

**VILLAGE OF CLOUDCROFT NM
OTERO COUNTY
REGULAR MEETING GOVERNING BODY
January 11, 2022**

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, January 11, 2022, 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 – Gail McCoy – present

The following Village staff and guests were present: Barbara K. Garcia, Clerk; Attorney Jefferson Rhodes; Grover Sterling, self; Jubal Hall, Tony Courvoisier, Scott Powell, Mike Brabson, VOC Public Works; Erich Wuerschling, Penny Hall, VOC Fire/EMS; Shaela Hemphill, Jessica Mallet, Jini Turri, Vyanca Vega, VOC Administration; Kevin Summers, David Sanchez, VOC Police Dept.; Tom Blessum, VOC P&Z; Gilbert Garcia, self; Kathy Hennessy, Chris Downey, Downey & Co.

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

1. APPROVAL OF AGENDA:

Approval of the Agenda for the Regular Meeting of January 11, 2022. Trustee Tieman made a request to move on the agenda the Variance Request #RV-2021-Brown to be placed at 6.A top of Unfinished business. Trustee Maynard made a motion to approve as amended. Trustee Tieman seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

2. APPROVAL OF MINUTES:

Approval of Minutes for the following governing body meetings:
Special Work Session of November 6, 2021
Special Work Session of November 17, 2021
Special Work Session of November 30, 2021
Regular council Meeting of December 14, 2021
Organizational Council Meeting of January 4, 2022
Special Work Session of January 4, 2022

Trustee Tieman made a motion to approve the six meeting minutes as written, Trustee Mitchell seconded. Trustee Maynard requested clarification that Jini Turri is included in the appointment of staff at the January 4, 2022, organization meeting. Mayor Denney clarified that this included all appointed and regular employees on the agenda of January 4, 2022. No further discussion. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

3. ANNOUNCEMENTS/DISCUSSION:

Downey & Company Presentation on Safety Counseling and Municipal Insurance – Kathy Hennessy
Presentation by Ms. Hennessy was given to governing body for Risk Management Brokerage Services along with a Proposal Evaluation Report for the Village of Cloudcroft properties. No action taken.

4. MAYOR'S REPORT:

Low Pressure Membrane Filtration Specialist – Scott Powell & Tony Courvoisier – Mayor Denney advised of two Village employees that have passed and received new certification. Mayor Denney advised that new certifications are a potential raise increase. Scott Powell and Tony Courvoisier explained the training and benefits to the Village of Cloudcroft with the advanced technology. Trustee Maynard requested that this be run past the new engineering firm, CDM Smith, for their opinions. Mayor Denney requested the governing body to send an email to him on their thoughts, no action taken.

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5. REPORTS:

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

B. Department Reports: Discussion; Trustee Maynard made a motion to accept reports as written, Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

6. UNFINISHED BUSINESS:

(A) *amended to Unfinished Business to move up on agenda*

A. Approve/Disapprove Variance Request #RV-2021-Brown. Submitted by Ronald and Tina Brown for 1315 & 1317 Victoria – Presenter, Planning & Zoning Chair, Tom Blessum.

Trustee Mitchell made a motion to approve variance request on 1315 Victoria, Trustee McCoy seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

Trustee Tieman made a motion to approve variance request on 1317 Victoria, Trustee McCoy seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

B. Proposed Adoption of Ordinance 396 – an ordinance amending subsection 2-1-2 of the VOC Code establishing the term of office for members of the Planning and Zoning Commission. Trustee Maynard made a motion to adopt Ordinance 396, Trustee Mitchell seconded. Roll call vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.** Trustee Mitchell made a motion to publish Notice of Adoption by Title and General Subject Matter, Trustee Maynard seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

