2.40.030 states the Police Chief is appointed by the governing body, and Chapter 2.44 states that the Fire Chief shall be employed by the City Manager subject to the approval of the City Commission.

In Chapter 2.16 - City Manager, current Code references that all municipal employees are subordinate to the Manager, the City Manager employs and discharges all person, etc.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Ordinance 530 with red line changes

RECOMMENDATION:

Provide direction to staff to clarify the City Code or move to adopt Ordinance 530.

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 ~~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 ~~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

[Print](#)

Lovington, NM Code of Ordinances

Chapter 2.16 CITY MANAGER

Sections:

2.16.010 Appointment- Qualifications-Salary.

2.16.020 Duties.

2.16.010 Appointment-Qualifications-Salary.

The commission shall appoint a manager and shall hold him responsible for the proper and efficient administration of the municipal government within the city. The manager shall be chief administrative officer of the city. He shall be employed for an indefinite term and until a vacancy is created by death, resignation or removal by the commission. The manager shall be appointed solely on the basis of administrative qualifications and his selection shall not be limited by reason of former residence. The manager shall receive a salary to be fixed by the commission. The manager shall not be removed arbitrarily from office except for just and probable cause relating to malfeasance in office, neglect of his duties or failure to carry out the orders of the commission. The manager shall possess extensive training and experience in municipal management under the New Mexico Municipal Code for at least two years. The manager shall have a seat, but no vote, at every meeting of the commission. The commission shall request the opinion of the manager on any proposed measure. All municipal employees including department supervisors, city clerk, chief of police, director of public works and city attorney, are subordinate to and subject to discharge or suspension in the discretion of the manager, all in accordance with the personnel merit system set out in Chapter 2.92 of this title. (Prior code § 2-4-1)

2.16.020 Duties.

The manager shall:

- A. Enforce and carry out all ordinances, rules and regulations, enacted by the commission;
- B. Employ and discharge all persons engaged in the administrative service of the municipality, in accordance with the personnel merit system;
- C. Prepare and submit an annual budget;
- D. Make recommendations to the commission on all matters concerning the welfare of the municipality;

- E. Employ, promote, suspend and discharge, subject to the provisions of the personnel merit system, all persons, including department heads, engaged in the administrative services of the municipality;
- F. Submit a program for capital improvements. (Prior code § 2-4-2)

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM



MEETING DATE: December 8, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Ordinance 532: Personnel Policy Changes
DEPARTMENT: Finance
SUBMITTED BY: Gary Chapman, Finance Director
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

Ordinance 532 has been advertised and requires Commission approval for adoption. This Ordinance will modify the current City Employee Personnel Policy. The modifications include language updates and changes to annual and sick leave accruals. These changes are necessary to resolve audit findings as well as ensure that language in the policy in terms of leave accruals reflects how the payroll system performed the calculations.

This ordinance does not reduce or increase leave benefits. The major change in accruals are:

- Leave benefits are earned each pay period instead of once per month
- Carryover of hours each calendar year is eliminated. Instead, once employees reach a maximum number of hours (based on service time), they will not accrue additional leave until they utilize said leave time.
- Annual leave and sick leave begin accrual on the first date of hire.

Updated language is presented in red font.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

More accurate accruals of leave time and will resolve an audit finding.

ATTACHMENTS:

Ordinance 532

RECOMMENDATION:

Motion to approve Ordinance 532.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

ORDINANCE NO. 532

An Ordinance of the City of Lovington, New Mexico, amending Title 2 Administration and Personnel Chapter 2.92 Personnel Merit System of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO THAT TITLE 2, CHAPTER 2.92 BE AND HEREBY IS AMENDED AS FOLLOWS:

2.92.460 Pay Periods.

Employees are paid every two weeks by ~~four p.m. on Monday~~ **1:00 p.m. on Tuesday**. The payroll period consists of two consecutive work weeks. All department heads shall report to the ~~clerk/treasurer's~~ **payroll** office all hours worked and all absences, paid and unpaid, for each employee during the pay period by eight-thirty a.m. on the Monday morning ~~of payday~~ **prior to the Tuesday pay date**. Paychecks are accompanied by a statement listing gross pay and itemized deductions. If payday falls on a holiday, employees shall receive pay on the next work day. Employees shall not be paid for time not worked.

2.92.480 Retirement benefits.

~~All full-time city employees who have worked continuously for one year are eligible to participate in the city's retirement program. The details of the program may be obtained from the city clerk/treasurer.~~ **The City is an affiliated public employer with the Public Employee's Retirement Association (PERA). PERA membership is a mandatory condition of full-time employment with state and affiliated public employers. Details of the program may be obtained from the city clerk/treasurer.**

2.92.500 Compensatory time off.

Compensatory time off is given to FLSA nonexempt employees for hours worked beyond forty (40) hours of actual work and to nonexempt firefighters who work more than one hundred six (106) hours in a two-week period. Holidays, annual leave, sick leave and all other paid leave time are not considered hours worked for purposes of calculating and accruing compensatory time off. A nonexempt employee shall accrue compensatory time at the rate of one and one half (1 ½) hours of time off for each hour over forty (40) hours of actual time worked (106 hours for firefighters). Overtime hours worked and compensatory time hours accrued and used shall be recorded for each nonexempt employee and submitted to the payroll department each pay period on approved forms.

- A. ~~Nonexempt employees may accrue a maximum balance of sixty (60) hours. of compensatory time for forty (40) hours of overtime actually worked.~~
- B. ~~The City may require an employee to use accrued compensatory time.~~ **Employees who exceed the maximum compensatory time accrual of sixty (60) hours will be paid for all overtime hours worked.**
- C. Overtime pay at one and one-half the employee's usual rate of pay shall be paid to an employee when an employee accrues overtime in excess of the hours identified in subsection A of this section, or if the employee requests overtime pay instead of accruing compensatory time off.
- D. The department heads are responsible for monitoring overtime and limiting its use and authorization of overtime. Excessive overtime shall be considered in evaluating the performance of department heads.
- E. Compensatory time may be used with prior approval of the department head. Approval is subject to the city's work needs.

