

**VILLAGE OF CLOUDCROFT NM
OTERO COUNTY
REGULAR COUNCIL MEETING
February 14, 2023**

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, February 14, 2023, at 6:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

CALL TO ORDER:

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

Present/Absent:

Mayor William Denney – present
Trustee / Mayor Pro-Tem Tieman - present telephonically
Trustee – Jim Maynard – present
Trustee – George Mitchell – present
Trustee – Gail McCoy – present

The following Village staff and guests were present: Barbara Garcia, Clerk; Kevin Summers, Chief of Police; Joe John Carrizal, Village of Cloudcroft Project Coordinator; Michael Adams, Chance Young, Donald Wiklund, Cindi Bradshaw, Paula Merrell, Elaine Lynch, Cary Bell, Tammie & Danny Procter, Len Killmen, Chris Hagar, Dan Hughes, Roberta & Eric Haecker, Luke Corvin, Daisy Purdy, Terrie Tatum, Mark Tatum, Jessie & Matt Willett, Scott McCoy, Amy Coor, Wyatt Renfro

PLEDGE OF ALLEGIANCE:

The pledge of allegiance to the United States and New Mexico flags was led by Mayor Denney

APPROVAL OF AGENDA:

Trustee Maynard made a motion to approve the agenda of the February 14, 2023, Regular Council Meeting. Trustee Mitchell seconded. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

APPROVAL OF MINUTES:

Special Meeting of Governing Body, January 24, 2023. Trustee Maynard motioned to approve the minutes as presented. Trustee Mitchell seconded. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

ANNOUNCEMENTS/OPEN DISCUSSION:

Mayor Denney announced that Mayor Pro-Tem Tieman will be resigning his trustee seat and called for letters of interest for appointment to serve.

Chance Young voiced opinion on Young Canyon and the danger of fire. He wants to be proactive in fire prevention, he was advised that he could speak at one of the county meetings in relation to his concerns.

Matt Willett discussed the fact that the bids came in way over on the Ice Rink and his opinion is that we should move on to using the funds for something else. He would like to see the park remain intact

Donald Wiklund wants the community to know he is in support of however the bid goes, we have a gem in the rink and the village to pay attention to capital expenditures in the future so that the village can maintain the rink.

REPORTS:

Mr. Adams advised that the entire mountain is now open. Christmas break was a week longer this year and they did well. Joe John Carrizal advised the counsel that we have purchased a leak detector with sonar to go over the main lines. Trustee Mitchell made a motion to approve the reports as presented. Trustee Maynard seconded. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

NEW BUSINESS:

Approval Cannabis Retail Sales, CCC Holdings, John Battle – Nathan Tompkins P&Z

Nathan Tompkins advised that everything per ordinance has been satisfied and recommends approval. Trustee Maynard made a motion to approve the application that is in compliance with State and Local ordinance on Cannabis. Trustee Mitchell seconded. Vote as follows: Trustee Tieman, for, Trustee McCoy, against; Trustee Maynard, for; Trustee Mitchell, for. **Motion carries 3 to 1.**

Recommendation for re-appointment P&Z Commission – Nathan Tompkins & Tabitha Foster

Mayor Denney made a recommendation to approve Nathan Tompkins and Tabitha Foster for a two year term on the P&Z board. Trustee Mitchell made a motion to approve appointments. Trustee McCoy seconded, Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

Appointment to VOC Libaray Board, Bill Boverie & Andrika Ruiz

Mayor Denney made a recommendation to approve Bill Boverie & Andrika Ruiz for the Library Board. Trustee Maynard made a motion to approve the nominees. Trustee Tieman seconded, Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

Sacramento Mountain Senior Services Inc. – Paula Merrell

Ms. Merrell gave an update on the status of the senior center and requested when the last water break would be fixed. They have been out of the center for 17 months with all of the delays. Ms. Merrell and guests were advised that the insurance company would have a crew on site for repairs the week of February 20th. They have not moved in due to the delays. Ms. Merrell was advised that the certificate of occupancy was issued September 2022. They have not moved in due to water leaks from the ice machine, hot water heater and water softener.

License Renewal High Canyon Weavers and Spinners Guild

Trustee Maynard made a motion to renew the license for the High Canyon Weavers and Spinners Guild. Trustee Mitchell seconded. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

License Renewal Lost Lodge Property Owners Association

Mayor Denney advised that this has now been placed in the ordinance that any user of bulk water will have an account with the village.