7. NEW BUSINESS:

A. Discussion/Action – confirmation of appointed employee – Attorney Jeff Rhodes. Trustee Tieman made a motion to appoint Attorney Jeff Rhodes as the Village Attorney, Trustee McCoy seconded. Further discussion by Trustee Maynard requesting what compensation does the Village do for the attorney? Attorney Rhodes informed there was an employment contract as a part time employee. Trustee Maynard questioned if the appointment was to be voted on and then a review of the contract was done or do they go together? Attorney Rhodes advised it would stay the same. Mayor Denney advised the contract was gone through at the budget retreat each year. Trustee Maynard stated that he brings this up just because 1-6-5 in our code shows that the mayor appoints, and the Board of Trustees confirm and they set whatever fee or compensation that is going to go along with it. No further discussion. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

B. Discussion/Action – Recommendation to approve new hire for MVD – Vyanca Vega, \$12.00 rate. Mayor Denney introduced Ms. Vega to the governing body as his recommendation for new hire to the motor vehicle department position at \$12.00 per hour and requested approval of the Governing Body. Trustee Maynard asked Ms. Vega if she had any experience in MVD prior? Ms. Vega responded, not in the MVD per se, but she does have eleven years of experience in Law Enforcement. Trustee Maynard stated that's a good basis. Trustee Maynard made a motion to approve hiring of Vyanca Vega at \$12.00 hourly for MVD position. Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

C. Discussion/Action – Recommendation to Approve removal from probationary period – Mary Higgins. Mayor Denney explained Mary Higgins was our library aide and she has been there for six months. Mrs. Garcia explained that Lisa Wojcik, VOC Library Director was not able to attend the meeting however she stated that Mary is doing a fantastic job and she gives her full support for her to continue in her position. Trustee Mitchell stated this was a good recommendation. Trustee Maynard asked how long has she worked with us? Mrs. Garcia stated that it will be six months on February 2, 2022. Trustee Tieman made a motion to approve removal of probation period, Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

D. Discussion/Action: Increase Part-Time Library Aides to State Minimum Wage of \$11.50 effective January 1, 2022. Mayor Denney explained this was to increase the part time wage for Mary Higgins, Julie Johnson, and Lenore Simpson to the state minimum wage. Trustee Maynard made a motion to go the minimum wage as it's the law and we have to. Mayor Denney reiterated that the motion on the table was to raise salaries to minimum wage effective January 1, 2022. Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

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E. **Discussion/Action:** Salary increase approval: Payroll/AP/AR Clerk – S. Hemphill by \$2.00 to \$17.92 promotion Utility Clerk – J. Mallett by \$1.00 to \$14.17 promotion, Public Works - JJ Carrizal by \$1.00 to \$17.43 Level 4 Certificate, By \$1.60 to \$19.27 merit (Final \$19.27) Police Officer – D. Sanchez by \$.55 to \$21.28 probation, Clerk/Treasurer/CPO – B. Garcia by \$4.00 to \$28.31 merit. Mayor Denney advised that these could be all done one at a time or together. Mayor Denney advised these are the increases that he brought up last month except for the first two, which are the Payroll Clerk and Utility Clerk. Trustee Maynard asked Attorney Rhodes: Without prior Board of Trustees approval what is the current status of the proposed raises? Attorney Rhodes advised that they are voidable. The law requires the board to approve compensation. It can be done before it happens, and if done after it would be ratified. When ratifying something it is done to correct something that is voidable or not proper. Attorney Rhodes advised the Board of Trustees there are two choices, recover the money or ratify the act. Trustee Tieman made a motion to accept and to go forward with all raises for Shaela Hemphill, Jessica Mallett, Joe John Carrizal, David Sanchez, Barbara Garcia. Trustee Mitchell seconded. Discussion ensued. Trustee Tieman made an amended motion to RATIFY payroll adjustments that were made for Shaela Hemphill, Jessica Mallett, Joe John Carrizal, David Sanchez, Barbara Garcia. Trustee Mitchell seconded the amended motion. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

