



Village of Wagon Mound
Regular Meeting Agenda
Tuesday, September 14, 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 Councilor Francis M. Tierney.
- III. *Approval of Agenda
- IV. *Approval of Minutes for:
 - A. Regular Meeting Minutes August 10, 2021
 - B. Special Meeting Minutes August 27, 2021
- 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. Public Hearing – Cannabis Regulation Ordinance
- VIII. Business Matters
 1. *Discussion/Approval/Disapproval: Adoption of Ordinance #2021-05 – Cannabis Regulations.
 2. *Discussion/Approval/Disapproval: Re-appointment of Esther Mondragon and Claudia Martinez to the Wagon Mound Housing Board.
 3. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-10 – MVD VIN Inspection Fees
 4. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-11 – LGRF Coop Agreement Extension Request
 5. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-12 – Authorizing an Official Representative for NM DFA Capital Appropriation Project
 6. *Discussion/Approval/Disapproval: Review and approval of quote from M.R. Services for Utility Superintendent to re-certify Natural Gas Veriforce Operator Qualifications.

7. *Discussion/Approval/Disapproval: Review and approval of quote to purchase pipe threader and portable trisland chain vice for the Utilities Department.

IX. Monthly Reports

- A. *Approval Item –Approval of Vouchers (payment to vendors) Clerk Treasurer
Gina Garcia
B. Utility Delinquent List – Deputy Clerk, Colleen Engelhardt
C. Utility Superintendent – Utility Superintendent, Gary Sanchez
D. MVD Reports – MVD Manager, Amber Alcon
E. Mora County Sheriff's Office Report
F. Housing Authority – Northern Regional Housing Authority
G. Fire Chief – Robert Mondragon
H. Bean Day Association – President, Luis Lopez

X. Old Business

XI. Mayor's Report

XII. Adjourn

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

MEETING ID: 862 5183 4908

PASSCODE: 283278

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 SEPTEMBER 14th, CLICK ON THE LINK AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.
 - OR-----
 - 2) ON SEPTEMBER 14th, 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

II. Roll Call was taken by Clerk Treasurer Gina Garcia. Mayor Lopez, Mayor Pro Tem Cruz, Councilor Clouthier, and Councilor Tierney were present. Councilor Miera was absent.

III. *Approval of Agenda

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

IV. *Approval of Minutes for:

A. Regular Meeting Minutes August 10, 2021

Motion to approve the minutes for the August 10, 2021 Regular Meeting was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

B. Special Meeting Minutes August 27, 2021

Motion to approve the minutes for the August 27, 2021 Special Meeting was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

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

- Citizen Norma Vasquez stated she has seen three dogs running around loose late at night and early in the morning, but they are not seen during the day. She stated she believes they are coming from Bobby Clouthier's property, and she stated she would like to ask the Sheriff if Mr. Clouthier ever had his two female dogs spayed. She stated, if he has not, there must be several more puppies. She stated it is animal hoarding, and something needs to be done. She stated Michael Armijo's dogs have been addressed, but she asked what will it take to address these dogs?
 - Councilor Clouthier stated his family has addressed this concern with Mr. Clouthier, and Citizen Vasquez stated maybe it is time the law becomes involved.
 - Mayor Pro Tem Cruz asked what the recently passed ordinance states, and Deputy Clerk Colleen Engelhardt stated the ordinance allows for a fine to be imposed against the owner of a dog running loose. She stated, for this circumstance, her thought is to take a picture or video of the dog(s) running loose and report it to 9-1-1.
 - Mayor Lopez stated he would try speaking with Bobby, and Councilor Clouthier said he would try again as well.