- F. Any portion of an hour in excess of five minutes shall be computed and paid to the closest one-tenth of an hour.
- G. Upon termination, the employee shall be paid for the unused balance of compensatory time owed.
- H. Employees shall not work overtime without supervisory permission. Failure to obtain permission to work overtime shall lead to disciplinary action.
- I. Nonexempt employees shall not be permitted to work overtime and donate it to the city.

2.92.590 Holidays.

The city establishes its holiday schedule in ~~January~~ **at the beginning** of each **fiscal** year. Holidays may include the following;

New Year's Day

Martin Luther King Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

The Day after Thanksgiving Day

Christmas Eve Day

Christmas Day

Floating Holiday

The following conditions shall apply with respect to holidays and holiday pay:

- A. When a legal holiday observed by the city falls on a workday, full-time employees shall receive holiday pay for the hours normally worked on that particular day.
- B. Temporary, casual, and part-time employees are not entitled to holiday pay.
- C. When a holiday falls on an employee's day off, the employee's holiday shall be observed on the following work day, work load permitting as determined by the department head, or compensated for on the next paycheck.
- D. When a holiday falls during an employee's annual leave, the day shall be counted as a holiday and not a vacation day.
- E. In order to receive pay for a designated legal holiday, employees must be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday, or must have worked on the stated holiday. An employee absent without leave on their scheduled work day before or after a holiday shall not receive pay for that holiday.
- F. When a holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on Sunday, it shall be observed on the following Monday.
- G. If employees are required to work on a holiday, the employees shall be paid one and one-half times their base pay for all hours worked, plus the employee's regular holiday pay.

H. No employee on leave of absence shall receive holiday pay.

I. Floating Holidays do not carry over to the next fiscal year.

2.92.600 Annual leave with pay.

Classified and qualified unclassified full-time city employees accrue annual leave from their date of hire according the following schedules:

A. **A. Regular** full-time employees:

<i>Years of Service Per Year</i>	<i>Hours Accrued</i>
Date of hire through the end of the fifth year of continuous employment	80 hours (10 days)
Beginning with the sixth year through the end of the tenth year of continuous employment	120 hours (15 days)
Over ten years of continuous service	160 hours (20 days)

Years of Service	Hours Per Pay Period	Maximum Accrual
0-5	3.08 (10 days)	120 hours
6-10	4.62 (15 days)	160 hours
10+	6.16 (20 days)	200 hours

Firefighters:

Years of Service	Hours Per Pay Period	Maximum Accrual
0-5	4.62 (10 days)	180 hours
6-10	6.92 (15 days)	240 hours
10+	9.23 (20 days)	300 hours

- ~~B.~~ **B.** Annual leave begins to accrue **at date of hire up to the maximum number of hours as shown above in section A.** ~~with the employee's third payroll period. Accrual calculated in the first pay period of each month.~~
- ~~C.~~ **C.** An employee does not accrue annual leave for any time worked in excess of forty (40) hours per week.
- ~~D.~~ **D.** Annual leave ~~shall accrue during the first six months, but cannot be taken by the employee until the employee completes six months of employment.~~
- ~~E.~~ **E.** ~~The full year of employment must be completed before any additional paid vacation can be taken.~~
- ~~F.~~ **F.** Annual leave shall not be granted in advance of accrual.
- ~~G.~~ **F.** Upon termination from city employment, an employee will be paid for all accrued annual leave.
- ~~H.~~ **G.** An employee may use accrued annual leave just before the employee's separation from City employment.

- h. H. Annual leave should be requested as much in advance as possible. Reasonable effort shall be made to accommodate the employee's request, though approval shall be subject to advance notification and the needs of the department. If annual leave is requested by one or more employees at the same time, seniority shall rule.
- ~~j. A maximum of (40) hours can be carried over to the next calendar year.~~
- ~~k. A maximum of (60) hours of annual leave may be carried over by firefighters from one calendar year to another. It is the department head's responsibility to schedule annual leave so that no more than (60) hours are carried over into the next calendar year.~~
- l. I. Temporary, casual and part-time employees do not accrue annual leave.

2.92.610 Sick leave.

- A. Sick Leave with Pay. Leave with pay is granted to a classified or qualified unclassified full-time employee for serious personal illness, pregnancy, or disability, or when an employee's child or spouse, or parent requires the personal attention of the employee because of a serious injury or illness as defined in the Family and Medical Leave Act.
 1. ~~Regular full-time employees begin to accrue sick leave at date of hire. after three continuous months of employment~~ Regular full-time employees accrue sick leave at the rate of eight (8) hours per month ~~3.70 hours per pay period, except while firefighters working a variable week who can accrue twelve (12) hours per month~~ 5.54 hours per pay period.
 2. ~~Regular full-time employees may accrue~~ Accrued sick leave may be accumulated year to year to a maximum of five hundred seventy-six (576) hours, ~~while firefighters may accrue a maximum of~~ eight hundred sixty-four (864) hours. ~~for a firefighter.~~
 3. ~~Sick leave is not granted before an employee has completed three (3) months of continuous employment.~~ Regular full-time employees shall be paid for sick leave hours in excess of four hundred eighty (480) hours, seven hundred twenty (720) hours for firefighters, in December of each year or upon separation of employment.
 4. Sick leave is not granted in advance of accrual
 5. There shall be no pay for sick leave upon resignation, lay-off, or involuntary dismissal, except after five years ~~and three months~~ of continuous employment, employees are entitled to accrued sick leave at the termination of their employment for any reason.
 6. Temporary, casual, and part-time employees do not accrue sick leave.
 7. Any employee making a false claim for sick leave or who refuses to be examined by a physician may be dismissed.
 8. Any employee making a false claim for sick leave or who refuses to be examined by a physician may be dismissed.
 9. Sick leave for three days or more must be supported by the certification of a licensed physician.
 10. Planned use of sick leave must be reported to the department head as much in advance as possible.
 11. In the case of an extended illness, an employee may apply accrued annual leave or compensatory time to sick leave.

