

**MINUTES OF
REGULAR COUNCIL MEETING
JANUARY 15, 2008 @ 6:00 P.M.**

I. CALL TO ORDER – The Regular Council Meeting of January 15, 2008 was called to order by Mayor Odum at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – The Pledge was led by Councilor Thompson. After which, the Mayor led the salute to the New Mexico flag.

III. ROLL CALL – Those in attendance were: Mayor Odum, Councilor Baca, Councilor Cordova, Councilor Kerkman, Councilor Thompson, Finance Officer Cathy Coppy, and Municipal Clerk Julie Kulhan. Also in attendance were: Doug Strong, Amanda Hogenkamp, Ron Hogenkamp, Frank Schmidt, Paul Atzberger, Jim Baca, Eldon Berglund, Maggie Schweitzer, Gary Schweitzer, Melissa Kerkman, Netta Walker, Tom Murtha, Tracy Murtha, Bruce Manakas, Joline Schweitzer, Kelley Strong, Mary Berglund, Neva and Thane Hascall.

IV. APPROVAL OF AGENDA – Councilor Kerkman motioned to approve the agenda. Councilor Thompson seconded. The motion passed 4-0.

V. APPROVAL OF MINUTES - Regular Council Meeting December 18, 2007 Councilor Cordova motioned to accept the minutes of the December 18, 2007 Council Meeting as written. Councilor Kerkman seconded the motion. Motion passed 4-0.

VI. FINANCIAL REPORTS

November 2007 – Councilor Kerkman motion to approve with discussion. Councilor Baca seconded. Councilor Kerkman questioned the water rights surcharge fund, he asked Finance Officer Coppy to explain why the fund increases a few cents each month when everyone is charged a surcharge that exceeds that amount. Cathy stated the increase goes by the amount that is charged. She also stated the first page of the report referred to the investment fund. The second page includes what is collected from the water billing. Mayor Odum called for the vote. The motion passed 4-0.

December 2007 – Councilor Cordova motioned to accept the financials of December 31st as written. Councilor Thompson seconded. The motion passed 4-0.

VII. NEW BUSINESS:

A. Approval of Resolution 2008-01 Open Meetings Act – Councilor Cordova motion to accept the resolution for the “Open Meetings Act.” Councilor Baca seconded the motion. Councilor Kerkman stated the Council may wish to consider an alternative posting place for Kaw-Lijas Restaurant since they are not currently open. The Roll Call vote is as follows: Councilor Baca- AYE, Councilor Cordova- AYE, Councilor Kerkman-AYE, Councilor Thompson- AYE. Motion passed 4-0.

B. Approval of Resolution 2008-02 Robert’s Rules of Procedure - Councilor Thompson motion to approve. Councilor Kerkman seconded. Roll Call vote is as follows: Councilor Thompson- AYE, Councilor Kerkman-AYE, Councilor Cordova- AYE, Councilor Baca- AYE. Motion passed 4-0.

C. Approval of Resolution 2008 -05 Endorsing State Improvements of Angel Fire Airport – Councilor Kerkman motioned to approve. Councilor Thompson seconded. Roll Call vote is as follows: Councilor Baca- AYE, Councilor Cordova- AYE, Councilor Kerkman- AYE, Councilor Thompson- AYE. The motion passed 4-0.

D. Approval of Resolution 2008-06 Conservation of Potable Water – Councilor Kerkman motion to approve. Councilor Baca seconded. The Roll call vote is as follows: Councilor Thompson- AYE, Councilor Kerkman- AYE, Councilor Cordova- AYE, Councilor Baca- AYE. Motion passed 4-0.

E. LTP/Chamber Reimbursement – Councilor Cordova motion to approve the reimbursement for the Eagle Nest Chamber of Commerce. Councilor Thompson seconded. Motion passed 4-0.

F. Discussion – Subdivision Ordinance – Water Rights – Donate or Purchase – Councilor Kerkman requested this item be placed on the agenda. Councilor Kerkman stated there was an individual who was looking at purchasing a tract of land for a subdivision and this individual was told they would have to turn over water rights to the Village. Councilor Kerkman quoted the Subdivision Ordinance, section 4, subsection b-2, stating a person may provide compensation to the Village sufficient to allow the Village to obtain the necessary and correct water rights. Councilor Kerkman expressed his concern that the Village employees are not informing the proposed developers that they may compensate the Village for water rights or donate them. Councilor Cordova stated the Village employees may give the public this section of the Ordinance so they may read it. Councilor Cordova stated it would be better for the individual to purchase the water rights, rather than the Village trying to set a price. Councilor Kerkman felt there were plenty of water rights within the Village. Councilor Cordova stated the individual would have to turn over the water rights no matter what. Councilor Cordova stated the water rights that are here are reserved for the growth that is already here within this community, not a new subdivision. Councilor Baca stated the developer shall transfer those water rights to the Village after final plat approval and before recording. Councilor Baca agreed that the buyer of a property for the purpose of subdividing should be made aware of the transferring of water rights to the Village. Mayor Odum questioned Councilor Kerkman as to whether he thought the developer should have to pay for water rights. Councilor Kerkman responded the Village would have to see what the amount of water rights were available within the Village right now, review the expansion plan for water and sewer, and IF we are going to have plenty of water rights available, after the proposed expansion, then perhaps we can purchase or the developer will have to provide it.