VI. Comments or Concerns of Council

- Councilor Clouthier stated people speeding on Railroad Ave continues to be a problem.
- Mayor Pro Tem Cruz asked about the white trash truck donated by the City of Las Vegas, and Utilities Superintendent stated it is now running again. The Mayor Pro Tem asked what will happen with the blue trash truck, and the Utilities Superintendent stated he believes it needs to be fixed because it is full of trash. Deputy Clerk Colleen Engelhardt asked if there are any suggestions for getting the trash out of the truck without paying the cost of the repair. Gary stated he didn't see how that can happen because the trash is already compacted, and the truck must run just to open the doors to dump. He stated the water pump needs to be replaced. Colleen stated the repair is going to run about \$3K to \$4K, and she suggested looking into the possibility of utilizing some of the \$135K in Capital Outlay funds to make the repair.
 - Mayor Pro Tem Cruz asked when the Village will receive the Capital Outlay funds. Colleen stated the Clerk Treasurer sent the signed contract to the DFA about a week ago, and there has

been no response. She stated they will need to process the contract, and then the funds will likely be distributed within a month or two. Mayor Pro Tem Cruz stated the Village does need to look into utilizing those funds or find some way to get the vehicle operable because the trash needs to be dumped and the truck needs to be moved off the street.

- Mayor Pro Tem Cruz stated Tony Rubin asked him about the sewer cleanout near his property. He asked if anyone was aware of an agreement made because he stated he was told the Village had agreed to regularly clear this drain to avoid backup into Mr. Rubin's house. Gary stated they have cleaned it out in the past, but he was not aware of an agreement. Mayor Pro Tem Cruz asked Gary to please check on the sewer flow in that location, and either contact Mr. Rubin or himself to ensure it has been addressed.

VII. Public Hearing – Cannabis Regulation Ordinance

- Deputy Clerk Colleen Engelhardt stated the draft ordinance was approved to publish with an intent to adopt at the August 27th Special Meeting, and she asked for input from the public.
 - Citizen Francis Lovato asked if there will be any regulations regarding the area in which dispensaries may operate, and Colleen stated the Cannabis Regulation Act (CRA) passed by the State allows local governments to adopt time, place, and manner of operations rules.
 - Colleen addressed Council as a citizen rather than an employee. Citizen Engelhardt stated she has concerns that echo the same concerns heard at the prior Public Hearing. She stated she recognizes Council has included some good and thoughtful provisions in the current draft, but she is concerned about property values. She stated the current draft addresses requiring someone living on the property if a cannabis establishment is opened in a home. She stated she believes entrepreneurs will see small towns like Wagon Mound with inexpensive properties and few regulations as easy targets. She stated she foresees properties being bought up, old houses being knocked down, new retail buildings being built, and therefore, property values will increase. She stated she is strongly encouraging Council to consider designating a location or locations where cannabis establishments may operate, and she suggested areas that have been used for commercial operations historically, including along the Frontage Rd and/or the "downtown" area along Railroad Ave while limiting or restricting cannabis operations in known residential areas. She stated if cannabis establishments are allowed to operate in residential areas, traffic will increase, crime will potentially increase, and property values will spike. She stated her property is not currently valued anywhere near \$100K, but if a neighbor sells their property for an inflated value, then property values will increase. She stated a few years down the road, locals will be in a position of paying outrageous property taxes or be pushed into a corner of having to sell. She stated she is envisioning history repeating itself, and she compared this situation to the 19th century when mercantilists came into this area offering credit to customers. She stated the locals lost their land to the mercantilists when they were unable to pay their bill. She stated she is confident the Village is wise enough to stay ahead of this with more stringent regulations.
 - Mayor Pro Tem Cruz clarified that the Village does not have a zoning ordinance or regulations. Deputy Clerk Colleen Engelhardt stated there is nothing designating commercial properties and residential properties. She stated she spoke with someone in the Town of Hatch Planning and Zoning Department, and he suggested simply identifying locations with a hypothetical example of something like "along Main St between 1st and 8th."
 - Citizen Julia Roy asked if there will be a limit on the number of establishments that may operate. Colleen stated the Council has not proposed this, but the CRA does allow for it.
 - Citizen Lovato stated she thinks the businesses should stay on the west side of the train tracks. She stated this will limit the traffic and crime activity on the side of the Village with more residential homes. Citizen Vasquez agreed, and stated it's not that the industry is not wanted, it's that it needs to be regulated so as to not impact residential areas.
 - Mayor Pro Tem Cruz asked if making this designation will conflict with the CRA. Colleen stated the CRA does allow for local governments to address the place in which the businesses may

operate. Mayor Pro Tem Cruz stated one gentleman expressed intentions of establishing a business at the last meeting, and he asked if the Village is aware of any others. Colleen stated one customer with a residential property asked questions that lead her to believe they were completing an application for a State license. Citizen Lovato stated they are only interested in money. Colleen stated there is potential for generating GRT revenue for the Village, but she stated she believes the benefits and costs need to be weighed.

