

**Minutes  
Regular Meeting  
September 8<sup>th</sup>, 2020**

The Village of Capitan Board of Trustees met in a Regular Meeting via Telephone Conference and in person on Tuesday, September 8, 2020 at the Village Hall in Capitan, New Mexico at 4:30 PM.

Mayor Lowrance asked for a moment of silence and led the assembly in the Pledge of Allegiance.

Mayor Lowrance called the meeting to order at 4:32 PM.

**Roll Call:** Mayor Lowrance – present, Trustee Kearns – present, Trustee Johnson – present, Trustee Schmitz – not present, Trustee Shearer – present via telephone conference. Stephanie Bason - Acting Village Clerk, J. Leinneweber-Administrative Assistant and Angela Autrey - Administrative Floater were also present. A list of others in attendance is attached.

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

Trustee Kearns moved approval of the Agenda. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #2 on the Agenda: Public Input. (Agenda Items Only).**

An unidentified member of the public asked if Laura McInnes' letter of resignation could be made available to her? One will be provided for her. An unidentified member of the public commented on Item #13- the deferred retirement plan, she asked when the Trustees arrived at that item on the Agenda that it be explained to her since she didn't have the documentation in front of her. It was determined that yes it will be explained when they get to Item #13.

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

The Mayor stated he's been busy.

Trustee Kearns had no comments at this time.

Trustee Johnson commented that Laura McInnes will be extremely missed as well as Megan Holm.

Trustee Shearer had no comments.

**Item # 4 on the Agenda: Consent Agenda: Approval of Minutes: Regular Meeting August 11<sup>th</sup>, 2020.**

Trustee Kearns moved Approval of the Minutes: Regular Meeting August 11<sup>th</sup>, 2020. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #5 on the Agenda: Discussion/Action – Approval of Bills Paid for August, 2020.**

Trustee Kearns moved Approval of Bills Paid for August, 2020. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #6 on the Agenda: Discussion/Action – Approval of Application for Lodgers Tax Funds and Request for Reimbursement of \$3,979.00 for the Smokey Bear Home Town Association.**

Trustee Kearns moved Approval of Application for Lodgers Tax Funds and Request for Reimbursement of \$3,979.00 for the Smokey Bear Home Town Association. Trustee Johnson seconded the motion. Shirley Pavlovic, Treasurer for the Smokey Bear Home Town Association, the support group for the State Park, helping the Park with special projects, advertising, things that are not normally in the Park's budget. Each year the Smokey Bear Home Town Association takes out a full-page ad in the Ruidoso Visitors Guide, promoting the Park and other events that take place in the Village of Capitan like the Smokey Bear Stampede. The Visitors Guide has been very kind to the Home Town Association providing the half-page ad on page 20 and highlighting the State Park and the Fallen Wildland Firefighters Memorial, the only such memorial in the state of New Mexico, on page 22 for a reduced price or free. The Association chooses to advertise in the Ruidoso Visitors Guide since the Village of Capitan does not have a Chamber of Commerce. Every year the Association asks for help in paying for the ad through Lodgers Tax Funds. The Park draws over 12,000 visitors a year to the Village of Capitan. Trustee Shearer raised the question of Anti-Donation Laws and if providing the funds from the Lodgers Tax Fund would be in violation of the Law. It was agreed that if approved the funds wouldn't actually be paid out until confirmed with Zack Cook, Village Attorney, that the Village would not be in violation of the Anti-Donation Laws. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #7 on the Agenda: Discussion/Action – Approval of Renewal of Lease Agreement and Installation of an H-VAC System for the Not Too Shabby Shop.**

Trustee Johnson moved Approval of Renewal of Lease Agreement and Installation of an H-VAC System for the Not Too Shabby Shop. Trustee Kearns seconded the motion. Paulette Arnone, Director of the Capitan Public Library and Kay McNeer, Manager of the Not Too Shabby Shop are requesting a long-term lease, twenty (20) years, for the building, owned by the Village of Capitan and in which the Not Too Shabby Shop is housed. They are also requesting that the Village install an H-VAC system as the current heating system has stopped working and no longer meets the needs of the Shop or its customers. Paulette informed the Trustees that without the building for the Not Too Shabby Shop the Capitan Public Library will not exist. The Library depends on the Not Too Shabby Shop to support it. Two (2) bids were provided for H-VAC systems to give the Trustees an idea of the potential cost of a new system. Kay explained that an all-electric system would result in an electric bill that the Shop could not afford to pay and therefore a gas option is preferred. The Mayor said, regarding the lease, it has to be determined through a review of the Village Ordinances how many years the Village can enter into a lease with the Library for the Not Too Shabby shop. If the Village can go longer than 15 years on the lease there will have to be a Public Hearing to do so. Trustee Shearer addressed the fact that an amendment to the 2020/2021 Budget would be necessary since this expenditure was not included at the time the Budget was adopted. The Trustees decided to approve to go out to bid for the cost of an H-VAC System to 2,415 square foot building. Trustee Kearns asked that the public consider the size of the building to the cost. Also, he pointed out how much the Not Too Shabby Shop contributes to the needs of the community in donations of clothing, books and other goods and meals to those who need it, which is included in the Lease Agreement. Shirley Pavlovic, Treasurer for the Capitan Public Library informed the Trustees that the Library and the Not Too Shabby Shop are one entity and that donations from Library count the same and are counted with donations from the Not Too Shabby Shop. An unidentified member of the public pointed out that cold weather is on the way and there is some urgency in installing the H-VAC system.

