

**Minutes
Regular Meeting
September 13, 2022**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, September 13, 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 – not present (arrived at 6:03), Trustee Shearer – present, Trustee Fraley – present, Trustee Hair – present. Al Cavazos – Village Clerk, Donna Weekley – Administrative Assistant, Angela Autrey – Deputy Clerk/Court Clerk/Human Resources Clerk, 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 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).

Dan Bolin requested the Village put a moratorium on issuing permits to cannabis related businesses until the Village can develop ordinances to address “major concerns.” According to Mr. Bolin, John Romero, the Water Resource Allocation Program Director, stated only 10 to 15 percent of applications for cannabis have legal water. Mr. Bolin shared cannabis grows have placed stress on water systems in New Mexico and other states. Cannabis is not supposed to be marketed looking like candy but it is and is showing up in schools. He would like the Village to put the following items in place.

1. No water for cannabis businesses until this gets worked out within the State.
2. Limit the number of cannabis establishments, as allowed by law, to two businesses.
3. Permits for cannabis need to be linked to a specific address/location and should not be allowed within 500 feet of schools and parks.
4. The permit should also be non-transferable.

Trustee Shearer asked if Mr. Bolin was proposing zoning. He said he was not. He said the Village has Land Use Codes and those can be used to set distances. He would also like the Village to petition the Legislature for some of the funds the State is making off of cannabis sales to help the Village address the issues caused by cannabis sales. He wants communities to push back.

Trustee Shearer shared she is concerned how a moratorium will affect the Village based on moratoriums that have been enacted previously. Mr. Bolin wants the Village to act quickly before the State starts making changes to what the Village can do. He shared he does not want the moratorium to be permanent, just long enough for the Village to have time to do research. Trustee Shearer asked about current lawsuits in the State. An attendee asked why someone would sue if the law allows local jurisdictions to “adopt rules for the time place and manner in which cannabis can be sold including rules

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

that reasonably limit the number of cannabis establishments in the community and their hours of operation.”

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

Trustee Kearns had no comments.

Trustee Shearer had no comments.

Trustee Fraley pointed out there has been talk about getting the marijuana licenses tied to water and said if it could be revisited to do so.

Trustee Hair asked if a workshop could be conducted for the cannabis ordinances. She thinks it is worthwhile to address the things Dan Bolin brought before the Board.

Mayor Lowrance said a workshop can be set up. He also has found two people to be on the Planning Board.

Item #4 on the Agenda: Consent Agenda:

a. **Approval of the Minutes: Regular Meeting – August 9, 2022**

b. **Approval of the Minutes: Special Meeting – August 17, 2022**

Trustee Shearer made a motion to Approve. Trustee Fraley 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 – Update on Healing America’s Heroes

Discussion: Eddie Crain shared Healing America’s Heroes is a non-profit organization helping veterans with PTSD through recreational equine and piscatorial therapy. They are using the facilities at Fort Stanton and are converting them into a veteran wellness and a veteran outreach center. Last September, the Village of Capitan agreed to be their fiscal agent. In May of this year, the deal with the State was completed. Since May 28, 2022, twelve veterans have come through the program. Eddie and Robert shared several stories of the positive effects individuals have experienced while attending Healing America’s Heroes. Ten or twelve veterans are coming in the weekend of September 16. Four of them are Vietnam vets.

Robert Crain shared their mission is to provide a therapeutic environment for veterans, active service members, first responders, and anyone suffering from PTSD, traumatic brain injury, or military sexual trauma. The facility has 24 bedrooms with 48 beds. They have two handicap beds. The facility also has a commercial kitchen. They offer both men’s and women’s programs, receptions, luncheons, and retreats. They are going to be offering veteran couples retreats.

Healing America’s Heroes has a wish list on Amazon. For about \$250, a person can purchase a “Bed for a Vet” which is the mattress, sheets, comforter, and a pillow. They need 20 more of those sets. It cost between \$7000-\$8000 a year to take care of the horses for the equine therapy. They are accepting donations for the equine care.

