



BENNY L. JASSO, MAYOR

AARON SERA, ADMINISTRATOR

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P.O. BOX 706 · DEMING, NEW MEXICO 88031  
POPULATION 14,000

## CITY COUNCIL MEETING AGENDA October 19, 2021 5:30 P.M.

*Those who would like to participate remotely can via GoToMeeting.com with the following credentials:*

*You may dial in 10-15 minutes before the meeting begins.*

Please join the meeting from your computer, tablet or  
smartphone.

<https://www.gotomeet.me/CityofDeming>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3119](tel:+13127573119)

Access Code: 595-334-189

Password: 595334189

### CALL TO ORDER/PLEDGE OF ALLEGIANCE/ATTENDANCE ROLL CALL

1. Consent Agenda
  - A. Minutes – City Council 09/21/2021
  - B. Minutes – Parks Commission Cancelled – Lack of Quorum
  - C. Out of State Travel Request for Three Appointed Officials
  - D. Proclamation – Declaring November 11<sup>th</sup> as Veteran’s Day
2. Public Comments
3. Swearing in of Chief of Police Clint Hogan
4. Resolution: To Enter into an Agreement with NMDOT for Capital Outlay Project No. C1213020
5. Resolution: To Enter into an Agreement with NMDOT for TFP Project No. LP10012
6. Resolution: In Support of New Mexico’s Oil and Gas Industry
7. Public Hearing to Consider an Amendment to Title 9, Chapter 4, Section 2 E. a. and b. and Section 3 of the Municipal Code
8. Public Hearing: To Consider A Sale of the “Murdock Farm” to Don R. Kile Trust
9. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Dispensary, Proposed by Heraclio Martinez, Jr. to be Located at 1113 W. Spruce Street, within the City Limits
10. Administrator’s Report
11. Adjourn Meeting

*The next regular City Council Meeting is scheduled for November 16, 2021 at 5:30 p.m.*

# CITY COUNCIL MEETING MINUTES

**October 19, 2021**

**Remote meeting in compliance with the New Mexico Open Meetings Act due to COVID-19 Pandemic.**

## **Council Present:**

Benny L. Jasso, Mayor

Joe “Butter Milo, Mayor Pro Tem

Monica Topham, Councilor

## **Council Present (Telephonically):**

**Council Absent:** Dr. Victor Cruz, Councilor

Irmaisela “Irma” A. Rodriguez, Councilor

**Staff Present:** Aaron Sera, Administrator

Laura Holguin, Finance Director/CFO

Azucena Vargas, Assistant PWD

Lane Camfield, Planner

Benjamin Jimenez, Court Administrator

Adrian Coloma, IT

Jim Massengill, Public Works Director

Joe Owen, Fire Chief

Clint Hogan, Chief of Police

Edgar Davalos, Municipal Judge

Jose Montoya, Police Captain

## **Staff Present (Telephonically/Virtually):**

**Recording Secretary:** Mary Jo Valdez, CMC, Municipal Clerk

Mayor Jasso called the meeting to order at 5:31 p.m. and led the Pledge of Allegiance.

A quorum was confirmed.

## **1. Consent Agenda**

Mr. Sera presented the consent agenda to Council stating that there were no items to discuss.

Mayor Pro Tem Milo motioned to approve the consent agenda, as submitted; Councilor Topham second the motion; motion carried by the following roll call vote:

### **ROLL CALL VOTE**

Councilor Topham	Aye
Mayor Pro Tem Milo	Aye
Mayor Jasso	Aye

## **2. Public Forum**

Mayor Jasso opened the meeting for public comment stating that comments entertained should not be related to any items on the agenda.

**3. Swearing in of Chief of Police Clint Hogan**

Mayor Jasso swore in Chief of Police Clint Hogan and Ms. Valdez administered the oath of office. Mayor Jasso acknowledged and congratulated Captain Jose Montoya for his promotion to Captain.

**4. Resolution: To Enter into an Agreement with NMDOT for Capital Outlay Project No. C1213020**

Mr. Sera explained that the resolution is required for the 2020 appropriation award of a \$300,000. Mr. Sera explained that the project would be to perform improvements on Santa Barbara Street and the City's match portion is 0%.

