

**Minutes
Regular Meeting
July 12, 2022**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, July 12, 2022 at the Village Hall in Capitan, New Mexico at 6:00 PM

Mayor Lowrance called the meeting to order at 6:00 PM.

Roll Call: Mayor Lowrance – present, Trustee Kearns – present, Trustee Shearer – present, Trustee Fraley – present, Trustee Hair – present (via Zoom). Al Cavazos – Village Clerk, Donna Weekley – Administrative Assistant, Angela Autrey – Deputy Clerk/Court Clerk/Human Resources Clerk, Steve Osborn – Water Department Supervisor, Ronnie Montes – Parks and Rec., 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 Shearer made a motion to Approve the Agenda. Trustee Fraley seconded the motion.

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

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

Jeralynne Story expressed her concerns for the Village allowing extra-territorial water service. Trustee Shearer explained that the Village has to sell water to make the Water Department solvent. Ms. Story also wants to know why the Village is hiring a water lawyer. She wants the Village to get with the State Engineer and do whatever they request to come into compliance. Trustee Shearer said the Village has been working on the water rights with the State Engineer and has hired a hydrologist. Steve Osborn explained the Village is trying to get everything straightened out by having the hydrologist determine how the Village's water rights work. Steve is working to manage the rights legally and fairly while bringing the Village into compliance with the State Engineer. The Mayor explained the hydrologist recommended hiring a water lawyer. Hiring a water lawyer is to have someone that knows the ins and outs of water rights and so the Village's legal rights are protected. Ms. Story is concerned about how much having a lawyer or going to court will cost.

A question was asked about the location of the new dollar store. The location was explained. A concern of how the new store will find employees was expressed when the current dollar store has trouble staying staffed.

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

Trustee Hair had no comments.

Trustee Shearer had no comments.

Trustee Kearns had no comments.

Trustee Fraley is happy to see a School Resource Officer (SRO) and Neighborhood Watch on the Agenda as he has heard those issues raised several times in the community.

Mayor Lowrance said there was an issue with the SRO contract but it will be addressed when that item is reached on the agenda.

Item #4 on the Agenda: Consent Agenda:

- a. **Approval of the Minutes: Regular Meeting – June 14, 2022**
- b. **Approval of the Minutes: Special Meeting – June 20, 2022**

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

Discussion: There was no discussion of this item.

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

Item #5 on the Agenda: Discussion/Action – Approval of Bills Paid for June 2022

Trustee Shearer made a motion to Approve Bills Paid for June 2022. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

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

Item #6 on the Agenda: Discussion/Action – Approve Formation of Neighborhood Watch

Trustee Kearns made a motion to discuss. Trustee Fraley seconded the motion.

Discussion: The committee would like to know more about how it will be set up.

Trustee Fraley made a motion to Postpone until August. Trustee Shearer seconded the motion.

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

Item #7 on the Agenda: Discussion – SBE Update

Trustee Fraley made a motion to Postpone until August. Trustee Kearns seconded the motion.

Discussion: There was no discussion of this item.

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

Item #8 on the Agenda: Discussion/Action – Approve Village Taking Over the 80th Smokey Bear Hometown Parade Next Year

Discussion: The 80th birthday is actually in 2024. Trustee Shearer said the Village should be looking at doing something large for the 80th birthday. The Lodger's Board had discussed having the event more than every five years. It used to be every year but was moved to five years because of lack of help. The Committee would like to have a presentation about what is trying to be done and those willing to help.

Trustee Shearer made a motion to Postpone until August. Trustee Kearns seconded the motion.

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

Item #9 on the Agenda: Discussion/Action – Restructuring of Management for Parks and Recreation

Trustee Shearer made a motion to Approve Restructuring of Management for Parks and Recreation. Trustee Fraley seconded the motion.

