



Village of Wagon Mound
Regular Meeting Agenda
Tuesday, December 15, 2020
6:00 pm

Presiding Mayor Andres Martinez

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 Andres Martinez, Mayor Pro Tem Timothy Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, Councilor F. Luis Lopez.
- ✓ III. *Approval of Agenda
- IV. *Approval of Minutes for:
 - A. Regular Meeting Minutes November 10, 2020
 - B. Special Meeting Minutes November 23, 2020
- ✓ V. Public Input: Please sign in if you would like to participate (limited to 3 minutes per person)
- ✓ VI. Comments or Concerns of Council
- VII. Business Matters
 - ✓ 1. Discussion: Update regarding Village participation in protest to State Engineer.
 - ✓ 2. *Discussion/Approval/Disapproval: Review and selection of quotes to contract an attorney for general legal services for the Village of Wagon Mound.
 - ✓ 3. *Discussion/Approval/Disapproval: Review and acceptance of quotes for HVAC unit and installation purchase.
 - ✓ 4. *Discussion/Approval/Disapproval: Review and acceptance of quote from SECOR for tools and equipment necessary for operating natural gas utility.
 - ✓ 5. *Discussion/Approval/Disapproval: Review and acceptance of updating contract with Rio Armijo to increase pay rate.
- ✓ VIII. Monthly Reports
 - A. *Approval Item –Approval of Vouchers (payment to vendors) Clerk/Treasurer- Monica Martinez

- ✓ B. Utility Delinquent List – Deputy Clerk, Colleen Engelhardt
- ✓ C. Utility Superintendent – Utility Superintendent, Gary Sanchez
- ✓ D. MVD Reports – MVD Manager, Amber Alcon (MVD Office Temporarily Closed)
 - E. Mora County Sheriff's Office Report
 - F. Housing Authority – Director, Theresa Carmody
 - G. Fire Chief – Robert Mondragon
 - H. Bean Day Association – President, Luis Lopez
- IX. Old Business
- X. Mayor's Report
- XI. Adjourn

DUE TO CURRENT COVID-19 ORDERS, VILLAGE HALL WILL BE CLOSED TO IN-PERSON PUBLIC ATTENDANCE AT THIS MEETING. THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA ZOOM EITHER BY PHONE OR BY COMPUTER FOLLOWING THE DIRECTIONS BELOW.

MEETING ID: 897 9921 4966

PASSCODE: 920404

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 ~~NOV 24~~ ^{DEC 15} ~~DEC 15~~ ^{DEC 15} CLICK ON THE LINK AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.
 - 2) ON DEC 15th, GO TO www.zoom.com, CLICK ON JOIN A MEETING, AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.



I. Call to Order and Pledge of Allegiance

- Mayor Martinez read a statement regarding citizen participation via zoom meeting in order to comply with the Open Meetings Act as well as the current COVID-19 orders.

II. Roll Call was taken by Clerk/Treasurer Monica Martinez. Mayor Martinez, Mayor Pro Tem Cruz, Councilor Clouthier, Councilor Miera, and Councilor Lopez were present.

III. *Approval of Agenda

Motion to approve the agenda was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

IV.*Approval of Minutes for:

A. Regular Meeting Minutes November 10, 2020

- Mayor Martinez noted a date correction on the third page: Dec 12th needs to be corrected to Dec 10th, and on the fifth page, “he aware of the issues” needs to be corrected to read “he *is* aware of the issues.”

otion to approve the minutes for Regular Meeting on November 10, 2020 was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

B. Special Meeting Minutes November 23, 2020

Motion to approve the minutes for Special Meeting on November 23, 2020 was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

V. Public Input: Please sign in if you would like to participate (limited to 3 minutes per person)

- None

VI. Comments or Concerns of Council

- None

VII. Business Matters

1. Discussion: Update regarding Village participation in protest to State Engineer.

- Deputy Clerk Colleen Engelhardt stated the Council voted to remain a protestant in this case at the November Special Meeting. She stated she contacted the prior Village attorney, Mr. Romero, to inform him of the decision and acknowledged the Village will be paying him at the rate of \$200/hour because we are no longer under contract with him. She stated she received phone calls from two of the protestants, Tracy Seidman and Brad Christmas, to let the Village know that the hearing has been postponed until late January to mid-February, possibly Feb 18th, but the date still needs to be confirmed. She stated she also received an email from Mr. Romero stating he no longer wishes to represent the Village, and because the hearing has been postponed, the Village has time to hire a new attorney, therefore, he will be submitting a letter of non-representation to the judge.