Mayor Pro Tem Milo asked if there was a deadline. Mr. Sera stated that there is a three year timeframe in which to complete the project.

Mayor Pro Tem Milo motioned to approve the resolution, as presented; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE	
Mayor Pro Tem Milo	Aye
Councilor Topham	Aye
Mayor Jasso	Aye

**5. Resolution: To Enter into an Agreement with NMDOT for TFP Project No. LP10012**

Mr. Sera explained that this project from funds appropriated to NMDOT and is obtained by entities through submission during a call for projects.

Mr. Sera stated that this project is a \$3.5 million project which will start at Highway 11; heading east on Dona Ana, then north on Country Club; running down to Cedar Street and all the way back west on Cedar Street up to Pine Street. The project also includes the lowering of the walking trail along Country Club Road and installation of pedestrian lighting.

Mr. Sera state that NMDOT will provide 95% of the funds and the City's cost will be 5% or \$173,922.40. This funding will help offset the street's budget.

Mayor Pro Tem Milo asked if the project would reroute from Columbus Highway. Mr. Sera stated it would not.

Mayor Pro Tem Milo motioned to approve the resolution, as presented; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE	
Councilor Topham	Aye
Mayor Pro Tem Milo	Aye
Mayor Jasso	Aye

Mr. Sera added that Jasper Maynes designed the whole project, saving the City money.

**6. Resolution: In Support of New Mexico's Oil and Gas Industry**

Mr. Sera explained that the proposed resolution is critical as New Mexico depends on funding from the oil and gas industry, as explained a few months back by Mr. Wes Hooper.

Mayor Pro Tem Milo motioned to approve the resolution, as presented; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Milo	Aye
Mayor Jasso	Aye
Councilor Topham	Aye

**7. Public Hearing: To Consider an Amendment to Title 9, Chapter 4, Section 2 E. a. and b. and Section 3 of the Municipal Code**

Mayor Jasso conducted a public hearing to consider an amendment to Title 9, Chapter 4, Section 2 E. a. and b. and Section 3 of the Municipal Code.

Mr. Massengill addressed council explaining that the amendment would correct number language within the ordinance that was not caught when previously amended. Mr. Massengill further explained that the prohibition of allowing the drilling of domestic wells within the City limits is to disallow anyone coming into the City to furnish their own water.

Mr. Sera added that it also allows for the protection of possible contamination to ground water.

Mayor Pro Tem Milo asked if it would safeguard for the water system. Mr. Sera confirmed.

Mayor Jasso opened the hearing for public comments.

Carmen MacDonald addressed Council asking if the City adds in fluoride into the water system. Mr. Sera stated that the City does not add fluoride. Mr. Massengill added that the water report lists fluoride as it is in the water but confirmed that it is not added in by the City; adding that Chlorine is the only EDA mandated substance that is added which is a minimal amount.

With no further comments, Mayor Jasso closed public comments and asked Council for a motion.

Mayor Pro Tem Milo motioned to approve ordinance, as submitted; Councilor Topham second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Milo	Aye
Councilor Topham	Aye
Mayor Jasso	Aye

**8. Public Hearing: To Consider A Sale of the “Murdock Farm” to Don R. Kile Trust**

Mayor Jasso conducted a public hearing to consider a sale of the “Murdock Farm” to Don R. Kile Trust.

Mr. Sear addressed Council stating that he has been working on this project for some time; and stated that the farm is located 15 miles east of town. Mr. Sera stated that State Statute 3-54-1 requires a land sale of \$25,000 or great be done by ordinance. Mr. Sera explained that plan is to create an upland conservation to raise quail and upland community which will also be built to be used by Deming Public Schools, with items to fit their needs.

Mayor Pro Tem Milo stated that the project is a great idea asking if the City has future plans for east of Akela. Mr. Sera state that there are 500-acre feet of water rights available and has contemplated moving them but possibly not.

Mayor Pro Tem Milo asked if it would be a cash sale. Mr. Sera confirmed.

Mayor Jasso opened the hearing for public comments.

Christie Ann Harvey addressed Council stating that she is in support of the project.

With no comments, Mayor Jasso asked Council for a motion.