**Item #7 on the Agenda: Discussion/Action – Approval of Renewal of Lease Agreement and Installation of an H-VAC System for the Not Too Shabby Shop. (continued)**

The Mayor said the Village Attorney is in the process of going over the Lease and that if necessary a Special Meeting can be scheduled to address the H-VAC issue. The Village will start the process of obtaining the bids. Trustee Johnson wanted to go on record that it is important not to postpone the approval for very long. Trustee Kearns moved to postpone Approval of Renewal of Lease Agreement and Installation of an H-VAC System for the Not Too Shabby Shop until the next Trustee Meeting. Trustee Shearer seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #8 on the Agenda Approval – Resignation of Megan Holm, Deputy Clerk/Finance Officer.**

Trustee Johnson moved Approval of Resignation of Megan Holm, Deputy Clerk/Finance Officer. Trustee Kearns seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #9 on the Agenda Approval – Resignation of Laura McInnes, Clerk/Treasurer.**

Trustee Kearns moved Approval of Resignation of Laura McInnes, Clerk/Treasurer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #10 on the Agenda: Approval – Appointment of Stephanie Bason as Village Clerk/Treasurer.**

Trustee Kearns moved Approval of Appointment of Stephanie Bason as Village Clerk/Treasurer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #11 on the Agenda: Approval – Appointment of Grace Centrella as Village Deputy Clerk/Finance Officer.**

Trustee Kearns moved Approval of – Appointment of Grace Centrella as Village Deputy Clerk/Finance Officer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #12 on the Agenda: Discussion/Action – Destruction/Retention of Public Records According to the Municipal Records Retention Schedule.**

Trustee Shearer moved to Not Approve Destruction/Retention of Public Records According to the Municipal Records Retention Schedule. Trustee Johnson seconded the motion. Trustee Kearns brought up concerns of the time it would take to digitize the records. Trustee Shearer doesn't agree with destroying public records and wants them digitized before they are destroyed. Trustee Johnson thought that the Village would have to hire somebody to do it properly and she thought that the cost could be \$38,000.00 and may even take a full-time person. After further discussion regarding retention guidelines and options of digitizing and/or destruction of records, subpoenas and Inspection of Public Records Act (IPRA) requests, Trustee Shearer withdrew her motion to Not Approve Destruction/Retention of Public Records According to the Municipal Records Retention Schedule. Trustee Kearns moved to Destroy Public Records According to State Law. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – no.

**Item #13 on the Agenda: Discussion – Deferred Retirement Plan.**

Trustee Johnson moved Discussion of a Deferred Retirement Plan. Trustee Kearns seconded the motion. The Trustees were told of the two options that Steve Osborn obtained in regards to a Deferred Retirement Plan for the employees of the Village of Capitan. The Village does not currently have a retirement plan for its employees. Options to be discussed are percentages that the Village would match to the employee contribution to a retirement plan, the time chosen for the employees to be fully vested in their retirement and the Village's matching contributions. Also, to be discussed is the Deferred Retirement 457b Plan versus the Public Employees Retirement Association (PERA) Plan and the need to take in consideration how this will affect and the need to amend the 2020/2021 Budget. A packet will be put together for the next meeting for further discussion.

**Item #14 on the Agenda: Discussion/Action – Agreement Ended 8/31/2020 Regarding Structure at 107 E. Fourth St. Between the Village of Capitan and Mary Castaneda.**

Randy Spear, Capitan Chief of Police advised the Board that the Structure still stands and no work has been done to it since the Agreement was entered into. Trustee Kearns moved to postpone Discussion/Action – Agreement Ended 8/31/2020 Regarding Structure at 107 E. Fourth St. Between the Village of Capitan and Mary Castaneda. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #15 on the Agenda: Discussion/Action – Approval Application for New Construction at 117 Lodestar Lane – The George & Sharon Wolff Family Trust.**

Trustee Johnson moved Approval Application for New Construction at 117 Lodestar Lane – The George & Sharon Wolff Family Trust. Trustee Kearns seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #16 on the Agenda: Discussion/Action – Application for Movable Portable Carport and Portable Building-12x20 Graceland at 123 Shadow Lane – Nita Deetz.**

Trustee Johnson moved to Approve Application for Movable Portable Carport and Portable Building-12x20 Graceland at 123 Shadow Lane – Nita Deetz. Trustee Kearns seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #17 on the Agenda: Discussion/Action – Application for Summary Review at Creek Between W. Creek Rd and Smokey Bear Blvd. – Russell and Bobbi Shearer.**

Trustee Kearns moved to Approve Application for Summary Review at Creek Between W. Creek Rd and Smokey Bear Blvd. – Russell and Bobbi Shearer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – abstained.

**Item #18 on the Agenda: Discussion/Action – Hiring of Phillip Wall as Village Police Officer.**

Trustee Kearns moved to Approve Hiring of Phillip Wall as Village Police Officer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

**Item #19 on the Agenda: Discussion/Action – Hiring of Samuel Hanna as Village Police Officer.**

Trustee Kearns moved to Approve Hiring of Samuel Hanna as Village Police Officer. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes.

Village Attorney Zack Cook joined the meeting and there was some discussion of the postponement of item #14 and if it could be revisited at this meeting. It was decided that since it was postponed it is not possible to revisit it at this meeting.

**Adjournment**

Mayor Lowrance Adjourned the meeting at 5:48 PM

  
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Ron Lowrance, Mayor, Village of Capitán

Attest:

  
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Stephanie Bason, Village Clerk

4:30 PM

[illegible]