They will gladly give tours. Every second Saturday of the month, Healing America’s Heroes has volunteer days and people can sign up on Healing America’s Heroes Facebook page. Anyone interested in attending for therapy can register online as well.

Item #6 on the Agenda: Discussion – Update on Progress at Train Depot by Paul Durham

Discussion: Paul Durham shared the attic of the train depot has been cleaned out. Historic Presentation gave them permission to use paneling. He is having difficulty finding 1-inch quarter round. Mr. Durham said part of the issue was a contract with the State that said they could not create any hazardous waste. That meant they could not do anything including drive a nail or place a screw to cause the paint to flake. He is also having difficulty finding someone to blow in insulation.

They have about \$10,000 in contributions to use after they have used the money from Capital Outlay. They have spent close to \$100,000 obtained through grants and donations. Lionel train equipment has been donated and will be set up once the freight room is complete. They would like the depot to be used for New Mexico movies, contain a time line of Capitan, and be used as a museum. They would like to have a train club with the high school/junior high and also incorporate the student's family trees to show the local history in the museum. The museum will be open on weekends with a number to call during the week for the museum to be opened for visitors. The gift shop will be staffed mostly by volunteers but some funds are available to provide pay for about 40 hours a month. The store will have railroad memorabilia and should not compete with anyone else. The money made in the store will go back into the displays.

Trustee Shearer asked about an agreement the Village signed in 2017 pertaining to the depot. Mr. Durham said that agreement falls under the umbrella of his current 501(c)3. Trustee Kearns asked about the name being different and Trustee Shearer asked if there was an agreement with his current 501(c)3. Trustee Kearns asked why the current agreement had a four-year period before it became active. Mr. Durham said they had no idea how long it would take to renovate the depot. Trustee Kearns clarified that Mr. Durham estimated it would take four years to renovate and asked how much longer was needed. Mr. Durham said the depot project is about 85% complete. Mr. Durham said it should be about four weeks for them to get through nearly everything they needed to do. Trustee Kearns asked if it was a matter of money flow. Mr. Durham confirmed it is and asked if the Village would purchase a heat pump. Trustee Kearns asked if the train depot will be available for organizations in town to use. Mr. Durham said yes, they would have to coordinate with the Village but Trustee Kearns pointed out that Mr. Durham is in charge of day to day activities. Trustee Shearer asked who was paying the utilities. It was paid for by grant money. There is currently no water at the depot. Trustee Shearer said she thinks there needs to be a new agreement. There is nothing in the Secretary of State's corporate records that shows any affiliation between the past 501(c)3 and the current 501(c)3. She feels like there are some holes in the agreement signed four years ago and it is based on the renovations being completed by now. Trustee Shearer asked the ballpark figure to finish. Mr. Durham said he does not know some of the prices. He thinks they can "pretty well finish everything" in four weeks. There is \$7,481 left from Capital Outlay. Trustee Kearns wants to know who is covering the insurance. He added that might need to be covered in the new agreement. He thinks it would be good to start fresh and look at Mr. Durham's ideas along with the Village's.

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

Trustee Shearer made a motion to Approve. 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 #8 on the Agenda: Discussion/Action – Approve Application for Mobile/Manufactured Home at 102 Lynx – Brian Newell

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 Fraley – yes, Trustee Hair – yes

Item #9 on the Agenda: Discussion/Action – Approve Application for New Construction at 147 Main Road – Carrol A. Durbin

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 Fraley – yes, Trustee Hair – yes

Item #10 on the Agenda: Discussion/Action – Approve Application for an Addition at 107 Wanda Circle – Daniel H. Simmons With the Condition That a Licensed Contractor Perform Job

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

Discussion: Trustee Shearer asked about a drainage problem on the property. Angela Autrey explained the State Engineer came out and talked to them about the issue. That is why they are with a licensed contractor.

