

**VILLAGE OF CIMARRON  
REGULAR COUNCIL MEETING MINUTES  
WEDNESDAY, OCTOBER 13, 2021 at 6:00pm**

**The Governing Body met via GoToMeeting Application.**

Wednesday, October 13, 2021 6:00 PM (MDT)

<https://global.gotomeeting.com/join/870444509>

**The dial in meeting information is below:**

United States (Toll Free): 1 866 899 4679

United States: +1 (224) 501-3318

**Access Code:** 870-444-509

Village of Cimarron is open to the public- and Covid Safe Practices are acceptable

**I. Pledge of Allegiance and to the New Mexico State Flag**

Mayor Leo Martinez led the Pledge of Allegiance and the Pledge for NM State Flag.

**II. Roll Call**

Mayor Leo Martinez      Mayor Pro Tem Laura Gonzales      Councilor James Gallegos  
Councilor Judy B. LeDoux      Councilor Matthew Gonzales- Absent

**III. Approval of Agenda**

Mayor Leo Martinez asked for a motion to approve the agenda, Admin Shawn Jeffrey stated that item XII c. needs to be corrected to reflect 2021-034. *Councilor James Gallegos moved to approve the agenda of October 13, 2021 with the amendment of moving executive session to Item IV. Councilor Judy B. LeDoux seconded. Approved 3-0*

**IV. ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND LIMITED PERSONNEL MATTERS AS PER NEW MEXICO OPEN MEETINGS ACT 10-15-1 SECTION H SUBSECTIONS 2 & 7:**

**Limited Personnel Matters-**

A. Administrator Shawn Jeffrey

*Councilor James Gallegos motioned to adjourn to executive session to discuss personnel matters- Shawn Jeffrey. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0 6:02pm*

*Roll Call Vote: Mayor Pro Tem Laura Gonzales-Aye, Councilor James Gallegos-Aye, Councilor Judy B. LeDoux-Aye Approved 3-0*

Councilor James Gallegos requested Admin Shawn Jeffrey stay for the executive session.

## **V. Return to Regular Session**

*Councilor James Gallegos moved to return to open session at 6:04pm. Councilor Judy B. LeDoux seconded. Approved 3-0*

Councilor James Gallegos reported the only items discussed were those listed on the agenda and no action was taken.

Roll Call: Mayor Leo Martinez, Mayor Pro Tem Laura Gonzales, Councilor James Gallegos, Councilor Judy B. LeDoux

Guest Roger Smith called for a point of order he stated the Council did not return from executive session. Mayor Leo Martinez responded that Mr. Smith did not hear but indeed the Council did motion and second to return to open session.

## **VI. Minutes**

a. Discuss/Approve: Special Meeting Minutes September 20, 2021

*Councilor Judy B. LeDoux moved to approve the special meeting minutes of September 20, 2021 with corrections. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

- Special Meeting Minutes September 28, 2021

*Councilor Judy B. LeDoux moved to approve the meeting minutes of September 28, 2021. Councilor James Gallegos seconded. Approved 3-0*

## **VII. Comments from the General Public (Limited to 3 minutes)**

- Louise Johnson, she asked to have a fire hydrant installed closer to the area of which her property and home are located. Mrs. Johnson stated Mayor Leo Martinez told her it is too expensive, Mrs. Johnson brought up the fact the Village has ordered a tree for the park and how can this be done and not the fire hydrants installed, she said this is not agreeable with her and the citizens in the Village. She also commented she hopes the rumors concerning the police department aren't true, in fact she mentioned that the crime rate has dropped and things are not being stolen off people's property like they were.  
Mayor Leo Martinez offered the explanation that a hydrant would be installed soon but the entire line may be too expensive to replace at this time.
- John Hudnut, his son Josiah, and his friend approached the Governing Body for a resolution for the boys to be able to ride the dirt bikes in the Village. He explained they are not causing trouble and they are wearing protective gear while riding the bikes. Mayor Leo Martinez responded to the individuals that the Village has approved an Ordinance for OHV in the Village and they may be driven on the streets provided they are street legal machines that have been licensed. Mayor Martinez responded to the guests that the Village will look into the options that may be available for riding dirt bikes.

## **VIII. Correspondence and Appreciations**

Mayor Pro Tem did offer her appreciation to Public Works Danny Martinez and Public Works Monica Garcia for the work they have done at the Cemetery during an opening and closing of a cremation. She explained the digging parameter space was critical and they got it done without any issues. She offered kudos to both of them for the great work.

Councilor James Gallegos thanked Finance Renee LeDoux for the snacks she brings and especially the cheese balls.

## **IX. Reports by Department Heads-**

### **a. Mayor's Comments**

Mayor Leo Martinez reported the Water Treatment Plant is coming along.