- o Mayor Pro Tem Cruz stated he believes the Village needs to do what we need to do to get the ordinance as close to "right" as possible before approving it because this will impact all Village residents. He suggested adding a clause to the proposed draft to identify where cannabis establishments may operate. He suggested allowing for these businesses to operate in the area located west of the Frontage Rd/Old Hwy 85, and he suggested reposting the draft for two weeks, and holding a Special Meeting for approval.

VIII. Business Matters

1. *Discussion/Approval/Disapproval: Adoption of Ordinance #2021-05 – Cannabis Regulations.

- Deputy Clerk Colleen Engelhardt summarized the Mayor Pro Tem's recommendations to not adopt the ordinance in its current form, but rather to approve the intent to adopt a new draft to include everything in the current draft with an additional provision stating cannabis establishments may operate in the area west of Old Hwy 85 within Village limits only.

Motion to approve the Intent to Adopt and publish a redraft of the Cannabis Regulations

Ordinance to include a clause stating cannabis establishments may operate in Village limits west of Old Hwy 85 only was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0)

Motion carried with all in favor.

2. *Discussion/Approval/Disapproval: Re-appointment of Esther Mondragon and Claudia Martinez to the Wagon Mound Housing Board.

- Deputy Clerk Colleen Engelhardt stated Terry Baca, Director of the Northern Regional Housing Authority (NRHA), contacted her to inform the Village that both Esther and Claudia's terms expired some time ago, and they need to be re-appointed. Colleen stated she spoke with Esther, and she confirmed her interest in re-appointment. She stated she has not heard back from Claudia, but according to Terry she had expressed interest previously.
- Colleen stated there is still a vacant seat that needs to be appointed, and she stated Terry informed her of Angie Romero's term expiring in October. Colleen stated Angie will need to be re-appointed if she is interested in continuing serving on the board.

Motion to approve re-appointment of Esther Mondragon and Claudia Martinez to the Wagon

Mound Housing Board was made by Councilor Clouthier, seconded by Mayor Pro Tem Cruz. (Vote 3-0) Motion carried with all in favor.

3. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-10 – MVD VIN Inspection Fees

- Deputy Clerk Colleen Engelhardt stated there was a suggestion of a VIN only fee of about \$25 at the last meeting. She stated MVD does not charge a fee for VIN inspections, therefore, the only revenue the Village gains from these transactions is the Village convenience fee. Colleen stated Amber and she discussed the fee and the responsibilities of maintaining VIN Inspector certification with the Mayor. Colleen stated there is a bi-annual certification which involves paying a fee, and the Village pays for the bond insurance as well. She stated these fees are part of the reason why other locations don't have a VIN Inspector. She stated Amber, the Mayor and herself are recommending charging \$45 for Mora County residents and \$75 for those residing outside of Mora County when they are only having the VIN inspection processed. She stated the regular \$5 or \$10 fees will apply when a customer has the VIN inspection, the title transfer, and the registration processed in one visit. She stated the idea is this fee structure will encourage the customer to have all three transactions processed, which results in greater revenue for the Village.

Motion to approve Resolution 2021-10 – MVD VIN Inspection Fees was made by Mayor Pro Tem Cruz, seconded by Councilor Tierney. (Vote 3-0) Motion carried with all in favor.

4. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-11 – LGRF Coop Agreement Extension Request

- Deputy Clerk Colleen Engelhardt stated the Village was granted LGRF funds in FY21, and they are due to expire at the end of 2021. She stated at the time the funds were granted the Village's intention was to carry over the FY21 funds to combine them with FY22 funds to complete a larger project. She stated the Village will need to submit a letter signed by the Mayor, and the approved resolution to request an extension of the FY21 funds.

