

**Minutes
Regular Meeting
December 13, 2022**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, December 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 – present, 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, LeAnne Brasher – Finance Officer, Steve Osborn – Water Department Supervisor, and Johnathan LaMay – Street Department Supervisor 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.

Discussion: There was no discussion of this item.

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

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

Mayor Lowrance reminded people they need to state their name before they speak and that they will be given 2 minutes for their comments. There were no public comments.

Item #3 on the Agenda: Mayor and Trustee Comments

Trustee Hair had no comments.

Trustee Fraley had no comments.

Trustee Shearer had no comments.

Mayor Lowrance had no comments.

Trustee Kearns read a letter. "I, Nateal Sammy, have not formally resigned. I was pushed out of my position following a temporary leave of absence regarding family health issues."

Item #4 on the Agenda: Approval of the Minutes: Regular Meeting – November 8, 2022

Trustee Hair 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 – A Presentation by Karl Pennock on Water Rate Study and Recommendations

Discussion: There was no discussion of this item.

Item #6 on the Agenda: Discussion – Train Depot Update

Discussion: An inspector came and red tagged the depot due to lack of inspections. There were supposed to have been two inspections but the inspector only found evidence of one. He feels there are

Continued Item #6 on the Agenda: Discussion – Train Depot Update

several items that need to be inspected. The Village has contacted a commercial contractor and provided the contractor with the originally approved plans. That contractor is going to meet with the inspector to locate possible problem areas. Then, that contractor will give the Village a bid on the cost to complete the project. If the estimate is over \$20,000, the Village will have to go after additional bids. The information will be presented to the Board of Trustees for approval. The contractor that is chosen will be placed on a draw schedule and a time line. After each draw, an inspection will be required.

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

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

Discussion: Trustee Shearer asked for a mid-year budget review at the next meeting.

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

Item #8 on the Agenda: Discussion/Action – Approve Purchases for Randle Road Waterline and Sewer Extension

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

Discussion: Steve Osborn explained the vacant properties on the end of Randle Road do not have water or sewer. Trustee Kearns asked if plans to improve those properties had been submitted and was told no. He then asked about cost sharing. The three lots will be sharing the cost of the extension. Only two of the properties are currently tapping in so the Village will have to hold the cost of the last property until they decide to get a water tap. Trustee Kearns said the Village might need to look at doing extensions when someone is going to be tapping in to the water quickly instead of just getting a tap to improve their property. Trustee Shearer asked if the property owner was being billed once the tap is installed. Steve said they are only charged once a meter is installed. Trustee Shearer asked if this was an easement. Steve told her they have had it platted as an easement and part of that will be addressed in Item 10. There is a 20 foot section that is supposed to be a road but needed to be platted. Allison Provine asked if the third property was the subdivision that was previously denied water. She was told it was not. Trustee Shearer said adding customers is a Capital Investment. Trustee Kearns said he thought the Village was only approving water when a customer was ready to hook in to the water system. Mayor Lowrance confirmed there is an ordinance stating people in the Village have to be connected to water and sewer.

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

Item #9 on the Agenda: Discussion/Action – Approve Purchases for Promise Lane Waterline Extension

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

Discussion: Steve Osborn said there are no current requests for water but a gentleman is fixing up the lots and has asked for the road to be fixed. It makes more sense to put in the waterline before fixing the road.

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

Item #10 on the Agenda: Discussion/Action – Approve Purchase of Property on Randle Road

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

Discussion: Trustee Shearer clarified this is for the easement. If the Board approves the purchase, the owners should be required to sign the plat so the Village does not have to wait another 6 months for another plat. Trustee Shearer asked if the Village was going to use a title company and Al Cavazos said

Continued Item #10 on the Agenda: Discussion/Action – Approve Purchase of Property on Randle Road

the Village would need to use one. Steve Osborn explained the surveyor drew up the plat including the road and the cul de sac at the end. The easement makes the property about 50 ft by 100 ft.

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 131 Dawson Road – Karyle Williams

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

Discussion: Trustee Kearns wondered if the Board should wait to approve this until the rate study is complete. Trustee Shearer explained to Karyle Williams there is a risk the rate will increase. Karyle Williams said they expect an increase in rates to be the case. They are aware rate changes are being examined.

