



Village of Wagon Mound
Special Meeting Agenda
Friday, August 27, 2021 - 6:00pm
Presiding Mayor F. Luis Lopez

SEE INFO ON REVERSE FOR ZOOM MEETING ATTENDANCE

*** - Indicates an action item**

**During this meeting the Mayor and Council may convene into Executive Session
as allowed by Section, 10-15-1, H 1-10. NMSA 1978**

I. Call to Order and Pledge of Allegiance

II. Roll Call: Mayor F. Luis Lopez, Mayor Pro-Tem Timothy Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, and Vacant Council Seat.

III. *Approval of Agenda

VI. Public Hearing – Cannabis Regulation Ordinance

V. Business Matters

1. *Discussion/Approval/Disapproval: Appointment of vacant Councilor seat to fulfill the remainder of the term through December 31, 2021.
2. *Discussion/Approval/Disapproval: Appointment of two vacant Commissioner seats to the Wagon Mound Housing Authority Board.
3. *Discussion/Approval/Disapproval: Review bids and approve Notice of Award for monitoring wells project.
4. *Discussion/Approval/Disapproval: Review quote and approve replacement of altitude valve.
5. *Discussion/Approval/Disapproval: Publish intent to adopt an ordinance pursuant to the authority given to local governments in the Cannabis Regulation Act.
6. Discussion: Councilor pay rate correction.

VI. Adjourn

THIS MEETING WILL BE OPEN TO BOTH IN-PERSON AND ZOOM ATTENDANCE. TO PARTICIPATE VIA ZOOM, PLEASE FOLLOW THE DIRECTIONS BELOW.

MEETING ID: 856 6051 9545

PASSCODE: 375507

PLEASE CONNECT STARTING AT 5:45PM SO THE MEETING CAN BEGIN AT 6:00PM

- TO CONNECT USING A CELL PHONE OR LANDLINE: DIAL 1-346-248-7799 - WHEN PROMPTED, ENTER THE MEETING ID AND PASSCODE

- TO CONNECT USING A COMPUTER OR TABLET: FOLLOW ONE OF TWO OPTIONS:
 - 1) CONTACT VILLAGE HALL (575-666-2408 or deputyclerkwagonmound@gmail.com) AND PROVIDE US WITH YOUR EMAIL ADDRESS. WE WILL SEND YOU AN EMAIL WITH A LINK TO ACCESS THE MEETING. ON AUGUST 27th, CLICK ON THE LINK AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.
-----OR-----
 - 2) ON AUGUST 27th, GO TO www.zoom.com, CLICK ON JOIN A MEETING, AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.



Call to Order and Pledge of Allegiance

I. Roll Call was taken by Clerk Treasurer Gina Garcia. Mayor F. Luis Lopez, Mayor Pro-Tem Timothy Cruz, Councilor Adrian A. Clouthier, and Councilor Paul A. Miera were present.

II. *Approval of Agenda

Motion to approve the agenda was made by Councilor Miera, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

VI. Public Hearing – Cannabis Regulation Ordinance

- Deputy Clerk Colleen Engelhardt stated the State has passed the Cannabis Regulation Act (CBA), and in the statute, local governing entities are given the authority to determine time, place and manner of cannabis establishments conducting business. She stated at the Aug 10th Regular Council Meeting, a draft ordinance was approved for publication with the intention of holding a Special Meeting to hold the public hearing and adopt the ordinance. She stated the Intent to Publish was not properly approved, and a draft will need to be approved for another two weeks of publishing before adoption occurs. She invited s of the public to speak.
 - Citizen Phillip Trujillo stated the housing units are managed by HUD, a federal agency, and cannabis is still illegal at the federal level. He asked if tenants will be allowed to use cannabis. Colleen stated the Village also receives funding from federal sources, and the draft ordinance states cannabis is not allowed on or in any Village property. She stated she believes Housing will have similar regulations in place.
 - Citizen Colleen Engelhardt stated the draft ordinance does not refer to the timeframe in which a cannabis establishment may be allowed to operate, and she stated she would like Council to address permissible hours of operation.
 - Councilor Miera stated he feels 9AM or 10AM to 6PM will be sufficient.
 - Citizen Eldie Cruz stated he would like to see sales allowable until 10PM because he is considering opening a retail establishment at the old café. He stated because the location is right off I-25, he believes traffic off the interstate will make for good sales.
 - Councilor Miera stated his concern is minimal law enforcement in Mora County, and Mr. Cruz asked what issues are foreseen as requiring law enforcement. Councilor Miera stated robberies and other crime may increase. Mr. Cruz referred to the proposed draft, and stated the Village is requiring the establishment to have security.

