

VILLAGE OF CLOUDCROFT

Minutes of the Special Council Meeting of the Governing Body for the Village of Cloudcroft held on Monday, October 5, 2020 at 5:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William M. Denney called the meeting to order at 5:00 p.m. with the following Council members providing a full Quorum: Present/absent:

- Trustee / Mayor Pro Tem John Tieman - present
- Trustee – George Mitchell - present
- Trustee – Bruce Smaga - present
- Trustee – James Maynard – present via Face Time meeting

The following Village staff and guests were present: Jini Turri, Administrator; Barbara K. Garcia, Village Clerk/Treasurer; Jefferson Rhodes, Village Attorney; Kevin Summers, VOC Chief of Police; Jeremy Adams, 32 Degrees North, LLC.; Michael Adams, 32 Degrees North, LLC. (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor William M. Denney. (Item #2)

APPROVAL OF AGENDA:

Mayor Denney entertained a motion to approve the Agenda for the Special Meeting of October 5, 2020 with the changes of moving discussion of the Police Department to 4.5 and to strike from the agenda the discussion to consider limited emergency responder staff. Trustee Tieman made such motion, Trustee Mitchell seconded the motion and upon vote of Trustees Smaga, Tieman, Mitchell and Maynard all voting "aye" the motion carried unanimously. (Item #3)

APPROVAL OF MINUTES:

Mayor Denney entertained a motion to approve the Minutes of the Special Council Meeting of October 5, 2020. Trustee Maynard made such motion to approve as written, Trustee Smaga seconded the motion and upon vote of Trustees Smaga, Tieman, Mitchell and Maynard all voting "aye" the motion carried unanimously. (Item #4)

NEW BUSINESS: Police Department Location-Budgetary Discussion

Mayor Denney advised that at the last council meeting discussion surrounding a Titan Steel building that Chief Summers had located for purchase to be utilized for the Police Department, after discussion in that meeting it was agreed this was a good idea and had the support of the governing body with concerns being brought of the snow load of the building in question. Chief Summers called Titan Steel back to advised them that we would not be purchasing, and they meet all spec's that both Trustee Smaga and Trustee Maynard wanted for the snow load. Mayor Denney explained to the council that he made the decision to purchase the building based on the purchase price and that it meets all criteria. Discussion ensued regarding the location of placement and advised that they are leaning towards up by the maintenance shop due to the ground being mostly level, all of the utilities being mostly there, the ability to expand and not hamper any expansion of the Fire Department. Accessibility will be no problem during winter due to snow is plowed down this road first by the Public Works department exiting with equipment. Mayor requested input from the council on the location at this time. Alternate sites were reviewed for the positive/negative aspects. The small lot the Village owns by the school admin building and the land between the fire station and the museum. Response time and parking access were discussed. Availability to the public was discussed and how many people seek out the police at the main office at this time, it was advised that there is quite a bit and then office staff have to in turn let the public know that even though an officer may be in house at the time they will need to contact Otero County Dispatch to see an officer. Dispatch maintains the records and are responsible for dispatching an officer based on the complaint. Good access to the highway is a must and was discussed that this was one of the thoughts behind the location choice of maintenance yard. Trustee Mitchell asked the Chief for his preference on the location and Chief explained that it was the maintenance yard for various reasons along with those discussed.

Trustee Tieman stated that since we had purchased the building already did that price include all the finish out? Mayor Denney explained that no, we have a shell and that if a decision is made not to go forward the building could be sold at a good price for the Village due to the purchase price being so low. The building is 34x55 which will more than accommodate the need. An estimate was presented to the governing body members on the finish out that was gathered for their review and comments. Cost of the building was \$19,100 with the estimate for finish out coming in at \$160,000 with a twenty percent cost overage included in that. Estimates were put together by staff, discussing with local contractors. Mayor Denney also explained that we have expectations of a lot of the work being done by the Public Works Department to assist in reducing this cost further. Mayor Denney advised that he would review all locations mentioned and then decide. The Mayor advised all members they were free to email him with any further ideas they may have, and he just wanted this as a discussion item, so they are aware that the Village is moving forward. (Item #4.5)

EXECUTIVE SESSION: *Recess into closed session in compliance with Real Property & Water Rights §10-15-1.H (8) Proposed License 32 Degrees North, LLC and the Village of Cloudcroft*

Trustee Mitchell motioned to recess to Executive Session to discuss confidential materials concerning Proposed License between Village of Cloudcroft and 32 Degrees North, LLC. Mayor Venable acknowledged the motion and called for a second, Trustee Smaga seconded the motion and with no further discussion a roll call vote was taken.

Trustee Smaga – Aye
Trustee Tieman – Aye
Trustee Mitchell – Aye
Trustee Maynard – Aye

Motion carries. Council recessed into closed session at 5:20 p.m.