Councilor Topham motioned to approve the ordinance, as presented and to allow the City Administrator to execute and negotiate the sales agreement and documentation; Mayor Pro Tem Milo second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Mayor Jasso	Aye
Councilor Topham	Aye
Mayor Pro Tem Milo	Aye

Mayor Jasso asked that all parties who are signed in or plan to provide testimony or address Council for the Quasi-Judicial Public Hearing, swear- in and administered the swearing in of all parties.

**9. Quasi-Judicial Public Hearing: To Consider a Special Use Permit to Allow the Operation of a Cannabis Dispensary, Proposed by Heraclio Martinez, Jr., to be Located at 1113 W. Spruce Street, within the city Limits**

Mayor Jasso conducted a quasi-judicial public hearing to consider a special use permit to allow the operation of a Cannabis Dispensary, proposed by Heraclio Martinez, Jr., to be located at 1113 W. Spruce Street, within the City Limits.

Mayor Jasso asked if Council had any conflicts of interest; they did not.

Mr. Camfield, City Planner, presented the item to Council stating that the applicant, Heraclio Martinez Jr. is requesting a special use permit for the operation of a cannabis Dispensary at 1113 West Spruce. Current Zoning is “C” Commercial which complies with the use requirements as passed by City Ordinance 1302.

During the Planning and Zoning’s special meeting held on October 18, 2021, the request for the Special Use Permit was recommended to be approved, with the condition that they obtain a NM State Permit for the address, by the New Mexico Cannabis Control Division.

Options:

1. Recommend Approval
2. Recommend Approval with Conditions
3. Recommend Denial

Staff has reviewed the property and has no objections to the approval of the request, with the condition that a NM State Permit is approved for the address, by the New Mexico Cannabis Control Division.

Mayor Jasso asked if staff or Council had any questions.

Mayor Pro Tem Milo stated as long as he complies.

Mayor Jasso asked if the applicant would like to make a statement. Mr. Martinez declined.

Mayor Jasso asked if Council had any questions for the applicant. There were none.

Mayor Jasso asked if there were any affected parties that would like to speak. There were none.

Mayor Jasso asked if there were any registered parties that would like to cross-examine any party having already given testimony.

Ms. Irene Carbajal stated she would like to address Council.

Mayor Jasso asked that Ms. Carbajal be signed and sworn- in and administered the swearing.

Ms. Carbajal addressed Council stating that her parents own the laundry mat to the east of the proposed area and stated that there is concern of bringing more crime to the area. She further stated that there is not enough law enforcement presence in the area and that the area has increased with solicitors and more crime.

Mayor Jasso asked Chief Hogan to address the concerns and *asked that Chief Hogan be signed and sworn- in and administered the swearing.*

Chief Hogan stated that the Department is inundated with calls with a loss of manpower and added that if they are called for extra patrol for that area, they will do their best to provide as needed.

Mayor Jasso addressed the public stating that City Council is taking into consideration every aspect of how it will impact the community and decisions are not being made blindly.

Mayor Pro Tem Milo stated that the location, being close to Pine Street, should provide for a reasonable response time by Law Enforcement.

Councilor Topham asked if Mr. Martinez worked with a larger business of it this is a personal business. Mr. Martinez, applicant, stated that this is his personal business venture.

Councilor Topham asked if it were for medical or recreational or both. Mr. Martinez stated it would be for but may cater to more medical patients.

Councilor Topham asked about plans for the building as it is pretty old. Mr. Martinez stated that the building would be brought up to code.

Councilor Topham asked what security measures are planned for the business. Mr. Martinez explained the process the State requires; adding that he wishes to keep the location as secure as possible.

Mr. Sera stated that the Cannabis Control Division has strict security measures to be followed.

Ms. MacDonald stated she would like to address Council.

*Mayor Jasso asked that Ms. MacDonald be signed and sworn- in and administered the swearing.*

Ms. MacDonald stated that she is from San Diego and had noticed the growth in pot stores there and the increase of crime.

Ms. Carbajal asked if there would be additional security on the property and parking lot. Mr. Martinez stated it is his intention to make it as safe as possible.

