

**VILLAGE OF CLOUDCROFT
OTERO COUNTY NEW MEXICO**

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, Otero County held on Tuesday, July 13, 2021, at 6:00 p.m., in the Village Council Chambers, 201 Burro Ave., Cloudcroft.

Mayor Denney called the meeting to order at 6:00 p.m. with the following Council members providing a full Quorum:
Present/absent:

Mayor – William M. Denney – present

- Trustee – Bruce Smaga - present
- Trustee – John Tieman - present
- Trustee – James Maynard – present
- Trustee – George Mitchell – present

The following attendees were present in the Chambers: Kevin Summers, Chief of Police; Jubal Hall, Jini Turri, VOC Project Manager; Shaela Hemphill, Utility Clerk; Danielle Dalton, Court Clerk; Dusty Wiley, Judge; Grover Sterling, self, Peg Crim & Lisa Yehle, 100% Otero; Ray Fresquez, Stantec; Gilbert Garcia, self; Glenn Edwards, self; Erich Wuersching, VOC Fire Chief; Tony Owens, LLDP; Tana Daugherty, CMS; Guy Ross, self. (Item #1)

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

Approval of Agenda: Mayor Denney entertained a motion to approve the agenda of the Regular Meeting of July 13, 2021. Trustee Smaga made such motion to amend the agenda to move Recommendation of Award of ITB 2021.01 to second item under new business, following 100% Otero and approve with amendment. Trustee Tieman seconded the amendment to the agenda and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #3)

Approval of Minutes: Mayor Denney entertained a motion to approve the Minutes for the Governing Body Regular Meeting of June 8, 2021 & Special Council Meeting of Governing Body July 6, 2021. Trustee Tieman made a motion to approve both minutes as written, Trustee Mitchell seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #4)

Announcements/Discussion: *Date for Special Meeting of governing Body in late July 2021 for 4th quarter budget and final budget approval.* Meeting was set for July 27, 2021 @ 5:30pm (Item #5)

Mayor's Report: *ICIP – 2023-2027, prioritization will be during the August Regular Council Meeting.* Mayor advised to bring your workbook to meeting. Please direct any new projects to either the Mayor or Clerk in the interim. *Joe John Carrizal attained Water Level 4 and will be testing for W/Water Level 2.* Mayor Denney advised that he has received his raise for certification and that he is a top level employee. *American Rescue Plan Act – Local Fiscal Recovery Funds (FRF).* Mayor Denney advised that the Village of Cloudcroft will receive \$176,525 dollars and that all reports are contained in the packet. (Item #6)

Reports: *Report Ski Cloudcroft – Michael Adams:* Clerk advised that updated report was not given at time of

Page 1 of 5
Regular Council Meeting
July 13, 2021

meeting, however, Jessica Beach would be sending it in. Clerk stated that reporting of CRS and payments was on time. Mr. Hall informed that there had been some flooding issues that he and Jeremy took care of re-directing. Nothing at this time has been done to the cesspool to divert water from filling it at this time. Trustee Maynard brought to councils' attention that 33% of customer usage is driving revenue with 209 meters not utilizing or impacting system resulting in 70% of revenue. Clerk advised that this would be reviewed in the Water Ordinance Committee to review the top tier users and charges associated with these accounts. Trustee Tieman made a motion to approve the reports as written, Trustee Mitchell seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #7)

Unfinished Business: Nothing to discuss (Item #8)

New Business: Discussion/Action: "100% Otero" – Grass roots initiative to eliminate childhood trauma in Otero County – Presentation by Peg Crim & Lisa Yehle. Presentation verbally and PowerPoint was made and to advise on the initiative to eliminate childhood trauma. With interactive comments from Council and attendees.

Discussion/Action: Recommendation to Award ITB 2021.01 Municipal Arterial Program Cooperative Agreement. Contract #D18660 Construction, Control #L200519 to La Luz Paving, Inc. – Ray Fresquez Bid tabulation was passed out and funding was reviewed with the council. La Luz Paving bid came in with lowest bid at \$195,866.17 which is overbudget by \$32,532.09. Mr. Fresquez went over several options for the Village to take, such as doing a change order which will delay the project through the State. Or the council can elect to award as bid, but the Village would then need to come up with the difference, or reject all bids and go to re-bid. If a change order is not put in, then the Village would take the \$13,000 that would be clawed back and apply it to the overage of \$32,532.09 and the Village would need to come up with \$19,539.09 out of the Village General Fund. Trustee Smaga made a motion to accept La Luz Paving, LLC bid of \$195,866.17 as designed. Trustee Tieman seconded the motion, further discussion assuring that this maintains the design all the way through Burro Ave. Upon vote of Trustees Smaga, Tieman, Maynard and Mitchell, all voting "aye" the motion carried unanimously.