**Mayor Pro Tem Laura Gonzales** had some questions:

- When will the dumpster on 9<sup>th</sup> & 10<sup>th</sup> be put back? Mayor responded he will have the guys get it put out tomorrow
- She asked for a schedule of the trash service during the holidays especially when the holiday falls on a disposal day. Mayor Leo Martinez responded that the trash route will be run the very next day after the holiday unless the dumpsters are more than full, then arrangements will be made for the route to be run that day. She would like to have the trash pickup days and the plan for holidays posted for the community.
- Sewer truck needs to be fixed or replaced. She commented the truck floods out pretty bad when the Public Works are driving it. She would like to see the equipment moved to another truck or even replace the current unit.
- Little League Field she mentioned the donor is having second guesses about continuing any improvements to the area if the Village will not maintain the area. She has asked for a schedule of maintenance in that area once it has been drafted.
- She also asked about advertising for the vacant positions in the Village staff and that maybe some advertising could be done on Indeed.com and Ziprecruiter.com. Admin Shawn Jeffrey responded that no application have been received and that she would check on the advertising on the websites.
- Lastly, she asked Mayor Martinez if he was going to mention anything about the email from Joe Savage of NM Environment Department. Mayor Leo Martinez said not at this time and the reason for the email is due to the power going out and a chemical change. The system was immediately shut down. The notices will go out in the utility billings.

### **b. Village Administrator Report**

Mayor Pro Tem Laura Gonzales asked about the meeting with Gus Holms concerning the ditch. Admin Shawn Jeffrey reported the Vermejo crew will begin cleaning up the ditch next Monday and they have asked if we have an extra driver and dump truck that would be helpful. She also explained they would be concentrating on the willows and the silt removal. Councilor James Gallegos asked if anyone had mentioned the possibility of putting concrete in the ditch so the water could be moved faster through the Village. Mayor Leo Martinez mentioned that NMDOT will be cleaning the silt at the bridge at Hwy 64/56 and the water flow will be increased in that area as well.

### **c. Public Works Report**

Admin Shawn Jeffrey reported she submitted the work order report in the email with the packets.

Councilor James Gallegos asked if there had been any complaints or comments on the restrooms and the conditions. Admin Shawn Jeffrey said there have not been any and the restrooms are heated.

d. Police Department Report  
Chief Ryan Gates submitted his report

e. Municipal Judge Report  
No report submitted

f. Cemetery Board Report  
President Laura Gonzales reported Cemetery Board met on September 27, 2021 and they are in the process of doing a walk through at the Cemetery to identify the veterans so the graves may be recognized during veterans day with flags. they will be putting up flags for Veterans Day. She also reported her and Ms. Thelma Coker are working on a grant through the Shirley Prince Foundation for funding to get the parking area project completed. Lastly, she stated she will be getting together with one of the Public Works employees to measure the area so they may obtain a quote for the cement for the project. President Laura Gonzales also mentioned there have been two volunteers that have been going to the Cemetery daily and mowing and cleaning up and they are Anthony Martinez and Mr. Pittman. Lastly she reported they are looking into doing an identification project on the unmarked graves. The next meeting is October 25, 2021 at noon and she has invited a special guest who may offer some in-sight on the historical properties at the Cemetery and all are welcome to attend.

g. Senior Center Report, Chamber of Commerce Report, Beautification Board Report, Fire Department Report, Ambulance Report

Councilor James Gallegos reported the Cimarron EMS had been treated to a pizza and salad dinner that was hosted by the Cimarron Senior Citizens for the work they did during the Covid shot clinic in February. Louise Johnson reported they have three students that have completed the EMT course, they are planning a county wide EMT course starting in January 2022 and that the third ambulance should be back in service next week.

- Harold White reported for the Cimarron Chamber

He mentioned the Chamber received an IPRA request from Councilor James Gallegos for the Chambers financial records. He believes these records are not public information and the receipts that have been submitted to the Village for reimbursement have been provided. He also stated they will not be submitting the records. Councilor James Gallegos explained he has had several local businesses offer their concerns as to the use of the Lodgers Tax monies that are being funneled to the Chamber for promoting tourism in Cimarron. He went on to explain a game plan should have been devised for the tourism efforts coming out of the pandemic state and there had not been. He also stated he would like to know where the funds are going and what they are being used for in the Village of Cimarron because there has not been any tourism activities by the Chamber. Mr. White reported the financial information is available at every Chamber meeting and they have not had many attendees. Mr. White also said the Chamber has been working on some projects but due to Covid have been delayed. Councilor James Gallegos asked Admin Shawn Jeffrey to contact the NM Attorney Generals Office to get clarification if the Chamber as a 501c3 entity is required to respond to a public records request if they are using Public tax money.

h. Code Regulation Board Report  
No report submitted.