Ms. Valdez addressed Council stating that as a reminder, the State Cannabis Control Division sets the requirements for security and as long as they have approved their security plan, Council has no jurisdiction to require additional measures, by law.

Mayor Jasso closed the public hearing and asked for Council's decision.

Councilor Topham motioned to approve the special use permit as submitted; Mayor Pro Tem Milo second the motion; motion was approved by the following roll call vote:

ROLL CALL VOTE

Mayor Pro Tem Milo	Aye
Councilor Topham	Aye
Mayor Jasso	Aye

**10. Administrator's Report**

Mr. Sera addressed Council reporting on the following items.

- Natural gas has doubled from this time last year by approximately \$1.10/mmbtu; therefore, bills will be increasing.
- Working on closing the "Murdock Farm" sale.
- The Fire Marshall has inspected Silver Linings and has given them 7 days in which to comply with their standards or they will be shut down. The structures presented to Council have since changed with no notice to the City. One story was presented and it has changed. Chief Owen added, as requested by Mr. Sera, that they were cooking and denied doing so previously.
- Kmart plan will be discussed during the out of state travel to review construction documents anticipating to be moved in, if on track, by this time next year.

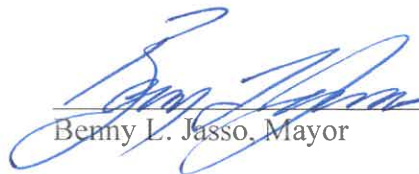
Mayor Pro Tem Milo mentioned that the roads at the cemetery need to be fixed for pot holes and asked if the sprinkler systems have been fixed. Mr. Sera stated that it would be looked at and added that they may need some equipment, adding that it is not an issue of personnel.

**11. Adjourn Meeting**

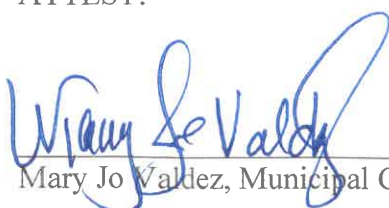
With no further business to discuss, Mayor Jasso entertained a motion to adjourn the meeting.

Mayor Pro Tem Milo motioned to adjourn the meeting; Councilor Topham second the motion; motion carried unanimously. The meeting adjourned at 7:09 p.m.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Mary Jo Valdez, Municipal Clerk



# CITY OF DEMING OATH OF OFFICE

STATE OF NEW MEXICO }

County of Luna }

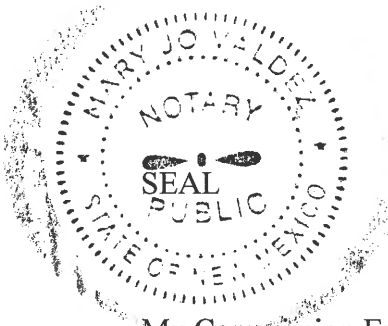
ss.

I, Clint Hogan, having been contracted to the office of Chief of Police for the Deming Police Department in the CITY OF DEMING, in the County of Luna and State of New Mexico, do solemnly swear that I will support the Constitution of the United States, the Constitution and laws of the State of New Mexico and faithfully and impartially discharge the duties of said office to the best of my ability and in strict accordance with the law, so help me God.

Signature

Subscribed and sworn to before me this 19<sup>th</sup> day of October 2021

Notary Public



My Commission Expires: 12-16-21

# *Proclamation*

## VETERANS DAY

**WHEREAS**, since the 11<sup>th</sup> hour, 11<sup>th</sup> day of the 11<sup>th</sup> month of 1918 a World War I armistice was proclaimed, Veterans Day has been uniquely an American Day of remembrance on which we pay our respects and honor the American service members who have served the armed forces of our country, and

**WHEREAS**, in keeping with the traditions that have preceded us, many of us have friends and family members who have selflessly given of themselves to the future of this great nation and who we honor on this day, and

**WHEREAS**, the service members, from the Army, Air Force, Navy, Marine Corp and Coast Guard were someone's child, someone's spouse, someone's parent and it is important that we remember every day, in this great nation, that our freedom came at a price, and

**WHEREAS**, Veterans have bravely served in all parts of the world, not only fighting for our freedoms but for all mankind, and

**WHEREAS**, the City of Deming and Luna County joins with the cities and counties throughout the great state of New Mexico in honoring those who have given their lives and recognizing that their sacrifices were noble, their heroism unparalleled and their dedication to God and Country is unforgettable.