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: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-61: Open Meetings Act
DEPARTMENT: City Clerk
SUBMITTED BY: Carol Ann Hogue, City Clerk
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

The attached Resolution is required to be adopted by the City Commission each year.
This Resolution follows the most current version of the New Mexico Open Meetings Act.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Resolution 2014-61

RECOMMENDATION:

Motion to adopt Resolution 2014-61

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution 2014-62: Meeting and Holiday Schedule
DEPARTMENT: City Clerk
SUBMITTED BY: Carol Ann Hogue, City Clerk
DATE SUBMITTED: December 2, 2014

STAFF SUMMARY:

The attached Resolution has been prepared and directs the City Clerk to publish the legal notices announcing the regular meeting dates of the City Commission and appointed Boards/Commissions as well as the Holiday Schedule for January through June 2015.

During the last City Commission meeting in June of 2015, the schedule will be updated to coincide with the fiscal year.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Resolution 2014-62
Legal Notices

RECOMMENDATION:

Motion to adopt Resolution 2014-62

Department Head

James R. Williams

City Manager

RESOLUTION 2014-62

WHEREAS, the City Commission and various appointed Boards and Commissions meeting on a regular basis on specified days and times of each month; and

WHEREAS, observed City Holidays must be approved in advance by the Lovington City Commission.

NOW, THEREFORE, BE IT RESOLVED by the Lovington City Commission that the City Clerk will publish a legal notice that will provide the public notice of:

1. City Commission meeting dates and times; and
2. Regular meetings of Commission appointed Boards and Commissions; and
3. City observed holidays for January through June 2015.

DONE THIS 8th DAY OF DECEMBER, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

LEGAL NOTICE

The following is a list of the regular City Commission Meetings for the months of January through June 2015. These meetings will be held in the City Commission Chambers at City Hall, 214 S. Love St., Lovington, New Mexico at 5:30 p.m. (MST). In the event a meeting has to be rescheduled, publication will be made at least three days prior to such meeting. Anyone wishing to request a meeting agenda may obtain a copy from the Administrative Assistant located at City Hall, 214 S. Love St., Lovington, New Mexico, during normal business hours. All agendas are available at least seventy-two hours prior to the meeting date. If you require hearing interpreters or auxiliary aids in order to attend any Lovington City Commission Meetings, please contact the City Clerk's Office at (575) 396-2884. At least 72 hours prior notice is required in order to meet these needs.

JANUARY – JUNE 2015 CITY COMMISSION DATES

MONTH	1st MEETING	2nd MEETING
January	12	26
February	9	23
March	9	23
April	13	27
May	11	26
June	8	22

Signed: _____
Carol Ann Hogue, City Clerk

Publish: Lovington Leader – December 18, 2014

LEGAL NOTICE

The Lea County Museum board will be meeting the third Wednesday of each month of 2015 at the Lea County Museum, 103 S. Love St., Lovington, New Mexico, at 2:00 p.m. (MST). If a meeting is rescheduled, notice will be published prior to the meeting.

LEGAL NOTICE

The City of Lovington Personnel Board will meet in the City Commission Chambers at City hall, 214 S. Love St., Lovington, New Mexico at 1:30 (MST) on the following dates for January through June 2015. If a meeting is rescheduled, notice will be published prior to the meeting.

January 15	April 16
February 12	May 14
March 12	June 11

LEGAL NOTICE

The Commissioners of the Lovington Housing Authority will meet the second Wednesday of each month in 2015 in the City Commission Chambers at City hall, 214 S. Love St., Lovington, New Mexico at 11:00 a.m. (MST). If a meeting is rescheduled, notice will be published prior to the meeting.

LEGAL NOTICE

The Library Board will meet in the Board Room of the Lovington Public Library, 119 S. Main, Lovington, New Mexico at 12:30 p.m. (MST) on the following dates for January through June 2015. If a meeting is rescheduled, notice will be published prior to the meeting.

January 15	May 21
March 19	

LEGAL NOTICE

The Senior Citizen Advisory Board will meet at the McKibben Senior Center, 18 W. Avenue F, Lovington, New Mexico at 2:00 p.m. (MST) on the following dates for January through June 2015. If a meeting is rescheduled, notice will be published prior to the meeting.

February 19

May 21

LEGAL NOTICE

The Youth Center Board will meet at the Lovington Youth Center, 115 W. Avenue O, Lovington, New Mexico at 12:00 p.m. (MST) on the following dates for January through June 2015. If a meeting is rescheduled, notice will be published prior to the meeting.

February 16

May 18

If you require hearing interpreters or auxiliary aids in order to attend any Lovington City Commission Meetings, please contact the City Clerk's Office at (575) 396-2884. At least 72 hours prior notice is required in order to meet these needs. Anyone wishing to obtain an agenda may request a copy from the appropriate board 72 hours in advance of the scheduled meeting.

