

**Minutes  
Regular Meeting  
June 8<sup>th</sup>, 2021**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, June 8<sup>th</sup>, 2021 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 4:33PM.

**Roll Call:** Mayor Lowrance – present, Trustee Shearer – present, Trustee Kearns – present, Trustee Johnson – not present, Stephanie Bason – Village Clerk, Grace Centrella – Finance Officer, Angela Autrey – Court Clerk/Human Resources Clerk, Steve Osborn – Water Utilities Supervisor, Johnathan LaMay – Street Department Supervisor and Kevin Kennedy – Fire Chief were also present. A list of others in attendance is attached.

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

Trustee Shearer presented a motion to Approve the Agenda with the following change, move item #11 Discussion/Action – Appointment of a Trustee to the Board to item #2 with the other Items on the Agenda renumbered accordingly. Trustee Kearns seconded. All were in favor, motion carried.

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

**Item #2 on the Agenda: Discussion/Action – Appointment of a Trustee to the Board.**

The Mayor invited Dr. Fraley to stand, introduce himself and tell the Board and Attendees about himself. Dr. Fraley is a local Chiropractor and grew up in Cloudcroft. When he found out about the open seat on the Village Board of Trustees he wanted to put his name in for the position. He's married with 5 kids which keeps him busy but he "would like to help out" if he can.

Trustee Kearns asked how long he has lived in Capitan? Dr. Fraley said he's lived in Capitan for 5 years but has lived in the Ruidoso area for 16 years.

Trustee Kearns moved to nominate Dr. Joe Fraley as a Trustee, Bobbie Shearer seconded the motion.

Discussion: Trustee Shearer said she thinks the Board has "two really qualified applicants here" and wished they could place them both on the Board.

A member of the public asked who the other person was and was told that Sherry Hair was the other applicant. Trustee Shearer explained Sherry's relationship to Kerry Hair who is her brother and that was her only objection to Sherry's placement on the Board and prevents any perception of nepotism.

Trustee Kearns said he appreciated Sherry's comments at the last meeting, he had read her resume, she "has an excellent background" and could help the Village in many ways. Trustee Kearns explained that after giving the Village Ordinance on Nepotism a thorough review he felt it was best not to appoint Sherry Hair at this time. He would like to see her attend future Board meetings and help in a "big way" as other attending members of the public do.

**Item #2 on the Agenda: Discussion/Action – Appointment of a Trustee to the Board. (Continued)**

Stephanie said she had spoken earlier with Sherry and informed her there were currently openings on other Village Advisory Boards and Sherry agreed she would be interested in helping with those.

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

Dr. Fraley was sworn in as a Trustee to the Village Board of Trustees at this time.

**Item #3 on the Agenda: Public Input. (Agenda Items Only).**

Allison Provine questioned when the vacancy came open on the council. The Mayor explained Trustee McInnes resigned at the May meeting and was on an Agenda which had been posted at Smokey Bear's Country Market, the Post Office, Lincoln County Mercantile and on the Village website. Trustee Shearer explained we held special meetings for the budget where Sherry Hair had expressed interest in the open position.

Jean Coulton wanted to speak about Item # 15 on the Agenda, the 2023-2027 Infrastructure Capital Improvement Plan (ICIP). She wanted to "encourage" the Board to choose a Skateboard and Basketball Park which has been discussed for years. Trustee Shearer asked if this would be in the plan and design phase at this time which was confirmed. Ms. Coulton said Diane Riska had completed a study of this project and had "prices". She said she could also check with Ruidoso Downs who has a Skateboard Park. Ruidoso has a Skateboard Park as well. Ms. Coulton said she could check around and see what the cost was to get started.

**Item #4 on the Agenda: Mayor and Trustee Comments.**

Trustee Fraley had no comments at this time.

Trustee Shearer had no comments at this time.

Trustee Kearns had no comments at this time.

The Mayor contributed that the Chief of Police and the Patrolmen are encouraging citizens to provide detailed information on speeders, if they could go to the Police and file a complaint with the time range of when the speeders are passing their homes, an example might be "between 9AM and 10 AM" with makes, models, license numbers if possible in order to assist in addressing the speeding issues. The Mayor said he will include this in his monthly Mayor's Letter.

**Item #5 on the Agenda: Consent Agenda:**

a. Approval of the Minutes: Special Meeting – May 18<sup>th</sup>, 2021

b. Approval of the Minutes: Special Meeting – May 24<sup>th</sup>, 2021

Trustee Shearer moved to Approve the Consent Agenda. Trustee Kearns seconded the motion. All were in favor, motion carried.

