

**VILLAGE OF CLOUDCROFT NM  
OTERO COUNTY  
REGULAR MEETING GOVERNING BODY  
SEPTEMBER 14, 2021**

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, September 14, 2021, at 6:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

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

Present/absent:

Trustee / Mayor William Denney – present  
Trustee / Mayor Pro-Tem Tieman - present  
Trustee – Jim Maynard – present  
Trustee – George Mitchell – present  
Trustee – Bruce Smaga – present via teleconference

The following Village staff and guests were present: Barbara K. Garcia, Clerk; Jini Turri, Project Manager; Tom Blessum, P&Z, Attorney Jefferson Rhodes; Grover Sterling, self; Jubal Hall, VOC Public Works, Darrell Pehr, Mountain Monthly; Gabriel Gaytan, self; Shelley M. Hughes, self & 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 for the Regular Meeting of September 14, 2021. Trustee Tieman made a motion to approve as written, Trustee Maynard seconded the motion and upon vote of Trustees Tieman, Maynard, Mitchell and Smaga all voting "aye" the motion carried unanimously. (Item #3)

**APPROVAL OF MINUTES:**

Mayor Denney entertained a motion to approve the Minutes of the Special Meeting of Governing Body and Planning & Zoning of August 24, 2021. Trustee Maynard made such motion, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard, Mitchell and Smaga all voting "aye" the motion carried unanimously. (Item #4)

**ANOUNCEMENTS/DISCUSSION:**

Mayor Denney announced that Officer Justin Mitchell resigned his position with the Cloudcroft Police Department and will be moving to a new position with another agency, we wish him well in his new endeavors. Renee Hayes, Library Assistant has also resigned her position to assist with other needs in her life at this time. She has been with the village for quite some time and will be missed. Jacob Toddy, who has worked with the Public Works department over the last several weeks to assist throughout the summer will be leaving us at this time and he was thanked for his contribution and commended on the great work that he performed for the department. (Item #5)

**MAYORS REPORT:** The officer position has been opened and after speaking with Chief Summers the current officers will change schedules around to accommodate coverage on the mountain until a new officer is hired. (Item #6)

**REPORTS:**

*Report Ski Cloudcroft License – Jeremy & Michael Adams* – The Adams were not present at the meeting but did provide the governing body with a written report of activities taking place at Ski Cloudcroft.

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*Cloudcroft Water Stabilization* – Mayor Denney advised that we have now stabilized due to the increased rain fall. The springs are currently doing well, and the wells and tanks are at capacity. We have moved from Level 3 to Level 1 Water Restrictions at this time. Please continue to conserve water for future. Chief Summers added that at 113 Swallow there are several incidents ranging from Code Enforcement Violations, Domestic, Drug Use. The renters have been sited into Municipal Court twice and this has done no good. The situation has deteriorated to the point that we are now receiving complaints from other residents, and they are getting involved and we are now having further disturbances. During the last six months there have been 56 calls to that address. Officer Sanchez has called Alamogordo Code Enforcement for options on what could be done. Officer Sanchez addressed the council and Attorney on action that the Village could take per NM State Statue 3-18-5 to take responsibility of the property and have condemned. He informed that he was presented with the forms needed for the Village Attorney to proceed with the action needed. The property is now a community menace, safety hazard, and peace and safety of the Village. Latest incidents are from one week ago that resulted in aggravated assault with a deadly weapon. Officer Sanchez informed that once the residents can be kicked out, he will apply for a search warrant to take photos of the property and residence showing that it is dilapidated and then the Governing Body would determine if we had enough evidence to demolish the building. Attorney Rhodes informed that the statue referred to was to be instigated with a resolution, he was provided one by Officer Sanchez as an example. No action can be taken tonight based on this not being on the agenda, however Attorney Rhodes will follow up. Discussion ensued regarding the remaining reports and note was made that a check register for the month of August was not included. Mayor Denney entertained a motion, Trustee Tieman made a motion to approve the reports for the month of August 2021, Trustee Maynard seconded the motion and upon vote of Trustee Tieman, Maynard, Mitchell and Smaga all voting "aye" the motion carried unanimously. (Item #)

**UNFINISHED BUSINESS:** *Proposed adoption of Ordinance 5-4-9 (L) Prohibited activities, Vicious Animals. Publication of proposed adoption and Ordinance by title and general subject matter.* Trustee Mitchell asked the attorney for a definition of the word "disturbed" as applied under section C. Attorney Rhodes advised this was left to the discretion of the Judge. Trustee Mitchell made a motion to approve the adoption of Ordinance 393 by title and general subject matter. 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
- Mayor Denney - Aye

The motion carries unanimously. (Item #8)

**NEW BUSINESS:**

*Discussion/Action: Renewal of License Agreements between VOC & Yucca Council, VOC & Cloudcroft Chamber of Commerce & VOC & Sacramento Mountain Senior Services, Inc.* Trustee Maynard asked if we are in possession of the certificates of License. Trustee Maynard made a motion to renew all licenses presented at this meeting as stated on agenda, Trustee Mitchell seconded the motion and with no further discussion upon vote of Trustee Teiman, Maynard, Mitchell and Smaga all voting "aye" the motion carried unanimously.