Signed: _____
Carol Ann Hogue, City Clerk

Publish: Lovington Leader – December 18, 2014

HOLIDAYS
JANUARY THROUGH JUNE 2015

January 1, 2015	New Years Day	Thursday
January 19, 2015	Martin Luther King Day	Monday
May 25, 2015	Memorial Day	Monday

2 Floating Holidays per fiscal year

Signed: _____
Carol Ann Hogue, City Clerk

Publish: Lovington Leader – December 18, 2014

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution for carport Variance at 110 South 7th Street
DEPARTMENT: Planning
SUBMITTED BY: Planning & Zoning Commission
DATE SUBMITTED: December 1, 2014

STAFF SUMMARY:

Sheila Laws submitted a Request for Variance for the construction of an unattached carport in the rear yard of her property located in Single-Family Zoning District A. Neighboring development in an easement from Central Avenue now prevents Ms. Laws from vehicular access to her property. Her existing mobile home is located 63 feet from 7th Street. Due to these issues of access, Ms. Laws accesses her property via the alley and is constructing a metal fence that supports a carport on two sides as well as a storage room and a covered sitting area. The fence is located 6 inches from the rear property line abutting the neighbor's property and the side property line abutting the alley.

At the November 11, 2014 meeting, the City of Lovington Planning and Zoning Commission recommended approval of this request for variance for the unattached carport with the provision that access can only be made onto the property from 7th Street, requiring a curb cut with a concrete apron, concrete beneath the area of the carport, and the length of the driveway to be at a minimum a prepared surface with a delineated edge.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

1. Resolution
2. Request of Variance Application and Support Petition
3. Exhibit A

RECOMMENDATION:

Motion to approve Resolution for variance.

Upon making the motion for approval, the City Clerk will provide the Resolution number.

M.A.H.

Department Head

James R. Williams

City Manager

RESOLUTION NO. 2014- _____

WHEREAS, the Lovington Planning and Zoning Commission was presented a request for a zoning variance at the November 11, 2014 meeting; and

WHEREAS, this variance requested that the owner of the property be allowed to construct an unattached carport and a paved driveway from the alley in the rear yard of 110 South 7th Street, Lovington, New Mexico in Zone A ; and

WHEREAS, the Lovington Planning and Zoning Commission recommended granting the variance request with a provision for access from 7th Street;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington approves the zoning variance for the construction of an unattached carport in the rear yard to be attached to a fence that is six inches from the side and rear property lines and stipulates that access can only be made onto the property from 7th Street, requiring a curb cut with a concrete apron, concrete beneath the area of the carport, and the length of the driveway to be at a minimum a prepared surface with a delineated edge.

DONE THIS 8th DAY OF DECEMBER, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

PROPERTY

Address or General Location: 110 S 7th

Legal Description (if platted):

Zoning Classification: A B C D

Existing use of land and/or buildings:

Mobile Home w/ Sidelit built Addition and Porch Attached + Portable Storage building

REQUESTED ZONING VARIANCE

Variance to Lovington Municipal Code Zoning Ordinance Section(s):

Current Ordinance Requirements:

Single family dwelling
Carport must be Attached to residential structure
Carport must be set back 5 ft from property line

Requested Variance(s)

Residential structure is set back 96 ft from 7th st. South + West wall of carport is fence Also.. Carport will provide covered parking only access is from Alley near the home.

Requesting Variance on Carport being attached to the residential structure due to site configuration of Home + access to lot, as constructed 33 years ago. Request Variance on side yard set back from 5ft - 6m because carport is built into fence. Water runoff will be contained in gutter system so that no runoff goes onto neighbors property. Plans to concrete in carport + drive thru alley

PLANNING AND ZONING APPLICATION

- Type(s):
- | | | |
|--|--|--|
| <input type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL USE | <input type="checkbox"/> CONDITIONAL USE |
| <input type="checkbox"/> ZONE CHANGE | <input type="checkbox"/> VACATION | <input type="checkbox"/> ANNEXATION |
| <input checked="" type="checkbox"/> CARPORT | <input type="checkbox"/> RV PARK | <input type="checkbox"/> MOBILE HOME PARK |
| <input type="checkbox"/> PLAT | <input type="checkbox"/> REPLAT | <input type="checkbox"/> ALTERNATE SUMMARY |
| <input checked="" type="checkbox"/> BUILDING | <input type="checkbox"/> MOBILE/MANUFACTURED | <input type="checkbox"/> WATER CONNECTION |
| <input type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CURB CUT | <input type="checkbox"/> SIGN |

Applicant Name: SHEILA LAWS
Mailing Address: P.O. BOX 97, LOVINGTON, N.M. 82260
Phone Number: 575-396-4069
Property Address (Site Location): 110 SOUTH 7TH STREET
Property Owner(s): SHEILA LAWS

Brief Description of Request: FENCE - SOUTH & WEST PROPERTY LINE
3-CAR CARPORT 8 FT. FENCE
10X20 STORAGE BUILDING
10X20 COVERED SEATING AREA

Subdivision: BELVEDERE COURT ADD. Zone: A B C D
Block: 13
Lot: 5
Owner Number: 0078622 Parcel Number: _____
Book: 6 M Page: 221

Present Use of Property: SINGLE FAMILY DWELLING

Applicant Signature: Sheila Laws Date: 10-21-14

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement: 10/21/14
Code Enforcement Officer Name: Merideth Aldretz
Code Enforcement Officer Signature: Merideth Aldretz

Alley

20' tracks made

walk way

walk way
gate 2 4" Gate

42'

Corrort

6" inside
Property markers

4" steel post
24" Deep in concrete
max 10' Apart
2-Touss 1/2 C-Purlin
Welded
Runners

6" C Purlin
for roof
rafters

8 FT fence

R Panel
metal

30'
30'
30'
Gutter for water runoff

10' High
4' High
Storage
Building
5 FT
20'

Covered
Seating
Area
open
wall

Downspout
bringing
water
back
into
yard

69'

39'

7th Street

196'

N
↓

Existing mobile

Existing

Den
ADD ON



110 S 7th St

© 2014 Google

1996

Imagery Date: 2/13/2014 32°56'52.06" N 103°21'27"