**NOW THEREFORE, BE IT PROCLAIMED** on November 11, 2021, be observed as

## VETERANS DAY

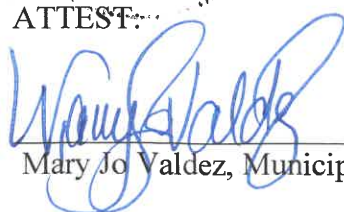
In the City of Deming, in remembrance and in honor of the Veterans who have given their lives in the service of our country.

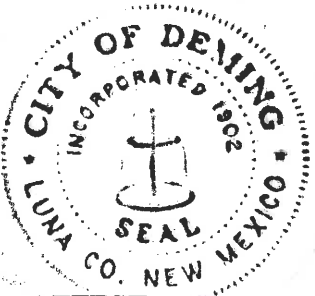
Signed this 19<sup>th</sup> day of October 2021 in the City of Deming, New Mexico.

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Mary Jo Valdez, Municipal Clerk



City Of Deming  
RESOLUTION NO. 21-26  
PARTICIPATION IN CAPITAL OUTLAY PROGRAM  
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Deming and the New Mexico Department of Transportation enter into a cooperative agreement.

WHEREAS, the total minimum cost of the project will be \$300,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 100% or not exceed \$300,000.00
- and
- b. City of Deming's proportional matching share shall be 0%.

The City of Deming shall pay all costs, which exceed the total amount of \$300,000.00.

NOW therefore, be it resolved in official session that City of Deming determines, resolves, and orders as follows:

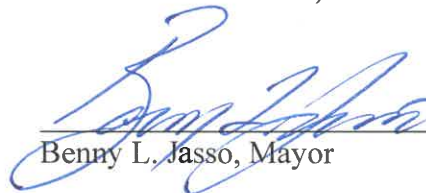
That the project for this Cooperative agreement is adopted and has a priority standing.

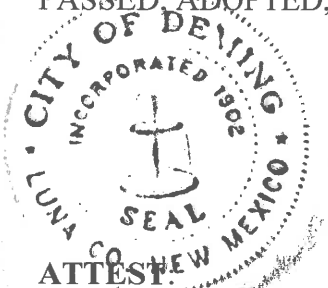
The agreement terminates on June 30, 2025, and the City of Deming incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

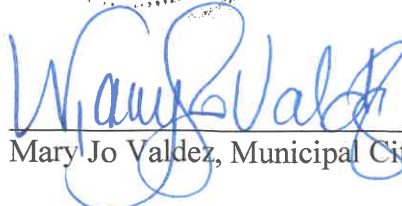
NOW, therefore, be it resolved by the City of Deming to enter into Cooperative Agreement Control Number C1213020 with the New Mexico Department of Transportation for Capital Outlay (Laws of 2021) for "Planning, design and construction of street and drainage improvements along South Santa Barbara Street in Deming in Luna County ".

PASSED, ADOPTED, AND APPROVED this 19<sup>th</sup> day of October 2021.

CITY OF DEMING, NEW MEXICO

  
Benny L. Jasso, Mayor



  
Mary Jo Valdez, Municipal City Clerk

RESOLUTION NO. 21-27

**EXHIBIT B**

PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM  
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the **City of Deming** and the New Mexico Department of Transportation have entered into a grant agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$3,478,448 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$3,304,525.60; and
- b. **City of Deming**'s proportional matching share shall be 5% or \$173,922.40

TOTAL PROJECT COST IS \$3,478,448.00

The **City of Deming** shall pay all costs, which exceed the total amount of \$3,478,448.00.