2. *Discussion/Approval/Disapproval: Review and selection of quotes to contract an attorney for general legal services for the Village of Wagon Mound.

- Deputy Clerk Colleen Engelhardt stated the Village contacted six different attorneys to request quotes for general legal services. She stated Adams+Crow Law Firm out of Albuquerque submitted a proposal for hourly rates of \$190.00 for partners, \$170.00 for associates, \$125.00 for law clerks, and \$100.00 for paralegals. She stated Gary Allsup out of Clayton submitted a proposal for an hourly rate of \$275.00 plus GRT and any expenses incurred, and he charges travel time at \$137.50 per hour. Colleen stated one office stated they were not interested in submitting a proposal at this time, and the other three did not respond. Colleen stated the Council can select from the two quotes provided because the Village attempted to acquire three quotes, and this has been documented.
- Mayor Martinez recommended approving the quote submitted by Adams+Crow Law Firm. He stated they have represented Wagon Mound Public Schools. He stated he spoke with the Superintendent for her input, and she stated she highly recommends this firm. The Mayor also stated when he was on the School Board, his experience was this firm was very responsive and professional. In addition, the Mayor noted this quote is by far less expensive than the Allsup quote.

Motion to approve selection of the quote from Adams+Crow Law Firm to provide general legal services for the Village of Wagon Mound was made by Councilor Clouthier, seconded by Councilor Lopez. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

3. *Discussion/Approval/Disapproval: Review and acceptance of quotes for HVAC unit and installation purchase.

- Mayor Martinez stated the Council is aware of the fire that occurred in the HVAC unit that services the Senior Center and the Clerk's Office in mid-November. He stated a company from Las Vegas and one from Raton were called to assess, and it was determined that the unit was destroyed and needed to be replaced. The Mayor stated TruDegree out of Raton provided a more thorough investigation and assessment of the unit. He stated TruDegree has been working on this unit for several years, he is very familiar with the system, and he is Lennox dealer, which is the brand of the old unit.
 - Clerk Treasurer Monica Martinez stated this makes TruDegree a sole source company in terms of procurement, and Deputy Clerk Colleen Engelhardt stated TruDegree also felt strongly that the replacement unit needs to have the exact same footprint as the old unit in order to avoid any issue with the roof leaking, etc.
- Mayor Martinez stated that because the building is without heat he authorized ordering the unit. He stated the unit has been delivered and TruDegree is scheduled to install it later this week depending on the weather.
- Monica stated she has contacted the NM Self Insurers Fund, and they will getting back in touch with her to provide information for how to file an insurance claim to get reimbursed for the costs involved with the fire and replacing the unit. Mayor Martinez stated there is a \$500.00 deductible, but the remaining charges should be reimbursed.

Motion to accept and approve quote from TruDegree to purchase and install a new HVAC unit was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

4. *Discussion/Approval/Disapproval: Review and acceptance of quote from SECOR for tools and equipment necessary for operating natural gas utility.

- Mayor Martinez stated the PRC is requiring the Village to purchase tools and equipment necessary to properly operate the gas utility. He stated the Utilities Superintendent has been getting quotes and placing orders, and the items should be arriving in the next few weeks.

- The Mayor stated the Utilities staff have already performed one gas hook-up for a customer that had paid before the Village certifications were current, and he stated the hook-up was successful.

Motion to accept and approve quote from SECOR to purchase tools and equipment necessary for operating a natural gas utility was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

5. *Discussion/Approval/Disapproval: Review and acceptance of updating contract with Rio Armijo to increase pay rate.

- Mayor Martinez stated he is recommending this pay rate increase because Rio goes out of his way whenever the Village needs him without hesitation. The Mayor stated he is proposing to increase the pay rate from \$15 per hour to \$18 per hour. He stated Mr. Armijo is a contracted employee, therefore, he does not receive overtime nor does he receive any benefits. Mayor Martinez stated the Village will only call on Mr. Armijo's services as needed until the Utilities Assistant gains his CDL in February. The Mayor stated he would like the pay increase to be retroactive starting in November.

- Clerk Treasurer Monica Martinez stated, per the Village's auditor, a pay increase cannot be retroactive. She stated, if approved, the pay increase will become effective starting today.