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Resolution for RV at 421 West Tyler
DEPARTMENT: Planning
SUBMITTED BY: Planning and Zoning Commission
DATE SUBMITTED: December 1, 2014

STAFF SUMMARY:

Leslie Brow submitted a Zoning Request for a Use Variance to allow an occupied RV (Recreational Vehicle) to remain occupied on her property in Zone B. According to the property owner, the tenant has occupied the RV unit on the property for the past seven years. A stone garage is located on the front of the property. The RV unit is located in the rear yard and is separated from the front yard and adjacent property and alley with a fence. At the November 11, 2014 meeting, the City of Lovington Planning and Zoning Commission recommended approval of this request for variance to expire on January 31, 2015. Upon request of the property owner and tenant, this will provide sufficient time to replace the RV with a single-wide manufactured home.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

1. Resolution
2. Request for Variance Application and Support Petition
3. Exhibit A

RECOMMENDATION:

Motion to approve Resolution for variance to expire on January 31, 2015.

Upon making the motion for approval, the City Clerk will provide the Resolution number.

MAY

Department Head

James R. Williams

City Manager

RESOLUTION NO. 2014- _____

WHEREAS, the Lovington Planning and Zoning Commission was presented a request for a zoning use variance at the November 11, 2014 meeting; and

WHEREAS, this use variance requested that the owner of the property be allowed to keep an occupied RV on the property;

WHEREAS, the Lovington Planning and Zoning Commission recommended granting the variance request with an expiration date of January 31, 2015;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington approves the zoning use variance to allow a Recreational Vehicle (RV) to remain occupied on the property located at 421 West Tyler Avenue until the expiration date of the variance.

DONE THIS 8th DAY OF DECEMBER, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

PROPERTY

Address or General Location: 421 W. Tyler Lovington, NM 88260

Legal Description (if platted): Lot 6 Block 8 Couran Addition

Zoning Classification: A B C D

Existing use of land and/or buildings:

Rock building as storage
A small RV for living.
A fence.

REQUESTED ZONING VARIANCE

Variance to Lovington Municipal Code Zoning Ordinance Section(s):

Current Ordinance Requirements:

RV are to be placed in Zone C

Requested Variance(s)

To allow RV to stay for a residence.

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

Applicant Name: Leslie Brow

Date: 9-30-14

Applicant Signature: Leslie Brow

CITY USE ONLY

Code Enforcement Officer Name: Merideth Hildner

Received: 10-31-14

Code Enforcement Officer Signature: [Signature]

PLANNING AND ZONING APPLICATION

- Type(s): VARIANCE SPECIAL USE CONDITIONAL USE
 ZONE CHANGE VACATION ANNEXATION
 CARPORT RV PARK *Single Hook up* MOBILE HOME PARK
 PLAT REPLAT ALTERNATE SUMMARY
 BUILDING MOBILE/MANUFACTURED WATER CONNECTION
 SEWER CONNECTION CURB CUT SIGN

Applicant Name: Leslie Brow
Mailing Address: 3003 Apache DR Lovington, NM 88260

Phone Number: 575-441-5359
Property Address (Site Location): 421 W. Tyler Lovington, NM 88260

Property Owner(s): Leslie Brow

Brief Description of Request: To allow RV for a residence.

Subdivision: Cowan Addition Zone: A B C D
Block: 8
Lot: 6
Owner Number: _____ Parcel Number: _____
Book: 1300 Page: 193

Present Use of Property: To rent lot for a RV space. NO. existing Building as Storage - Garage House Fixed.

Applicant Signature: Leslie Brow Date: 9-30-14

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

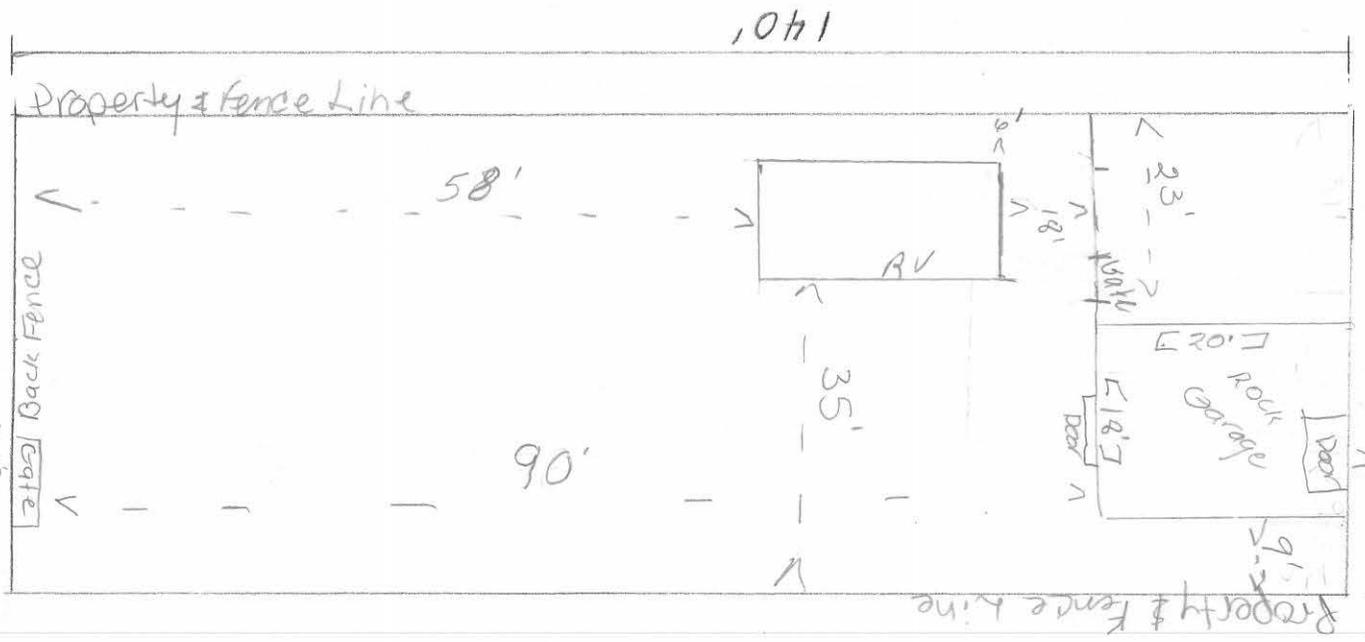
Date Received by Code Enforcement: 9/30/14
Code Enforcement Officer Name: Merideth Hildreth
Code Enforcement Officer Signature: [Signature]