**Item #6 on the Agenda: Discussion/Action – Approval of Bills Paid for May 2021.**

Trustee Shearer moved to Approve Bills Paid for May 2021. Trustee Kearns seconded.

Discussion:

All were in favor, motion carried.

**Item #7 on the Agenda Executive Session – Consideration of Land Acquisition by the Public Body Pursuant to NMSA Section 10-15-1 (H)(8); And Meeting Subject to Attorney-Client Privilege Pertaining to Threatened or Pending Litigation in Which the Village of Capitan Is or May Become a Participant Pursuant to NMSA 10-15-1 (G)(7);**

Trustee Shearer made a motion for the Board to go into Executive Session. Trustee Kearns seconded the motion.

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

At 5:44 PM The Mayor adjourned the Trustees into Executive Session to take place in his office.

**Item #8 on the Agenda: Discussion/Possible Action Concerning Executive Session –Consideration of Land Acquisition by the Public Body, NMSA Section 10-15-1 (H)(8); And Meeting Subject to Attorney-Client Privilege Pertaining to Threatened or Pending Litigation in Which the Village of Capitan Is or May Become a Participant Pursuant to NMSA 10-15-1 (G)(7);**

Trustee Shearer made a motion to Resume Regular Meeting. Trustee Kearns seconded the motion.

Discussion:

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

Trustee Kearns made a motion that the Land Acquisition was discussed and the Threatened or Pending Litigation was discussed and that was all.

**Item #9 on the Agenda: Discussion/Action – Approval to Hire Sunny Suren as a Part-Time Fill-In Sales Clerk for the Smokey Bear Museum & Gift Shop (SBE)**

Trustee Shearer made a motion to Approve to Hire Sunny Suren as a Part-Time Fill-In Sales Clerk for the Smokey Bear Museum & Gift Shop (SBE). Trustee Kearns seconded the motion.

Discussion:

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #10 on the Agenda: Discussion/Action – Pricing of Water & Sewer Service**

Trustee Kearns made a motion to postpone Pricing of Water & Sewer Service for two (2) Months.

Trustee Shearer seconded the motion.

Discussion: The Mayor asked Steve Osborn the status of the Grant to do “the water study”? Steve said the Village is approved through the Rural Community Assistance Corporation (RCAC) to do a rate study. A presentation will be made to the Board once the study is complete. They will be able to suggest rates to the Village.

Trustee Kearns said he will “withdraw the Motion to Postpone the Pricing of Water & Sewer Service for Two (2) Months. Trustee Kearns made a motion to Pick-up the Issue Again After RCAC is Prepared with Their Plan. Trustee Shearer seconded the motion.

Discussion: Trustee Shearer noted that the Village recently found out it has about 600-acre feet of Water Rights that the Village is not using. Steve said they have about 1100 and the Village is using 240. He went on to explain that part of that 1100 is tied to Government Spring Gauging Station. He is in the process of learning more about that to determine exactly what the Village Water Rights are. Trustee Shearer asked if this study will help determine the Village’s Water Rights. Steve replied that this study wouldn’t cover that.

**Item #10 on the Agenda: Discussion/Action – Pricing of Water & Sewer Service (Continued)**

Steve said the Asset Management that the Village is working on now will help with that. He is putting together a Grant with the Department of Finance for a study to help with the Asset Management because Water Rights and Asset Management should really be tied together. He also wants a Water Feasibility Study.

Trustee Shearer pointed out that the Village lost out on some funding because the Water Fund was showing “in the red”. Trustee Shearer thinks this is due to paying off some loans early. Stephanie assured her this was not the case. Trustee Shearer advised the Board that the Village of Ruidoso cancelled the Lease of Water Rights in 2018, they were leasing them annually and paying \$200,000 a year. Steve Osborn said it was \$99,000 per year. Trustee Shearer said the lack of income from the Lease also contributed to the fund looking like it was “in the red” and that transfers from the General Fund, injecting cash to fund is a good indicator of this. She went on to say that she doesn’t “think rate increases are the answer to that”. She would like to figure how much water the Village needs to sell, extra territorial connections, to fund Water.

Trustee Kearns asked Steve if the RCAC study could incorporate this information into their study. Steve said he can talk to them about it.

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #11 on the Agenda: Discussion/Action – Approval of Purchase of a New Service Truck for the Fire Department in the amount of \$247,474.**

Trustee Shearer made a motion to Approve the Purchase of a New Service Truck for the Fire Department in the amount of \$247,474. Trustee Kearns seconded the motion.

