

**REGULAR COUNCIL MEETING
NOVEMBER 20, 2007
6:00 P.M. IN THE COMMUNITY CENTER**

I. CALL TO ORDER – The Regular Council Meeting was called to order by Mayor Odum at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE – The Pledge was led by Mr. Jack Schweitzer.

III. ROLL CALL – The meeting was attended by Mayor Odum, Councilor Baca, Councilor Cordova, Finance Officer Cathy Coppy, Deputy Clerk Nadine Bolton and Marcus Rael/Village Attorney. Also in attendance were: Frank Schmidt, Jack Schweitzer, Joline Schweitzer, Tom Murtha, Tracy Murtha, Kelly Strong, Doug Strong, Mary Berglund, Bruce Manakas, Paul Atzberger, Eric Fincher of the Chronicle, Eldon Berglund, Ron Walker, Netta Walker. Others were present but did not sign in.

IV. APPROVAL OF AGENDA – Councilor Cordova motioned to approve the agenda. Councilor Baca seconded. The motion passes 2-0.

V. APPROVAL OF MINUTES – October 16, 2007 – Councilor Cordova motioned to approve the minutes. Councilor Baca seconded. The motion passes 2-0.

VI. FINANCIAL REPORTS –

A. DECEMBER 31, 2006 – Councilor Cordova motioned to approve, Councilor Baca seconded. The motion passes 2-0.

B. JANUARY 31, 2007 - Councilor Cordova motioned to approve, Councilor Baca seconded. The motion passes 2-0.

C. FEBRUARY 28, 2007 – Councilor Baca motioned to approve, Councilor Cordova seconded. The motion passes 2-0.

D. MARCH 31, 2007 - Councilor Cordova motioned to approve, Councilor Baca seconded. The motion passes 2-0.

E. APRIL 30, 2007 - Councilor Cordova motioned to approve, Councilor Baca seconded. The motion passes 2-0.

F. MAY 31, 2007 - Councilor Baca motioned to approve, Councilor Cordova seconded. The motion passes 2-0.

G. JUNE 30, 2007 - Councilor Cordova requested Cathy Coppy explain the changes from the original documents. Per Coppy, adjustments were made to the SAP and Capital Projects through the General Journal but also needed to do a journal entry to reflect on the Net Distribution. The information is the same, but the fund balances are now correct. Mayor Odum asked if the Activity and Fund Balances report was new. Coppy stated it is a new check and balances worksheet to make sure the expenditures and revenues are reflected correctly with the Fund Balance at the end. This worksheet will be used each month to ensure the fund balances are correct. Councilor Baca motioned to approve, Councilor Cordova seconded. The motion passes 2-0.

VII. NEW BUSINESS –

A. RESOLUTION 2007-2008 Election Resolution -

Per Marcus Rael, it is allowable for this Resolution to be voted on by a “Roll Call Vote”, as there is a quorum of two (2) present. Councilor Baca, “AYE”; Councilor Cordova, “AYE”; Councilor Thompson, absent. Vote passes 2-0.

B. Future Eagle Nest Development –

Jack Schweitzer presented a set of written questions to Mayor Odum and each Council member prior to the meeting. Mr. Schweitzer agreed to accept general answers regarding future Eagle Nest development, without addressing each individual question.

Stated by Mayor Odum:

- Per Dennis Engineering, the current capacity of the lagoons are at 25,000 - 33,000 gallons per day. Per the completed study, by 2027, the peak capacity will be 54,000 gallons. Based on projected population growth by 2030, our population will be at approx. 1300. (This is the state projected rate of growth.)
- Designs are based on moderate growth and on all phases of construction.
- The treatment facility is up to 4 phases to get the system up to 54,000 per day. Our Phase One had to include having a stable wastewater facility in place.
- Westlake and Leisure Estates do not affect the existing lines in town.
- Electricity is the owners’ responsibility and must meet village standards.
- Architectural reviews must meet village and state standards/approval. Architectural standards are not specific at this time.
- Total volume of the lagoons is 10 million gallons / 31 acre feet. When an additional lagoon is added, the capacity will increase by 1.7 million gallons. Our intent is to empty the three lower lagoons to prepare for winter storage.

Marcus Rael gave a summary of Village Water Rights.