License Renewal Personal Services Contract Renewal – Philip Masters/VOC Fire.

Mayor Denney advised that he would like more detail on this contract. Mayor Denney would like to have a report from the Fire Chief prior to moving forward. Trustee Maynard made a motion to postpone until next scheduled meeting subject to a report from the Fire Chief. Trustee Mitchell seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

Police Department Accreditation Update – Chief Summers

Chief Summers is out sick tonight, but did give an update in the work session. No action is needed and no questions taken.

Review/Award Police Dept Build – ITB 555-01

Trustee Mitchell stated that we have enough in General Fund to cover and do not have to cash in CD's. Mayor Denney advised that we have a building and it needs to be erected to have the Police out of the Fire Department. The bid came in approximately \$100,000 over what had been budgeted. Trustee Maynard stated that we have \$350,000 that was budgeted in the last budget cycle. With the current bid being about \$125,000 over budget or 35%, he would like to call the legislators and ask for funding. He is concerned that this is a lot of funds for a village of our size. Trustee McCoy is concerned with the amount of time that we now have to get the police out of the fire station. Trustee Maynard stated we have time to go to legislators as long as we have a plan to provide to the Fire Marshall. Mayor Denney advised that based on the Fire Chief's estimate if the Police are left where they are we will lose approximately \$90,000 annually in funding for the fire department. Mayor advised that we can still go after funding while we are negotiating, but that the village needs to move forward with a yes or no. Trustee Tieman made a motion to proceed with the project and negotiations to cut back on cost. Trustee Mitchell seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, against; Trustee Mitchell, for. **Motion carried 3 to 1**

Review/Award Multi-Use Facility ITB 2023.01

Mayor Denney advised that the bid came in \$408,000 over the amount of money left in the grant. Trustee Maynard spoke to the project to date and findings. Design phase is based on code as of today and we will have to place bathrooms. This adds to the cost of the project along with required retaining wall. Options tonight are to accept the low bid and negotiate to try to get this closer to the budget. If we go with the low bid and cannot negotiate down then we would have done everything possible. We have spent \$106,000 to get to this point, the civil engineer has done an extensive survey of the whole park. Trustee Tieman questioned that we only have 60% of the funds which means we would need to negotiate 40% of the contract away. He does not foresee this happening as there is not enough excess in the contract to reduce that much. Trustee Maynard stated that \$200,000 has been burdened to the village for paying for bathrooms that we never intended but that is a new value to the community and should be considered as such. Trustee Tieman stated the village cannot contribute any further funding to the project. Trustee Maynard stated that we have not explored the contributions that may come in from the community itself. Trustee Tieman stated that he could live with moving forward but that he wants a specific end time set to do that. Mayor Denney advised that the problem is that we now have 18 months to spend the funds from the grant. Not to just start spending the funds, but to complete the project/projects. Trustee McCoy asked the amount of the low bid and was advised that it was \$1,187,000. Trustee Maynard stated that we have 60 days by statute to negotiate if we accept the low bid. He would like 30 days to do value engineering and see what local contributions can be raised. Mayor Denney took questions from the audience. Tabitha Foster stated that at the last meeting the community was told that if this came in over budget at all it would be taken off the table. She stated that there are snack shacks in the park that were promised to be finished and have not been. How are we going to come up with \$400,000? Dan Hughes stated that he did bid on the project and was not low bid, he believes the ideas are good but that the railing was \$200,000 of the budget and the insulated sewer line should give some room. He believes there is room to reduce the amount. Cindi Bradshaw stated that she was under the impression that the grant required a completed project and not something that could be finished later. Trustee Maynard stated that the project is now shovel ready but that any new projects would have to be designed and would take time starting all over. Mayor Denney advised that he had foreseen based on the Architects estimate that this would come in over budget and has had the project coordinator talk with CES vendors and we do have pricing for redoing the tennis courts, pickle ball courts and working on pricing for softball fields. Matt Willett stated that beyond the fact we are way over budget the community was sold on a large refrigerated rink and this has been whittled down until basically we are replacing what we have. He does not see the point of going way over budget and just replacing what we have. He came in to look at the plan and there is no artist rendering and that people do not realise that all the trees on the west end of the park will be cut down. The footprint will be mainly parking and this will significantly change the face of the park. Trustee Mitchell made a motion to not award the multi-use facility. Trustee McCoy seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, against; Trustee Mitchell, for. **Motion carried 3 to 1**

