

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

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, December 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 6:00PM 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

The following Village staff and guests were present: Barbara K. Garcia, Clerk; , Attorney Jefferson Rhodes; Grover Sterling, self; Scott & Gail McCoy, self; Jubal Hall, VOC Public Works, Erich Wuersching, VOC Fire/EMS; Matt Willett, self; Michael Adams, 32 Degrees North; Tom Blessum, P&Z; Donald Wiklund, Ice Rink; Jim Miller, self; Nicole Widmir, self; Shelley Hughes, SMHA; D. Apprille, self; Kim Muscianis, self (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor Denney.

**3. APPROVAL OF AGENDA:**

A. Approval of the Agenda for the Regular Meeting of December 14, 2021. Trustee Smaga made a motion to approve as written, Trustee Tieman seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

**4. APPROVAL OF MINUTES:**

A. Special Work Session of November 6, 2021, Special Work Session of November 17, 2021, Special Work Session of November 30, 2021, postponed to January 11, 2022, Council Meeting to allow for amendments.

B. Regular Meeting of November 9, 2021: Trustee Mitchell made a motion to approve with amendment to "FIRE CHIEF", Trustee Tieman seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

C. Public Hearing Zoning Request November 16, 2021: Trustee Tieman made a motion to approve, Trustee Maynard seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

**5. ANNOUNCEMENTS/DISCUSSION:**

A. Special thanks to Lance Wright and James Canyon Fire Department Personnel – Mayor Denney thanked Lance Wright and James Canyon Fire Department for their role in the recent fire at 407 Chipmunk.

**6. EXECUTIVE SESSION:**

A. Trustee Tieman made a motion to recess to Executive Session per NMSA 10-15-1.H (2) Limited Personnel Matters – Fire Department Personnel. Trustee Maynard seconded the motion. Roll Call Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.** Recess Time 6:18PM.

B. Trustee Tieman made a motion to end Executive Session and reconvene to open session per NMSA 10-15-1(J). Trustee Smaga seconded the motion. Roll Call Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.** Reconvene Time 7:37PM.

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C. Statement by Mayor: The Governing Body of the Village of Cloudcroft, New Mexico, hereby states that on December 14, 2021, a Closed Executive Session was held, and the matters discussed in the closed meeting were limited only to Limited Personnel Matters – Fire Department Personnel, as posted on the meeting notice. As required by Section 10-15-1(J) of the Open Meeting Act, let the record of proceedings reflect that there was no action taken during the executive session.

**7. MAYOR'S REPORT:**

A. Village Code Title 7 – Utilities, Public Ways and Property, Chapters 1, 2 & 3 – Set meeting for January 4<sup>th</sup>, 2022, 5PM to 7PM

B. Resignation of Sheila Tanner as Deputy Clerk/Payroll A/R & A/P Clerk – Discussion

C. Jini Turri appointed as Deputy Clerk – Oath of Office performed by Mayor Denney, Trustee Maynard requested to confirm in January 2022.

D. Shaela Hemphill promotion to Payroll, A/R & A/P Clerk: Discussion

E. Jessica Mallett position move to Utility Billing Clerk: Discussion

F. MVD position opening posted: Announced

G. Update concerning Recreational Grant – Multi Use Facility: Mayor Denney provided update

**8. REPORTS:**

A. Ski Cloudcroft – Jeremy & Michael Adams: Written report reviewed

B. Treasurers Report – Barbara Garcia: Report provided in written format and verbally, Governing Body confirmed to take the overage for the CDBG Senior Center Project from the General Fund.

C. Department Reports: Discussion; Trustee Maynard made a motion to approve all reports, Trustee Mitchell seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for.

**Motion carried unanimously.**

**9. UNFINISHED BUSINESS:** None

**10. NEW BUSINESS:**

A. Discussion/Action – confirmation of nomination of Erich Wuersching, Fire Chief. Trustee Maynard made a motion to confirm, Trustee Smaga seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, no. **Motion carried 3 to 1**

B. Discussion/Action – confirmation of nomination of Jubal Hall, Deputy Fire Chief. Trustee Maynard made a motion to confirm, Trustee Mitchell seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

C. Discussion: Progress Report on CDBG Sr. Center Project – Architect and Project Manager review given

D. Discussion/Action: CDBG Sr. Center Project received change orders and fund fulfillment of current expenditures. Expenditures over the grant amount have been approved by the Governing Body to be taken from the General Fund. Owner Contingency amount of \$29,317.06 will be utilized for any change orders in place.

E. Discussion/Action Approval of 2022 Holiday Schedule. Trustee Tieman made a motion to approve, Trustee Smaga seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for.

**Motion carried unanimously.**

F. Findings of Fact & Conclusions of Law and Judgement for Zoning Request CZ#2021-02, Bear Den, LLC. Justin & Marianne Munoz, 202 & 204 James Cyn. Hwy. Trustee Maynard made a motion to approve with amendments to both and subject to P&Z Chair review, Trustee Smaga seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

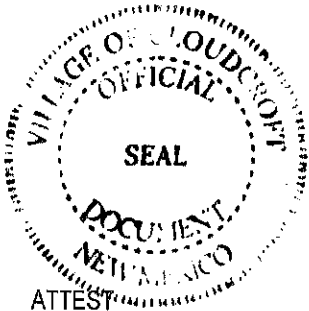
G. Discussion/Action: Adoption of Ordinance 395 reorganizing the Fire Department and Police Department and Recreating the Emergency Medical Services Department by creating a division of Public Safety. Mayor Denney postponed to January 2022 and directed Attorney Rhodes to re-write.

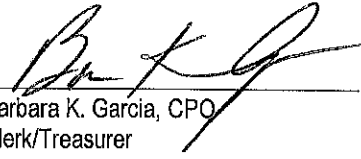
H. Discussion/Action: Proposed Adoption of Ordinance 396 amending subsection 2-1-2 of the VOC Code establishing the term of office for members of the Planning and Zoning Commission. Mayor Denney postponed to January 2022 and directed Attorney Rhodes to re-write.

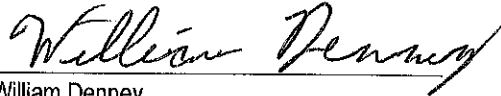
I. Discussion/Action: Adoption of Ordinance 397 amending section 3-8-6 of the VOC Code providing land use controls relating to the regulation of the location of a cannabis facility to a school or daycare center, proper zoning, signage, architectural control, hours of operation and providing for variances when appropriate under the circumstances. Trustee Tieman made a motion to adopt ordinance 397. Trustee Mitchell seconded the motion. Roll Call as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

11. **Statement of Revenues and Expenditures:** Acknowledgement of November 2021 to date expenditures. Trustee Mitchell made a motion to approve as presented. Trustee Maynard seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

12. **Adjournment:** Trustee Smaga made a motion to adjourn the regular meeting of Tuesday, December 14, 2021. Trustee Mitchell seconded the motion. Vote as follows: Trustee Smaga, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.** Adjourned at 9:37PM



  
Barbara K. Garcia, CPO  
Clerk/Treasurer

  
William Denney  
Mayor

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