G. Approval of March 4th Election Precinct Workers – Mayor Odum read the list of proposed election workers which is as follows: Head Election Judge – Connie Encinias, Judge/Clerk – Mary Berglund, Judge/Clerk – Amanda Hogenkamp, Judge/Translator – Jim Baca, Alternate – Judy Montague, and Alternate – Bruce Manakas. The above mentioned precinct board shall also serve as the Absentee Precinct Board. Councilor Thompson motion to accept the March 4th 2008 Election Workers. Councilor Cordova seconded. The motion passed 4-0. ****Note**** – Since Ronald Hogenkamp has filed as a write-in candidate; Amanda Hogenkamp has been removed from the precinct board. Alternate, Bruce Manakas shall take her place.

H. Set dates for Public Hearings for the reinstatement of Interim Zoning Ordinances of land annexed into the Village of Eagle Nest on September 30, 1999 & August 8, 2000. – Councilor Kerkman suggested completing this task before the building season starts. The Councilors decided on January 29th and February 19th as the dates for the public hearings. The final approval will be set in March. Councilor Cordova motioned to set the dates of the Public Hearing. Councilor Thompson seconded. The motion passed 4-0.

I. Requests For Proposals (RFP) – Audit – Councilor Cordova stated Cathy or Julie would just write the RFP up and place it in the three newspapers. A Request for Proposal may also be sent out directly.

VIII. OLD BUSINESS:

a) Idlewild Refuse Collection – Mayor Odum explained the Village has received numerous payments. Past due and fee noticed will be mailed out by the end of this month.

b) Drought Contingency Plan – Mayor Odum stated this item is still under construction.

IX. MAYOR’S REPORT – Mayor Odum stated the Legislative session started today. Enchanted Circle Day is January 17th. Information packets were put together for the Legislators containing the Village’s ICIP priorities and Village pins. Mayor Odum stated she had met the Village Lobbyist Gabe Cisneros and was planning to attend several meetings with our Representatives in the up coming week. Mayor Pro-Tem Councilor Thompson and Councilor Cordova shall also be attending the Enchanted Circle Day.

Mayor Odum reported that Qwest would have DSL operational by February 14, and anyone interested should contact Dan Ashton.

The Mayor reported the TWIW Deed and Title were turned over to the Village.

X. DEPARTMENT REPORTS – Councilor Thompson reported he attended a meeting in Red River regarding the up coming Memorial Weekend. The purpose of the meeting was to set up a central command center to handle emergencies during the large volume weekend. The Village has a Joint Powers Agreement with Red River. An incident command system is in place. Departments will handle separate support items.

XI. COMMITTEE REPORTS – Library – Nothing to report at this time. Beautification – Nothing to report at this time. Economic Development and Tourism – A meeting is scheduled for 6:00 p.m. Wednesday, January 16. E.R.P. – Councilor Baca reported they held a meeting January 10th. The Emergency Response policy is ready to be presented to Council for their approval. Sheriff Patrick Casias donated two base radios, one for Village Hall, and one for the Senior Center. Mayor Odum stated there was a need for volunteers to make phone calls to gather resident information. If anyone is interested in becoming a Red Cross representative, please notify the Village and we’ll get the information to them. Planning and Zoning – Nothing to report at this time. Chamber of Commerce – Paul Atzberger reported the New Year’s Eve dinner was very successful, raising \$1033.00 for the fireworks fund. There is a Chili Dinner planned for Saturday, January 19, which is also a fireworks fundraiser. It will follow the Ice Fishing Tournament. Senior Citizens - Councilor Baca reported the Senior Citizen Center has been busy this month. The Center hosted a Potluck Dinner and Travelogue and there was a very good turn out.

XII. AUDIENCE PARTICIPATION – Mayor Odum asked for questions or comments from the audience. Gary Schweitzer questioned water rights and sewage capacity. There was supposed to be a meeting set up with Village Attorney, Marcus Rael, but he hasn’t heard back from him. Mayor Odum stated a meeting will be set up as soon as the Attorney is available. Mayor Odum stated she is not at liberty to say what there is in water rights because this matter is in litigation.

Thane Hascall stated there are not sufficient water rights, especially if there is a drought. In the past, the Water Master has shut down wells, and the Village had to purchase emergency water

rights. Tom Murtha stated the developers need to know the Village will not be selling any water rights.

XIII EXECUTIVE SESSION – Limited Personnel Matters - We are going into Closed Session under **State Statute 10-15-1**. The items for discussion are: Limited Personnel Matters. ROLL CALL VOTE: Councilor Baca AYE, Councilor Cordova AYE, Councilor Kerkman AYE, Councilor Thompson AYE. The time is 6:55 p.m.

Councilor Thompson motioned to go back into open session. Councilor Kerkman seconded Motion passed 4-0 Council went back into session at 7:50 p.m. The only items discussed were: Limited Personnel Matters.

XIII. ITEMS FOR NEXT MONTH’S AGENDA – Councilor Cordova requested a discussion on the estimating of water bills. ERP plan set for Council approval. Councilor Cordova also requested that the person hired as the Transfer Station attendant be allowed to read the water meters.

XIV. ADJOURN – Councilor Thompson motioned to adjourn. Councilor Cordova seconded. The motion passed 4-0. The meeting adjourned at 7:50 p.m.

PASSED, APPROVED this ___ day of _____, 2008 by a vote of ___ in favor and ___ opposed.

SEAL

Julie Kulhan, Municipal Clerk