

**MINUTES**  
**Regular Council Meeting**  
**Tuesday, March 19, 2019 at 6:00 PM**  
**Eagle Nest Community Center**  
**151 Willow Creek Drive**  
**Eagle Nest NM 87718**

**I. Call to Order**

Mayor Richard Cordova called the meeting to order at 6 PM.

**II. Pledge of Allegiance**

Mayor Cordova asked Mr. Hail to lead us in the Pledge of Allegiance.

**III. Roll Call**

Present were Mayor Richard Cordova, Mayor Pro-tem Jamie McCaslin, Councilor Julie Kulhan, Councilor Fox Guinn and Councilor Dave Bolsinger. A Full Quorum was present. Also present was Administrator Mary Berglund and Village Clerk Joyce Friedt. Please see attached list for all in attendance.

**IV. Approval of the Agenda**

Councilor Guinn made the motion to move #9 in New Business to #13; Councilor Bolsinger seconded the motion. Motion carried 4-0.

**V. Approval of Consent Agenda**

1. Discussion/Action – February 12, 2019 – Regular Council Meeting Minutes
2. Discussion/Action – March 5, 2019 – Budget Workshop Minutes
3. Discussion/Action – Appointment of Margie Newsome and Diana Schwarzberg to the Beautification Committee
4. Discussion/Action – Resolution 2019-13 – A Resolution to Apply for Funding from the New Mexico Clean and Beautiful Grant
5. Discussion/Action – Resolution 2019-14 – A Resolution to Apply for Funding from the Recycling and Illegal Dumping Act Grant (RAID)

Councilor Kulhan made the motion to approve the consent agenda; Mayor Pro-tem McCaslin seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan - aye, Councilor Guinn – abstained, Councilor Bolsinger – aye. Motion carried 3-1-0.

**VI. Comments from the Public**

• Brad McCaslin addressed the Mayor and Council in favor of Resolution 2019-15 making the Village of Eagle Nest a Sanctuary Village. He stated Senate Bill 8 violates the United States Constitution 2<sup>nd</sup> Amendment. Senate Bill 8 does nothing to keep guns out of the hands of criminals and will be hard to enforce for a law enforcement officer. This bill does nothing but infringe on law abiding citizens. He asked the Village Council to do what their constituents ask them to do and pass the resolution declaring the Village of Eagle Nest a 2<sup>nd</sup> Amendment Sanctuary Village.

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- Gary Bowen read a statement from Stacey Ewing. Our Constitution was created to protect us from power hungry leaders and keep us a free nation. Our 2<sup>nd</sup> Amendment has been under attack relentlessly with every violent gun incident which our Government twists into blaming the gun. The fact that the Government blames guns and not the sick people that used them for a violent act, the fact that we have silently let them compromise our Constitutional Rights continuously has got to stop. I ask that you stand up and defend the Constitution as your oaths of office has sworn you to uphold by passing this resolution to protect that which our Governor would recklessly compromise.
  - Adrian Farrell addressed the Mayor and Council stating he is a new and proud citizen of America. He stated when he was going through the process to becoming a citizen he was given 100 questions. The very first question was, "What is the supreme law of the land." The answer is the Constitution. Not the President, not the courts or the Governor. The second question was, "What does the Constitution do?" The answer is, it protects the rights of the citizens. One of those rights, is the right to bear arms. Nowhere does it say you have the right to bear arms as long as your Governor allows it. I ask that you pass this resolution to make Eagle Nest a Sanctuary Village.
  - John Hill, a resident of Angel Fire, stated he is a Veteran and spends most of his summer money in Eagle Nest. He stated the majority have been quiet too long and hopefully are starting to come alive. He hopes they will be heard by those in leadership positions and pass the resolution making Eagle Nest a sanctuary village.
  - Bruce Manakas addressed Mayor and Council stating he would like to discuss two different issues. The first is the kiosk in the park. He stated he thought the kiosk would be on the agenda for this evenings meeting for discussion to see if the village was wanting to move forward with the item. The second is the dog issue, not the stray dogs, but the dogs who have owners but are running around without leashes. He knows of several people who walk around with guns because they are afraid of the dogs running at large and feel they need to protect themselves. Mr. Manakas also stated there are several RV parks in the village and the tourists will not stay if the issue of the dogs running around the village is not addressed. He hopes both issues will be on the next agenda so they may be discussed.
  - Nathan Karczynski, a new resident and business owner, in the village stated he owns one of the RV parks in the village and is concerned about the dogs running at large. Everyone can see the dogs when they first drive into the village. The dogs are chasing people across the streets and through the village. He stated he is one of the people that has a gun with him when he is walking around the RV park and around the village. Mr. Karczynski wanted to know what can be done to fix this problem. He stated he has spoken with several of the Sheriff's Deputies and has been told it is a village problem not theirs. Mayor Cordova stated the village has a Joint Powers Agreement with the Colfax County Sheriff's Department and they are paid to enforce our laws but the CCSD does not have an animal control officer. Mayor Cordova stated he and the council members are aware of the issue and at this time there is just no immediate solution.
  - John Pollard, President of the Chamber of Commerce, addressed the audience regarding the rumors the Lodgers' Tax funding is decreasing. He stated this is not true. He also stated the Chamber of Commerce is grateful for all the funding they receive for their events and promoting the Village of Eagle Nest.
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## VII. New Business

