

**Minutes
Regular Meeting
June 14, 2022**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, June 14, 2022 at the Village Hall in Capitan, New Mexico at 6:00 PM

Mayor Lowrance called the meeting to order at 6:01 PM.

Roll Call: Mayor Lowrance – present, Trustee Kearns – present, Trustee Shearer – not present, Trustee Fraley – present, Trustee Hair – present. Al Cavazos – Village Clerk, Officer, Donna Weekley – Administrative Assistant, Angela Autrey – Deputy Clerk/Court Clerk/Human Resources Clerk, LeAnne Brasher – Finance Officer, Steve Osborn – Water Department Supervisor, Randy Spear – Police Chief, Ronnie Montes – Parks and Rec. Supervisor, Nateal Sammy – Smokey Bear Museum & Gift Shop and Kevin Kennedy – Fire Chief/Projects Administrator were also present. A list of others in attendance is attached.

Item #1 on the Agenda: Approval of the Agenda.

Trustee Fraley made a motion to Approve the Agenda. Trustee Hair seconded the motion.

Roll Call: All were in favor, the motion carried.

Item #2 on the Agenda: Public Input. (2 Minute Limit per Speaker).

Allison Provine asked what happened to the green fire engine that had been at the yard on Hwy 48. Kevin Kennedy explained the truck had been sold at auction. Allison asked why the truck went to auction without going through a Village meeting when the truck the Village was donating had to be approved by the Council. Kevin said it was the difference in procurement. They had to have an okay to donate the other fire truck but the engine could be auctioned because of the value, \$2000. Allison asked where it was advertised. Kevin explained it was on a national website. Allison said no one in the Village was notified the truck was going up for sale. Kevin clarified it was on a public auction website.

Lorna Fike from Hope Harbor introduced Bonnie Torres as the Operations Director whom will be running the program.

Mike Hernandez from 118 W. 3rd Street shared concerns he has about suspicious activity that has been occurring on Stanton Street. He said he has called the Sheriff's Office numerous times in the past three years. Recently, there has been a small child at the house and Mike is concerned for the child's well-being. He called CYFD over concern that the house is uninhabitable. He requested CYFD send the email to the Sheriff's office but it was not. He said it was sent to the Village Police Department and State Police. He also said as soon as the email came out, the baby disappeared and is wondering if there is a snitch in the Village. He is requesting an effort be made to resolve the issue. Mike said he has shared information with law enforcement until he is blue in the face. Mike said the neighbors try to take pride in their properties but is worried the property values are low due to the property on Stanton. He also said that the individuals must have a scanner or there is a snitch in town because within a few minutes of calling law enforcement, the individuals stop whatever the complaint was about. He called

continued Item #2 on the Agenda: Public Input.

State Police and asked them to come talk to him but they never showed up. He said he was told by a gentleman that works for the Village of Capitan to cut it out because "we don't need that here."

Kateri, a resident of 52 years, said the house on the corner of 4th and Stanton has tunnels and squatters are living there. She shared drugs are moving in and out of the house. She said it is to the point her child cannot play outside and that is not fair. She wants to know what is being done about the problem and is asking for help. Kateri said the smell of chemicals comes from the house. She said the activity is affecting their mental health.

Terry Clauche from 114 W. 4th Street said he knows there are Village Ordinances against the garbage and the broken-down cars sitting on the property at the NW corner of 4th and Stanton. He said he picks up garbage everyday that comes from the house. He is concerned the trash is creating a fire hazard and wonders why the Fire Marshal has not condemned the house. He said he has talked to Randy, Sam, and Brett as well a Deputy Sheriff. Terry said it is a biochemical hazard and it makes Capitan look bad along with affecting property values. He also said after someone calls 911 about occurrences at the house, the phones start ringing at the house and everyone clears out.

Eddie Sedillo from 214 W. 4th Street said the last few years have been bad, in reference to the house on Stanton, and it is getting worse. He said what they hear, see, and smell is terrible. They cannot be outside because of the odors. He said they have called the Capitan Police and the County but nothing has been done. There is so much traffic, people walking down the alley and in the street, cars coming in and out. Eddie expressed concern over losing the neighborhood.

