

**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, August 10, 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 - absent
- 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; Grover Sterling, self, Gilbert Garcia, self; Erich Wuersching, VOC Fire Chief; Darrell J. Pehr, Mountain Monthly; Kevin Tharp, Cloudcroft Pickleball; Nicole Ferdetta, self; Gail K. MCCoy, Crofting Inn; Lisa Wojcik, VOC Library; Eddie Livingston, Livingston Associates; Dennis Alvoid, self; Mark & Cindy McKinney, self; Jeri-Lynn Sandusky, Cloudcroft Pickleball; Linda Meyer, self; Shelley M. Hughes, SMHA. (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 August 10, 2021. Trustee Tieman made such motion to approve as written, Trustee Maynard seconded and upon vote of Trustees 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 Public Hearing Regular Council of July 13, 2021, Regular Council Meeting of July 13, 2021, Special Meeting Governing Body July 20, 2021, Special Meeting Governing Body July 27, 2021, and Work Session Governing Body & P&Z July 29, 2021. Trustee Maynard made a motion to approve all minutes as written, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #4)

**Announcements/Discussion:** *Status report on Pickleball in Cloudcroft – Kevin Tharp*

Mr. Tharp passed out a presentation regarding Pickleball. Discussion ensued on the growth of the sport and the ability to seek potential improvements in the courts by an investment from the Village. (Item #5)

**Mayor's Report:** Mayor Denney announced that Tony Courvoisier was awarded the Operator of the Year by NM Rural Water Association this year. Mayor Denney also postponed the re-appointment of Erich Wuersching as Fire Chief & Emergency Manager and Jubal Hall as Deputy Fire Chief due to the time frame of being added to the agenda not allowing him ample opportunity to research. (Item #6)

**Reports:** *Report Ski Cloudcroft – Michael Adams:* provided via written report.

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Trustee Maynard made note of the reduction in the water loss. Mrs. Turri provided answers to questions regarding the current projects report. Scott Powell provided the water report and explained that the springs are doing normal, and all wells are still on auto. Grover Sterling requested to be added to the Water Committee that is reviewing the Water Ordinance. Trustee Maynard called for a Special Meeting regarding the Cannabis Act, a Special Meeting of the Governing Body was set for August 24, 2021, at 5:00pm. Trustee Tieman made a motion to approve the reports as written, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. (Item #7)

**Unfinished Business:** *Discussion/Action: Proposed amendment to Ordinance 5-1-9 (L) Prohibited Activities, Vicious Animals. Publication of proposed and of adopted Ordinance by title and general subject matter.*

Trustee Tieman made a motion to direct Attorney Rhodes to proceed with publication of the proposed amendment to Ordinance 5-1-9 (L) by title and general subject matter. Trustee Maynard seconded and with no further discussion a roll call vote was taken.

- Mayor Denney - Aye
- Trustee Tieman – Aye
- Trustee Maynard – Aye
- Trustee Mitchell – Aye

The motion carries unanimously.

*Discussion/Action: Adoption of Ordinance 392 6-1-2 A – Speeding fines in School Zone by title and general subject matter. Published 7/15/2021*

Trustee Maynard made a motion to approve the adoption of Ordinance 392 6-1-2 A and publish by title and general subject matter and notice of adoption. Trustee Mitchell seconded and with no further discussion a roll call vote was taken.

- Mayor Denney - Aye
- Trustee Tieman – Aye
- Trustee Maynard – Aye
- Trustee Mitchell – Aye

The motion carries unanimously. (Item #8)

**New Business:** *Discussion/Action: Approval of Michael Nivison Public Library "Internet Safety Policy: - presenter Lisa Wojcik*

Lisa Wojcik presented the E-rate Library qualifications. She explained that this was a source of funding as long as there was a filtration system in place for the Child Protection Act. She established that the current internet safety protocols are in place, and she has verified for several months to ensure safety. She is requesting to have the Governing Body approve New Mexico State Library Internet Safety Policy & Public Meeting. Trustee Maynard made a motion to approve the Internet Safety Policy, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously.

**Discussion/Action Agreement for Engineering Services – P Ure Water Project Water Treatment Plant Completion – Renew current agreement or Sole Source Procurement**

Mrs. Turri spoke to the contract expiration date and that the contract would need to be re-procured. There are two ways to accomplish the procurement of services, either go out to RFP for engineering services or post on the General Services Sunshine Portal as a Sole Source Procurement for thirty (30) days. In the past the Village choose to go out to a new RFP and there was no response due to the amount of work that has already been provided on the project.

Trustee Maynard made a motion to post Sole Source on the Sunshine Portal, Trustee Tieman seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously.

**Discussion/Action:** RFP #2021-01 – Professional Design Services for: James Sewell Ice Rink/Multiple Use Facility – Staff Recommendation & Evaluators Results

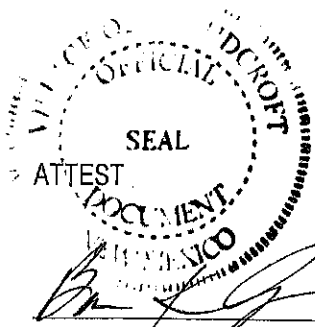
The clerk advised that RFP #2021.01 was responded to by two (2) firms, ASA Architects and Shelley Hughes Architects. The RFP procurement requires an evaluation process which was performed by five (5) independent evaluators. The average score for ASA Architects was 192.6 and the average score for Shelley Hughes was 169.2. Staff and Evaluators recommendation would be to award to ASA Architects with a meeting to directly follow the award to discuss the scope of work that would be performed prior to work commencing to establish a full understanding of the projected funds. Trustee Tieman made a motion to award to ASA Architects for the design services on the James Sewell Ice Rink/Multiple Use Facility RFP 2021.01 based on staff and evaluators recommendation, Trustee Mitchell seconded the motion. With further discussion from the audience requesting if the grant money was tied up until all monies are received. The audience was advised that the Village does not receive the money until it is expended. Once expended, payment reimbursement requests are sent to the State for reimbursement of the funds. Some of the funds have been spent that we were locked into to receive the funding, everything else is locked into the current project. Upon vote of Mayor Denney, Trustee Tieman, Trustee Mitchell, all voting "aye" and Trustee Maynard abstaining the motion carried with 3 Aye's and 1 abstention.

**Discussion/Action:** Records Destruction 2021.004

The clerk provided record of municipal records that are currently ready for destruction per the NMML Records Retention Guidelines. Trustee Tieman made a motion to approve the destruction of records per the NMML Records Retention Guidelines, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously.

**Bills & Treasurer's Report:** Acknowledgment July 2021 Bills Paid and Report; Mayor Denney entertained a motion to acknowledge the bills and treasury report for July 2021. Trustee Mitchell made such motion, Trustee Tieman seconded, and upon vote of Trustees 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 August 10, 2021. Trustee Maynard seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye" the motion carried unanimously. Adjourned at 7:16 p.m. (Item #11)



Barbara K. Garcia  
Clerk/Treasurer

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A handwritten signature in cursive script that reads "William Denney".

William M. Denney  
Mayor