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

Item #11 on the Agenda: Discussion/Action – Approve Not 2 Shabby Shop Roof Repair/Replacement

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

Discussion: Trustee Shearer shared she was there when they had the big rain and were having to move items. She does not want them getting mold. Trustee Kearns said it is the Village's building and needs to be taken care of as it has been in the past. Mayor Lowrance stated he thinks it is just in the front part. He thinks they did not put the seam tape on. The individual that put on the roof has past away so they cannot go back to him for a warranty. Trustee Shearer clarified the Village is just asking for an estimate.

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

Item #12 on the Agenda: Discussion /Action – Approve School Resource Officer Memorandum of Understanding

Trustee Fraley made a motion to Approve. Trustee Shearer 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 – Approve Rifle Range Agreement

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

Discussion: Trustee Kearns said he is all for a highly trained police force but does not like a barter system and that the Village will be responsible for the road to the range. He is concerned the open arrangement will not be good for the Village. Mayor Lowrance shared the Village only goes about once a year to maintain the road. This agreement is to replace a current agreement due to the range changing its name. Nothing other than the range name and point of contact was changed in the agreement. Trustee Kearns wanted to know if this is working out with the Street Department. Mayor Lowrance said the Street Department just blades.

Roll Call: Trustee Shearer – yes, Trustee Kearns – no, Trustee Fraley – yes, Trustee Hair – yes

Item #14 on the Agenda: Discussion/Action – Approve Resignation of Diane Riska from the Planning Board

Trustee Fraley made a motion to Approve. Trustee Shearer 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– Estimate on Sludge Pumping Amounts

Discussion: Steve Osborn shared there is heavy accumulation of sludge in the lagoons. The budget includes \$15,000 of the cost, about another \$160,000 is needed. If the Village goes out of compliance, they will have to be pumped down to 6 inches. Trustee Shearer asked about the waste water budget and if it could be paid out of that budget with a budget adjustment. Mayor Lowrance said \$70,000 would only take care of the issue for a year and a half or two years. He suggests doing it all at once and getting the large expense out of the way. The last time they had to pump was about 10 years ago. Drying beds with sup pumps are another option. Once the sludge is dry enough, it can be hauled to the landfill. Something is going to have to be done in the next year. Trustee Shearer asked to see what the budget adjustment would look like at the next meeting.

Trustee Hair moved to Postpone Until Further Notice. Trustee Shearer seconded the motion.

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

Item #16 on the Agenda: Discussion/Action– Adopt Resolution 2022-18 – Extension for the North View Drive Project

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 Fraley – yes, Trustee Hair – yes

Item #17 on the Agenda: Discussion/Action– Adopt Resolution 2022-19 – Tiger Drive

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

Discussion: Mayor Lowrance asked if the Village has received the \$75,000. Kevin Kennedy said once the resolution is signed the Village will receive the funds.

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

Item #18 on the Agenda: Discussion/Action– Approve Proper Use of Utility Easements – Pertaining to Ingress and Egress

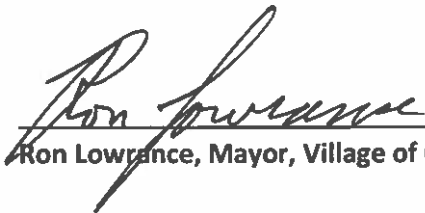
Discussion: Al Cavazos said the Village was asked to give up utilities easements which is already covered in the ordinances. The Village does not want to give up those easements but wants to maintain the ability to use the easements for utilities in the future. Trustee Shearer feels that the Village saying it can tear down a building built on an easement needs to be put in an ordinance. Plats need to include utility easements. Trustee Shearer asked if something needs to be addressed in the ordinance, she would like to see a proposal. No action was taken.

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 8:04.



Ron Lowrance, Mayor, Village of Capitán

Attest:



Attest: Angela Autrey, Deputy Clerk

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