Motion to approve Resolution 2021-11 – LGRF Coop Agreement Extension Request was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

5. *Discussion/Approval/Disapproval: Adoption of Resolution #2021-12 – Authorizing an Official Representative for NM DFA Capital Appropriation Project.

- Deputy Clerk Colleen Engelhardt stated the Village was awarded \$135K in Capital Outlay funding to purchase and equip a new solid waste vehicle. She stated the contract requires the Village to authorize a representative. She stated the Mayor serves that role, but it is best to have a resolution in place for this specific project. She stated this resolution authorizes the Mayor, or his successor, as the official representative of the Village to sign the agreement and the requests for payment.

Motion to approve Resolution 2021-11 – Authorizing an Official Representative for NM DFA was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

6. *Discussion/Approval/Disapproval: Review and approval of quote from M.R. Services for Utility Superintendent to re-certify Natural Gas Veriforce Operator Qualifications.

- Utilities Superintendent Gary Sanchez stated this is the hands-on portion of the qualifications to remain in compliance to operate the natural gas utility. Gary stated most of the qualifications are good for three years, and some are good for 18 months.
- Deputy Clerk Colleen Engelhardt stated this is the company Gary certified with originally, and they are located in Artesia. She stated the cost is \$2,605.66, and it will require two days to complete all the tasks for requalification. Colleen stated a hotel room has also been booked for Gary, and it will cost \$115.

Motion to approve quote from M.R. Services for Utility Superintendent to recertify Natural Gas Veriforce Operator Qualifications was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

7. *Discussion/Approval/Disapproval: Review and approval of quote to purchase pipe threader and portable trisland chain vice for the Utilities Department.

- Utility Superintendent Gary Sanchez stated the Village currently has a manual pipe threader, and this tool will make the task easier and quicker. He stated they use it when installing a new service, and outfitting a new meter. Gary stated it is electric, and the Village has a generator. He stated the portable vice stand will allow them to do the work at the site as well.
- Deputy Clerk Colleen Engelhardt stated the total cost will be just under \$1K with the pipe threader quote of \$469.99, and the vice stand quote of \$454.70.

Motion to approve purchase of pipe threader and portable trisland chain vice was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0) Motion carried with all in favor.

IX. Monthly Reports

A. *Approval Item –Approval of Vouchers (payment to vendors) Clerk Treasurer Gina Garcia

- Clerk Treasurer Gina Garcia reported all bills are up-to-date, and the payments made this month are all regular monthly bills.

- Deputy Clerk Colleen Engelhardt reported the Village received two warrants from the State for the \$20K Law Enforcement Funds, and Administrative Assistant Amber Alcon stated the second warrant was for the first distribution of the Fire Protection Funds in the amount of \$52K. Amber stated these will not appear on the current reports, but they will show next month on the September reports.
- Mayor Pro Tem Cruz asked for a statement showing how much money is in the Fire Fund, and Amber stated she will get it to him tomorrow.

Motion to approve the August vouchers was made by Councilor Clouthier, seconded by Mayor Pro Tem Cruz. (Vote 3-0) Motion carried with all in favor.

B. Utility Delinquent List – Deputy Clerk, Colleen Engelhardt

- August Active Accounts – 16 letters sent for total delinquent balance of \$692.02. Payments were due on August 24th, and all payments were received on-time for a total of \$1,036.98.
- August Inactive Accounts – 9 letters sent for total delinquent balance of \$1,203.01, and no payments were received.
- September – letters will be issued on Thursday morning.
- Mayor Pro Tem Cruz asked about Acct# C14001. Colleen stated the customer has closed this account, and her deposit has paid down the remaining balance.
- Mayor Pro Tem Cruz asked if there is some way to address the inactive accounts. Colleen stated the Village needs to learn how to properly file liens. She stated she had scheduled this training with the prior attorney just before COVID hit. She stated the training was cancelled, and now the Village has a new attorney. Colleen stated she will present this to her to see what she recommends.