Now therefore, be it resolved in official session that **City of Deming** determines, resolves, and orders as follows:

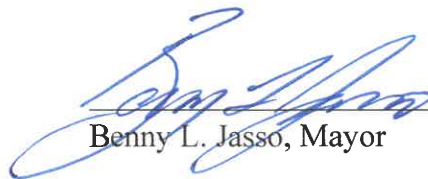
That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2025 and the **City of Deming** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

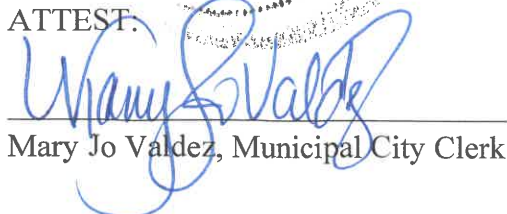
Now therefore, be it resolved by the **City of Deming** to enter into Cooperative Agreement for Project Control Number **LP10012** with the New Mexico Department of Transportation for the TPF Program for year 2022 for - Industrial Freight Transportation Route and Pedestrian Safety Improvements: asphalt roadway improvements on Dona Ana Road from NM Hwy. 11 to Country Club Road (NM Hwy 427), on Country Club Road (NM Hwy 427) from Dona Ana Road to Cedar Street, and Cedar within the control of the **City of Deming** in New Mexico.

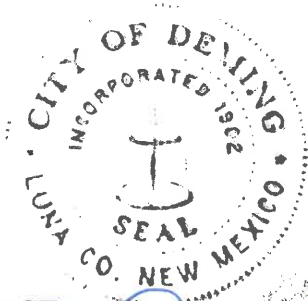
PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of October 2021.

CITY OF DEMING, NEW MEXICO

  
Benny L. Jasso, Mayor

ATTEST.

  
Mary Jo Valdez, Municipal City Clerk



**CITY OF DEMING, NEW MEXICO**  
**RESOLUTION NO. 21-28**

**A RESOLUTION IN SUPPORT OF NEW MEXICO'S OIL AND GAS INDUSTRY**

**WHEREAS**, the Deming City Council, met in regular session on October 19, 2021, at 5:30 P.M. in the John Strand Municipal Building, located at 309 S. Gold Ave., Deming, New Mexico 88030; and,

**WHEREAS**, NMSA 1978, Section 3-18-1-F provides that Municipalities have the power to, "protect generally the property of its municipality and its inhabitants";

**WHEREAS**, New Mexico has been a major producer of oil and natural gas since hydrocarbons were first discovered in the state during the early 1920s; and,

**WHEREAS**, data from the State's Oil Conservation Division (OCD) reported New Mexico finished 2020 with about 367.8 million barrels of oil produced and 1.9 trillion cubic feet of natural gas; and,

**WHEREAS**, the oil and gas industry in New Mexico provides a significant contribution of direct economic activity through the purchases, employment and payments to the State and Local governments; and

**WHEREAS**, oil and gas activities, including payments to other industries, to households and to State and Local governments supported over 125,000 jobs, more than 10% of total statewide employment; and

**WHEREAS**, the oil and gas industry also supported over \$7 billion of Labor Income, nearly \$15 billion in total economic output, and nearly \$3 billion in State and Local tax payments, exceeding 25% of the state total; and

**WHEREAS**, the largest single category of the State's General Fund recurring spending is public education; and

**WHEREAS**, the total General Fund spending reached \$7.66 billion in FY20, of which 33.5% or \$2.57 billion was funded by the oil and gas industry; and

**WHEREAS**, the FY20 Operating Budget provided a total of \$3.17 billion to school districts and charters, of which 33.5% of this amount, or \$1.06 Billion, is attributable to revenue from oil and gas production; and

**WHEREAS**, in addition, \$867 million was distributed from the General Fund to higher education, of which 33.5% or \$290 million was from oil and gas revenue; and

**WHEREAS**, combined, oil and gas tax revenue supported \$1.37 billion for education in FY20; and

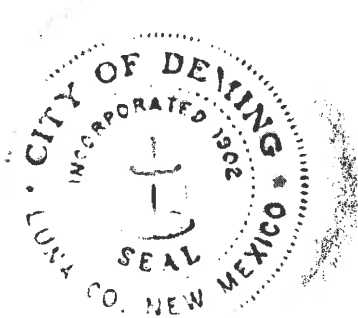
**WHEREAS**, State and Federal legislation, Non-Government Organization (NGO) activists and other entities continually deride, impede and inhibit oil and gas development within the State of New Mexico, particularly southeast New Mexico; and,

