

**VILLAGE OF CLOUDCROFT NM  
OTERO COUNTY  
REGULAR COUNCIL MEETING  
June 13, 2023**

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, June 13, 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 Maynard - present  
Trustee – Gail McCoy – present  
Trustee – George Mitchell – present  
Trustee – Grover Sterling – present virtually

The following Village staff and guests were present: Shaela Hemphill, Deputy Clerk; Kevin Summers, Chief of Police; Joe John Carrizal, Village of Cloudcroft Maintenance Supervisor; Erich Wuersching, Fire Chief; Adrienne West, Kathy Powell, Jerrilyn Russell, Cindi Bradshaw, Debra Spears, Dana Dunlap, Cori & Dave Abel, Karen Sonnenfeld, R. Truex, Amy Coor, Wyatt Renfro, Terri Munson, Ray Hallen, Mark Tarantino, Donald Wiklund, Matt Willett, Andy Klier, Penny & Jubal Hall, Linda Meyer, Gus Clemens, Roberta & Eric Haecker, Ronda & Marc Wetzal, Debbie Tate, Brianna Jonnes, Michael Adams, & Karl Campbell.

**PLEDGE OF ALLEGIANCE:**

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

**APPROVAL OF AGENDA:**

Trustee McCoy made a motion to approve the agenda of the June 13, 2023, Regular Council Meeting with the amendment of moving Discussion/Action Item: Review Bid/Quote Procedure for Road/Street Repair to the top of New Business. Trustee Maynard seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for, Trustee Sterling, for, Trustee Mitchell, for.  
**Motion carried unanimously.**

**APPROVAL OF MINUTES:**

*Work Session Governing Body, May 5, 2023; Regular Council Governing Body, May 9, 2023; Special Meeting Governing Body, May 12, 2023; and Special Meeting Governing Body, May 23, 2023.* Trustee Maynard motioned to approve all minutes as presented. Trustee McCoy seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for, Trustee Sterling, for, Trustee Mitchell, for. **Motion carried unanimously.**

**ANNOUNCEMENTS/OPEN DISCUSSION:**

Dave Abel spoke on behalf of the Parks and Recreation committee. Mr. Abel presented the Parks and Recreation committee's priority list for recommendations on utilizing Recreation Grant E-2648.

**REPORTS:**

Trustee Maynard made a motion to approve the reports as presented. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for, Trustee Mitchell, for, Trustee Sterling, abstained. **Motion carried with three votes and one abstention.**

**NEW BUSINESS:**

*Review Bid/Quote Procedure for Road/Street Repair*

A budget adjustment was done in the Special Meeting of May 11, 2023 to increase the Municipal Streets fund by \$160,000 for road repair. The Board wanted clarification from the Attorney that we did not need to go out to bid due to the amount increased being more than \$60,000. Attorney Rhodes clarified that an internal increase of money is not subject to bid procedures per the procurement code due to each project being under \$60,000.

*Adoption of Proposed Ordinance 404 Amending Section 2-1-2 of the Cloudcroft Code Concerning eligibility of committee members and publication by Title and General Subject Matter*

Trustee Maynard made a motion to adopt the proposed amendment to Ordinance 404 Section 2-1-2 of the Cloudcroft Code. Trustee McCoy seconded, and with no further discussion a roll call vote was taken.

- Trustee McCoy - Aye
- Trustee Maynard – Aye
- Trustee Sterling – Aye
- Trustee Mitchell – Aye

**For a unanimous roll call vote.**

*Lodger's Tax Advisory Board – Gary Truex*

Mr. Truex addressed that per the Lodgers Tax Act 3-38-13 through 3-38-24 NMSA 1978, "The mayor of every municipality that imposes an occupancy tax pursuant to the Lodgers' Tax Act [ 3-38-13 NMSA 1978] shall appoint a five-member advisory board." Mr. Truex questioned who was on the Lodger's Tax Advisory Board and when was the last time that board met. Mayor Denney addressed that we currently do not have a Lodger's Tax Advisory Board and that the Village of Cloudcroft has not had a Lodger's Tax Advisory Board since before his time as a previous Trustee and now Mayor for the Village. Mayor Denney announced that he will be accepting letters of interest from anyone wishing to be on this board and that the Village will remedy this situation.