Discussion/Action: Joint Powers Agreement for the Financing and Establishment of the Tularosa Basin Regional Dispatch Authority for a Public Safety Answering Point (TBRDA). Chief Summers explained the JPA will allow funding opportunities to allow for a unified dispatch and does not change anything in the performance of the SO dispatching for the Village of Cloudcroft. Trustee Tieman made a motion to the approve the JPA for Regional Dispatch Authority for a Public Safety Answering Point. Trustee Maynard seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell, all voting "aye" the motion carried unanimously.

Discussion/Action: Publication of proposed and publication of adopted Ordinance by title and general subject matter. Proposed amendment to Ordinance 5-1-9 (L) Prohibited Activities, Vicious Animals – Presenter Judge Wiley.

Judge Wiley explained the current ordinance has no language for vicious animal consequences. If the ordinance is not amended the police would need to site state law and then it would need to be sent to Magistrate Court. Recommendation was made by staff that violations be placed in the current ordinance. The only thing with the current ordinance is a fine and release of the animal back to the owner. We do not have an impound to keep the animal. If the violation was sent to magistrate court the officers would need to go down the mountain to testify. Discussion ensued on the definition of a vicious animal. Mayor Denney directed the Village Attorney to draft an ordinance based on the presented recommendations.

Page 2 of 5
Regular Council Meeting
July 13, 2021

Discussion/Action: Publication of proposed and publication of adopted Ordinance by title and general subject matter. Proposed amendment to Ordinance 6-1-d-A – Speeding fines in School Zone – Presenter Judge Wiley. Trustees discussed the difference between jail time and increased fines, and speed traps. Attorney Rhodes explained jail time and impoundment. Better signage was discussed with Mayor Denney recommending that the fines be doubled and add more signage. Mayor Denney directed the Village Attorney to draft an ordinance based on the presented recommendations.

Discussion/Action: Publication of proposed and publication of adopted Ordinance by title and general subject matter. Proposed amendment to Ordinance 387 Repeal of Sections 1-7B-1 through 1-7B-6. Mayor directed Attorney Rhodes to draft an Ordinance to bring the EMS Director under the Mayor rather than the Volunteer Fire Chief. Discussion ensued on the EMS department and what it must be covered under the Fire Department for PERA and Insurance. Trustee Smaga made a motion to postpone to a future meeting to allow Attorney Rhodes time to draft, Trustee Tieman seconded and upon vote of Trustee Smaga, Tieman, Maynard and Mitchell all voting “aye” the motion carried unanimously.

Discussion/Action: Publication of adoption by title and general subject matter. Ordinance 391 Amending 7-A-2.C, 7-1A-2 D., 7-1B-6 B, and 7-1B-6 C. Clarifying Water and Sewer Penalty Rates charged on delinquent accounts.

Attorney Rhodes clarified that this allowed what was intended by the Ordinance as written, rather than the interpretation of the Auditing Firm. Late fees were written off; however, water charges remain. Trustee Tieman made a motion to publish for adoption by title and general subject matter. Ordinance 391 Amending 7-A-2.C, 7-1A-2 D., 7-1B-6 B, and 7-1B-6 C. Clarifying Water and Sewer Penalty Rates charged on delinquent accounts, Trustee Mitchell seconded and with no further discussion a roll call vote was taken.

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

The motion carries unanimously.

Discussion/Action: Recommendation to Award ITB 2021.03 CDGB – 18-CRS-I-03-G-16 Senior Center Addition to Jack Wayte Construction Co, or EPPX Construction based on State Project Manager Review of Technical Errors – Jini Turri

Mayor Denney postponed until the July 20, 2021, special meeting.

Discussion/Action: Resolution 2021.11 COB FY 21-22 & FY21-22 Renewal Southeastern New Mexico Economic Development District Member Contribution

Yearly resolution for membership with COG. Trustee Tieman made a motion to accept Resolution 2021.11, Trustee Maynard seconded the motion and with no further discussion a roll call vote was taken.

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

The motion carries unanimously.

