

**Minutes  
Regular Meeting  
October 11, 2022**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, October 11, 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 – not present, Trustee Hair – present. Donna Weekley – Administrative Assistant, Angela Autrey – Deputy Clerk/Court Clerk/Human Resources Clerk, LeAnne Brasher – Finance Officer, Steve Osborn – Water Department Supervisor, 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 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).**

There were no public comments.

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

Trustee Kearns had no comments.

Trustee Shearer had no comments.

Trustee Kearns had no comments.

Mayor Lowrance pointed out Item #12 is only for discussion and not for action.

**Item #4 on the Agenda: Consent Agenda:**

**a. Approval of the Minutes: Regular Meeting – September 13, 2022**

**b. Approval of the Minutes: Ordinance Workshop – September 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 in favor. The motion carried.

**Item #5 on the Agenda: Discussion – A Presentation by Karl Pennock on Water Rate Study and Recommendations**

**Discussion:** Karl Pennock with Rural Community Assistance Cooperation shared the purpose and scope of the rate analysis is to provide adequate revenue for operations, debt payments, and reserves.

Currently there is a flat rate for waste water. Some places have more waste water than others. To be fair, they need to be charged accordingly and that will be part of the rate analysis.

**continued Item #5 on the Agenda: Discussion – A Presentation by Karl Pennock on Water Rate Study and Recommendations**

Mr. Pennock will have the rate options developed to present at the meeting on Nov. 8<sup>th</sup> as part of a 5-6 year plan. To develop the plan, Mr. Pennock looks at assets, budget including future projects, and sales/revenue forecast. An inflation adjustment is included based on the last three years. He would like to establish a base rate for water and sewer and then develop a usage charge. Growth assumptions for the Village will be taken into account. Trustee Shearer asked if extra-territorial was part of the plan too. Mr. Pennock said that would be looked at as part of water usage.

Mr. Pennock will present 3 options for rate adjustments with the goal to be fair, justifiable, and easy to implement. They will include uniform adjustment rates (increases all rates by a percentage) and a meter equivalency model. The current base rate is based on 6,000 gallons. One recommendation will be to drop the 6,000 gallons to a lower amount. A base rate could be determined based on the size of the meter. Larger meters provide a larger capacity for water usage. A sewer charge is determined based on the winter water rate usage. He shared is best to phase rate adjustments in over time. The last time the Village increased the water rate for Consumer Price Index (CPI) was in 2021. The last sewer rate adjustment was probably done in the 1990's. Only applying the flat rate to a large user creates an imbalance. If adjustments are not made, the Village's financial position will deteriorate. An asset management plan would be helpful. An appropriate rate needs to be charged to generate the revenue needed.

Issues that need to be considered are the age of the system, drought, and resiliency. Steve Osborn shared all of the 1947 pipe has been replaced. There is an issue with leaking pipes and soil eating the pipes that need to be addressed. Pipe upgrades are a going to be needed. They are also going to need to replace the generators.

There are 842 active water connections and most of them are 5/8-3/4 in size. The median household income in Capitan is lower than the state average and that provides opportunities for grants and higher amounts of funding being awarded. There are \$2.2 million in water projects on the Village's Infrastructure Capital Improvement Plan (ICIP).

**Item #6 on the Agenda: Discussion – A Presentation by Todd Oberheu on the Mill Levy**

**Discussion:** The healthcare mill levy has to be renewed every 8 years. It is a continuation of the mill levy currently in place. The funds from the mill levy support the hospital, clinics, and EMS. The clinic in Capitan needs to expand. An architect is being hired to develop a design and next year it will be submitted to the County Commission for approval. The Hondo clinic is about to expand operations to 3 days a week but additional funding is required. A new ambulance is going to cost almost \$400,000. They are looking at a better way to support EMS volunteers through out the county. They currently have one ambulance stationed at Copper Ridge to support this portion of the county. The hospital now does joint replacements and offers chemotherapy.

**Item #7 on the Agenda: Discussion/Action – Approval of Bills Paid for September 2022**

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

**Discussion:** There was no discussion of this item.

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Hair - yes

**Item #8 on the Agenda: Discussion – Waste Water Budget with Sludge Pump Reductions**

**Discussion:** A BAR adjustment for \$160,000 would have to be done. That amount is available in the unrestricted cash from waste water. After the reduction, \$290,000 would be left. This sludge pump is necessary to stay in compliance and it looks like it will need to be done every 10 years. Other possible options include having drying beds. Trustee Shearer asked for the BAR adjustment to be on the agenda for the next meeting.