F. Village Code 7-1A-2(B) Water Surcharge – Recommendation to direct Attorney for rewrite. Discussion ensued. Trustee Maynard made a motion to instruct the attorney to publish an amendment to Title 7-1A-2(B). Trustee Tieman seconded the motion. Discussion ensued. Attorney Rhodes advised he was being instructed to amend only the water surcharge and it would need to be published at least two weeks prior to the next regular meeting for adoption. Governing Body could make additional changes within 8 to 10 days and then he would need the mayor's instruction to make all changes as the mayor does not need approval to instruct Attorney to publish the proposed Ordinance. Mayor Denney called for a special work session on January 18th from 5:00PM to 7:00PM. Trustee Maynard amended motion to include the water surcharge plus any additional information from the workshop on January 18, 2022. Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

G. **Discussion/Action:** Purchase of Woodlands Booster House Meter 4" – approximate cost up to \$7500.00. Mayor advised due to cost it was placed on agenda. Discussion ensued. Mayor advised if the meter came in at a cost higher than \$7500.00, he would bring back to the board for approval. Trustee Mitchell made a motion to approve the 4" meter. Trustee Maynard seconded. Discussion ensued. Attorney Rhodes advised that spending of public money does not mean that every expenditure goes for approval by the board, this is what the budget is for. The budget is set for an amount of money, the purchasing officer who is also the finance officer has to make sure that the procurement code is followed, if the amount goes over the budget, then a resolution is required. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

H. **Discussion/Action:** Wireless Sound System for Village Chamber – Mayor advised that this has not been budgeted for purchase. Trustee Maynard made a motion to buy the wireless sound system for the Village Chamber. Trustee Mitchell seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

I. **Discussion/Action:** Metal Building Cost, expense, need – James Maynard. Discussion ensued regarding procedural item. The building was purchased by the mayor without a vote from the Trustees. Trustee Mitchell stated that this was talked about in several meetings however no vote was taken at the time of discussion. Trustee Maynard stated that it did not come before the board for a vote is the issue, major items have to be decided by the council. Trustee Maynard requested what would be done with the building? Mayor Denney advised the plan was to see the outcome of the Capital Outlay Funds, if funding is provided for the new Emergency Center it may be sold or we would find something to do with it. Mrs. Turri advised on the timeline of the Capital Outlay Funds notification. Trustee Maynard stated he wanted to make sure it was understood that the purchasing power comes from the Trustees. No action taken.

J. **Discussion/Action:** Remodel Village Front Office, Mayor Office, and Exterior Paint – expense, need – James Maynard. Discussion ensued regarding procedural issue. Mayor Denney advised on the circumstances of front office remodel due to Covid and that it was in the building maintenance budget at the time with some funds being moved within the budget to cover the extent. The original discussions were to have the Public Works department do the remodel to make the office within Covid Compliance, however the office was shut down due to Covid exposure after demolition. Mayor Denney reiterated that it was within budget, it was just not directly budgeted for. Trustee Tieman advised there was a building maintenance budget and advised that the mayor had been advised that he can expend \$20,000 without board approval. Trustee Maynard made the point that this is

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procedural and that other line items within the budget were used to accomplish. Trustee Tieman stated that with the budget that was approved he does not see that this was handled wrong, the budget is to cover the entire Village as a whole and specific line items are never within a budget. Trustee Maynard made the point that a building remodel to the extent that the Village Office was remodeled should have been before the board. No action taken.

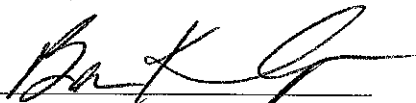
K. Discussion/Action: Submittal of Notice of Intent for 2022 Colonias Infrastructure Funding. Trustee Mitchell made a motion to approve submittal of a Notice of Intent for 2022 Colonias Infrastructure for water and sewer system and a Notice of Intent for 2022 Colonias Infrastructure for road infrastructure, amount of Notice to be determined by staff and Mayor. Trustee Maynard seconded. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

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

9. Adjournment: Trustee Mitchell made a motion to adjourn the regular meeting of Tuesday, January 11, 2022. Trustee Tieman seconded the motion. Vote as follows: Trustee McCoy, for; Trustee Tieman, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.** Adjourned at 8:14PM

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ATTEST


Barbara K. Garcia, CPO
Clerk/Treasurer


William Denney
Mayor