1. Discussion/Action – Amendment to Contract 2015-002 with Bruce’s Gravel LLC for Additional Services

Bruce Jassmann, owner of Bruce’s Gravel LLC, addressed the Mayor and Council. He stated the volume of solid waste in the Village of Eagle Nest has grown and he will be adding additional dumpsters and a transfer trailer to handle the increase in volume. This is the reason for the amendment to his contract. Councilor Guinn made the motion to approve the Amendment to Contract 2015-002 with Bruce’s Gravel LLC for Additional Services; Mayor Pro-tem McCaslin seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

2. Discussion/Action – Francis Miller – 525 Lake Ave. – Water Leak

Mayor Cordova stated at the February 12th meeting when Council had approved the motion to waive the remaining balance on Francis Miller’s water bill is considered a donation and went against the Anti-Donation Clause since the village services Mrs. Miller with water and sewer. Councilor Guinn motioned to rescind the motion made at the February 12, 2019 Regular Council Meeting to waive the remaining balance for Francis Miller and to reduce the water leak to the next lower tier; Councilor Kulhan seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

3. Discussion/Action – 2020 Lodgers’ Tax Appropriations

Councilor Kulhan stated the Lodgers’ Tax Advisory Board met March 11, 2019 and reviewed the proposals for the 2020 Lodgers’ Tax funds and are presenting the following for Council approval; Economic Development \$2,750 for two (2) more months (July and August) for billboard advertising, Eagle Nest Chamber \$13,550 for Visitor Guide (\$3,800), Events Tent with two (2) sides (\$7,250) and 100 recyclable bags with advertising on bag for visitors (\$2,500) and Enchanted Circle Gateway Museum \$430.46 for the “Paddle It” event. Councilor Kulhan made the motion to approve the 2020 Lodgers’ Tax Appropriations as recommended by the Lodgers’ Tax Advisory Board; Mayor Pro-tem McCaslin seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

4. Discussion/Action - RFP 2019-002, Senior Center Roof Replacement and Repair Award
- Administrator Berglund stated only two bids were received. She also stated both bids were reviewed by an Evaluation Committee and recommended Erik Laulainen Inc. be presented to Council for RFP#2019-02. Administrator Berglund also stated the bid is over budget and the village does not have the funds to cover the remaining amount. Councilor Guinn made the motion to go out for rebid on RFP 2019-002, Senior Center Roof Replacement and Repair; Councilor Kulhan seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

5. Discussion/Action – Propane Bid #2018-01, 2<sup>nd</sup> Year Award

Councilor Guinn made the motion to approve Propane Bid #2018-01, 2<sup>nd</sup> Year Award to Northern New Mexico Gas; Councilor Kulhan seconded the motion. Votes were as follow:

Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion Carried 4-0.

6. Discussion/Action – 2<sup>nd</sup> Quarter Financials, DFA Report & Lodger’s Tax Report, FY 18-19

Administrator Berglund informed the Mayor and Council Finance Officer Cathy Cobby could not attend the meeting due to a family emergency. She stated that Finance Officer Cobby made all the necessary corrections and the reports were submitted. Mayor Pro-tem McCaslin made the motion to approve the 2<sup>nd</sup> Quarter Financials, DFA Reports & Lodgers’ Tax Report, FY 18-19; Councilor Bolsinger seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

7. Discussion/Action – Joint Powers Agreement (JPA) – 2<sup>nd</sup> Year Agreement with Colfax County Sheriff for FY 19-20

Mayor Pro-tem McCaslin made the motion to approve the Joint Powers Agreement (JPA) 2<sup>nd</sup> Year Agreement with Colfax County Sheriff for FY 19-20; Councilor Bolsinger seconded the motion. During discussion many citizens voiced their concerns regarding animals running at large. Under Sheriff Jeff Montoya stated the local Municipal Judge cannot seize property. He also stated Sheriff Baca is aware of the situation but there are no solutions at this time. The Colfax County Sheriffs’ Department does not employ an Animal Control Officer and there are legal issues that do not allow a County Deputy to transport an animal in their patrol vehicle. Under Sheriff Montoya also stated there is no animal shelter in Colfax County to take the animals. He also stated Sheriff Baca will be addressing the County Commissioners regarding this problem and every citizen in Colfax County is encouraged to attend the monthly County Commissioner meetings. With no further discussion, Mayor Cordova called for a vote. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