Motion to approve updating the contract with Rio Armijo to increase the pay rate to \$18.00 per hour was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

VIII. Monthly Reports

A. *Approval Item –Approval of Vouchers (payment to vendors) Clerk/Treasurer- Monica Martinez

- Clerk Treasurer Monica Martinez stated beyond the regular monthly payments the vouchers include payments to:
 - TruDegree – one payment is from work air-conditioning work performed over the summer, but the Village did not receive the invoice until recently. The second payment is for the assessment of the HVAC unit after the fire.
 - Jeffrey's Plumbing – second assessment of the HVAC unit after the fire.
 - Elayne Sena – payment for legal fees associated with addressing the fence around the substation.
 - Phil Long Ford – payment for replacing engine in the F250, and the payment was split evenly between the four utility funds.

Motion to approve monthly vouchers was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor.

B. Utility Delinquent List – Deputy Clerk, Colleen Engelhardt

- Active - 16 letters were sent representing a total of \$924.94, and the due date November 23rd. A total of \$1,150.41 was received in payments.
 - Acct# 113800 – the customer recently passed away and the family needed a little time to figure out how to proceed. The customer's son contacted the Village, and requested the service be shut-off. The son is aware that in order to reinstate service the full account balance must be paid, a Utilities application must be submitted, and the deposit must be paid.
 - Acct# 112300 – Customer was shut-off for non-payment, and Colleen stated she spoke with him on Nov 23rd when she explained the payment must be received by 9AM the next morning. The customer stated he understood, but he did not make the payment nor has he been in contact with the Village since that time. A letter was sent to the customer stating the actions necessary to reinstate service.

- Inactive – 9 letters sent representing a total of \$1,119.66. One payment was received from Acct# 203200, and this account will be removed from the delinquent list.
 - Colleen informed the Council of a customer with a significant water leak that was discovered when taking meter reads in October. She explained that she contacted the customer, who is a renter, immediately. The customer was not certain how to proceed, and Colleen suggested contacting her landlord. The Village had not heard back from either the landlord or the renter, and the Utilities Superintendent made the decision to shut-off the water because it was a Friday and the leak was severe enough that it could compromise water availability for the Village. The customer was informed of this action, and the landlord hired a certified plumber to find the leak. Apparently, it took some time for the plumber to locate the leak. Eventually, it was repaired, and the Utilities Assistant reinstated water service on Sunday. Colleen stated the Village did not hear anything else from the landlord or the renter, except the renter called to pay her portion of the bill less the charges from the leak. The landlord contacted the Village on December 3rd stating that it was ridiculous for the Village to be charging so much especially because the Village does not pay for our water. During that conversation, he also stated he has the money to pay the bill, but he thinks the Village is in the wrong. She stated he informed her that he will be filing suit against the Village. Colleen stated she informed the customer that any water passing through a meter is the responsibility of the customer, and she told the landlord the Utilities Staff will check the meter to ensure it is functioning properly. She stated the meter was removed and tested by running 100-200 gallons of water through it and the dials did function properly so the meter was replaced. Colleen stated Baker Utility can send a meter out to be calibrated, and the cost is about \$300.00. Colleen stated she informed the landlord of the meter test results, and all he asked for was a copy of the ordinance and the legal name of our Mayor.
 - Mayor Martinez stated Colleen has been collecting documentation relating to this leak, and he stated the Utilities Application signed by both the landlord and the renter states that in the event of a lawsuit being filed, the customer will be pay the legal fees.
 - Colleen stated when the Utilities Staff was replacing the meter, they discovered two leaks (different leaks than what caused the high water reading in October) in very close proximity to the meter on the customer side. She stated the Ordinance defines the Village's responsibility from the main to the meter including the meter loop and meter can, and the customer's responsibility is anything beyond the meter. However, she stated because the leaks were so close to the meter, the Mayor authorized the Utilities Staff to repair the two minor leaks. Colleen stated when they dug to repair the leaks they discovered a sewer line that was incorrectly installed because it runs in close proximity to the water line. She stated New Mexico requires water and sewer lines to be installed 6 or 8 feet apart, and when this is not possible the sewer line must be encased in a secondary line to protect from contamination from a broken sewer line.
 - Colleen provided an update on the sewer lagoon monitoring project. She stated Dennis Engineering has started working on the project, and they needed sewer lagoon drawings from a previous project in 2010. She stated she located the drawings and sent them to DEC who will be making copies, returning the originals, and sending us a digital copy as well.
- C. Utility Superintendent – Utility Superintendent, Gary Sanchez
- Deputy Clerk Colleen Engelhardt read the Utility Superintendent's Report:
 - Drinking Water – 0.0 ppb – one of the chlorine tubes was clogged so he cut the line shorter as it was picking up residue from the bottom of the barrel, but everything is functioning properly again. The lead and copper test results were turned in to the NMED Lead/Copper Administrator, and the results are certified for compliance.
 - Wastewater – will be taking the 3rd quarter wastewater sample at the beginning of next week, and it will be delivered to Hall Environmental.