These measurements are not exact, but close

N
421 W. Tyler
Kato Rock &
Lovan Addition

06" T 21225

middle of Tyler Ave



Middle Alley

S

10'
20'
E



W Tyler Ave

421 W Tyler Ave, Lovington, NM 88260, USA

© 2014 Google

Google earth

1996

Imagery Date: 2/13/2014 32°57'25.76" N 103°21'15.84" W elev 3930 ft eye alt 4355 ft



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Award of Vehicle Repair Bids
DEPARTMENT: Finance
SUBMITTED BY: Gary Chapman, Finance Director
DATE SUBMITTED: December 4, 2014

STAFF SUMMARY:

Sealed bids were accepted and opened for Car and Truck Repair on December 4, 2014 at 2:00 p.m.

Only one bid was received:

Valentine Auto Service

- Standard Shop Work Cars: \$85.50 per hour
- Standard Shop Work Trucks: \$85.50 per hour

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See attached bid detail. These prices will be effective beginning January 1, 2015 and ending on December 31, 2015.

ATTACHMENTS:

Bid Detail

RECOMMENDATION:

Motion to award bid for Car and Truck Repair to Valentine Auto.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

This price agreement will be awarded to primary and secondary shops, which is in the best interest of the City of Lovington, not only in cost of parts and labor but in time.

ITEM #1 - LABOR - CARS

AMT. PER HR.-FLAT RATE

A. Standard Shop Work	\$ <u>85.50</u>
B. Machine Work	\$ <u>N/A</u>
C. Hand Welding	\$ <u>N/A</u>
D. Automatic Welding	\$ <u>N/A</u>

ITEM #2 - LABOR - TRUCKS

A. Standard Shop Work	\$ <u>85.50</u>
B. Machine Work	\$ <u>N/A</u>
C. Hand Welding	\$ <u>N/A</u>
D. Automatic Welding	\$ <u>N/A</u>

PLEASE MARK OUTSIDE OF ENVELOPE "BID - LABOR ON CARS AND TRUCKS.

ENTERED INTO THIS 4th DAY OF December, 2013. 2014

MAYOR
CITY OF LOVINGTON

Valentine Auto Service Inc
CONTRACTOR
Ellen R Cat

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Tire Repair Bid Award
DEPARTMENT: Finance
SUBMITTED BY: Gary Chapman, Finance Director
DATE SUBMITTED: December 4, 2014

STAFF SUMMARY:

Sealed bids were accepted and opened on December 4, 2014 at 2:00 p.m. for tire repairs.

Only one bid was received:

- Lovington Tire Service, Inc.
Bid Price for each is listed on bid form

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See bid detail

This contract will be effective January 1, 2015 and terminate on December 31, 2015.

ATTACHMENTS:

Bid detail for tire repair

RECOMMENDATION:

Motion to award tire repair bid to Lovington Tire Service, Inc.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

CITY OF LOVINGTON
TIRE REPAIR SPECIFICATIONS

The City of Lovington will receive sealed bids for tire repair on the following sizes. The bids will be opened on Thursday, December 4, 2014 at 2:00 p.m. The contract will run for a period of one year beginning January 1, 2015 ending December 31, 2015.

TIRE SIZE	BID PRICE EACH
All Pickup and Car Tires	\$ <u>15.83</u>
All Truck Tires	\$ <u>35.00</u>
1400-24 Blade	\$ <u>45.00 + 16.00</u> for ORINGS
14-9-28 Tractor (Back)	\$ <u>45.00</u>
6-50-16 Small Tractor (Front)	\$ <u>35.00</u>
14-9-24 Small Tractor (Back)	\$ <u>35.00</u>
1100-16-SL Massey Ferguson Tractor (Front)	\$ <u>15.83</u>
18.4.38 Massey Ferguson Tractor (Back)	\$ <u>15.83</u>
23.1.26 Scraper	\$ <u>45.00 + 16.00</u> for ORINGS
15.5.25 Front End Loader	\$ <u>60.00 + 16.00</u> for ORINGS
16.9.24 Backhoe (Back)	\$ <u>45.00</u>

Bidder is required to have a service truck equipped to repair any size tire used by the City of Lovington. *Service Trucks ARE AV: THERE IS 35.00 CHARGE FOR SERVICE TRUCK. NOT IN ALL CASES WILL THERE BE EXTRA CHARGE*

IF THIS BID IS ACCEPTED, THIS IS YOUR CONTRACT WITH THE CITY OF LOVINGTON FOR ONE YEAR AS STATED. NEW MEXICO ID NUMBER IS REQUIRED. THIS CONTRACT MAY BE CANCELLED BY EITHER PARTY WITH 30 DAYS WRITTEN NOTICE.

PLEASE MARK OUTSIDE OF ENVELOPE "BID - TIRE REPAIR". Note: Any exceptions to these specifications must be noted.