8. Discussion/Action – Law Enforcement Protection Fund (LEPF) Grant Application for FY 19-20

Councilor Bolsinger made the motion to approve the Law Enforcement Protection Fund (LEPF) Grant Application for FY 19-20; Councilor Kulhan seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

9. Discussion/Action – Project Selection for CDBG Application

Administrator Berglund stated many ideas were brought up during the three (3) Public Hearings. Some of the ideas were Street Improvements, Exercise Equipment, Water Improvements and Park Improvements. The Councilors did not have a copy of the Infrastructure Capital Improvement Plan (ICIP) to remind them of the top choices made. Administrator Berglund stated water improvements, park improvements and improvements to the community center were on the list and the village has applied for a grant with the Water Trust Board for water system improvements. Mayor Pro-tem McCaslin made the motion to Select Improvements to the Park and Community Center for the CDBG Application; Councilor Kulhan seconded the motion.

Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

10. Discussion/Action – Designated Appointment of Administrator to Approve Public Celebration Permit Applications

Councilor Guinn made the motion to approve Designated Appointment of Administrator to Approve Public Celebration Permit Applications; Councilor Bolsinger seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

11. Discussion Only – Ordinance 2019-XX “Zoning and Permissive Uses Ordinance Amendment No.XX” – An Ordinance Amending E.N.O. No. 1983-3, “Zoning and Permissive Use Ordinance”, Relating To Changes In RTR Zone; Setting An Effective Date; And Establishing Penalties For Violation

Frank Salois, Chairman of the Planning and Zoning Commission, addressed the Mayor and Council and stated the proposed ordinance amendment was made to comply with an earlier ordinance amendment that does not allow single wide mobil homes in the village. The Planning and Zoning Committee changed the title to the RTR Zone by removing Residential Mobil Home. Chairman Salois also stated the Planning and Zoning Committee was presenting this Ordinance Amendment to Council to review and advise the committee of any changes to be made or proceed with the Public Hearings. Council did not have any issues with the Ordinance Amendment and advised Chairman Salois to proceed with the Public Hearings.

12. Discussion/Action – Scheduling Budget Workshops

Mayor Cordova stated the Budget Workshop scheduled after the Council Meeting this evening is cancelled because Finance Officer Coppy had a family emergency. Mayor Cordova proposed having the Budget Workshop on March 28 after the Run For The Wall meeting. Everyone was in agreement.

13. Discussion/Action – Resolution 2019-15 – Declaring the Village of Eagle Nest to be a Second Amendment Sanctuary Village

Councilor Guinn made the motion to approve Resolution 2019-15, Declaring the Village of Eagle Nest to be a Second Amendment Sanctuary Village; Councilor Kulhan seconded the motion. Votes were as follow: Mayor Pro-tem McCaslin – aye, Councilor Kulhan – aye, Councilor Guinn – aye, Councilor Bolsinger – aye. Motion carried 4-0.

**VII. Mayor/Administrator Report**

Mayor Cordova stated Enchanted Circle Day was a success. Also, he believed Eagle Nest had the best booth. He also stated the Enchanted Circle Co-Op is not wanting to have Enchanted Circle Day next year but does not agree with them. Senior Day was also a success. Mayor Cordova stated he was in Washington, DC last week.

Administrator Berglund stated the loan from NMFA, for the new water tank, water lines and improvements will be finalized on March 1. Tomorrow is the IGC and Taos Landfill meeting in Red River and is hopeful there will be no increase. May 4 will be Spring Clean Up Day. Students will be doing their part on May 3. She stated Run For The Wall will be here soon and

are in need of volunteers and food. She encouraged everyone to come to the meetings to help get the village ready to greet the bikers. She also stated a gentleman from Texas has donated 1,000 bottles of water.

**VIII. Department Reports**

Administrator Berglund stated with all the snow received this winter, the Streets Department has been working hard on the streets. She also introduced Tanaya Sutliff, who will be the new Finance Officer once her appointment is approved next month.

**IX. Committee Reports**

- Beautification – New members were just approved to the committee and the next meeting will be April 3.
- Economic Development & Tourism – Next meeting will be March 26.

**X. Items for Next Agenda**

- Appointment of Tanaya Sutliff as Finance Officer
- Community Service Ordinance
- Water Trust Board
- Kiosk Approval

**XI. Adjourn**

Councilor Guinn made the motion to adjourn at 7:38 PM; Councilor Kulhan seconded the motion. Motion carried 4-0.

Passed, Approved and Adopted this 16<sup>th</sup> day of April, 2019.

ATTEST:



*Joyce Erjedt*

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Joyce Erjedt, Village Clerk

*Richard Cordova*

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Richard Cordova, Mayor