

**Minutes  
Regular Meeting  
March 14, 2023**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, March 14, 2023 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, Angela Autrey –Deputy Clerk, Randy Spear – Police Chief, Kevin Kennedy -Project Manager and Zach Cook – Village Attorney were also present. A list of others in attendance is attached.

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

Trustee Hair made a motion to Approve the Agenda. Trustee Fraley 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).**

There were no public comments.

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

Trustee Kearns had no comments.

Trustee Shearer got a call from Greentree Solid Waste about the bills that we hadn't paid. I understand that they have been paid now, but I think that we still have a \$1400.00 dispute over whether or not we raised rates at the right time, and then I understand that we haven't paid for our roll off for the last couple of months and that bill is about \$1600.00. So, it is my understanding that we owe about \$3000.00 to Greentree. Do we want to go ahead and get that paid or is there a dispute? As I have said before, we are a partner in Greentree. If we don't pay our bills then they can't pay their payroll. Is there an issue with paying? Angela Stated that part of the issue with the roll- offs were that they said that they were getting emptied, but they were not getting emptied when they said that they were, and we were having to turn away customers. So, they were charging us for emptying them, but they hadn't been emptied. Trustee Shearer asked if they had been alerted to this? Angela said that they had. Trustee Kearns asked what the possess has been with the emptying of the roll-offs? Angela said that we have since started having one of our people and their people sign as to when they are being emptied. Everything has been paid up to date except for the disputes on the roll-offs. They picked up two checks today. Trustee Shearer then asked if we were making sure if we were being represented at the Greentree meetings. Al Said that he attended the last one and would be attending the next one.

Trustee Fraley had no comment.

Trustee Hair had no comment.

Mayor Lowrance had no comment.

**Item #4 on the Agenda :Discussion/Action Approval of the Minutes – Special Trustee Meeting – March 7, 2023.**

Trustee Fraley made a motion to approve this item. Trustee Hair seconded the motion.

Discussion: There was no discussion of this item.

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

**Item #5 on the Agenda: Discussion – Approval of Bills Paid for February 2023**

Trustee Kearns made a motion to approve this item. Trustee Hair seconded the motion.

Discussion: There was no discussion of this item.

Roll Call: All were in favor, the motion carried

**Item #6 on the Agenda: Discussion –Smokey Bear Days 2024 – Mary Lavin**

Mary Lavin is the Manager for the Smokey Bear Historical Park. Smokey Bear Days is an event that used to be annual. In 2019 it was changed to every 5 years. In 2024 Smokey Bear will be 80 years old and all over the US people will be celebrating his birthday. The ask is that the Village will assist the Park with this. Since the Smokey Bear Historical Park along with our non-profit friend group, The Smokey Bear Hometown Ass. We are beginning to Plan for this big event. For Smokey's media and for 2024. We would like to ask the Village to join us in the planning for this important community event. For those of you not familiar with this event . It is a 2 day event. It includes displays on fire prevention, conservation, food vendors, fire fighter challenge, hometown parade ,vendors selling collectables, music, family friendly activities, games. The dates will begin on may 3, 2024 Friday at 10:00 AM -5:00PM and continue through Saturday 10:00 AM -5:00 PM. Saturday Morning will open with a Smokey Bear Parade, Typically like the 4th of July Parade. We are asking if the Village would be willing to organize the Parade for this event? It would include Advertising for the Parade, Entry forms, staging, prizes for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place and Parade organization would also include traffic control, plan, and permit. We from the NM Forestry Division and the Smokey Bear Historical Park would also like to propose an agreement between the Village and the Park, and MOU for use of the turnaround at the end of Ft. Stanton Rd. that is right in front of the park for parking for vendors, staging for fire trucks and for the fire fighters challenge. This is basically asking for what used to happen, if the Village will partner with us again? Trustee Fraley Made a Motion to approve the Trustee option of the Water Rate Study Proposal. Trustee Shearer Seconded the Motion.

Discussion: The Mayor asked if this could be put on April's Agenda

**Item #7 on the Agenda: Discussion: -Marvin Perea - Bringing Attention for the Need of a New Playground for the Village of Capitan with a Signed petition**

My Purpose here is to bring attention to the playground and the need for one. If you could put in just some of the playground equipment and maybe some basketball courts that would be nice. Maybe over where the picnic tables are. I'm here for the kids of Capitan. If we can do it let's do it! I think that this is more important than anything that we have going on. The kids.

Discussion: Trustee Shearer thinks that our GRT's in our general fund have been running fairly high.

Higher than our projections. So, I am wondering if we can transfer \$50,000.00 into our Parks and Recs Fund? We transferred funds over to Smokey Bear Museum. We have it shut down now, right? Mayor,

**Item #7 on the Agenda Continued:** Yes, because it was unsafe. Trustee Shearer said that she would also like to move the Veteran’s park to the back while we are doing this and put a gravel parking lot into the front. That would elevate some of our parking issues. The Mayor would like to have this put on the next Agenda. Trustees Thank you for circulating the petition around town Mr. Perea. We Appreciate all of your efforts.