Discussion: Al Cavazos explained having one person managing and one person working was problematic. The Village would be keeping the department but moving it under the Administrative Division. Parks and Recreation would work directly under Angela Autrey and Al to develop proactive plans to beautify and improve the Village. The Village is going to apply for a grant for a total renovation of the playground. Moving Parks and Recreation under Administration will enable each employee to take a lead position in doing different projects. They have capabilities of doing things other than what they are doing now. The

Continued Item #9 on the Agenda: Discussion/Action – Restructuring of Management for Parks and Recreation

move will help the Village better use the employees to accomplish a number of things. The pay for Parks and Recreation employees will not be decreased due to the restructuring.

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

Item #10 on the Agenda: Discussion/Action – Approve Extra-Territorial Water Service for 8431 US HWY 380 – Richard and Yvonne Saldin

Trustee Shearer made a motion to Approve Extra-Territorial Water Service for 8431 US HWY 380 – Richard and Yvonne Saldin. Trustee Fraley seconded the motion.

Discussion: Steve Osborn explained this property is between Family Dollar and Long Road.

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

Item #11 on the Agenda: Discussion/Action – Approve Extra-Territorial Water Service for 129 Hailstorm Rd – William H. Green III

Trustee Shearer made a motion to Approve Extra-Territorial Water Service for 129 Hailstorm Rd. – William H. Green III. Trustee Kearns seconded the motion.

Discussion: There was no discussion of this item.

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

Item #12 on the Agenda: Discussion/Action – Recommend Approval of Application for Portable Building at 129 E. Last Road – Wanda Schmidt

Trustee Shearer made a motion to Approve Application for Portable Building at 129 E. Last Road - Wanda Schmidt. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

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

Item #13 on the Agenda: Discussion/Action – Recommend Approval of Application for Portable Building at 444 W. Fifth St. – Kristi and Neal Morrow

Trustee Shearer made a motion to Approve Application of Portable Building at 444 W. Fifth St. – Kristi and Neal Morrow. Trustee Fraley seconded the motion.

Discussion: There was no discussion of this item.

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

Item #14 on the Agenda: Discussion/Action – Recommend Approval of Application for Disassembling and Reassembling 24 x 40 Shop/Garage at 267 Main Road – Judy Brock

Trustee Shearer made a motion to Approve Application for Disassembling and Reassembling 24 x 20 Shop/Garage at 267 Main Road – Judy Brock. Trustee Kearns seconded the motion.

Discussion: There was no discussion of this item.

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

Item #15 on the Agenda: Discussion/Action – Recommend Approval of Application for New Construction across from the Capitan Baseball Field – Dollar General

Trustee Shearer made a motion to Approve Application for New Construction across from the Capitan Baseball Field – Dollar General. Trustee Fraley seconded the motion.

Continued Item #15 on the Agenda: Discussion/Action – Recommend Approval of Application for New Construction across from the Capitan Baseball Field – Dollar General

Discussion: Trustee Shearer confirmed this application has provided all the surveys and has been approved by the Planning Board.

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

Item #16 on the Agenda: Discussion/Action – Approve Joint Powers Agreement with Capitan Schools on Capitan Ballfield

Trustee Shearer made a motion to Approve Joint Powers of Agreement with Capitan Schools on Capitan Ballfield. Trustee Fraley seconded the motion.

Discussion: Mayor Lowrance explained this is an agreement with the school establishing payments based on percentages and there are no changes from last year.

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

Item #17 on the Agenda: Discussion/Action – Approve School Resource Officer

Trustee Kearns made a motion Approve School Resource Officer. Trustee Hair seconded the motion.

Discussion: Trustee Shearer wants the Village's attorney to review the agreement and wants to know if Capitan School's attorney has reviewed the document. Mayor Lowrance explained the first draft was written by the Superintendent and send to their lawyer. The lawyer sent back the second copy. The Village's lawyer said the agreement was fine except for Trustee Shearer's concern. Trustee Shearer wants to make sure the Police Department is covered and would like the ambiguity in the document to be resolved.

Trustee Kearns made a motion to Postpone until August. Trustee Fraley seconded the motion.

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

Item #18 on the Agenda: Discussion/Action – Approve Amount for CD Purchase

Trustee Shearer made a motion to discuss Approval of Amount for CD Purchase.