A few years ago, the Village was over diverting and had to buy water storage rights out of the lake. Since then they have been proactive, and have grown their water rights significantly. The Permit 71 Litigation has just closed, which was the adjudication of Eagle Nest Lake. This turned our Tier 3 Rights into Tier 1 Rights, which meant we can get additional allocation of 50 acre feet of water, per year, from the lake. We are currently attempting to acquire another large section of water rights which will put Eagle Nest in a very strong position. We currently own 121.5 acre feet. We were pumping 90-98 acre feet per year which means we now have some “spare room”. Mr. Schweitzer asked if this was all Tier 1 Rights. Mr. Rael stated the Water Rights out of the lake, 50 acre feet are Tier 1 the others are Ground Water Rights, not surface water, which are not subject to Tier assignments. Some of the water rights in the Moreno Valley date back to late 1700’s. Councilor Cordova asked if Mr. Rael knew which Ordinance would back up his information. Mr. Rael stated there is an ordinance in place, but does not have that information in front of him. Councilor Cordova also stated the need to

request any potential developers to do an impact study prior to development. Councilor Cordova stated Mr. Akdoruk would be willing to meet with the whole community regarding architectural concerns. Mr. Bingham is to contact Mayor Odum to request a meeting in the Village Hall/Community Center to explain the details and offer suggestions. Mr. Schweitzer requested to present the motivation behind “the group” list of questions/concerns to the council.

Mr. Schweitzer – Development concerns/remarks are as follows:

Pro-development and anti-development factions have drawn lines and have divided the village. He requests the Village take notice of the land use patterns and land ownership in the valley to understand the increased need for Village oversight and continued diligence. Maintaining the “status quo” or not having a “non-development option” is not a serious option as development is inevitable. How are we, as a Village, to deal with this progress? Recognizing that we are an “outdoor recreation destination” the question is, are we going to become a vibrant economy which protects our natural and aesthetic assets or are we going to permit development which will destroy or severely alter these assets? These are the values our citizens were seeking when they made the decision to call Eagle Nest home. Not all development is good or thoughtful. We must combine our efforts for the best options available for “our home”. We should follow the examples of other communities, similar to ours, who have proceeded with development in the correct way, such as Jackson Hole Wyoming, Ketchum Idaho, Sedona Arizona, Bend Oregon, etc.

Developers not from our community, it is feared, will not “give a damn about our community” and should not be allowed to proceed with their plans. They will be under severe scrutiny. Development considerations must include the aesthetic. “Not all buildings or uses are consistent with our roll as an outdoor recreation destination.” There are many other uses that may not be as obvious. We, as a whole, need to determine what is best for the Village of Eagle Nest. Commitments have been made to the current residents/businesses such as; “Do we have enough water? Do we have enough sewer capacity?” These obligations must be assessed. Only after these questions/concerns have been dealt with, should the idea of “new development be considered”. “The Group” does not feel that one penny should be expended to subsidize for profit development and we as a Village cannot afford it. What would the Village have to gain by subsidized development? “It varies from not a damn thing to precious little.” A clear message must be sent to all who view Eagle Nest as “easy pickings”, “buildings and business must reflect Eagle Nest status as an outdoor recreation community...there is no free lunch and they must pay their own way or move on”. Our position must be maintained. Our community has much to offer. We believe this is a crucial “first step” for any development. These are not the views of one, but of many.

C. Chamber/LTP Reimbursement –

Per Cathy Cobby the Chamber is asking for reimbursement for Lodger’s Tax Funds for promotion only. The amount is \$4595.59 for advertising that has

already been placed in the new fiscal year. There is enough cash collected in the Promo Fund to support this request. The correct documentation has been submitted. Councilor Cordova motioned to approve, Councilor Baca seconded. The motion passes 2-0.

D. Re-instating Ordinance 2001-03

Councilor Cordova explained the need to reinstate ORDINANCE 2001-03 with a few corrections. There is not a current Zoning Ordinance for the ANNEXED areas. The previous ordinances were from September 30, 1999 through August 8, 2000. The interim ordinances expired May 1, 2002. Since the new Zoning Ordinances were never approved, it was suggested to reinstate this ordinance for a period of two years with a few changes. Public hearings will be necessary to complete this process. There was no report of any additional annexation since the original implementation. One reason for the reinstatement is there are residents living in Westlake with no water/sewer access to their property. Mayor Odum agreed this needs to be addressed, discussed and changes made. Councilor Cordova stated the Ordinance needs to be reinstated as well as proceed to make the necessary changes/updates.

E. Personnel Policy Resolution 2003-18

Per Mayor Odum, this will be tabled for the next Council meeting as there was not time to address. It will be reviewed and significant changes to the Personnel Policy. Councilor Cordova motioned to table Personnel Policy Resolution 2003-18, Councilor Baca seconded. The motion passes 2-0.

****Per Mr. Rael, items on the Agenda should be designated as “Discussion or Action (Approve/Disapprove).**

F. Idlewild Trash Collection –

Per Mayor Odum, there was no discussion on this subject as members of the “Task Force” have been out of town. Table for the next Council meeting.