**X. Financials- Each Item listed A.-B. will be Considered for Action of Approve/Disapprove:**

a. Check Report and Deposit Register from September 8, 2021 through October 8, 2021

*Mayor Pro Tem Laura Gonzales moved to approve the check report and the deposit register for September 8, 2021 to October 8, 2021. Councilor James Gallegos seconded. Approved 3-0*

b. NM Local Government Law Firm bill for \$1,316.14

*Councilor Judy B. LeDoux moved to approve the NM Law, LLC billing for \$1,316.14. Councilor Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

**XI. Old Business- Each Item listed A-B will be considered for Action of Approve/Disapprove/Discuss:**

a. Comnet Agreement Amendments with Electric Easement or Tower at Lamber Hills Tank Location

The Governing Body discussed the agreement and the offer that was presented to Comnet. Councilor James Gallegos conveyed his frustration on the percentages for the extra companies that could be added to the tower with the exclusion of ATT. There had not been an answer provided. The item was discussed and Councilor Judy B. LeDoux provided a resolution to raise the base rent, 20% other companies, and 3% yearly increase.

*Councilor Judy B. LeDoux moved to offer Comnet \$1500 a month rental with the exclusion of ATT, any additional companies would be charged 20% of the total rental amount would go to the Village, and a 3% increase per year. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

b. Clinic Building Lease

Councilor James Gallegos asked if there is anything that needs to be done to the building before it is leased? Mayor Leo Martinez said the paint needs to be touched up, the floors cleaned, and Councilor James Gallegos added the windows in the East side of the building need to be replaced. Mayor Pro Tem Laura Gonzales asked if the roof had been fixed, Admin Shawn Jeffrey said yes it had been replaced when the others were replaced.

*Councilor James Gallegos moved to approve the Clinic Building Lease Agreement. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

c. Resolution 2021-032 Personnel Policy Amendments-

- Page 6 Addition of controlled substance

2.7 A. The use, possession, sale, trade or delivery of illegal drugs or nonprescribed controlled substances including marijuana as well as the consumption of alcohol by an employee while on the job is prohibited.

- Page 7 CDL Requirements & Drug Testing

2.7 B. Any use of controlled substances on the job shall be pursuant to the direction of an authorized medical professional which shall include the use of duly authorized medical marijuana. CDL Motor Carrier Federal Rules and Regulations for all drivers will be followed.

2.7 D. Basis for testing. Drug-testing may be required in the following circumstances:

- a. Pre-employment screening as authorized in section 3.1(F) of this policy;
- b. In the event of any injury whether occurring on or off the job;
- c. Following any accident involving the use of Village vehicles;
- d. As a condition for use of Village vehicles;

- Page 10 Pre-Employment Drug Testing

3.1 F. Job offers may specify that the selected applicant, including current employees, shall be required to undergo pre-employment physical or psychological examinations and Pre-employment drug testing. All Village employees will be subject to drug testing.

- Page 21-22 On Call

5.5

F.1. On-Call Restricted Status. On-call restricted status refers to a nonexempt employee who is required to remain on-call on the employer's premises or so close thereto that the employee cannot use the time effectively for his or her own purposes. The employee is considered to be on-the-job and must be compensated at regular or overtime rates, as applicable. Nonexempt employees on this status shall not decline to respond except as otherwise provided in this policy regarding working hours and conditions (e.g., illness, care for a dependent, etc.).

F.2. On-Call Limited Restricted Status. A nonexempt employee assigned to "on-call" status with limited restrictions shall be required to be available to answer service requests while off duty for the duration of the assigned on-call shift. On-call status shall not constitute compensable hours worked pursuant to the Fair Labor Standards Act. An on-call employee shall be compensated at a rate equal to one eighth (1/8) of their regular hourly pay, or a rate of \$1.70 per hour, whichever is greater, for each hour of "on-call" status. The department director shall determine priority among employees choosing such assignments.

*This item and the police schedules were discussed in great detail as this item pertains to the Police Department and the Public Works Department. It was recommended that the Mayor and Chief of Police sign each schedule so there is mutual clarification of the schedules and the hours.*

*Mayor Pro Tem Laura Gonzales asked Mayor Leo Martinez if he would be looking into going into an MOU with the State Police and/or the County Sheriff Department for additional coverage if needed or for emergencies. Mayor Leo Martinez responded that not at this time as both agencies have limited staff for responding. Councilor James Gallegos mentioned that maybe the reserve officers could also be used in case of emergency and could be paid a stipend for their response.*

- Page 35 Sick Leave

2. At the time of separation of employment from the village, employees other than probationary employees shall be compensated for accrued, unused sick leave, not exceeding four-hundred (400) hours. Payment shall be paid at fifty percent (50%) of the amount of accrued sick hours at a rate equal to fifty percent (50%) of the employee's hourly wage at the time of separation. Exclusive of the Clerk Administrator and Chief of Police which will be a separate contract.