*Discussion/Action: Adoption Resolution No. 2021.18 Authorizing Grant Agreement No. SAF 21-F2346-STB with NMED & Assignment of Officers/Agents.* Clerk explained that this was for the Acquisition of Forest Service Property that the wastewater treatment was currently on. Mayor Pro Tem Tieman moved to approve Resolution No. 2021.18, 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
- Mayor Denney - Aye

The motion carries unanimously.

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*Discussion/Action: Adoption Resolution No. 2021.19 Application for financial assistance and project approval to NMFA for "Planning Document, Comprehensive Plan".* Jini explained that this was a resolution to renew the Planning Document, Comprehensive Plan that was last done in 2014 and must be done every five (5) years. There are no matching funds for this grant. Trustee Mitchell made a motion to approve Resolution No. 2021.19, 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
- Mayor Denney - Aye

The motion carries unanimously.

*Discussion/Action: Adoption Resolution No. 2021.21 authorizing Capital Outlay Program administered by NMDOT* Resolution is for authoring to start the administration and grant agreement for the \$94,000 that was capital outlay program. Trustee Maynard requested if we had to utilize on the roads that it was written on, or if we could just use on one of the streets. He was advised that it would be only for these streets, and something must be done to each street. He would like to have public input on what streets are the worst. Trustee Maynard made a motion to accept Resolution No. 2021.21, 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
- Mayor Denney - Aye

The motion carries unanimously.

*Discussion/Action: Publication of proposed Ordinance #394 CANNABIS by title and general subject matter.* Tom Blessum advised of some changes that needed to be made prior to publication, all trustees gave input. Mayor Denney directed Attorney Rhodes to publish the proposed ordinance with changes discussed.

*Discussion/Action: Phase 1 Addition – New fire bay and face lift of existing building – Draft ITB presentation – Chief Wuerschling, Chief Summers, Shelley Hughes.* Jini presented documentation and estimated cost of project. A two-story complex would be approximately \$3.5 million. Mayor advised that the fire fund is draining money quickly and this is when it would be the time to place this project on the ICIP. Trustee Maynard advised that he felt that we do not need a new fire station at this time, roads and water should come first. This can be placed on ICIP.

*Discussion/Action: ICIP 2023.2027 Finalization.* Jini handed out last year's ICIP structure. Presentation will only be made on the top three. Discussion ensued on the ICIP prioritization with Roads, Heavy Equipment, Water, and Corona Ave, and Emergency Safety Campus. Council discussed all the options that were presented. Consensus on the prioritization came to

- #1 Land & Water Acquisition for a municipal water supply
- #2 Emergency Services Campus
- #3 Heavy Equipment
- #4 Corona Ave. Water Line Replacement
- #5 Storm Water Control Improvements

*Discussion/Action: Adoption Resolution No. 2021.20 ICIP FY 2023.2027*

Trustee Maynard made a motion to approve adoption of Resolution No. 2021.20, 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
- Mayor Denney - Aye

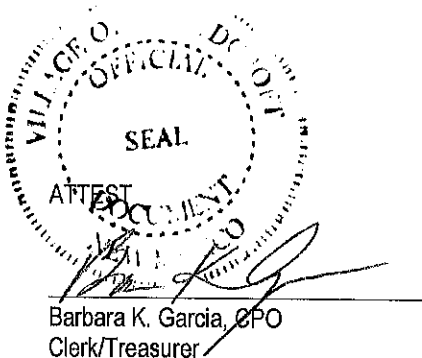
The motion carries unanimously. (Item #9)

**BILLS & TREASURER'S REPORT:** *August 2021 Bills Paid and Report*

Trustee Tieman made a motion to approve the August 2021 bills paid and report, Trustee Maynard seconded the motion and upon vote of Trustee Tieman, Maynard, Mitchell and Smaga all voting "aye" the motion carried unanimously. (Item #10)

**ADJOURNMENT:** Mayor Denney entertained a motion to adjourn the meeting. Trustee Smaga made such motion to approve, Trustee Tieman seconded the motion and upon vote of Trustees Tieman, Maynard, Mitchell, and Smaga all voting "aye" the motion carried unanimously. Mayor Denney adjourned the meeting of September 14, 2021, at 8:01 PM. (Item #11)

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*William Denney*  
William Denney  
Mayor