- Natural Gas – Gas service was capped off at 201 Railroad Ave by cutting the gas line back to the tapping tee and capping it with a weld that passed testing. A Gas hook-up was installed at 801 Kroenig St after locating the 3-inch service main. Then, the trench was dug from the main to the residence, the risers were installed, and the gas tap was performed. The required testing was successful and meets the required standards.
- D. MVD Reports – MVD Manager, Amber Alcon (MVD Office Temporarily Closed)
 - Deputy Clerk Colleen Engelhardt read the MVD Manager’s Report:
 - Amber reported that she has now completed all the training modules necessary for MVD. She has reached out to her MVD supervisor, Michelle, for the next steps. Amber stated she has sent Michelle copies of the training certificates, and Michelle will be creating a work order to have them reviewed and approved. Amber stated she also inquired about the possibility of receiving hands-on training, and Michelle will be looking into any opportunities.
- E. Mora County Sheriff’s Office Report
 - Absent
- F. Housing Authority – Director, Theresa Carmody
 - Absent
- G. Fire Chief – Robert Mondragon
 - Mayor Pro Tem Cruz spoke on behalf of the F
 - Fire Department – Mayor Pro Tem Cruz stated the Fire Department has been holding meetings, but they have been shortened to only 5 or 10 minutes.
- H. Bean Day Association – President, Luis Lopez
 - None

I. Old Business

- None

X. Mayor’s Report

- The Mayor stated he and the Clerk Treasurer had a conference call with the auditor this afternoon, and it went well.
- Clerk Treasurer Monica Martinez stated this was the exit interview, which typically would have taken place about a month ago. She stated the Village audit was complete in July, but the Village’s auditor was waiting on the Housing audit to be completed. She stated the auditor said the Village did great. She stated there will be one finding for the daily deposits not being entered daily in June. Monica stated when she left in June the prior Clerk did not enter the deposits in a timely manner. They were not entered until July, which is not only a new month, but it is also a new fiscal year. Monica stated the auditor will be noting that the situation has already been addressed with the Mayor and Council terminating the prior Clerk. Monica stated the auditor stated the Village’s finances are looking good. However, she stated, he did point out some concern for the utilities account because there are consistently more expenditures than income. She stated he said this is where utility rates become important, and it is looking like rates will need to be increased at some point in the near future in order to get the fund out of being negative.
 - Mayor Martinez noted there have been a lot of recent utilities expenditures to bring everything current with tools and equipment.
 - Deputy Clerk Colleen Engelhardt stated the Joint Utility Ordinance requires the rates to be reviewed every two years, at minimum, and July 2021 will be two years. Mayor Martinez stated he’s not sure the Council will have a choice but to recommend at least a small increase.
 - Colleen stated that at the Special Meeting discussing the Village’s participation as a protestant to the proposed wells south of town, citizens noted the Council is responsible for protecting citizen’s

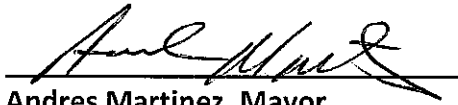
right to water. She stated, although it is not often seen this way, increasing rates is also protecting citizens in that the Village needs to have enough money to properly operate the system but also to protect the system when potential hazards arise.

- The Mayor stated we are still waiting for La Jicarita to replace the phone system. He stated they have gotten backed-up on their work due to COVID.
- Mayor Martinez stated Harris Technology is waiting for the firewall to be shipped because it was placed on back order. He stated once it arrives they will schedule a date to install the firewall and set-up the PCs.
- Mayor Martinez stated he will be scheduling a zoom meeting with Adams+Crow to bring them up to speed.

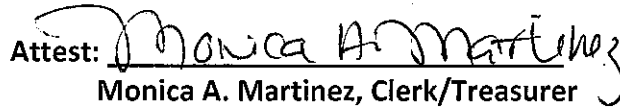
XI. Adjourn

Motion to adjourn was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 4-0) Motion carried and all in favor. Roll Call Vote: Mayor Pro Tem Cruz = yes; Councilor Clouthier = yes; Councilor Lopez = yes; and Councilor Miera = yes (Vote 4-0) Motion carried with all in favor. The meeting adjourned at 6:54PM.

Approved and attested this 12th Day of January, 2021.



Andres Martinez, Mayor
(SEAL)

Attest: 

Monica A. Martinez, Clerk/Treasurer