Adoption of Proposed Ordinance 401 VOC Municipal Title 5, chapter 2.20, and publication by Title and General Subject Matter

Trustee Mitchell made a motion to adopt Ordinance 401. Trustee Maynard seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

Discussion Draft Ordinance creating a Parks and Recreation Committee

The changes that were reviewed during the work session will be forwarded to the village attorney for revision of the draft. Trustee Maynard made a motion to forward to attorney with notations and changes and to have published. Trustee Mitchell seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

Second Amendment to Local Government Road Fund MAP Agreement

Trustee Maynard made a motion to accept the Amendment to MAP Agreement. Trustee Mitchell seconded the motion. Vote as follows: Trustee Tieman, for, Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

Resolution #2023.03 Participation in Local Government Road Fund Program Administered by DOT – Extension of Time

Trustee Maynard made a motion to accept Resolution 2023.03 for participation in Local Government Road Fund Program.

Trustee Mitchell seconded the motion, with no further discussion roll call vote as follows:

Trustee Tieman – Aye

Trustee McCoy – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

For a **unanimous roll call vote.**

Resolution #2023.04 Application for Financial Assistance from NM Colonias Infrastructure Board – Mtn Top

Trustee Maynard made a motion to accept the Resolution 2023.04 for Financial Assistance from NM Colonia Infrastructure Board. Trustee Mitchell seconded the motion, with no further discussion roll call vote as follows:

Trustee Tieman – Aye

Trustee McCoy – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

For a unanimous roll call vote.

Destruction of Records Certificate Number 2023.001

Trustee Mitchell made a motion to accept the Records Certificate Number 2023.001. Trustee Maynard seconded the motion.

Vote as follows: Trustee Tieman, for; Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

OLD BUSINESS

Review quotes on septic system for Ski Cloudcroft, request additional budgetary expenditure

Mayor Denney recommended to postpone until annual budget retreat. Trustee Maynard made a motion to postpone until Budget Retreat to review funds. Trustee Mitchell seconded the motion. Vote as follows: Trustee Tieman, for; Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously**

STATEMENT OF REVENUES & EXPENDITURES:

January 2023 expenditures.

Trustee Mitchell made a motion to acknowledge January 2023 expenditures, Trustee Maynard seconded. Vote as follows:

Trustee Tieman, for; Trustee McCoy, for; Trustee Maynard, for; Trustee Mitchell, for. **Motion carried unanimously.**

EXECUTIVE SESSION

Trustee Maynard made a motion to recess to Executive Session in compliance with Section 10-15-1. (B) – Real Property and Water Rights – American Tower Site #207904. Trustee Mitchell seconded the motion, with no further discussion roll call vote as follows:

Trustee Tieman – Aye

Trustee McCoy – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

For a unanimous roll call vote.

Trustee Mitchell moved to reconvene into Open Session at 7:38pm. Trustee McCoy seconded the motion, with no further discussion roll call vote as follows:

Trustee Tieman – Aye

Trustee McCoy – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

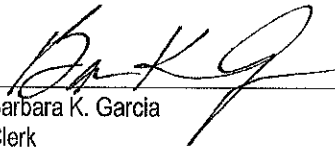
For a unanimous roll call vote.

The Governing Body of the village of Cloudcroft, New Mexico, hereby states that on February 14, 2023, a Closed Executive Session was held, and the matters discussed in the closed meeting were limited only to Real Property and Water Rights – American Tower Site #207904, 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.

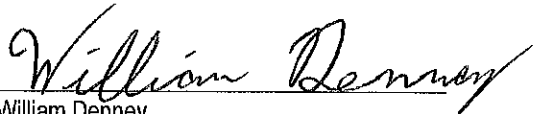
ADJOURN:

Trustee Maynard made a motion to adjourn the Regular Council Meeting of February 14, 2023. Trustee Mitchell seconded. Meeting adjourned at 7:40 pm

ATTEST



Barbara K. Garcia
Clerk



William Denney
Mayor