Pam Cleckler from 105 Jobe Road shared she thought it would be a good idea to have a group help make decisions on how the development of the old fire house progresses.

Mayor Lowrance said he did not realize how bad the situation was and that something will be done about the issue on Stanton.

An attendee, after listening to the other speakers, expressed concern about structure, soil, and water contamination if in fact meth is being cooked. She said it surely is a toxic concern for the community.

Nateal Sammy thanked the Board and everyone that has helped get Smokey Bear Gift Shop back on track with the potential to thrive. New shipments are coming in daily. They should be stocked up and ready for the parade on the July 2nd. Nateal, the manager at the Smokey Bear Historical Park, and the prevention manager at Smokey Bear Ranger Station are working together to give Smokey a revival. She is working on branding and on doing the website the right way. Trustee Kearns asked if the website is running. Nateal explained it is being built and requires getting certain permissions. The blog and the content are ready to launch. She is waiting for approval on the logo and they will go live.

Item #3 on the Agenda: Mayor and Trustee Comments.

Trustee Hair had no comments.

Trustee Fraley had no comments.

continued Item #3 on the Agenda: Mayor and Trustee Comments.

Trustee Kearns encouraged letting the Mayor look into the issues discussed and for the public to not take things into their own hands. He recommended letting the system work and give it some time. Mayor Lowrance asked Eddie Sedillo to be a point of contact and to call the Mayor if there are any problems. He said he would have a discussion with the police agencies that have been contacted. He said if it is a nuisance something needs to be done about it.

Item #4 on the Agenda:

Consent Agenda:

- a. Approval of the Minutes: Regular Meeting – May 10, 2022
- b. Approval of the Minutes: Workshop Budget – May 24, 2022

Trustee Hair made a motion to accept the Minutes. Trustee Fraley seconded the motion.

Roll Call: All were in favor, the motion carried.

Item #5 Presentation About Old Fire Station by Peggy Wilson

Peggy Wilson has had contractors, plumbers, and electricians go through the building with her and tell her what can be done to turn the building into a Community/Youth Center. She has done research on grants that are available once it gets to that point. Peggy is asking for a committee to be formed to decide how to proceed. The building does need to be cleaned out. She recommended keeping the bathrooms and the kitchen as close to the existing bathroom to save on cost and limit the need to run plumbing and electricity across the building. Peggy shared part of the building could be used for a performing arts theater and she can write a grant for a portable stage, sound, and lighting system. Two youth group foundations will furnish, billiard tables, foosball tables, and vending for a community center for kids. Another foundation has verbally committed to provide \$1500 for "games and stuff like that" once it is up and running. She shared she hoped the new committee will consider adding a basketball court. She pointed out another room can be open for people in the community to come in and have coffee, play games, or be a place for the community to gather. If an area is set up, mentors will come in to tutor and also read to children. An artist has shown interest in giving lessons too. There are also people that sew and quilters that would donate time. The National Farming Association might provide tables and booths so a farmer's market could be held in the building. There is the possibility of having a space to show movies. Peggy said a committee is needed and is hoping the school, residents, and the library will get involved. She will continue to help with grants. A question was asked about asbestos. Peggy shared that on the reports she has seen, it just needs to be painted and sealed. The building was tested when the new roof was installed. There are no asbestos tiles or filler. The expense should be in the equipment that is put in the building to help the kids and residents want to use the facilities. The goal is for the building to be multi-use. Another question was asked about staffing. Peggy said part of a grant she would write would be to provide for paid positions. There would also be volunteers for different events. Trustee Kearns asked how people could get a hold of Peggy. She shared her information and said she will also be at the Not Too Shabby Shop on Thursday mornings. She is also at the library working on the upcoming Arts Festival. Trustee Kearns asked how this would work under the direction of the Village. Peggy said the funds would have to come through the Village. The library may let them operate through them too. If it is done through the Village, some the committee would be in charge of the report system that has to go to the foundations. She pointed out the restrictions the foundations put on the money are probably stricter than what the Village or the Board of Trustees

continued Item #5 Presentation About Old Fire Station by Peggy Wilson

would put on the money. Peggy is hoping the Village can help with some of the construction cost. Getting the seniors in the community involved is a win-win for the youth and the seniors.