**Item #8 on the Agenda: Discussion – Presentation by Wendy Blackwell for the 2023 Lincoln County Multi- jurisdictional Hazard Mitigation Plan Update (HMP Update)**

Wendy Blackwell – She works with SWCA Environmental Consultants. The Village of Ruidoso hired our firm to help update this plan. This is a plan that gets updated every 5 years. This help minimize property damage from natural disasters, such as forest fires, floods. With planning we can lesson our emergency response time. By supporting Protection and Prevention activities, we can successful mitigation both planning and implementing the projects and creating better prepared communities. Once this document is approved by FEMA, it would then come back for approval by the board of Trustees for formal adoption. This will support funding request for Implementing mitigation projects. There was a new FEMA guidance that came out in 2023 and we do need to abide by this new guidance. There were graphs and papers enclosed in this packet and any further information can be made available at the Village by contacting Kevin Kennedy.

**Item #9 on the Agenda: Discussion – Train Depot Update**

We are Planning on going down with the Builder and getting those plans approved by the State. We are going to attempt to get a permit. The inspector is not being very corporative. We have plans that can be looked at by coming to the Village. The plans may be changed by the Permit agency. He was working under historical guidelines, but he never had a permit. This will be on April’s Agenda.

**Item #10 on the Agenda: Discussion/Action – Schedule of Events for the RFP 2023-01 to Continue Contract Negotiations with Dennis Engineering**

Trustee Hair made a motion to approve this item. Trustee Fraley seconded the motion

**Discussion:** Kevin Kennedy explained that what we did by Procurement protocol from the beginning of the RFPO. We got one purpose from one engineering company, which is Dennis Engineering. Whom we have been doing business with for a lot of years, and the staff recognizes that we should go ahead and enter into negotiations with Dennis Engineering. 13 people wanted qualifying documents. We sent them all out, but no one responded except for Dennis Engineering. We just need to declare them the successful bidder. Trustee Hair Amended her motion that we Declare Dennis Engineering as the Successful Bidder and Move forward with the Contract. Trustee Shearer Seconded this motion.

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

**Item #11 on the Agenda: Discussion/Action – To Award the Contract for Mt. Capitan Water Line Project**

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

**Discussion:** The lowest bid was General Hhydraulics. This is a 1000 ft. water line. We have money left that we need to spend by the end of June. And these guys were ready and able come in and help us out.

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

**Item #12 on the Agenda: Discussion/Action – Award the Lift Station Equipment and Rehabilitation Project to WX Septic Services, LLC.**

Trustee Shearer Made a motion to Approve this item. Trustee Hair seconded the motion.

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

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

**Item #13 on the Agenda: Discussion/Action – Approve the (MOU) Memorandum of Understanding between the Village of Capitan and the Southeastern New Mexico Economic Development District/(COG)**

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

**Discussion:** Trustee Shearer asked how much we would actually owe, because by the way the contract reads, it is very unclear. Kevin Kennedy answered, normally they charge 4%. This is a 1.9 million dollar project and that would be about \$380,000. They have said that they know that we can't pay that , so we will give you this flat rate at \$35,000. That's a big difference. The \$35,000 Does also incorporates all the work. Trustee Shearer is just worried that the contract is just very open ended with the wording and would like the wording changed to say, not to exceed \$35,000. Would you feel more comfortable having her help you. Trustee Shearer made a motion that we approve the (MOU) with the amount not to exceed \$35,000. Trustee Kearns seconded this motion.

**Roll Call:** All were in Favor. The Motion carried.

**Item #14 on the Agenda: Discussion Action – Donation of Fire Hydrant to Lincoln County Fire Service – Kevin Kennedy**

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

**Discussion:** Kevin Kennedy said that the Lincoln County fire service is hooking up a water station at the Glenco Station and they need a fire hydrant to get the ISO points. Steve says he has one up at the yard. He doesn't know if it works or not. The guts are good. They know that. They need a hydrant and we can give it to them.

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

**Item #15 on the Agenda: Discussion/Action – Hiring Seasonal Park and Rec Personnel – Quincy Boyd**

Trustee Shearer made a motion to Approve this item. Trustee Hair seconded this motion.

**Discussion:** Trustee Kearns wanted to hear more about what the responsibilities would be and why we needed this position? The Mayor said that we are down one person, so we are hiring another person.

**Roll Call:** All were in favor. The Motion carried.

**Item #16 on the Agenda: Discussion/Action – Executive Session Pursuant to the Open Meetings Act: Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2).**

**Any action taken as a result of the closed session will be brought back into open session.**

Trustee Hair Made a Motion to go from open session into closed session. Trustee Fraley seconded the motion. Trustee Hair Amended her motion to state that they are going from open session into closed session because of Executive Session Pursuant to the Open Meetings Act: Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2). Trustee seconded this motion.

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

Trustee Kearns Made a motion to return from closed session and return back into open session. Trustee Fraley seconded this motion.

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

Trustee Fraley made a motion to go back into open session. Trustee Hair seconded the motion.

**Roll Call:** All were in Favor. The Motion Carried.

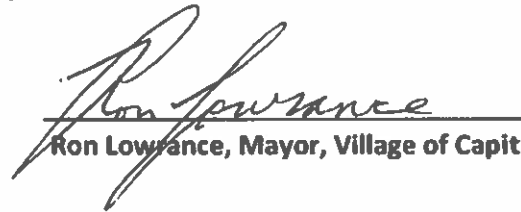
Trustee Kearns made a Public statement and testified that in our closed session that they just had, that they discussed a personnel matter and that is all and took no action.

**ADJOURNMENT:**

Trustee Fraley 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 7:01 PM.

  
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Ron Lowrance, Mayor, Village of Capitán

**Attest:**

  
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Al Cavazos, Village Clerk

