

**REGULAR COUNCIL MEETING
TUESDAY, MARCH 20, 2007
COMMUNITY CENTER @ 6:00 P.M.**

CALL TO ORDER – The Regular Council Meeting was called to order by Mayor Hascall at 6:05 p.m. in the Community Center.

PLEDGE OF ALLEGIANCE – The Pledge was led by Mayor Hascall.

ROLL CALL – In attendance were Mayor Hascall, Councilor Baca, Councilor Cordova, Village Administrator Ketchum, Municipal Clerk Kulhan, Finance Officer Coppy, *Councilor Perkins and Councilor Thompson were absent.* Also in attendance were: Bruce Manakas, Paul Atzberger, Craig Kerkman, Bill Moser, Billie Odum, Frank Schmidt, Mary Berglund, Netta Walker, Ron Walker, June Thompson, Allen Hogenkamp, Gabe Toth of the Chronicle, Steve Marquez and Pat Casias of the Colfax County Sheriff’s Dept.

APPROVAL OF AGENDA – Councilor Cordova motioned to approve the agenda. Councilor Baca seconded. Motion passed 2-0.

APPROVAL OF MINUTES – Councilor Baca motioned to approve the minutes from the council meeting of February 21, 2007. Councilor Cordova seconded. Motion passed 2-0. Councilor Cordova motioned to accept the minutes of the March 8th Budget Workshop. Councilor Baca seconded. Motion carried 2-0. Councilor Baca motioned to approve the minutes of the Special Council Meeting of March 8th 2007. Councilor Cordova seconded. Motion passed 2-0.

FINANCIAL REPORTS – LTP/CHAMBER REIMBURSEMENT – Finance Officer Coppy presented a second request for reimbursement from the Chamber. The amount to be reimbursed is \$4787.49. This is for advertising and promotion under Lodger’s Tax promo. They have used all of their Administrative Fees in Promo and Non-Promo. Councilor Cordova motioned to approve the reimbursement. Councilor Baca seconded the motion. Motion carried 2-0. The Mayor asked for any other financial reports. Coppy stated she had to go back to the Budget. She made the clarification of what she did wrong under Property Tax. What she did wrong was not add enough zeros in. The total valuation of Property Tax is worked out to be \$11,669.00 and instead of raising our Property Taxes to that, she kept it realistic to what we brought in last year which was about \$10,800.00. The second clarification was in regards to water rights and the impact fee and where they should go. According to her budget analyst, leave the fees listed as special revenue. Councilor Cordova questioned if it should be listed as enterprise. Coppy responded, the only time a person is charged the impact fee is when they hook onto a brand new system. The sur charge is collected to pay for water rights and water rights attorney, so it’s not fees collected for services.

NEW BUSINESS: RESOLUTION 2007-09 ELECTION RESOLUTION – Mayor Hascall gave some background on this. “The Resolution refers to the lawsuit which was filed over a year ago and has since been settled in favor of the plaintiff. There are two stipulations to the settlement. The first is the Village of Eagle Nest pays \$7500.00 to

Billie Odum and her attorney. The second part is conducting another election. We were going to read the Resolution and then pass it but we don't have enough voting members of council present. There isn't a quorum present to vote on resolutions." At this time Clerk Kulhan Read Resolution 2007-09

ELECTION RESOLUTION
VILLAGE OF EAGLE NEST
RESOLUTION NO. 2007-09

Be it resolved by the governing body of the Village of Eagle Nest, Colfax County, New Mexico that:

- A. A regular municipal election for the election of municipal officers shall be held on July 10, 2007. Polls will open at 7:00 A.M. and close at 7:00 P.M.
- B. At the regular municipal election, persons shall be elected to fill the following elective offices:
 - 1. One Mayor for a term to end in March 2010.
 - 2. One Councilor for a term to end in March 2010.
 - 3. One Councilor for a term to end in March 2010.
 - 4. One Municipal Judge for a term to end in March 2010.
- C. The following location is designated as a polling place for the conduct of the regular municipal election:

EAGLE NEST COMMUNITY CENTER, 151 WILLOW CREEK DRIVE,
EAGLE NEST, NEW MEXICO.
- D. Absentee Voting. Any qualified elector of the Village of Eagle Nest shall obtain an application for an absentee ballot, only from the office of the Municipal Clerk. All applications for an absentee ballot must be completed and accepted by the Municipal Clerk prior to 5:00 p.m., July 6, 2007. After 5:00 p.m. on July 6, 2007, all unused absentee ballots will be publicly destroyed by the Municipal Clerk. The Municipal Clerk will accept completed absentee ballots delivered by mail, or in person by the voter casting the absentee ballot or by a member of the voter's immediate family, until 7:00 p.m. on July 10, 2007.