Item #6 on the Agenda: Discussion/Action – Approval of Bills Paid for May 2022

Trustee Hair made a motion to approve the Bills Paid for May 2022. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #7 on the Agenda: Discussion/Action – Approve Purchase of a Backhoe for the Water

Department

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: There was no discussion of this item.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #8 on the Agenda: Discussion/Action – Approve Purchase of a Backhoe, Pull Behind Roller, Upgrade of Traffic Control Devices, and Hot Mix Cold Lay for Street Department

Trustee Hair made a motion to approve. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #9 on the Agenda: Discussion/Action – Approve Purchase of Lumber and Stain Sealer for Playground, Weed Eater, Backpack Blower, Extension of Waterline for Second Faucet, Solar Lights, and Step Ladder for Parks and Recreation Department

Trustee Hair made a motion to approve. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #10 Discussion/Action – Approve Performance Based Raises Based on Upcoming Evaluations

Trustee Hair made a motion to postpone. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

Item #11 Discussion/Action – Adoption of Resolution 2022-08 Final Budget for Fiscal Year 2022/2023

Trustee Hair made a motion to postpone. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

Item #12 Discussion/Action – Recommend for Approval Extra-Territorial Water Service for Tract 18 Block 4 Timberlane Hills – Marsha Johnson

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: Trustee Kearns asked if the Village would be running a waterline down the highway. Steve Osborn explained they did a road bore crossing the highway and then will be going along the highway. Trustee Kearns asked how many lots or homes in that area will be connecting to the water line. Steve said there was a possibility of 5 with the road bore and there is the potential of 10 more in the future. There has to be more extensions before more customers can be served.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #13 Discussion/Action – Approval of CD purchase

Trustee Fraley made a motion to approve purchase with the amount being determined at the budget meeting. Trustee Hair seconded the motion.

Discussion: Trustee Fraley asked if this was from the Washington Federal account. Mayor Lowrance explained the Village currently has 3 CDs and over \$1.5 million in the bank. Al Cavazos said the Village currently has 4% and 6%. Mayor Lowrance said that if the money needs to be taken out of the CD it can. The money in the bank has grown from about \$500,000 in 1996. Trustee Kearns asked about the terms of the CDs. Al explained the banks cannot lock anything right now because of the current volatility. Citibank recommended waiting until Thursday to see what happens with the rates. Trustee Kearns said rates could easily increase within 6 weeks and waiting might be prudent.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #14 Discussion – WaFd closing the Capitan Branch

Discussion: Mayor Lowrance said the bank is closing in Capitan on the 24th.

Item #15 Discussion/Action – Approve Contract for Zach Cook as Village Attorney

Trustee Hair made a motion to approve. Trustee Kearns seconded the motion.

Discussion: Trustee Hair said we need that legal representation desperately and moving forward as quickly as possible is prudent. Trustee Fraley said we have to have an attorney for sure. Trustee Kearns said Mr. Cook has experience and the Board needs to approve this.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #16 Discussion/Action – Adopt Requirement of Quarterly Reports from Dept. Heads

Trustee Hair made a motion to approve. Trustee Kearns seconded the motion.

Discussion: Trustee Fraley and Trustee Kearns ask for clarification on what is being required. Trustee Hair said she is looking for the Department Heads to have a voice. She wants the supervisors to have more input into what is going on in their department. She would like to know about the challenges or complications they are facing and the status of the department. The information will allow the Council to respond quickly and make informed decisions. The supervisors can alternate when they share their update. Trustee Kearns is concerned about the supervisors having to put together a presentation and does not want them to dread having to give a quarterly report. Trustee Hair realizes the supervisors are busy but wants the information not just for the Council but for the public as well. She would like the Department Heads to be able to open up communication through the proper channels and to alleviate part of the rumor mill by having the information shared in an open source. Trustee Hair said she was going to look up templates the Department Heads can use.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair – yes

Item #17 Discussion/Action – Approve Changes to Lodgers Tax Board

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: Lodgers Tax Board will be meeting to determine members and responsibilities on Thursday. Some member may be stepping down. Peggy Wilson and Francis Traylor are approved to replace those individuals.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item # 18 Discussion/Action – Approval of DEC Amendment for Engineering Municipality of Capitan Waterline Replacement Project

Trustee Kearns made a motion to approve. Trustee Hair seconded the motion.