V. Business Matters

1. *Discussion/Approval/Disapproval: Appointment of vacant Councilor seat to fulfill the remainder of the term through December 31, 2021.
 - Mayor Lopez stated he would like to appoint Frank Tierney to the vacant Council seat.
 - Deputy Clerk Colleen Engelhardt stated Mr. Phillip Trujillo was appointed to the vacant Council seat at the Aug 10th Regular Council Meeting. However, she stated in order to serve on the Council, one must be a registered voter in Wagon Mound, and unfortunately, Mr. Trujillo was not a current registered voter of the Village at the time of the appointment. She stated the appointment was done incorrectly, and Mr. Trujillo was not eligible to serve on the Council at that time. She stated she has spoken with the Village attorney, and she has been instructed that the mistake needs to be clearly stated on the Public Record, and the position needs to be

reappointed. Colleen stated the attorney informed her that if Mr. Trujillo becomes a registered voter in Mora County with a Wagon Mound address, he may be reappointed, and she stated he has updated his voter registration making him an eligible appointee. She stated the appointment is the decision of the Mayor, and the Council may either approve or disapprove of the appointment. She stated she was also informed that due to the incorrect appointment, any item that included Mr. Trujillo's vote is null and void. She stated all action items from the Aug 10th agenda have been included on today's agenda because they all must be reapproved.

Motion to approve the Mayor's appointment of Frank Tierney to the vacant Council seat was made by Councilor Miera, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

Deputy Clerk Colleen Engelhardt, as a Notary Public, administered the Oath of Office, and Mr. Tierney assumed the position of Councilor.

2. *Discussion/Approval/Disapproval: Appointment of two vacant Commissioner seats to the Wagon Mound Housing Authority Board.
 - Deputy Clerk Colleen Engelhardt stated Lily Martinez was recommended and approved at the Aug 10th meeting, and she is eligible for reappointment. Colleen stated there is a second vacant Commissioner seat that needs to be appointed and approved as well. She stated there are two other seats held by Esther Mondragon and Claudia Martinez that need to be reappointed because their terms have expired. Colleen stated this will be included as an action item on the September agenda.
 - Mayor Lopez stated the second vacant seat appointment can also be included on the September agenda because it will give time to speak with people to find someone interested.

Motion to approve appointment of Lily Martinez to the Wagon Mound Housing Board was made by Councilor Clouthier, seconded by Councilor Tierney. (Vote 4-0) Motion carried with all in favor.

3. *Discussion/Approval/Disapproval: Review bids and approve Notice of Award for monitoring wells project.
 - Deputy Clerk Colleen Engelhardt reiterated what was discussed at the Aug 10th meeting. She stated Stewart Brothers submitted a bid of \$106,999.69, and Hays Plumbing's bid was \$211,230.77. She stated Dennis Engineering (DEC) and the NM Environment Department have recommended approval Stewart Brothers.
 - Councilor Miera asked for a timeline to complete the wells. Colleen stated DEC has moved forward with the Notice of Award submitted to them earlier in the month. She stated Stewart Brothers is in the process of collecting more information for the contract, and once it is submitted back to DEC, a pre-construction meeting will be scheduled. She stated then they will begin the work, and it is anticipated it will be complete by the end of September.

Motion to approve Notice of Award to Stewart Brothers Drilling Company was made by Councilor Clouthier, seconded by Councilor Miera. (Vote 4-0) Motion carried with all in favor.

4. *Discussion/Approval/Disapproval: Review quote and approve replacement of altitude valve.
 - Deputy Clerk Colleen Engelhardt stated when this item was approved at the Aug 10th meeting, it carried a caveat of researching the warranty, any additional costs, and to see if there are any other out-of-state companies selling this part at a cheaper cost. She stated, Mr. Trujillo tried contacting other companies, and he discovered the less expensive parts were not as high of quality, and/or he was directed back to James, Cooke & Hobson (JCH). Colleen stated the JCH valve is all stainless-steel making corrosion far less likely. She stated the Utilities Superintendent found the warranty, and it was a 3-year limited warranty. She stated the Village will need to pay the cost of any repair other than a manufacturing defect.