*Water Meter & Water Usage – Jerrilyn Russell*

Ms. Russell addressed that on May 22<sup>nd</sup> or 23<sup>rd</sup>, 2023 that she was informed she had a water leak by the Mayor. At this time Ms. Russell shut off the meter and called 811 to receive water line locates. She stated no one came to her property to mark any utility lines and that upon checking for water leak, they could not locate a leak. Ms. Russell said upon calling the Village office was informed that the Village of Cloudcroft does not mark private water lines, only water lines belonging to the Village. After this she stated they began to dig from the house out to where the water meter was located and snagged a water line and pulled the line out of the water meter and her son shut off the water at this time. After this, they started digging by hand to avoid further damage and located the second water line belonging to the Alta Vista Motel stating that it was taped together to the Village water line. They then found and dug up all water lines and stated all the ditches were dry and showed no sign of a water leak. Ms. Russell said due to all the lines being dug up, they replaced all the water lines at that time and still does not believe she had a leak. Ms. Russell stated that Joe John Carrizal, maintenance supervisor, informed her that due to her pulling the line out of the water meter, she would have to pay to replace the water meter. Ms. Russell is requesting the water meter be replaced by the Village as she believes it is a faulty meter. Mr. Carrizal stated that the maintenance department did locate the lines within the time frame they are required by law and reiterated they only located up to the water meter, they do not locate privately owned lines. Mayor Denney informed Ms. Russell that he would like to monitor the meter since the line repair work is completed for discrepancies, replace the meter, and continue to monitor for leaks and discrepancies.

*Cloudcroft Disc Golf Course – Andy Klier*

Mr. Klier provided information regarding the disc golf courses located within the Village. Mr. Klier stated the courses are top rated in the disc golf community and are favorites of top ranked players in the industry. Mr. Klier requested small upgrades to improve the course and provided a petition to the Board titled "Petition to retain the Cloudcroft Community Mountain Disc Golf Course in its current form" with 57 signatures from patrons across the country. Mr. Klier stated he supports any improvements to recreational activities, such as improvement to the softball fields, but is requesting nothing be done to disrupt the integrity or the Disc Golf Course. Mayor Denney requested contact information for Mr. Klier and correspondents to keep the Board informed on the activity at the course and represent the disc golf community.

*Code Enforcement Official/Officer – Tabitha Foster*

Mrs. Foster addressed concerns about not having a code enforcement officer or official and requested job description for new planning and zoning clerk to include code enforcement official. Mayor Denney stated that prior planning and zoning clerks did write letters to individuals that were out of compliance in order to assist in the Village Code being enforced and that this will continue to be part of the planning and zoning clerk position. Mayor Denney also announced at this time that the chair of the Planning & Zoning commission, Nathan Tompkins has stepped down and that he will be appointing a new chairman.

*Special Use Permit for Food Cart – Kathy Powell*

Ms. Powell requested permission to set up a lemonade cart on Village property at the warming hut sitting area located between the Post Office and the Burro Street Exchange. Trustee Mitchell made a motion to allow Ms. Powell to set up her lemonade cart on Village property at the warming hut as presented. Trustee Sterling seconded. Vote as follows: Trustee Maynard, against, Trustee McCoy, for; Trustee Mitchell, for; Trustee Sterling, for. **Motion carried 3 to 1.**