*Mayor Pro Tem Laura Gonzales moved to approve the amendments to the personnel policy. Councilor James Gallegos seconded. Approved 3-0*

Mayor Leo Martinez announced he would be moving item XII. E. to XII.A. so Mr. Waresak could present his amendment to the Engineering contract.

**XII. New Business- Each Item listed A.-I. will be considered for Action of Approve/Disapprove/Discussion:**

a. Amendment #2 Engineering Contract Forsgren- Water Plant Project

Mike Waresak explained the amendment is for additional services of engineering and inspections. He reported the inspection budget has run out and the Village is responsible for paying for these services to the end of the project. He explained the Village could have access to a couple of tools in the contract for things like this one being liquidated damages in the amount of \$1000 a day and an additional \$500 a day and the option of the Village withholding funds to complete the project. He explained the Village does not have to use these tools but they are financially responsible for the services until the project is complete. Admin Shawn Jeffrey explained the two different options for the inspections one is \$33,460k and the other is \$61,527k depending on the amount of inspections the Village is requiring. He explained the contingency funding has been used for the project and there is no funding available. Liquidated damages may have to be imposed and it will be paid by withholding the funds from the pay request. Councilor James Gallegos asked Mayor Leo Martinez which option he would recommend. Mayor Leo Martinez responded the \$33,460 option would be the best. The Engineer agreed the least expensive option would work for the Village. He also added most everything being done now is above ground and this option would be best. Mayor Pro Tem Laura Gonzales asked about the different options and why the lowest one would be better. Mike added that it would offer more inspections.

*Councilor James Gallegos moved to approve amendment #2 Engineering Contract with Forsgren for \$33,460. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

*The funds will be obtained through liquidated damages through withholding funds.*

b. Appointment of Lodgers Tax Board

Admin Shawn Jeffrey submitted the list that Sharon Smith of the Lodger Tax Board had provided. Councilor James Gallegos asked to be an ad hoc member of this board so he can see where the public funds are being spent. Councilor James Gallegos asked if the members that were submitted are in good health to serve on this board. Councilor James Gallegos asked to have the members on the list confirmed that they do in fact wish to participate on this board. Councilor Judy B. LeDoux mentioned it might be a good idea to check in the community to see if there are any other people interested in one of these positions and she would be willing to go ask if there are others interested in the Board positions. Councilor James Gallegos did confirm he would serve as an ad hoc member.

*Discussion Only*

c. Draft Cannabis Ordinance

Mayor Pro Tem Laura Gonzales mentioned that they have received a few drafts of Ordinances and they are reviewing them at this time.

*Mayor Pro Tem Laura Gonzales moved to table the Draft Cannabis Ordinance until next months meeting. Councilor Judy B. LeDoux seconded. Approved 3-0*

d. Resolution 2021-034 Budget Adjustment- LEPP for Truck Purchase

*Mayor Pro Tem Laura Gonzales moved to approve Resolution 2021-034 LEPP for Truck Purchase. Councilor James Gallegos seconded. Approved 3-0*

e. Resolution 2021-033 Travel Policy- Update for DFA Rates

*Mayor Pro Tem Laura Gonzales moved to approve Resolution 2021-033 Travel Policy. Councilor James Gallegos seconded. Approved 3-0*

f. Wastewater Improvements Project – Engineer Award

All evaluations were submitted to the Governing Body. There were two respondents to the RFP. There were four reviewers for the proposals.

*Councilor James Gallegos moved to approve Wastewater Improvements Project Engineer Award to Dennis Engineering based on the evaluations. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0*

g. Transportation Projects- Engineer Award

Evaluations were submitted to the Governing Body. There was one respondent to the RFP. There were two reviewers for the proposal.

*Councilor James Gallegos moved to approve Transportation Projects- Engineer award to Stantec based on the evaluation scores. Councilor Judy B. LeDoux seconded. Approved 3-0*

**XIII. Items for Next Agenda**

Mayor Pro Tem Laura Gonzales mentioned additional advertising to fill the vacant positions Councilor James Gallegos asked if Mayor Leo Martinez and the Chief could look at some options for a balance for compensation.

**XIV. Adjourn**

*Councilor Judy B. LeDoux moved to adjourn the meeting. Mayor Pro Tem Laura Gonzales seconded. Approved 3-0 7:56 pm Approved 3-0*

**APPROVED THIS 10 DAY OF NOVEMBER 2021**



Leo Martinez, Mayor

ATTEST:



Shawn Jeffrey, Clerk-Administrator