Discussion: Steve Osborn said there is funding that has to be spent before next year. There was not enough money to fund the entire project but they can get part of it done. The amendment is to change the schedule.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #19 Discussion/Action – Adoption of Resolution 2022-09 Participation in Local Government Road Program for the New Mexico DOT

Trustee Kearns made a motion to adopt the resolution. Trustee Hair seconded the motion.

Discussion: Kevin Kennedy said it is for the rehabilitation of Anna Drive.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #20 Discussion/Action – Adoption of Resolution 2022-10 Asset Management Plan and Depreciation Policy

Trustee Kearns made a motion to approve. Trustee Hair seconded the motion.

Discussion: Mayor Lowrance said this is something the State needs and is a requirement for the auditor. This resolution sets how property will be depreciated. Kevin Kennedy said funding sources demand this and if the Village does not have it, they will not give the Village money.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #21 Discussion/Action – Adoption of Resolution 2022-11 Procedures, Subject to the Approval of the DFA, on the Terms and Conditions of Accepting Payments by Credit Card and Electronic Payments

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: Angela Autrey said this has to be turned in with the budget. It is a requirement for all municipalities for safety purposes. She explained the Village must show security measures are in place for credit card payments. Trustee Kearns asked about fees and Angela said they are being paid by the customers.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #22 Discussion/Action – Approve Appointment of Leona Powell for Bookkeeping Services Providing Trial Balance Requirements on Audit

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: Mayor Lowrance explained the Village has been using Suzanne but she could not get to this. Leona Powell would be stepping in to complete this so the audit can be completed. Leona Powell is the Village Clerk and Finance Officer for Grady, NM. Trustee Hair asked if this would be a one-time use. Mayor Lowrance said it would be brought back up if she was needed for the next audit.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair - yes

Item #23 Discussion – Presentation on 2024-2028 Infrastructure Capital Improvement Plan (ICIP)

Discussion: Kevin Kennedy said there is no money associated with the ICIP. It is a planning tool that establishes priorities, focuses on critical needs, and encourages planning. It is a 5-year plan that is

continued Item #23 Discussion – Presentation on 2024-2028 Infrastructure Capital Improvement Plan (ICIP)

developed and submitted to the Local Government Division. Historically, the top 3 are the priorities. Those top three are moved to the Legislature Council Services (LCS). A presentation is given and the Round House looks at providing funding. The ICIP must be submitted by September 9, 2022. A good ICIP project creates a new fixed asset or enhances an existing fixed asset. Most projects must have a life expectancy of 10 years and must be over \$10,000. Kevin shared the Water Storage Tank Rehabilitation, Conversion of the Old Fire Station, and Solar at the Wetlands are on the list. The solar panels are good for 30 years and will be paid for in 8 years. Nateal Sammy asked how to get on the ICIP for the museum. Kevin said it was already on the list and that other funding sources can be sought for items on the ICIP. A question was asked about tying the museum to the fire station because they are in the same compound. Kevin said it is a scope of work and may be only on one building. He explained they are pretty strict on what can and cannot be done. Trustee Kearns asked that this be included on the agenda in July and August for more discussion. Mayor Lowrance said it will be on July agenda and if a workshop is needed, it will be scheduled.

Item #24 Discussion/Action Approve to move forward to change Insurance Agents if they come in with a Better Quote and Documentation

Trustee Fraley made a motion to approve. Trustee Hair seconded the motion.

Discussion: Mayor Lowrance explained the insurance with the Municipal League is not itemized. The Village has contacted an agent and if they come in with a better deal he recommends switching to save money.

Roll Call: Trustee Kearns – yes, Trustee Fraley – yes, Trustee Hair – yes

ADJOURNMENT:

Trustee Fraley made a motion to adjourn. Trustee Hair seconded the motion.

Roll Call: All were in favor, the motion carried.

Mayor Lowrance Adjourned the meeting at 7:37 PM.


Ron Lowrance, Mayor, Village of Capitan

Attest:


Al Cavazos, Village Clerk