

Regular Meeting Minutes–FEBRUARY 15, 2023

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, February 15, 2023, at 6:00 P. M. in the Court Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Margaret Trujillo
Trustee Patrick Garcia
Trustee Robert Sainz
Trustee Deborah Cooksey
Trustee Mark Garwood

Also present was Rebekah Bryant Village Clerk and Attorney Jeff Rhodes

At 6:00 P. M. Mayor Margaret Trujillo called the meeting to order asking that all rise and join her in the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. Trustee Deborah Cooksey made a motion to remove agenda item #11. Trustee Garcia made a motion to accept the agenda, Trustee Sainz seconded the motion. All members voted aye; motion carried.

2. Unscheduled correspondence and public comments:

Michael Poer: Stated that he lived across the street from 615 Hunter and it is not good to be having a business there and it is killing his property value. He just doesn't think it is appropriate to have a business like the operating in a residential area.

Todd Carlin: Stated that he lived at 615 Hunter and has been there since 2020 and has had two prior business licenses at that address but he does not do business there. He has 3 service trucks and this is basically his mailing address so he can receive mail there. He does not conduct business at that address. He does not service any vehicles there and does not do any business there at all, he lives there that is his home. In 2020 he got sick and got cancer and had to put all his stuff there. He is in the process getting a building done to put his trucks inside for his remote business.

3. Margaret Trujillo, Mayor asked to approve the appointment of Michael Cude as a Police Officer at a pay rate of \$21.50hr. Mayor Trujillo stated that they looked into it and it looks like he is certified and will not have to do the two week waver. Trustee Garwood asked if he had done his bi-annual training and Officer Cude responded with "no". Trustee Garwood stated that it is a requirement by the

state of NM and would need a waiver by law. Officer Cude said he had been in contact with the Law Enforcement Academy and they have not given him the answer if he needed the waiver or not and that the paperwork they sent him said he was an active officer and there is no expiration date on it. Officer Flores stated that if he does have to take the course it will be done in the first week of April and he will be certified. Trustee Cooksey asked where his last place of employment was and Officer Cude responded with Lincoln County Sheriffs office for about 2 years. Trustee Cooksey asked how many years in law enforcement has he had, Officer Cude responded with 10 years combined with Border Patrol and Sheriffs Office. Officer Cude also stated that he has over 600 hours of advanced training. Trustee Sainz stated that months back he was hired, and he was on the hiring panel and was curious as to why he didn't start working at that time. Officer Cude stated that he got severely ill and had all the pre-symptoms of Parkinson's and it also may be long term covid. Trustee Sainz said he was and still is impressed with him and was curious as to why he didn't start. Officer Cude said that he has secured a rental home in Alamogordo, so he won't be going anywhere. Trustee Garcia asked why he chose Tularosa, Officer Cude stated that he was impressed with the vision of the department, and he understands that the village was looking for good solid officers and he believes he can be a part of that. Trustee Sainz made a motion, Trustee Garwood seconded the motion. All members voted Aye; motion carried.

4. Richard Guilez, Utility Supervisor asked to approve the appointment of Jeremy Lujan and Quincy Williams as Field Utility Workers at a pay rate of \$14.50hr. Richard stated that he had two positions open and that both guys gave good interview and seemed somewhat knowledgeable in the areas of what he needs. He also stated that they've been on for a couple of weeks now and have been picking things up quickly. Trustee Sainz asked if they've had any previous experience or a cdl of any kind, Richard stated that Quincy was a water pump maintenance tech and that Jeremy worked oil fields. Sainz asked if they are interested in getting a CDL and Richard said that he is just going over basics right now. Trustee Garwood asked if there was any formal training that they needed. Richard stated that he would train them to use the backhoe and other equipment and can send them to heavy equipment operating school and also classes to get their water levels but they have to be employed with the village a year before that happens. Trustee Cooksey asked if they are going to be cleaning up parks or just anything. Richard said they will be doing almost anything. Mayor Trujillo stated that they both seemed really eager to work. Trustee Sainz made a motion, Trustee Garcia seconded the motion. All members voted Aye; motion carried.

5. Rebekah Bryant, Village Clerk asked to approve the Franchise Agreement with Tularosa Basin Telephone Company. No action Taken as this item needs to be published in the newspaper before being approved.