Discussion:

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #12 on the Agenda: Discussion/Action – Approval of a Permit for New Construction at 154 Mt. Terrace – Matt Closs**

Trustee Shearer made a motion to Approve a Permit for New Construction at 154 Mt. Terrace – Matt Closs. Trustee Kearns seconded the motion.

Discussion:

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #13 on the Agenda: Discussion/Action – Approval of a Permit for a New Mobile/Manufactured Home at 112 Promise Lane – Bryan Armstrong**

Trustee Shearer made a motion to Approve a Permit for a New Mobile/Manufactured Home at 112 Promise Lane – Bryan Armstrong. Trustee Kearns seconded the motion.

Discussion:

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #14 on the Agenda: Discussion – The Purchase of Property from Bobbi Shearer by the Village of Capitan.**

Trustee Shearer requested this item not be discussed in Executive Session but “be made as public as possible”. She said this was the “Creek Property”. “The Village already has the main drainage structure for the curb and gutter in the core down on this property” “Years ago” the Village gave Bobbi the easement to access the property and she gave the Village an easement to put in the drainage. The County Clerk cannot find the recorded easements and The Village has been unable to locate them. Bobbi thinks they might be found in the boxes at the Fire Station, unrecorded. The motel property has been excavated, there is a berm there and now the Village doesn’t have access to the property. Bobbi thinks it’s a good idea for the Village to own that, it could be added to the Village Park System for public access, “it’s a very pretty piece of property.”

Stephanie asked if Bobbi would be open to having a public trail system cross the property she intends to hold on to. She’s asking because “there is an Outdoor Equity fund with a deadline of a proposal by the 15<sup>th</sup> of this month and they are specifically looking at Trail Systems and Lincoln County is one of the targeted counties.” Stephanie thinks the “long strip would be a perfect Trail System.” Bobbi said the land would have to be re-platted and suggested the Village lease the property prior to purchasing it while that process is being completed, then the property could be available to the Village this summer. Bobbi said she would ask \$30,000 from the Village for the property. She said the whole property was valued at \$40,000 ten years ago so minus the property sold to the Motel and what she wants to keep which would be less than an acre she feels \$30,000 is the right price for about 5.5 acres.

**Item #15 on the Agenda: Discussion – 2023-2027 Infrastructure Capital Improvement Plan (ICIP) List.**

Trustee Shearer commented that the Skateboard park may fall into the same category as the lighting on the Baseball Park, that recreational items have a hard time competing with infrastructure projects. The Mayor said regarding the Baseball Lights, this project will be turned over to Capitan Municipal Schools and taken off the Village’s ICIP List.

Steve Osborn said the Water Tanks is a compliance issue and needs to be addressed. Steve has applied for funds for Mt. Capitan, the Water Building and the Water Tanks, so they stay on the List.

The Mayor asked the Trustees to take the List and review it so they can add to, delete from and prioritize the List at the next meeting.

Trustee Kearns said he feels it will serve the Village best to get an updated appraisal on the property Bobbi is willing to sell to the Village. It would be up to Bobbi if she wants to sell the property to the Village at the lower value.

**Item #16 on the Agenda: Discussion/Action – Approve Holding of Community Service Award Directly Following Regular Trustee Meeting at Village Hall.**

Trustee Shearer made a motion to Approve Holding of Community Service Awards Directly Following Regular Trustee Meeting at Village Hall on an Ongoing Basis if There are Awards to be Given. Trustee Kearns seconded the motion.

Discussion:

The Mayor said this particular award is by the School Board to recognize the staff that was involved in delivering meals while the school was closed due to Covid-19.

**Roll Call:** Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes.

**Item #17 on the Agenda: Discussion/Action – Old Business Projects and Funding.**

No Old Business to discuss.

**Item #18 on the Agenda: Discussion/Action – New Business Projects and Funding.**

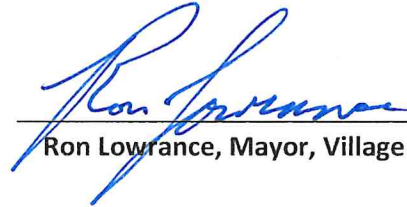
No New Business to discuss.

**CORRESPONDENCE**

There was no discussion regarding Correspondence.

**ADJOURNMENT**

Mayor Lowrance Adjourned the meeting at 6:05 PM

  
\_\_\_\_\_  
Ron Lowrance, Mayor, Village of Capitán

**Attest:**

  
\_\_\_\_\_  
Stephanie Bason, Village Clerk

4:30 PM

[illegible]