**Item #9 on the Agenda: Discussion/Action – Approve Extra-Territorial Water Service for 121 Patsy Drive – Geri Fleming**

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

**Discussion:** There was no discussion of this item.

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

**Item #10 on the Agenda: Discussion/Action – Approve Extra-Territorial Water Service for 117 Patsy Drive – Shianne Looney**

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

**Discussion:** There was no discussion of this item.

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

**Item #11 on the Agenda: Approve Purchase of Fogger Machine**

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

**Discussion:** This is for mosquitoes and to replace the old machine.

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

**Item #12 on the Agenda: Discussion – Approve Adding Sierra Contracting as an Option for Trash Service**

**Discussion:** Trustee Shearer is concerned this violates the agreement with Greentree. Mayor Lowrance said the new amendment voided the contract. Trustee Shearer said the Village has invested significant amounts of Capital Outlay funds in Greentree. She wants to know why the Village is undermining everything it has done. Mayor Lowrance said a concerned citizen ask if there was another option because Crystal from Greentree is being rude to people when they call about their trash not being picked up. Trustee Shearer pointed out a spot will be chosen and people will have to haul their trash to that location. Trustee Kearns said he has had his trash not picked up on the correct day and said it is inconvenient but not “earth shattering.” Mayor Lowrance said if Ruidoso Downs pulls out, that leaves Capitan and Carrizozo to fund Greentree. Trustee Shearer asked if the Village doing this would supplement the County. She was told no. Zach Cook said Greentree is held together by a Joint Powers Agreement. He said it will get complicated. According to Trustee Shearer, in 1991 the Village entered into a Joint Powers agreement and has part ownership in the landfill. She wants to know this affects tipping fees because tipping fees are part of the membership. Zach Cook said it is not a simple matter of just switching vendors. Trustee Shearer said she is very opposed to this and thinks the Village needs to work with Greentree as a member and not create a competition. The Village has a vested interest and she is not going to throw her trash in her Jeep and haul it to a central location. She said the Mayor is the representative on Greentree and should talk to Greentree. He said he has and Crystal says she is taking care of it. Mayor Lowrance said when a truck is broken down, Greentree is supposed to lease one or buy a new one and they are not doing it. The Mayor did not have his trash picked up for 4 weeks and

**continued Item #12 on the Agenda: Discussion – Approve Adding Sierra Contracting as an Option for Trash Service**

understands why people are upset. Trustee Shearer said if there are concerns, they should be put in writing and ask for a response. Trustee Hair asked if there was a way for Greentree to give the Village an update. She noted that it is one thing to have one person complaining but it is different if there is a group of people saying they are not happy with the service. Trustee Shearer said the solution should be to work on fixing the service not bringing in someone new. Trustee Kearns wanted clarification that some citizens in Capitán wanted to opt out of Greentree service and do “their own thing.” Trustee Shearer said someone from the Board needs to go to Greentree meetings. Trustee Hair said she should be able to work out attending those meetings.

**Item #13 on the Agenda: Discussion – Cannabis Ordinances**

**Discussion:** Trustee Hair said the Village is in a holding position based on what the finding is with the water system. The rates need to be changed before anything is done with the cannabis ordinance. She appreciates the public’s input and due to her research, she believes the Village has done justice to State regulations at this point. If the Village makes changes with zoning or water, that needs to be included in the cannabis ordinance. Making changes based on wanting to make a stand can open the Village up to litigation. The Village has to follow state rules. Trustee Shearer said the current ordinances is adequate. There will be pressure for more growers. She would like to look at the 3-acre idea for the east part of the Village because of the flat pasture land. Trustee Hair said other communities have handled that by water control. The water ordinances have to be changed other wise there is a conflict and the Village could be in violation. The cannabis ordinances can be revisited in January.

**Item #14 on the Agenda: Discussion/Action – Approve New Members for the Planning Board**

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

**Discussion:** The Mayor said they are Linda Jones and Tracy Jones.

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

**Item #15 on the Agenda: Discussion – Contract to Purchase 318 Lincoln Avenue**

**Discussion:** Trustee Kearns wanted to recuse himself as the property owner and leave the room but Trustee Shearer said he should stay to answer questions. Trustee Kearns did not want to inhibit open discussion by his presence. He stayed and shared, the Village came to him about purchasing the property. Mayor Lowrance explained the Village got a quote of over \$2 million to renovate the fire house. The Village will not be able to do that so the Village is looking at purchasing property and building a new building to use as a community center. Mayor Lowrance said it was his understanding that it is easier to get funding for a new building than it is to renovate an old building. The property measures 88 x 120. Trustee Shearer asked if there would be parking on the property or just a building and was told that would be up to the engineer. She asked to see a sketch of a site plan. Trustee Hair wants to Council to think about how the property could be used. She thinks a community center could be great at this location. Trustee Shearer said she likes the idea but is “not there yet.”

**Item #16 on the Agenda: Discussion/Action – Memorandum of Understanding with Smokey Bear Historical Park/State Forestry for Use of North Fort Stanton Turn Around**

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

**Discussion:** This would be for museum/historical park to use this area while they work on their roof. Trustee Shearer asked if the Village still has the easement. She thought the Village had abandoned it. Angela Autrey said the Village had but the women's club deeded it back to the Village and that is the last thing the County could find. Trustee Shearer said it might be worth running a binder because she thinks in the 1990's it was abandoned.