Absentee ballots may be marked in person in the office of the Municipal Clerk during the regular hours and days of business, beginning on Wednesday, June 13, 2007 and closing at 5:00 p.m. on Friday, July 6, 2007.

- E. Persons desiring to register to vote at the regular municipal election must register with the County Clerk of Colfax County not later than Tuesday, June

12, 2007 at 5:00 P.M., the date on which the County Clerk will close registration books.

- F. All Declarations of Candidacy shall be filed with the Municipal Clerk on Tuesday, May 15, 2007 between the hours of 8:00 A.M. and 5:00 P.M.
- G. All Declarations of Write-in Candidacy shall be filed with the Municipal Clerk on Tuesday, May 29, 2007 between the hours of 8:00 a.m. and 5:00 p.m.
- H. The casting of votes by qualified municipal electors shall be recorded on paper ballots.
- I. The casting of votes by qualified municipal electors who are voting absentee shall be recorded on paper ballots.

Passed, approved adopted whenever we have a quorum. At this point Clerk Kulhan read the procedures for conducting meeting of a Governing Body. "A Quorum must be present in order to conduct a meeting. A Quorum consists of the majority of the Governing Body. In the instance of 4 councilors and a mayor, the majority would be 3 councilors. If two of the councilors are absent, the mayor may conduct the meeting, but the governing body cannot pass resolutions or ordinances. If one of the councilors is filling in for the mayor, he/she may continue to vote on items on the agenda. If three councilors are present, a resolution or ordinance may be passed. Because he/she was elected to the position of council, he can continue to vote on the issues, even though he/she is conducting the meeting in the mayor's absence.

Per Rodger Makin, NMML and Judy Brunson, Red River Town Clerk – 11/21/06.

RESOLUTION 2007-10 ROAD EQUIPMENT WAIVER PROGRAM – Councilor Cordova brought up concerns that we may not be able to apply to this waiver program since there is no quorum to pass this resolution. If there is not enough time to pass a resolution, you must include the date of your governing body's next scheduled meeting and then forward the resolution on.

BILL MOSER – Mr. Moser had a question regarding the Subdivision Ordinance. His question was "If the subdivider subdivides only that portion of their land that lies outside of the Village limits and land is retained by the subdivider, which has not been divided, does the subdivider need approval by the Village of Eagle Nest for the subdivision which lies entirely outside the Village Limits?" Councilor Cordova responded that from his understanding of the Subdivision Ordinance no Village approval was needed if it lies outside of the Village limits. However, any roads that connect to the Villages must be up to code. If any of the property that is to be subdivided is within Village limits, then they would need the Village's approval. Mr. Moser requested a letter stating the aforementioned facts.

APPROVAL OF J.P.A. FY 07/08 – COLFAX COUNTY SHERIFF'S DEPT. & APPROVAL FY 07/08 L.E.P.F. GRANT – Cobby stated this was the same J.P.A. that we pass every year. It was sent to Colfax County and approved by their lawyer and their commission. It was passed on the 13th March and now it comes before our governing body to be passed; and to be in to D.F.A. by March 31st. They filled out the grant which

divided the \$20,000.00 into two parcels of \$10,000.00. One \$10,000.00 for advanced training and the other \$10,000.00 to equip a vehicle that they are purchasing this year. The Mayor asked if Sheriff Casias had anything to add, and he stated Cathy had covered everything. Councilor Baca motioned to accept the Joint Powers Agreement for Law Enforcement Services. Councilor Cordova seconded. There being no further discussion, the motion passed 2-0. Councilor Cordova motioned to approve L.E.P.F. Grant for FY07/08. Councilor Baca seconded. Motion passed 2-0.