6. Mark Garwood, Trustee asked to adopt an ordinance to fine businesses \$250.00 for not having a business registration. Trustee Cooksey said that there are businesses not registering their business. Attorney Jeff Rhodes stated that they are required by an ordinance and there is a \$300.00 fine and 90 days in jail penalty if they violate that. If you want to reduce it you can but the judge is the one who gives the penalty. Mr. Rhodes said that it is a judicial matter, and they can't be plaintiff and judge. They can file a non-traffic citation. Trustee Cooksey asked if it had ever been imposed and Mr. Rhodes said no. Trustee Garwood stated that they have informed a few businesses that they need to get a business registration. Trustee Cooksey asked about pop up shops are they required to get registered. Mr. Rhodes said to look at the ordinance and see what it says about license and registration and that yes, they are required. No Action

7. Deborah Cooksey, Trustee asked to approve a proposal to conduct Pre-Employment Background Investigations for the Village of Tularosa. Trustee Cooksey stated that this company is ran by two state police officers and that she is wanting this not for all employees but only the police dept. because in the past sometimes they have not looked into employees hard enough and we haven't been getting the quality of people that we need and this would save us money in the long run even though it will cost us money to get this done. Trustee Garcia stated that the background work that is being done is a little soft and that they want to be more thorough since the police dept has a big turnaround. Trustee Cooksey also said that when you turn in an application that everyone seems to put their best on their application, but it doesn't have a background/employment history that way we can hire the best people to run the police dept since it has not had the best history with keeping officers. Mayor Trujillo asked if they were charging \$450.00 for this and that she had a little problem with the bankruptcy part and that the Triple I should suffice and that some of this stuff can be eliminated and can be done by pre-check in Alamogordo. Trustee Garwood said his opinion is that the more we check into someone that is going to be a police officer the less chances we have of them going out and making wrong decisions while on duty, he says this background check will be very beneficial. Mayor Trujillo says she doesn't think this is a bad idea. Trustee Sainz says that he agrees with the mayor about the bankruptcy part and does it need to be included. Trustee Cooksey said that yes checking bankruptcy and credit has a lot to do with integrity. Trustee Cooksey said it doesn't mean they won't be hired but need a thorough background. Trustee Garcia made a motion, Trustee Garwood seconded the motion. All members voted Aye; motion carried.

8. Baxter Pattillo, Alamotero Surveyors asked for a claim of exemption #7 for Carl Schmokel and also Pedro & Bertha. No Action taken

9. Jesus Salazar, Individual asked to approve a rezoning at 98 Central Ave to be fully zoned as Commercial. No Action taken-Public hearing to be done.

10. James Rogers, Individual asked to approve a rezoning at 96 Central Ave to be fully zoned as Commercial. No Action taken-Public hearing to be done.

11. Omitted

12. Rebekah Bryant, Village Clerk asked to review a renewal of a business registration for Carlin Repair & Welding. Todd Carlin stated that it is his home address, but it is just his mailing address. He stated that he does have some stuff there and it is not a salvage yard and he is planning on building a garage for all his stuff. A lot of the problem is that it hasn't been orderly over there, but he is doing better. Mayor Trujillo explained that they have had many complaints and that the whole area is designated as residential not commercial and according to the gentleman across the street a business is being run over there. Trustee Garcia said he has gone by there and it looks like a salvage yard and it is a mess. Mr. Carlin said he is trying to eradicate it and is living in an R.V. on the property. Trustee Cooksey stated that it was against the ordinance to be living in and R.V. and that she has been in business for many years and as soon as she pulls one of her business trucks into where she lives it becomes a business and people do not want those type of businesses in their neighborhoods and she has been by his property, and it is a mess. Trustee Cooksey also stated that he will keep having neighbor problems if this continues. Mr. Carlin stated that this address is just where he receives mail. Jeff Rhodes Attorney stated that he can have a business office but he cannot run his business out of there. Mr. Carlin asked where he would park his trucks and the mayor said that is not their decision to make and asked what size trucks he had and he said that it is a 357 Peterbuilt 2 axel. Trustee Garwood stated that he had went by the residence and told Mr. Carlin if he was his neighbors they would definitely have words because that is commercial equipment and is against the ordinance. Trustee Cooksey made a motion to not renew the business registration, Trustee Garcia seconded the motion. Trustee Sainz asked by not renewing it what would happen. Attorney Jeff Rhodes stated that the business registration is automatic and given anyways but doesn't give him the right to conduct a business on that property and the business registration is just that and it doesn't need to come before the board for approval. But he is in violation of the zoning ordinance. Trustee Garwood asked if issuing a business registration doesn't have anything to do with the zoning ordinance which Mr. Rhodes agreed. Mr. Rhodes stated that if he has a home office for his business that's fine.

13. Old Business:

Trustee Cooksey said that she called Coyote Cabling and a few others regarding the P.A. system and has got no call backs or some companies not wanting to travel to do that kind of work.

Trustee Garwood said that lizard ranch road really needs to be worked on and it's creating damage to our trash truck and having to go around the easement and potholes to pick up trash. Also, cutouts on roads need to be fixed.

14. New Business: Mayor and Trustees will be attending a meeting with the Governor to ask for funding for our supplemental water source.

15. Adjourn: Trustee Garcia made a motion to adjourn, Trustee Cooksey seconded the motion. Meeting adjourned at 7:18pm

Margaret Trujillo, Mayor

ATTEST: (seal)

Rebekah Bryant, Village Clerk