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

**Item #17 on the Agenda: Discussion/Action – Adopt Resolution 2022-20 – Law Enforcement Funding Grant**

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

**Discussion:** This is a three year grant that will cover a fourth position with the police department. The grant covers the full salary the first year and reduces each year after that. At the end of the three years, the Village can cover the salary or eliminate the position.

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

**Item #18 on the Agenda: Discussion/Action – Adopt Resolution 2022-21 - Approval of the Grant Agreement for the Lift Station**

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

**Discussion:** Trustee Shearer asked if this was already in the budget and was told yes.

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

**Item #19 on the Agenda: Discussion/Action – Approve Partnership with Citizen Emergency Response Team (CERT)**

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

**Discussion:** Robert Barber said he has noticed a need in the county for a CERT program. The program establishes volunteers to support first responders in the three phases of a disaster cycle - preparedness, response, and recover. CERT is a FEMA encouraged program. FEMA provides some training and guidance for these programs. CERT trains citizens how to respond during a disaster and helps them with recovery. The training provided to the volunteers includes Basic First Aid and Incident Command System. They are looking to train volunteers from across the county and partner with community organizations. The mission of the CERT program in Lincoln County is to make the county more resilient by helping to face and endure emergencies more efficiently and recover quicker. Lincoln County is the government sponsor for CERT. Mr. Barber is asking if Capitan will partner with the program. Trustee Shearer asked if a 501(c)3 was set up. Mr. Barber told her that was down the road. Not only is CERT willing to help in emergencies, they can help with other events such as parades. They are still putting together their budget requirements. They have already identified two funding resources (grants) they can obtain within the next 6 to 9 months.

Initially, CERT will focus on providing background support for search and rescue, fires, and flooding by assisting with evacuations, getting information to the public/explaining how the community alert system works, controlling traffic, and operating unifications centers/shelters. They can fill-in until the Red Cross arrives. As the program develops, they would like to form advisory boards to keep the community

**continued Item #19 on the Agenda: Discussion/Action – Approve Partnership with Citizen Emergency Response Team (CERT)**

involved. They hope to have medical personnel and individuals to provide spiritual care as volunteers too. Eventually, they would like to involve interested students and expose them to emergency management.

The CERT program may need a place to for meetings and trainings. They may need minimal financial support in the future. Mr. Barber is currently asking the Village for a letter of support to assist with obtain the grants and Kevin Kennedy's support during business hours. He would like the opportunity to speak at some Village functions to recruit volunteers. Mayor Lowrance clarified the Village providing a letter of support would help Mr. Barber get other organizations involved. Mr. Barber said it would help greatly. Mayor Lowrance told Mr. Barber to come in and work with Angela Autrey on the wording for the letter as well as provide him information so he can include it in his Mayor's Letter.

Trustee Hair withdrew her previous motion and made a motion to be involved as CERT is set up. Trustee Kearns seconded the motion.

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

Kevin Kennedy thanked the Council for supporting CERT. Joe Kenmore also thanked the Council.

**Item #20 on the Agenda: Discussion – A Presentation by Kevin Kennedy on the Volunteer Fire Assistance (VFA) Grant**

**Discussion:** Kevin Kennedy applied for a grant for \$17,405. The Village will have to match \$1,700 and the total project is \$19,146. The funds will be used for an ATV slip in that can be used to fight fires.

**Item #21 on the Agenda: Discussion/Action – Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7).**

Mayor Lowrance said "Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph - Any action as a result of closed session will be brought back into open session."

Trustee Kearns made a motion to close the open session. Trustee Shearer seconded the motion.

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

Trustee Shearer made a motion to go into executive session for the purpose of discussing pending litigation. Trustee Hair seconded the motion.

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

Trustee Shearer made a motion to come out of executive session and go back into regular session. She attested the only thing discussed in executive session was threatened or pending litigation pursuant to the Open Meetings Act.

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

No action is being taken as a result of the executive session.

**ADJOURNMENT:**

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

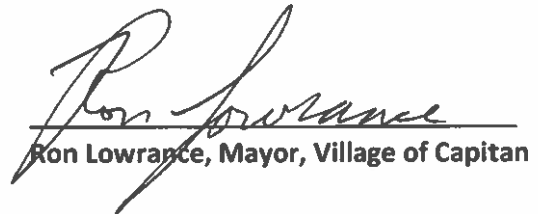
**Roll Call:** All were in favor, the motion carried.

Mayor Lowrance adjourned the meeting at 8:26 PM.

**Attest:**



Al Cavazos, Village Clerk



Ron Lowrance, Mayor, Village of Capitán

**October 11, 2022**  
**6:00 PM**

[illegible]