- Councilor Miera asked about a repair resulting from the installation. Colleen stated the Village will purchase the part from JCH, and they will be performing the installation so a repair resulting from poor installation would be the responsibility of JCH.
- Colleen stated the JCH quote for the part is \$4,762 with an estimated \$1,000 to \$1,200 for installation and travel costs.

Motion to approve the JCH quote to replace the altitude valve was made by Councilor Tierney, seconded by Councilor Clouthier. (Vote 4-0) Motion carried with all in favor.

5. *Discussion/Approval/Disapproval: Publish intent to adopt an ordinance pursuant to the authority given to local governments in the Cannabis Regulation Act.
- Deputy Clerk Colleen Engelhardt stated to adopt an ordinance, Council must first approve an Intent to Publish a draft ordinance. She stated the current draft has been posted for two weeks. She stated it can be reapproved, or Council may recommend changes for approval.
 - Mayor Pro Tem Cruz suggested the ordinance needs to include hours of operation. He recommended having cannabis establishments closed on Sundays with Monday through Saturday hours of operation from 10AM to 8PM.

Motion to approve the intent to publish a draft Cannabis Regulations Ordinance as presented, and to include the recommended hours of operation was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 4-0) Motion carried with all in favor.

6. Discussion: Councilor pay rate correction.

- Deputy Clerk Colleen Engelhardt stated last year Mayor Martinez made a recommendation to increase Councilor pay because the monthly honorarium of \$40.00 had not been increased for several decades. She stated he recommended increasing the Councilor honorariums to \$100.00 and leaving the Mayor's pay at \$200.00. She stated in her research she knew Councilor pay increases needed to be done by ordinance, and with the current ordinance already in place, it would be processed with an amendment. Colleen stated what she didn't understand, at that time, is it is not legal for Councilors to approve their own pay increase or decrease. She stated she was made aware of this while working with Michael Steiniger of the DFA when he was helping the Village through the budget process. She stated Michael provided no advice other than I would need to speak with the Mayor and legal counsel for how to proceed, which she did. Colleen stated she learned the ordinance amendment was processed properly. However, she stated, the pay increase cannot legally take effect until January 2022 when the new Council terms begin. She stated anyone still serving a current term will remain at the old pay rate until their term concludes.
 - Colleen stated the Village mistakenly started the pay increase in January 2021, and the attorney has stated the Village needs to collect back from Councilors any overpayment in order to comply with the law. She stated she made a spreadsheet showing each Councilor's name, the overpayment made each month minus the actual payment owed, and the total overpay for each Councilor that needs to be paid back to the Village. She stated because Mayor Lopez was appointed to Mayor in August he did not receive the Councilor that month. Colleen stated Councilor Lopez was overpaid \$387.87, and the overpayment to Mayor Pro Tem Cruz, Councilor Clouthier, and Councilor Miera was \$443.28.
 - Colleen stated everyone she spoke with recognized that there were no bad intentions with this pay increase, and it was an honest misunderstanding and mistake. She stated the auditor informed her it will be an audit finding, but it was her understanding that because the Village is taking all necessary steps to remedy the mistake, he will be able to justify the finding with noting the Village taking a proactive stance.
 - Colleen acknowledged her mistake, and she apologized to each Councilor. She stated she would like to offer \$50.00 per Councilor for a total of \$200.00 as her contribution in rectifying the mistake.


- o Colleen stated the office is looking into the option of holding pay for the remainder of the year as a way to pay toward the balance. She stated it may be the Village will need to issue Councilors' pay, and each individual will need to make the repayment back to the Village.

VI. Adjourn

Motion to adjourn made by Councilor Miera, seconded by Councilor Clouthier. (Vote 4-0) Motion carried with all in favor. The meeting adjourned at 6:29PM.

Approved and attested this 14th Day of September, 2021.


F. Luis Lopez, Mayor

Attest: 
Gina M. Garcia, Clerk Treasurer

(SEAL)