Date 12-3-14

Lovington Tire Service inc
FIRM NAME

BY Tony Spencer

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Tractor and Heavy Equipment Repair
DEPARTMENT: Finance
SUBMITTED BY: Gary L. Chapman, Finance Director
DATE SUBMITTED: December 4, 2014

STAFF SUMMARY:

Sealed bids were accepted and opened on December 4, 2014 at 2:00 p.m. for Tractor and Heavy Equipment repair.

Only one bid was received:

- Seidl Diesel Service

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See bid detail (each identified type of work will cost \$85.00 per hour)

This contract will be effective January 1, 2015 and terminate on December 31, 2015.

ATTACHMENTS:

Bid detail.

RECOMMENDATION:

Motion to award bid to Seidl Diesel Service.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

Page 2

This price agreement will be awarded to primary and secondary shops, which is in the best interest of the City of Lovington, not only in cost of parts and labor but in time.

ITEM #1 - LABOR - TRACTORS:

AMT. PER HR.-FLAT RATE

A. Standard Shop Work	\$ 85.00
B. Machine Work	\$ 85.00
C. Hand Welding	\$ 85.00
D. Automatic Welding	\$ 85.00

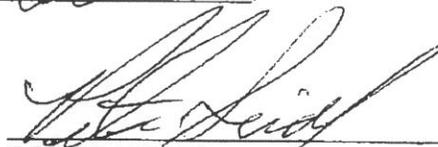
ITEM #2 - LABOR - HEAVY EQUIPMENT:

A. Standard Shop Work	\$ 85.00
B. Machine Work	\$ 85.00
C. Hand Welding	\$ 85.00
D. Automatic Welding	\$ 85.00

PLEASE MARK OUTSIDE OF ENVELOPE "BID - LABOR ON TRACTORS AND HEAVY EQUIPMENT.

ENTERED INTO THIS 4 DAY OF Dec, 2013.

MAYOR
CITY OF LOVINGTON



CONTRACTOR

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 8, 2014



TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Accounts Payable
DEPARTMENT: Finance
SUBMITTED BY: Gary L. Chapman, Finance Director
DATE SUBMITTED: December 4, 2014

STAFF SUMMARY:

The Finance Department has prepared the accounts payable for Commission review and approval.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See accounts payable detail.

ATTACHMENTS:

Accounts Payable - General Fund
Accounts Payable - Utilities Fund

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 12/1/2014 Through 12/31/2014

101 - General Fund

Vendor Name	Dept Code	Current Balance
Alsco		775.41
America Supply, LLC		8.54
American Library Sales		1,220.71
American Medical Group, Inc		251.00
Amigos Library Services		600.00
Artesia Fire Equipment		227.00
BeGeo Investment LLC		360.00
Best Books INC		550.85
Blaine Industrial Supply		1,155.94
Bob's Thriftway		112.70
Bound Tree Medical, LLC		2,744.48
Breen Glass Service		316.50
Bruce's Pest Control/Metal Co.		470.64
C & S Motor Parts Co.		287.12
Community Drug Coalition		500.00
Comp-Ray, Inc		69.55
Cowboys Corner		273.15
Cowboys Corner	1660	160.00
Economic Devp. Corp. of Lea Co		1,500.00
ENM Emergency Medical Services		500.00
FacilityDude.com		2,527.00
Farmer Brothers Company		69.13
Forrest Tire Co.		18.70
Forrest Tire company		74.24
Galls/Quartermaster		6,512.04
Gebo Credit Corporation		73.95
General Welding Supply		906.00
GT Distributors, Inc.		2,118.60
H & K Pest Control Co.		469.28
Higginbotham-Bartlett Co.		707.47

City of Lovington (New)
Summary A/P Ledger - A/P Summary CMeeting - General
From 12/1/2014 Through 12/31/2014

Higginbotham-Bartlett Co.	1660	149.59
High Plains Refrigeration, Inc		256.36
J & K Wrecking		523.38
Kenzie Plumbing		768.67
Lea County Museum		6,126.33
Lovington Auto Supply		138.29
Lovington Chamber of Commerce		1,000.00
Lovington Economic Development		25,000.00
Lovington Leader		313.40
Lovington Veterinary		465.00
Michael's Prescription Corner		3,275.57
MicroMarketing LLC		152.57
Mike's Lock & Key		15.00
Mustang Country		742.49
NE Wisconsin Technical College		175.00
New Mexico Emergency Products		23,903.04
New Mexico Municipal League		300.00
Noalmark Broadcasting Corp.		341.79
Noble Industrial Supply Corp		774.23
OCLC, Inc.		214.44
OverDrive		1,454.22
P & D Petroleum, Inc		15,282.81
Patriot Pipe & Supply LTD		91.16
PBMaterials DBA Wallach Concre		67.50
Pro-Treat Power Equipment		53.65
Radio Accounting Service		243.00
Recorded Books LLC		120.52
Reid Insurance Group, Inc.		167,636.00
Roberts Oil & Lube		220.00
RR Donnelley		3,199.30
Sebco Books		3,843.23
Southwest Polygraph		267.03

City of Lovington (New)
 Summary A/P Ledger - A/P Summary CMeeting - General
 From 12/1/2014 Through 12/31/2014

Squeaky Clean	4,547.53
Staples Advantage	360.99
Stericycle, Inc.	819.97
Sunbird Home Resort Products	132.18
Sunguard Tinting & Accessories	2,785.00
SWAT, LLC	590.14
Technicon Training& Consulting	690.00
The Mercer Group	3,065.31
Tom's Sharp Shop	393.47
Total Safety	1,398.98
U S Food Service	899.46
Unifirst Corp.	123.39
Valentine Auto Service	2,470.82
Villar Plumbing	298.09
Wall Street Journal	448.40
Wylie Manufacturing Co.	70.34
Zia Consulting, Inc.	<u>1,605.00</u>

