

**BOARD OF APPEALS
MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
January 12, 2016**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 12, 2016 at 5:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Manuel Madrid Jr.	Nora Sanchez
Bill Rogers	Jeff Youtsey

The following were absent:

Jose Luis Aguilar (* joined the meeting at 6:10 p.m.)
Kent Bratcher
Terry Hill
Raul Rodriguez (*joined the meeting at 5:55 p.m.)

Also present:

Aubrey Hobson, City Clerk-Treasurer
John Caraway, City Attorney

It was determined that a quorum was present. Mayor Burch stated that the purpose of the meeting was to hear appeals to two condemnation resolutions.

Appeal of Resolution 1598 – Condemnation of 212 W. Kemp

Mr. Luis Veloz stated that he wanted to fix up the house to live in it. Mr. Veloz stated that the crack on the side of the house was external and that there was no damage to the interior.

Code Enforcement Officer Jesse Dominguez stated that the property was condemned based on the crack in the wall and foundation. Mr. Veloz was informed that he would need to get a structural engineer to see if the structure could be repaired safely. The property has been vacant since 2012, has no utilities and the structural cracks in the wall have gotten larger.

Code Enforcement Officer Cheryl Hinkle stated that the city building inspector requested a structural engineer to look at the structure to determine what it would take to repair the property, and that the \$1,400 fee would be for the engineer's report – any repairs would be on top of that fee. This was an important step since the structure is adobe.

Aricelle Veloz, daughter to Luis Veloz, continued to provide translation service for her father and reported that he had purchased the property three years ago and shortly after the purchase, he received a letter about the structure. Ms. Veloz stated that her father had been unable to attend the previous meeting because he had been in the hospital.

When questioned, Mr. Veloz stated that he waited three years because when he bought the property, he did not have as many customers in Artesia (his business was in Hagerman), and he used the three years to pay the property off. Ms. Veloz stated that he would have family support to fix the property.

Councilor Youtsey recommended a 90-day extension to allow Mr. Veloz to get the engineer's report.

Councilor Rogers emphasized that if the engineer's report shows that the property can be fixed, Mr. Veloz needs to proceed immediately with the repairs using a general contractor. If the cost is more than he can afford, then the condemnation would be enforced.

It was emphasized that not only would the structure need to be repaired, but the plumbing and electrical systems would also have to be brought to code..

Mr. Veloz stated that he did not think that it would take \$20,000 to repair the house.

It was also emphasized that if the property could not be fixed, the homeowner would have to follow the city's protocol for demolition.

Councilor Rodriguez joined the meeting at 5:55 p.m.

Councilor Sanchez moved to enforce the condemnation, but defer action for 90 days to allow for an inspection and report by a structural engineer. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Appeal of Resolution 1597 – Condemnation of 210 W. Gage

Ms. Veronica Lopez requested that the city not tear down her house. She stated that the reason she hadn't made payments on the boarding lien was that her parents were in a nursing home in Roswell and she had to travel there each day to make sure they ate. She stated that there was sentimental value to the house, since her father grew up in the house.

Code Enforcement reported that in May 2012, the front bedroom caught fire. A letter was sent to fix the power and clean up the property. The electrical was fixed in 2012. In 2013, Children, Youth and Families Division (CYFD) called code enforcement in 2013. There were children living in the house and the house had no utilities (no power, no water). In October 2013, people were moved out of the house and it was secured.

Ms. Lopez agreed to payments of \$17 per month on the \$600 bill. In the 24 months since that time, only two payments were received.

Councilor Aguilar joined the meeting at 6:10 p.m.

Ms. Hinkle reported that in addition to the condition of the property that was submitted for condemnation, between October 2010 and October 2013 – the Police Department responded to this address for 117 calls. From October 2013 to December 2015, only eight field calls to this address were recorded.

Ms. Lopez requested 1-2 years to get the property repaired.

City Attorney John Caraway stated that Council's choices, per ordinance would be to enforce or rescind the condemnation.

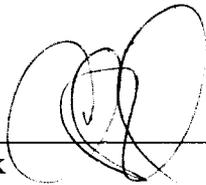
Councilor Rogers moved to enforce the condemnation of 210 W. Gage, Resolution No. 1597. The motion was seconded by Councilor Youtsey and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 6:25 p.m.
January 12, 2016.



Mayor

ATTEST:



City Clerk