APPROVAL OF CDBG AMENDMENT – Mayor Hascall stated there was an amendment to our engineering contract because of extra work that was done on the lift station. Councilor Cordova motioned to approve CDBG Amendment #3. Councilor Baca seconded. There being no further discussion, the motion passed 2-0.

BID NO.2007-01/ROOF REPAIRS/MULTI-PURPOSE BLDG. & COMMUNITY CENTER – Councilor Baca motioned to accept the bid of K.P.V. Inc. for the repairs to the Eagle Nest Multi Purpose Building bid 2007-01 in the amount of \$2,269.77. Councilor Cordova seconded. Motion carried 2-0. Councilor Cordova motioned to accept bid 2007-01 for repairs to the Community Center. Councilor Baca seconded the motion stating the bid is in the amount of \$2,082.84. Motion passed 2-0.

MAYOR'S REPORT – Mayor Hascall stated the April meeting will be held on the 24th instead of the 17th. We are still waiting to hear about the Legislature money. April 20th will be Teacher Excellence Day. Would like Councilor Perkins to discuss our participation in the Adelante organization, but Councilor Perkins is not here. Questioned the value of participating. There is a district meeting for elected officials from 10-4 on the 10th of April in Angel Fire.

DEPARTMENT REPORTS – Councilor Cordova reported there will be an Economic Development meeting March 29th in Angel Fire. Paul Atzberger stated five people would be attending.

Councilor Baca reported the Beautification Committee met for a work session to order flowers from Corrales Nursery; they ordered six Aspens and two Ponderosa Trees. The Clean Up Day has been set for May 19th. She stated volunteers are needed for the Committee, and a new Chairperson. Stated their application for a grant has already been turned in. Councilor Baca reported on the Enchanted Circle Day, on how the Village rents a table for the Chamber and no one from the Chamber was available for this event. She stated there was a difficult time getting a key so they could get some brochures to bring to Santa Fe.

The Eagle Nest Lake State Park donated information on the Park as well as whistles, Frisbees, and pencils. It was a successful day. Councilor Cordova gave a presentation to request funds for the sewer system which was received very well.

Craig Kerkman stated he was called about the keys for the Chamber and that the person he gave his keys to was not called. Councilor Baca stated she was in the office when Cobby called Mr. Belichick, he wasn't available but his wife said she would try. Judy Montague did not have a key, because she gave hers to the plumber and has not gotten it back yet.

Billie Odum spoke on the ERP Committee, stating they welcomed Sheriff Pat Casias and EMS Director Suzy Rose to the Committee. E-Mailed changes to Julie Kulhan to enter

into the computer. Volunteers are needed to help gather information. They are looking into grant possibilities. There is one Red Cross representative, that being Ron Crompton. If anyone knows of any other Red Cross representatives, please contact the ERP Committee. A Red Cross representative is required for reimbursement from the Government when declaring an emergency.

Paul Atzberger spoke for the Street Paving Committee. He stated they were waiting to see if the GRIP 2 would get through Special Session.

AUDIENCE PARTICIPATION – Mary Berglund thanked Cathy for her assistance in preparing reports for the Chamber. Craig Kerkman asked about road funds at the March 8th Budget Workshop and they replied they had to seek Emergency Funds. He wanted to know if those funds were applied for. His next question was if there can be a Special Meeting for the election. Mayor Hascall stated it was a good idea to have a Special Meeting for the election issues. Billie Odum stated she thought that getting the election resolution passed as soon as possible would be to the benefit of the Village. She questioned the Mayor’s motives for bringing up the settlement during the meeting. She stated that she handed out to the Administrator and Councilors a letter stating a time line from her attorney that shows earlier dates for the election. She asked the Councilors to reconsider the election date.

ITEMS FOR NEXT MONTH’S AGENDA – Road repairs for Soaring Eagle and Bear Mtn. and various roads throughout the Village.

ADJOURN – Councilor Cordova motioned to adjourn. Councilor Baca seconded. There being no further discussion, the motion carried 2-0. The Regular Council Meeting of March 20th was adjourned at 6:40 p.m.

Approved this ____ day of _____ by a vote of __ in favor and __ opposed.

The next meeting of the Eagle Nest Village Council will be April 24, 2007 at 6:00 p.m. in the Eagle Nest Community Center.

SEAL

CLERK