G. Change in Wastewater project, Directive #1 – Addition of Flush Valves –

Per Mayor Odum, as far as our Wastewater Improvement Projects this was the main change we had to make. Everything is in place and this project is officially complete as of November 19, 2007. We are very pleased with Dennis Engineering and New Mexico Underground. 150,000 gallons were successfully pumped to the upper lagoons. Free Board = minimum of 2 ft difference between the surface of wastewater and the top of the lagoon. Two change orders are pending due to Kit Carson required an upgrade from Vis-Com. Final change order is in process. The new pumps were tested and prove to be working properly - 100 gals per minute, 150,000 were pumped in a 24 hr period. The new equipment has a 1 year warranty. Our Public Works employee has been instructed on how the new system works and how to maintain it. We need to approve the change and the addition of the Flush

Valve. Councilor Baca motioned to accept the change and addition of the Flush Valves, Councilor Cordova seconded. The motion passes 2-0.

Discussion: Councilor Cordova- Asked if we have to borrow money from other funds to complete this project. The answer was “no.”

H. Memorial Day Weekend/Incident Command System –

Mayor Pro Tem Thompson attended the Mayor’s meeting in Red River. Since he is absent this evening, he can report what was decided at the next Council meeting. The communities want to work together instead of each addressing their own issues such as the emergency system for the Memorial Day weekend. Topic tabled for the next Council Meeting.

I. Chamber requesting use of Senior Center for New Year’s –

Bruce Manakas stated the Chamber is actively attempting to raise funds for two (2) major programs in the coming year: Run for the Wall (May 2008) and the July 4th Fireworks. The New Year’s Eve Dinner, hopefully an annual event, would assist in raising the money needed to make these events a success. Approval is needed from the Senior Center Director, Toby Kessler. Councilor Cordova motioned to approve the Chamber use of the Senior Center for the New Year’s Eve Dinner. Councilor Baca seconded. The motion passes 2-0.

J. Approval of NERPO meeting luncheon –

Eagle Nest Village will be hosting the NERPO meeting on November 29, 2007 10am-2pm. The Village is responsible to provide lunch. The Lodgers Tax fund would be used to pay for the lunch. Councilor Cordova motioned to approve the NERPO luncheon. Councilor Baca seconded. Discussion: Bids for the luncheon will be taken from at least 3 local restaurants. The motion passes 2-0.

K. Letter of approval/support of State to purchase Angel Fire Airport -

Mayor Odum read a letter of approval/support from the Village of Eagle Nest. Councilor Cordova stated he could not place a motion for this as he does not agree with it. Mr. Rael stated this is something that is normally submitted as a RESOLUTION. The RESOLUTION will have to be passed in support of this purchase. The motion will have to die and cannot be tabled for another meeting. Motion dies.

VIII. OLD BUSINESS – Council Appointment –

Mayor Odum recommended Craig Kerkman as Councilor. This same nomination was presented in previous meetings. During one such meeting, Craig Kerkman was actually voted in. Mr. Rael stated there is a duty, as a councilor, to fill a vacant council seat as soon as possible and we have had a vacant seat for several months. Based on the minutes of a previous Council meeting, someone made a motion to appoint Mr. Kerkman to the vacancy, the motion was seconded and a vote was taken. The vote was 2-1. The “SUPER MAJORITY” in the case of

three (3) current councilors is all that is needed. Mr. Kerkman has already been appointed Councilor and Mayor Odum needs to swear him in as quickly as possible because the council has already acted on it, whether it was intentional or not. Councilor Cordova stated "...the citizens of this community will not be heard again." Mayor Odum responded that they are being heard. Councilor Cordova disagreed and is sure the citizens will vote Kerkman out during the Council Election (March 4, 2008). Mr. Rael reiterated that Mr. Kerkman be sworn in as quickly as possible and should be within the next seven (7) days. Councilor Cordova asked Mr. Rael if Mr. Kerkman was voted in at a previous meeting, hadn't the seven (7) day limit expired? Mr. Rael stated that yes the seven (7) days have expired but due of the lack of clarification as to whether or not Mr. Kerkman was officially voted in held no relevance. Mr. Kerkman is now officially a council member and must be sworn in to start serving the citizens and the community. Mr. Rael asked what the term was for Councilor Perkins. Mayor Odum stated Councilor Perkins term was up in March 2008.

IX. MAYOR'S REPORT –

Waste Water Project – Already reported on this subject. The "Close Out" paperwork is estimated to take an additional 2 weeks to complete. At which time the 2008 CDBG Grant application will be submitted. Two (2) Public Meetings will be held to discuss the progress and specific stipulations of these grants.

Thanks – Mayor Odum personally thanked everyone for the flowers, plants and cards of sympathy because of the loss of her father.

Christmas Holiday Pot Luck – This will be held December 14, 2007 @ 6 pm at the Community Center. The meats are donated and everyone is asked to bring a dish. Santa will be available for the kids.