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

Item #12 on the Agenda: Discussion/Action – Approve Application for New Construction at 175 Main Road – Debra Anderson

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 #13 on the Agenda: Discussion/Action – Approve Application for Mobile/Manufactured Home at 694 Mt. Capitan Road – Celia Paz

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 #14 on the Agenda: Discussion/Action – Approve Purchase of Two Police Vehicles

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

Discussion: Al Cavazos said this is not in the budget but the Police Department does have some funds in the Law Enforcement Protection Fund (LEPF). Randy Spear found two automobiles that are available now. The department is currently short one car. They are going to be having the off-duty officer leave his vehicle for the next officer coming on duty. Randy Spear would like to get a loan for \$93,061 from the New Mexico Finance Authority with 0% interest to cover the cost of 2 vehicles and the set up of 1 vehicle. He wants to use part of the funds in LEPF to pay for the set up on the second vehicle. LeAnne Brasher explained the loan repayment can be set up at five years or ten years. Trustee Shearer asked if the life span of one of these vehicles is five years. Al said he does not think it will take that long to pay back the loan because the amount giving for LEPF will be increasing. The loan payments will be coming out of LEPF.

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

Item #15 on the Agenda: Discussion/Action – Approve Resolution 2022-24 OMA

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

Discussion: Trustee Kearns said this is establishing meeting times. Trustee Shearer said this is the annual Open Meetings Act resolution. Trustee Kearns asked if it had changed and Trustee Shearer told him the Act has not changed.

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

Item #16 on the Agenda: Discussion/Action – Approve Resolution 2022-25 IPRA

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

Discussion: Trustee Shearer asked if the Village was charging for electronically transmitted copies and was told no. Angela Autrey explained the Village charges \$0.25 for copies and the cost of a thumb drive if they want a thumb drive. Trustee Shearer shared she believes in IPRA and does not want to overcharge people. Angela said the Village follows the Attorney General's rules for IPRA.

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

Item #17 on the Agenda: Discussion/Action – Approve Resolution 2022-26 Public Input

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 #18 on the Agenda: Discussion/Action – Approve Donation of Rubber Tire Roller to Town of Carrizozo – Johnathon LaMay

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

Discussion: Johnathon LeMay explained they have a new roller and the old one is just sitting in the lot. Carrizozo does not have anything and they roll their roads with a blade. They could use this roller instead of it sitting in the back of the lot rotting. Trustee Shearer pointed it is a government to government donation. Mayor Lowrance asked if they would be picking it up. Johnathon said they would if they have a trailer. He also explained they are going to have to go show them how to hook it up the first time.

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

Item #19 on the Agenda: Discussion/Action – Approve Resignation of Nateal Sammy from Smokey Bear Museum

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

Discussion: Mayor Lowrance confirmed there was proof she resigned because of the letter she asked Trustee Kearns to read. Al Cavazos said there were 4 witnesses present when she said she resigned and there is also video of her resigning. Mayor Lowrance said the Village Attorney said that was legal enough.

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

Item #20 on the Agenda: Discussion/Action – Approve Resignation of Jessica Goldstein from Smokey Bear Museum

Trustee Fraley 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 #21 on the Agenda: Discussion/Action – Approve Hiring Heather Jones-Pendergrass for Smokey Bear Museum

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

Discussion: Trustee Shearer asked if these jobs were posted. Angela Autrey said they were posted on all five places. Trustee Kearns said in the past the Board has gotten copies of resumes and is wondering if this is different because it is at Smokey Bear Gift Shop or if there was a policy change. Mayor Lowrance explained a resume was not required. They just filled out an application. Trustee Shearer pointed out that is usually in the packet. Angela said she could show the applications to them if they want to see them.

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

Item #22 on the Agenda: Discussion/Action – Approve Hiring Leo Bullion for Smokey Bear Museum

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 #23 on the Agenda: Discussion/Action – Approve the Appointment of Nema Spear to the Planning Advisory Board

Trustee Hair 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 #24 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).

Trustee Shearer made a motion to close the regular session and go into executive session for the purpose of discussing threatened and/or pending litigation. Trustee Fraley seconded the motion.

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

Trustee Shearer made a motion to go back into regular session and attested the only thing discussed in executive session was pending or threatened litigation and there is no action to be taken. Trustee Fraley seconded the motion.

Roll Call: All were in favor. The motion carried.

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 7:08 PM.



Ron Lowrance, Mayor, Village of Capitan

Attest:



Al Cavazos, Village Clerk

**VILLAGE OF CAPITAN
SIGN IN SHEET
REGULAR MEETING
DECEMBER 13, 2022
6:00 PM**

NAME	ADDRESS	TOWN
Mike Wiggins	26303 Hwy 70 #602	Ruidoso Downs
Fred Freeland	" "	"
Karyl Williams	Capitan	
Saul + Pat Durlan	Sattbrush	Capitan
D.R. CARTER	SF AM	
Eddie CRAIN	Capitan	Capitan