RECONVENE INTO OPEN SESSION:

Mayor Venable entertained a motion to adjourn from Executive Session and reconvene into Open Session at 5:20 p.m. Trustee Mitchell made such motion; Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

Trustee Smaga – Aye
Trustee Tieman – Aye
Trustee Mitchell – Aye
Trustee Maynard – Aye

Statement by Mayor Denney requested that the record reflect that the Governing Body of the Village of Cloudcroft, New Mexico, hereby states that on October 5, 2020 a Closed Executive Session was held and the matters discussed in the closed meeting were limited only to matters of Real Property & Water Rights §10-15-1.H (8) Proposed License 32 Degrees North, LLC and the Village of Cloudcroft as posted on the meeting notice. Mayor Denney noted that no action or votes were taken.

Mayor Denney requested if the Adams had seen the proposed License at this time and at the negative response, Mayor Denney advised that the Village has come up with a License agreement through March 1, 2021 to allow the LLC to open and obtain their insurance while continuation of Lease negotiation continues. Lease negotiations are pending appraisal. The DRAFT License was presented to the Adams for their review.

Trustee Smaga made a motion to table the License agreement to allow the Adams of 32 Degrees North, LLC the opportunity to review the License agreement, Trustee Tieman seconded the motion and with all in favor the motion carries. Mayor Denney advised the Adams that in the License it states an annual rent of \$5000 with 3% of GRT and another option is to replace that with \$500 monthly or 3% of GRT monthly whichever is greater.

NEW BUSINESS:

Resolution No. 2020.22 – NMDOT Cooperative Agreement – Replaces Resolution 2020.21

Jini Turri, Administrator explained to the governing body that this resolution was needed to change termini to: Swallow Place from Hwy. 82 to Burro Ave., this should be the last change that is necessary. Mayor Denney entertained a motion to adopt Resolution No. 2020.22. Trustee Maynard made such motion to adopt, Trustee Smaga seconded the motion and with no further discussion a roll call vote was taken.

Trustee Smaga – Aye

Trustee Tieman – Aye

Trustee Mitchell – Aye

Trustee Maynard – Aye

Motion carries.

Resolution No. 2020.23 – NMDOT MAP Agreement – Replaces Resolution 2020.22

Jini Turri, Administrator explained to the governing body that this resolution was needed to change termini to: Swallow Place from Hwy. 82 to Burro Ave., this should be the last change that is necessary. Mayor Denney entertained a motion to adopt Resolution No. 2020.23. Trustee Tieman made such motion to adopt, Trustee Maynard seconded the motion and with comment from Trustee Mitchell pointing out a typo to correct a roll call vote was taken with approved changes.

Trustee Smaga – Aye

Trustee Tieman – Aye

Trustee Mitchell – Aye

Trustee Maynard – Aye

Motion carries.

Mayor Denney entertained a motion to remove the Proposed License 32 degrees North, LLC from the table and bring back into discussion. Trustee Smaga made such motion, Trustee Mitchell seconded the motion and with no further discussion the motion carries.

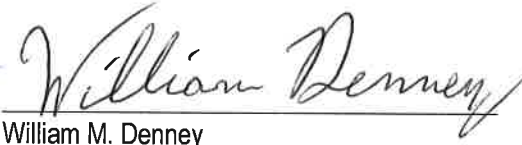
Mayor Denney entertained a motion to discuss the Proposed License 32 degrees North, LLC and the Village of Cloudcroft, Trustee Smaga made such motion with the License agreement being presented as \$500 a month or 3% of GRT whichever is greater. Trustee Mitchell seconded the motion, and with further discussion from Trustee Maynard reiterating that this would be calculated monthly. With no further discussion the motion passes.

Mayor Denney requested of the Adams if they had reviewed the License, Michael Adams advised the mayor that they were going to get legal clarification from their lawyer regarding section 5 of the license. Jeremy Adams asked what the section meant for moving equipment that they currently own? They were advised that if they were doing anything permanent to the area it would need to come before the council and that from this point forward they would be placed on the agenda to bring forth a report on activities and any requests. Jeremy advised that the insurance inspection was set for the 19th of October and that they needed to have moved and installed prior to that for the inspection. Mayor Denney advised that if there are any negotiations that need to happen on movement of equipment a Special Meeting would have to be called for this to be placed on the agenda. The Adams advised that they were planning on taking the hand tow lift out and replacing with a carpet lift in a different location. The Clerk advised that at this time the discussion had moved to something that was not on the agenda and needed to be ceased until a meeting could be called to discuss that item. Mayor Denney advised that during this Special Meeting the discussion needed to remain around the License. Mayor Denney advised the Adams that if they are making big movements such as this they needed to be placed on the agenda and drawings brought forth for review so that the entire governing body was aware and able to take a vote. The Adams advised they should be able to have an answer for the License within two days. Trustee Tieman requested to have the floor with the Mayor providing one (1) minute for discussion. After dialog that was off the agenda, the clerk advised that this could not be discussed at this time.

ADJOURNMENT: Mayor Denney stood for a motion to adjourn the meeting of October 5, 2020, Trustee Mitchell made such motion, Trustee Maynard seconded the motion, and the meeting was adjourned at 6:25 p.m. (Item #6)

ATTEST


Barbara K. Garcia, CPO
Village Clerk/Treasurer


William M. Denney
Mayor



Page 4 of 4
Special Council Meeting
October 5, 2020