*Special Use Permit; Cloud Dog – Nathan Tompkins*

Due to Mr. Tompkins stepping down as Planning and Zoning Chair, Tabitha Foster spoke on behalf of the Planning and Zoning Commission. Cloud Dog will be taking the place of Abby's Pie Shack located at 96 James Canyon Highway. Mrs. Foster gave the recommendation to approve the proposed Special Use Permit on behalf of the Planning and Zoning Commission in which the motion carried unanimously in the Planning and Zoning meeting. Trustee Maynard made a motion to approve the Special Use Permit for Cloud Dog. Trustee McCoy seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Findings and Facts and Conclusions of Law & Judgement for RVR 2023.02 203 Wren Place – David Levy Trust*

Tabitha Foster gave the recommendation to approve the variance at 203 Wren Place on behalf of the Planning and Zoning Commission in which the motion carried unanimously in the Planning and Zoning meeting. Trustee Maynard made a motion to approve the Findings and Facts for RVR 2023.02 203 Wren Place. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Intergovernmental Transfer of Equipment with Las Cruces Fire Dept. for Transfer of four (4) SCBA Breathing Units – Erich Wuerschling*

Fire Chief Wuerschling stated the City of Las Cruces is going to loan us four of their excess SCBA breathing units with the anticipation of donating them to Cloudcroft Volunteer Fire Department upon receiving their new replacements. Trustee Mitchell made a motion to approve the transfer of equipment from Las Cruces Fire Department as presented. Trustee Sterling seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Notification of Change to Use of Force Policy – Kevin Summers*

Police Chief Summers notified the Board of Trustees of the new addition to the Use of Force policy in accordance with Senate Bill 19. The New Mexico Municipal League along with the Attorney General provided this policy verbatim to comply with change of state law and to assist in getting all law enforcement agencies to maintain the same policy.

*Removal of conditional employment status for Sean O'Connor with pay increase*

Trustee Maynard made a motion to approve the request to remove Sean O'Connor from probationary conditional employment with a pay increase. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Removal of conditional employment status for Jerry Parnell with pay increase*

Trustee Maynard made a motion to approve the request to remove Jerry Parnell from probationary conditional employment with a pay increase. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Request of 20 hours vacation payout – Kevin Summers, Shaela Hemphill*

Mayor Denney explained in the personnel policy it is stated that during the months of December and June, employees have the option to sell back a maximum of 20 vacation hours in excess of 160 hours. Attorney Rhodes advised that due to it being policy, it did not need a vote, this was just for notification purposes.

*Renewal License – James Sewell Ice Rink – Donald Wiklund*

Trustee Maynard made a motion to renew the license for James Sewell Ice Rink License to Donald Wiklund as written. Trustee Maynard seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Renewal License – CLOC, Cloudcroft Light Opera*

Trustee McCoy made a motion to renew the license for CLOC as written. Trustee Maynard seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, abstained. **Motion carried with three votes and one abstention.**

*Renewal License – Cloudcroft Art Workshops*

Trustee Maynard made a motion to renew the license for Cloudcroft Art Workshops as written. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for; Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Renewal License – Cloudcroft Art Society*

Trustee Maynard made a motion to renew the license for Cloudcroft Art Society as written. Trustee Mitchell seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

*Request for Special Meeting regarding Limited Personnel Matters to include a Review of Failed Retention of New Hires*

Trustee Mitchell made a motion to schedule a special meeting regarding limited personnel matters to include a review of failed retention of new hires in executive session. Trustee Maynard seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

**STATEMENT OF REVENUES & EXPENDITURES:**

May 2023 *to date expenditures*. Trustee Mitchell made a motion to acknowledge the statement of revenues and expenditures. Trustee Maynard seconded. Vote as follows: Trustee Maynard, for, Trustee McCoy, for; Trustee Sterling, for; Trustee Mitchell, for. **Motion carried unanimously.**

**ADJOURN:**

Trustee Mitchell made a motion to adjourn the Regular Council Meeting of June 13, 2023. Trustee McCoy seconded. Meeting adjourned at 7:45 pm

ATTEST

  
Shaela Hemphill  
Deputy Clerk

  
William Denney  
Mayor