**WHEREAS**, President Biden 's Executive Order on Tackling the Climate Crisis at Home and Abroad indefinitely suspends the federal oil and gas leasing program; and,

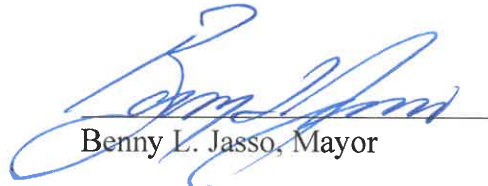
**WHEREAS**, no State is as impacted as New Mexico by the Biden's Administration's moratorium on oil and gas on federal lands; and,

**NOW THEREFORE, BE IT RESOLVED**, the City Council of the City of Deming, recognizing that the oil and gas industry provides over one-third of the State's budget, express its continued support for the oil and gas industry, and calls upon Governor Lujan Grisham and our federal legislative delegation to demand that the Biden Administration repeal its moratorium on oil and gas leasing on federal lands.

**PASSED, ADOPTED, AND APPROVED** this 19<sup>th</sup> day of October 2021



**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

ATTEST:

  
Mary Jo Valdez, Municipal City Clerk



**CITY OF DEMING, NEW MEXICO  
ORDINANCE NO. 1306**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 2-E. 1 a. and b. OF  
THE MUNICIPAL CODE OF THE CITY OF DEMING, NEW MEXICO  
TO CORRECT THE WRITTEN DOLLAR AMOUNTS**

**AND THE AMENDMENT TO TITLE 9, CHAPTER 4, SECTION 3 WITH THE  
ADDITION OF 3-H, REGARDING THE PROHIBITION OF DOMESTIC WATER  
WELL DRILLING WITHIN THE CITY LIMITS**

**9-4-2. WATER METERS:**

**E. Examination And Testing**

1. Customer Request Test; Deposit: Any customer shall have the right to request that the meter through which water is being furnished be examined and tested by the public works department with the following amounts charged for the various sizes:

- a. For testing a five-eighths inch ( $\frac{5}{8}$ " ) meter, twenty-five dollars (\$25.00).
- b. For testing a one inch (1" ) meter, thirty dollars (\$30.00).

**ADDITION OF SECTION 9-4-3-H**

**9-4-3. WATER USE PROVISIONS:**

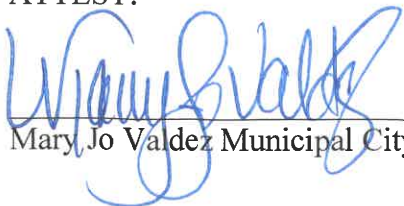
H. Prohibited Drilling of Domestic Water Wells Within the City Limits: It is strictly prohibited to drill and equip a domestic water well within the City limits. This restriction applies to any individual, private citizen, commercial venture, industrial application, entity, corporation, public/private venture, municipality, government agency, or non-profit corporation that is seeking potable water within the City limits. The exception is the City of Deming, who shall be the sole provider and sell potable water within the limits of the City's jurisdiction in accordance with NMED Drinking Water Bureau and EPA rules and regulations.

- 1. If a metered connection to City water is not feasible as determined by the Public Works Director, an exception may be requested through special use permit and review/approval by City Council.

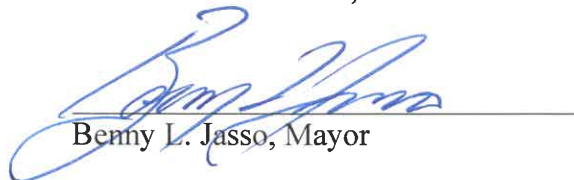
**PASSED, ADOPTED, AND APPROVED**, this 19<sup>th</sup> day of October 2021.