Eagle Nest Pictures – Mayor Odum was contacted by Christy Germscheid Angel Fire Resort. She wants any available pictures of Eagle Nest. We are the only community without representation of pictures. There is a Film Commission in Albuquerque who is actually looking at all of New Mexico for places to film movies and films. They need pictures of our community, bodies of water, wildlife, buildings, cities, towns, villages, neighborhoods, alleys, rooftops, structures, housing, recreational areas, schools, highways, citizens, events, sunsets/sunrise, landscapes, ceremonies, any activity or event going on in the area, etc. Contact Mayor Odum or the Chamber for additional information.

Veterans Day Ceremony – Mayor Odum attended the ceremony at the Angel Fire Vietnam Veteran's Memorial. They had a dedication ceremony in their new Amphitheatre. Local Vet, Bill Roy, participated in the ceremony. Also in attendance were Don Borgeson and Councilor Cordova,

Thanks to Felix Martinez – Responsible for all the roads being graded during the last snow fall. Mr. Martinez has over 30 years experience with the State Highway Dept. He has been kind enough to assist with the much needed grading.

Lyn Eubank – Thanks to Lyn Eubank who will be updating our Village website pro-bono. Mayor Odum has received several complaints that the information is outdated and or incorrect.

Larry Cummings – The issue of his property line/placement of the garage has been resolved. Mr. Cummings moved the garage four (4) feet as requested. The proper documentation was submitted.

X. DEPARTMENT REPORTS –

- A. EMS – Nothing to report at this time.
- B. Fire Department – Frank Schmidt thanked the Fire Dept. for putting the fire out by the trailer homes today.
- C. Public Works – Nothing to report at this time.

XI. COMMITTEE REPORTS –

- A. **Beautification** – Nothing to report at this time.
- B. **Buildings and Grounds** - Nothing to report at this time.
- C. **Chamber of Commerce** - Nothing to report at this time.
- D. **Economic Development and Tourism** – Councilor Cordova stated no meeting was held due to “Lack of Quorum” . The next meeting is scheduled for January 16, 2008. Councilor Cordova also attended the North Central New Mexico Economic Development District meeting on the HM35 report. We will probably see a tax increase on our gas, GRT and just about anything else you can think of. Starting this year we will have a shortfall of \$150 million from the Federal Govt. for our roads. Currently with the GRIP 1 Project we are \$495 million short, and on GRIP II we are \$81 million short. The reason for the increase is due to an increase of 34% in road construction costs. This expected to increase by 20% per year. Toll roads were also discussed. The NERPO meeting was attended and votes were taken to see if grants could be applied for. The PRC meeting determined that the electric rates will increase in January 2008 by 11.5%. Qwest has no intention for DSL in our community. They will review our area again in 2008. Mayor Odum stated she did talk to David Gonzales and there is potential that Eagle Nest will get DSL in near future. Additional specific information is needed.
- E. **Emergency Response Planning** – Next meeting 11/28/2007 @ 6:00 pm
- F. **Law Enforcement** - Nothing to report at this time.
- G. **Library Board** – Received \$2271.00 from the New Mexico State Library for material purchases and computer related items. \$3855.00 was received from the GO Bonds for books. On November 13, 2007, Luann Lawrence attended the Northern New Mexico Library Directors meeting in Las Alamos to discuss ways the state library can assist the existing libraries with Tape Training, Catalogs On-line, Construction Projects, and programs. The next Library Board meeting will be Tuesday, November 27, 2007 at the library.
- H. **Planning and Zoning** – Next meeting 12/06/2007 @ 6:00 pm
- I. **Senior Citizens Committee** – Nothing to report at this time.
- J. **Streets, Roads and Paving** – NERPO / Clayton, Las Vegas and Angel Fire grants.

XII. AUDIENCE PARTICIPATION –

Jack Schweitzer asked if the Village has acquired the land the Chamber sits on, the old TWIW property. Per Mr. Rael, the acquisition has been completed and is recorded with the Colfax County Clerks Office. It is ours to do with as we want as long as we are in accordance with the law. Public meetings will be scheduled to determine what should be done with the property. There are suggestions to build a new Village Hall/Public Works and or a community park. There are no definite plans at this time.

Mary Berglund announced there is Christmas Lighting Contest, which is a Chamber event. The judging will be held on December 18, 2007. She encouraged everyone to participate.

XIII. ITEMS FOR NEXT MONTH'S AGENDA –

- A. Coop Money - Streets**
- B. Personnel Policy Resolution**
- C. Idlewild Refuse Collection**
- D. Future Eagle Nest Development**

XIV. ADJOURN – Councilor Cordova motioned to adjourn. Councilor Baca seconded. The motion carried 2-0. The regular Council meeting adjourned at 7:32 p.m.

Approved this 18th day of December by a vote of 4 in favor and 0 opposed.

The next regular meeting of the Eagle Nest Village Council will be December 18, 2007 at 6:00 p.m. in the Eagle Nest Community Center.

SEAL

CLERK