C. Utility Superintendent – Utility Superintendent, Gary Sanchez

- Water/Sewer – chlorine residual is at 0.08mg/L. The new water tap on S Catron Ave is on hold because he is waiting to hear from the NRHA Director. He stated he would like to dig through the front yard of one of the housing units to avoid cutting into Catron Ave, which was repaved a few years ago. He took the DDB2 water samples and the 3rd quarter wastewater samples to Albuquerque for testing.
- Natural Gas – installed hookup at Tim Martinez's home, and the Village will now be getting additional revenue from this service. The DIMP audit with the PRC went well, and he provided them with all requested the paperwork and readings.
 - Deputy Clerk Colleen Engelhardt stated the PRC was impressed with Gary and the Village's progress on maintaining logs and forms. Colleen also stated they were informed by the PRC that Zia Gas is very interested in acquiring both Las Vegas' and Wagon Mound's gas systems. She stated they implied the best way to keep that from happening is to maintain compliance with all the requirements and regulations.
- Councilor Tierney asked about the altitude valve for the water tank, and Gary stated the order will be placed tomorrow. He stated the company was looking for someone to install it, but the part has a 6 week lead time. Colleen stated the guy from JCH stated he will come out and guide Gary on the install if he can't find anyone. She stated JCH will do the startup, and if something goes wrong with the startup JCH will be responsible.

D. MVD Reports – MVD Manager, Amber Alcon

- August sales totaled \$4,780.10, and business is going well.

E. Mora County Sheriff's Office Report

- Absent

F. Housing Authority – Northern Regional Housing Authority

- Absent

G. Fire Chief – Robert Mondragon

- Absent
- Assistant Fire Chief Cruz stated fall and winter are approaching so the fire department is encouraging residents to clean their stoves and chimneys to stay safe this winter.

H. Bean Day Association – President, Luis Lopez

- None

X. Old Business

- Deputy Clerk Colleen Engelhardt reported:
 - Sidewalk on Railroad Ave – the Wagon Mound DOT will be meeting with DOT engineers tomorrow afternoon to actually see the damage, the layout, and to obtain measurements and dimensions. She stated they will then go back to the office to see if any of their current maps show ownership, and if they do not they will run a survey to make the determination.
 - Senior Center – Highlands Construction has been experiencing labor shortages, and they lost their foreman and worker assigned to this project. She stated they have now assigned a new foreman who is familiarizing himself with the project, and they have moved all the materials they had purchased and held in their storage to the Senior Center. Colleen stated the tile is finished in the bathrooms and most of the kitchen, but they have used all the epoxy grout ordered previously. She stated they are waiting for the new order to arrive, and then they will finish the remaining tiling. Colleen stated the painter just needs to finish painting the door frames. She stated they will need to tape and texture in the area that was redone to accommodate the specs for the windows in the vestibule area. Mayor Lopez stated there was a mismeasurement with the glass, and the windows came out smaller than the frames. He stated they are having to recut the glass as well. The Mayor also stated they have been running into some problems hanging doors and such because the floors and walls are not square throughout the building. Colleen also stated the architect has been emailing Jake with Highland requesting a meeting, and he informed Jake he would like to see a list of the minimum tasks needed to obtain a certificate of occupancy before the end of the year. In the email, the architect claimed “we” will not be able to request any more Capital Outlay funding until a CO is obtained. Colleen stated this approach is undermining the chain of command as the Village is the entity that will request funding, and the Village is the owner of the building and the entity that approves payment on the project. She stated she asked Jake to let the architect know he needs to schedule meetings through the Village. Colleen also reported she received a call from Senator Ben Ray Lujan’s office, and the Village’s request for funding to finish the Senior Center has been approved by the Senate and now it needs to go through the House. She stated if the House passes the bill as is, the Village will receive \$165K.


XI. Mayor’s Report

- None

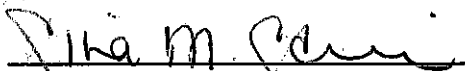
XII. Adjourn

**Motion to adjourn was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 3-0)
Motion carried and all in favor. The meeting adjourned at 7:19PM.**

Approved and attested this 12th Day of October 2021.


F. Luis Lopez, Mayor

Attest:


Gina M. Garcia, Clerk Treasurer
(SEAL)