Report Balance	<u><u>290,872.64</u></u>
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Payee	Transaction Description	Check Amount
Abraham's Construction, Inc	Finance/EDC- Central Plaza	298,728.55
AT&T Mobility	Gen-Cell Phone Bill Oct 2014	2,152.24
Constructors, Inc	Streets-Pay No 2 Noth 9th Street Construction	52,968.96
Heidel, Samberson, Newell ,Cox	Finance- Attorney Fees for 8/5/14 thru 10/27/14	9,641.39
Jeannette Sandoval	Police-Reimb Allsups for Oil	23.02

City of Lovington (New)
 Summary A/P Ledger - A/P Summary CMeeting - General
 From 12/1/2014 Through 12/31/2014

Lea County Electric	Gen-Electric Bill for 10/28/14	22,369.81
New Mexico Gas Company	Gen-Utility Gas Bill For Oct 2014	450.33
New Mexico Municipal League	Finance-2014 Annual NMML Conf Reg B Butcher	125.00
NM Regulation & Licenseng Dept	Vet/Animal Control-License Renewal Sandoval J	70.00
Pete Honigmann	Police-Reimb for Meals for Training in Santa Fe NM	40.40
Richardson Ford Sales, Inc.	Police-Ford Taurua Pol Interceptor 1FAHp2MK5F G121456	26,660.00
Richardson Ford Sales, Inc.	Police-Ford Taurus Pol Interceptor 1FAHP2MK3F G121455	26,660.00
Richardson Ford Sales, Inc.	Police-Ford Taurus Pol Interceptor 1FAHP2MK7F G121457	26,660.00
Shell Oil Co.	Police-J Clark fuel Training In Artesia	47.23
Staples	Senior Center- Office Supplies	506.58

City of Lovington (New)
 Summary A/P Ledger - A/P Summary CCMeeting - General
 From 12/1/2014 Through 12/31/2014

Steel Depot-Hobbs	Vet/Animal Control- Supplies for Fence	1,735.28
Visa	Visa 6047 JW Charge For Oct 2014-Food for J Williams/T Lawson/M Salcido/ COG Meeting	41.70
Visa	Visa 6047 JW Charge For Oct 2014-Lodging for Butcher In Santa Fe	465.55
Visa	Visa 6047 JW Charge For Oct 2014-Recreation- EZ Cam Video	169.37
Visa	Visa 6047 Jw Charges for Oct 2014-Lodging for J Williams/Meal/ ICMA Conf	406.14
Visa	Visa 6047 JW Charges for Oct 2014-Pizza for Toastmasters	346.35
Visa	Visa 7326 Nov 2014 New Travel Card- Parks-Electric Drain Cleaner	241.74
Visa	Visa 7326 Nov 2014 New Travel Card- Police P Honigmann Fuel to Santa Fe Training	57.01

City of Lovington (New)
 Summary A/P Ledger - A/P Summary CCMeeting - General
 From 12/1/2014 Through 12/31/2014

Visa	Visa 7326 Nov 2014 New Travel Card- Police Lodging Hampton P Honigmann Training in Santa FF	324.84
Visa	Visa 7326 Nov 2014 New Travel Card- Police-Postage	7.05
Visa	Dailev Wells Visa 7326 Nov 2014 Nw Travel Card-Police Name Plate for D Rodriguez	25.05
Visa	Visa 7326 Nov 2014 Nw Travel card-Police Mourning Bands	71.15
Visa	VISA 7326 Nov 2014 New travel Card-Fire Supples for Kitchen	728.33
Windstream	Gen-Phone Bill 10/28/14	4,603.11
Windstream	EDC-Phone Bill 10/14	196.76
Grand Total		<u>767,395.58</u>

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - Water
From 12/1/2014 Through 12/31/2014

505 - Water & WasteWater

<u>Vendor Name</u>	<u>Current Balance</u>
A & L Plains Agricultural Lab	1,428.00
American Medical Group, Inc	112.16
Atco International	285.00
B.I.C.I., LLC.	27,469.50
C & S Motor Parts Co.	77.08
California Cont. Supplies, Inc	299.98
Certified Laboratories	112.18
Copies, Inc.	727.71
Culligan Water Conditioning	24.50
Dana Kepner Co.	769.24
DPC Industries Inc.	1,082.21
General Welding Supply	107.00
GWC Construction, Inc.	855.00
Haarmeyer Electric	124.22
Haller-Phillips, Inc.	26.82
Higginbotham-Bartlett Co.	380.13
Hobbs News-Sun	94.30
Industrial Muncipal Products	2,010.26
J & L Equipment	8,645.00
Lovington Auto Body Shop	1,615.77
Lovington Auto Supply	295.12
New Mexico Rural Water Assn	1,124.00
P & D Petroleum, Inc	1,971.29
Patriot Pipe & Supply LTD	82.84
Polydyne Inc.	504.00
Professional Communications	3,453.62
Reid Insurance Group, Inc.	83,818.00
Solid Waste Authority	5,384.31

City of Lovington (New)
 Summary A/P Ledger - A/P Summary CCMeeting - Water
 From 12/1/2014 Through 12/31/2014

Staples Advantage	75.49
Unifirst Corp.	245.28
Vista Control Systems, Inc.	874.00
Report Balance	<u>144,074.01</u>

Payee	Description	Check Amount
AT&T Mobility	Water-Cell Phone Bill 10/14	626.14
Lea County Electric	Water-Electric Bill 10/28/14	24,533.94
New Mexico Gas Company	Water-Utility Gas Bill 10/28/14	183.28
Staples	WasteWater-Office Supplies	155.67
Visa	Visa 7334 JC-11/14 Ramset Gate Opener	1,772.92
Waste Management of New Mexico	Solid Waste-Dumping of Roll-offs 10/14	10,388.81
Windstream	Water-Phone Bill 10/28/14	<u>462.32</u>
Grand Total		<u><u>293,060.52</u></u>