Discussion/Action: Resolution 2021.12 NM DOT Coop Agreement 82 to Squirrel – L200550

Mrs. Turri advised that the resolution to apply was approved in March of 2021. The NM DOT agreement has been approved and we are now requesting of the governing body to accept the funding of \$295,000 with a cash match from the Village of \$73,750 for which we will be able to apply for a waiver. Mayor Denney and the Clerk have requested a waiver of \$50,000. Trustee Mitchell made a motion to accept Resolution 2021.12 NM DOT Coop Agreement 82 to Squirrel – L200550, Trustee Smaga seconded the Motion and with no further discussion a roll call vote was taken.

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

The motion carries unanimously.

Discussion/Action: Resolution 2021.13 NM DOT Coop Waiver of Cash Match – L200550

Mayor Denney clarified that we are requesting a waiver of the cash match in the amount of \$50,000 instead of the full \$73,750. Trustee Tieman made a motion to accept Resolution 2021.13 NM DOT Coop Waiver of Cash Match – L200550, Trustee Maynard seconded the motion and with no further discussion a roll call vote was taken.

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

The motion carries unanimously.

Discussion/Action: Resolution No. 2021.14 Annual Inventory Report – Jini Turri

Trustee Mitchell made a motion to accept Resolution 2021.14 Annual Inventory Report, Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

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

The motion carries unanimously.

Discussion/Action: Resolution 2021.15 Adoption of Required Community Development Block Grant (CDBG) Certifications and Commitments, Federal Requirements & Fair Housing Self-Assessment.

Mrs. Turri explained that the State requires an inventory of anything over \$5,000. A report of anything the village holds that is over \$5,000 was presented and any land, building or improvements.

Trustee Smaga made a motion to approve Resolution 2021.15 Adoption of Required Community Development Block Grant (CDBG) Certifications and Commitments, Federal Requirements & Fair Housing Self-Assessment, Trustee Mitchell seconded the motion and with no further discussion a roll call vote was taken.

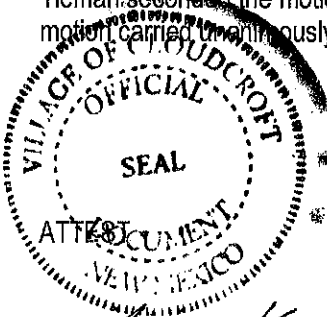
- Trustee Smaga - Aye
- Trustee Tieman – Aye
- Trustee Maynard – Aye
- Trustee Mitchell – Aye

The motion carries unanimously. (Item #9)


Discussion: Water discussion ensued regarding the stabilization of the Wells & Springs. Mr. Hall gave an update as to hauling water and the amount per day. Four truck loads per day, water hauling will stop as of 7/14 or 7/15 depending on fill and re-charge of the wells. Amount billed at this point for water has been \$10,000+. Public Works is continuing to work on water leaks that have been found or known about. Village is in the process of re-configuring the Wastewater Treatment Plant to allow utilization of affluent water for cleaning. Water Leaks have been detected at the Forest Service Fire Department and the Cloudcroft Schools. Trustee Maynard requested that once we get past the crisis, we continue to focus on problem areas. Water meter at school will be replaced with movement of line to Swallow and will be done prior to construction of new road project on Swallow. Trustee Maynard questioned Mr. Hall if he needed additional resources with all the projects that are currently taking place? Mr. Hall feels that most of the work will be getting the parts needed in a timely manner. Mayor requested that instead of getting contract companies in this timeframe, would it help to do temp hiring of individuals to assist? Suggestions were made to hire temps for other projects while Public Works employees focus on the Swallow water and sewer line replacement. Mr. Hall stated that they would be alright without assistance and would start on Monday and get it done. Springs are running at about 33 gallons. Mayor Denney advised that letters did not go out to bulk water customers after the last meeting, and we will wait until 7/20/2021 decision made at the Special Meeting. A review of Bulk Water usage ensued.


Bills & Treasurer's Report: *Acknowledgment June 2021 Bills Paid and Report;* Mayor Denney entertained a motion to acknowledge the bills and treasury report for June 2021. Trustee Tieman made such motion, Trustee Mitchell seconded, and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #10)

Adjournment: Trustee Mitchell made a motion to adjourn the Regular Council Meeting of July 13, 2021. Trustee Tieman seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. Adjourned at 8:56 p.m. (Item #11)



Page 5 of 5
Regular Council Meeting
July 13, 2021


Barbara K. Garcia
Clerk/Treasurer


William M. Denney
Mayor