ATTEST:

  
Mary Jo Valdez Municipal City Clerk

**CITY OF DEMING, NEW MEXICO**

  
Benny L. Jasso, Mayor

**CITY OF DEMING, NEW MEXICO**  
**ORDINANCE NO. 1307**

**AN ORDINANCE APPROVING THE SALE OF REAL ESTATE OWNED BY THE  
CITY OF DEMING, NEW MEXICO TO DON R. KILE TRUST.**

WHEREAS, the City of Deming is proposing to sell real estate to Don Kile, Trustee of the Don R. Kile Trust dated March 12, 2003 and as amended whose address is P.O. Box 45559, Phoenix, Arizona 85064; and

WHEREAS, Don Kile, Trustee of the Don R. Kile Trust dated March 12, 2003 and as amended has expressed interest in utilizing the lands described herein for developing programs to support local economic development activities, including development of sports tourism programing consisting of active land improvements specific for creating habitat and related improvements for field trials training and competition for the pointing and sporting dog breeds that would aspire to bring direct visitors spending benefits to the businesses and residents of Deming and Luna County; and

WHEREAS, the City of Deming pursuant to section 3-54-1 and 3-17-3 NMSA 1978 Comp. has published a Notice of Proposed Ordinance Approving the Sale of Real Estate owned by the City of Deming.

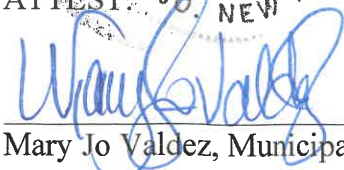
NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

1. The City of Deming, New Mexico shall sell to Don Kile, Trustee of the Don R. Kile Trust dated March 12, 2003 and as amended, certain real estate in Luna County, New Mexico described in the survey contained in Exhibit A, attached hereto by reference.
2. The purchaser has proposed to pay a total price of \$392,882.00 for 100 water righted acres, and 1637.2 non-water righted acres of property, referred to as "Murdock Farms" with the legal description listed in (Exhibit A).
3. The appraised market value of the parcel is \$392,882.00.
4. The City of Deming's purpose in entering into this land sale with Don R. Kile Trust is to stimulate economic activity, facilitate investment in our community, enhance the local government tax base, and add employment to our area.
5. The approval of this sale may be subject to a referendum pursuant to Section 3-54-1D, NMSA 1978. This ordinance shall become effective forty-five days after its adoption unless a referendum election is held pursuant to Section 3-54-1(H) NMSA 1978 Comp.

PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New Mexico, this 19<sup>th</sup> day of October, 2021.



ATTEST

  
Mary Jo Valdez, Municipal Clerk

CITY OF DEMING, NEW MEXICO

By

  
Benny L. Jasso, Mayor



**ORDINANCE NO. 1307**  
**(EXHIBIT A)**

(a) The following described real property situated in Luna County, New Mexico, together with all buildings and improvements thereon, together with all rights, privileges, and appurtenances thereto, save and except for any water rights except as otherwise described herein, and subject to current taxes, assessments, reservations, and easements as may appear of record:

- (i) Tracts 43, 44, Block 12, Unit 112 of the Deming Ranchettes, according to the plat thereof (No. 97) on file in the office of the Luna County Clerk;
- (ii) All of Section 3, Township 25 South, Range 6 West, N.M.P.M., with water rights reserved save and except for 100 acres of water righted acres (300 acre ft.) as described in Section 1.01(b), below;
- (iii) The west half (W1/2) of Section Eleven (11), Township Twenty-five (25) South, Range Six (6) West, N.M.P.M., Luna County, New Mexico;
- (iv) All of Section Fifteen (15), Township Twenty-five (25) South, Range Six (6) West, N.M.P.M., Luna County, New Mexico, with all water rights reserved;
- (v) The Northwest Quarter of Section Twenty-two (22), Township Twenty-five (25) South, Range Six (6) West, N.M.P.M., Luna County, New Mexico;

together with all improvements thereon, with all water rights reserved except as otherwise provided herein (hereafter collectively referred to as the “Real Property”), with warranty covenants;

(b) One hundred (100) water righted acres situated in Section 3, Township 25 South, Range 6 West, N.M.P.M., allowing for diversion of three-hundred acre-feet of water per year (hereafter referred to as the “Water Rights”);

(c) the following described tangible and intangible personal property that is associated with the Real Property: all equipment, furnishings, materials, signage, and other tangible personal property owned by Seller and placed, installed on, in or about the Real Property, the name “Murdock Farms” (hereafter collectively referred to as the “Personal Property”).