Discussion: Mayor Lowrance explained the Village has money sitting in the bank not earning any money. Al Cavazos shared Citi Bank was offering 1.72% for 6 months and 2.24% for 52 weeks as of two weeks ago. Trustee Kearns asked if the penalties to withdraw funds is similar. Al said ideally, you would borrow against the funds and pay the loan off at the time the fund matures. Trustee Shearer would like some solid numbers. Mayor Lowrance explained Al can only get quotes on a guess until the Council decides on an amount.

Trustee Fraley made a motion to Postpone until August. Trustee Shearer seconded the motion.

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

Item #19 on the Agenda: Discussion/Action – Approve Hiring a Water Lawyer

Trustee Shearer moved for discussion of Hiring a Water Lawyer. Trustee Kearns seconded the motion.

Discussion: Trustee Shearer asked if there was a contract. Mayor Lowrance said the lawyer sent over a agreement. Trustee Shearer asked to see what the lawyer sent.

Trustee Kearns motioned to Table (while copies of the lawyer's agreement were made). Trustee Shearer seconded the motion.

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

Continued Item #19 on the Agenda: Discussion/Action – Approve Hiring a Water Lawyer

Trustee Shearer made a motion to bring Item #19 – Hiring a Water Lawyer Off the Table. Trustee Kearns seconded the motion.

Trustee Shearer made a motion to Approve Hiring a Water Lawyer. Trustee Fraley seconded the motion.

Discussion: Mayor Lowrance said it is a standard contract. Trustee Shearer asked the Mayor to make sure the lawyer's bills don't get out of control. The Mayor reminded Trustee Shearer the Council sees the bills every month. Trustee Hair said she did not have any issues with the agreement.

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

Item #20 on the Agenda: Discussion/Action – Approve Renovation of Bathroom in Main Station Fire Department

Trustee Shearer made a motion to Approve Renovation of Bathroom in Main Station Fire Department. Trustee Fraley seconded the motion.

Discussion: The money will be coming out of the Fire Fund and not from the Village. Kevin Kennedy said the bathroom is 20 years old and the floor is coming up.

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

Item #21 on the Agenda: Discussion/Action – Approve Purchase of Plate Compactor and Angle Broom for Street Dept. and Water Dept. to Share

Trustee Shearer moved for Approval of Purchase of Plate Compactor and Angle Broom for Street Dept. and Water Dept. to Share. Trustee Fraley seconded the motion.

Discussion: The total is \$27,740. Trustee Shearer asked if this was in the budget and was told yes.

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

Item #22 on the Agenda: Discussion/Action – Approve Infrastructure Capital Improvement Plan (ICIP)

Discussion: ICIP is a planning tool. The plan can be amended. Trustee Fraley asked if it hurt that some of the items on the list did not have a monetary amount. Kevin Kennedy told him it did not.

Trustee Kearns made a motion to approve the ICIP. Trustee Shearer seconded the motion.

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

Item #23 on the Agenda: Discussion – Comprehensive Plan

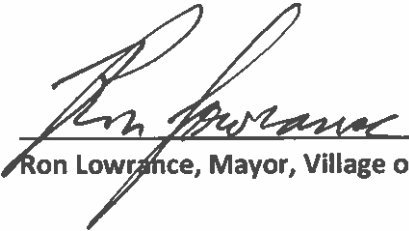
Discussion: Kevin Kennedy explained the Village has a Comprehensive Plan from 2013 and it needs to be updated. There are resources available but plans have to be made and there needs to be follow-thru. Trustee Fraley asked if the previous plan was going to be used as a template. Kevin Kennedy said we could update the plan ourselves.

ADJOURNMENT:

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

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

Mayor Lowrance Adjourned the meeting at 7:34 PM.



Ron Lowrance, Mayor, Village of Capitán

Attest:



Al Cavazos, Village Clerk

**VILLAGE OF CAPITAN
SIGN IN SHEET
REGULAR MEETING**

July 12, 2022

6:00 PM

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