

**Town of Kirtland**  
**Regular Town Council Meeting Minutes**  
**47 RD 6500 Kirtland, NM 87417**  
**June 14, 2022**

Mayor Mark Duncan called the meeting to order at 4:38 pm in the Council Room at Town Hall located at 47 RD 6500, Kirtland, New Mexico.

The Invocation was offered by Jason Oberholser.  
Councilor Tyrone Austin led the Pledge of Allegiance.

Those present:  
Mayor Duncan  
Councilor Larry Hathaway  
Councilor Jason Heslop  
Councilor Tyrone Austin  
Councilor Alex Uhl

Clerk, Gwen Warner  
Engineer, Dan Flack

Those absent:  
None

Visitors: 1

**APPROVAL OF AGENDA:**

The Clerk asked that items 1 and 2 under New Business be removed from the agenda, they will be placed on next months agenda. Councilor Jason Heslop made a motion to accept the June 14, 2022 agenda as presented with the removal of items 1 and 2 under New Business. Councilor Tyrone Austin seconded the motion. Upon voice vote, the motion passed unanimously.

**CONSENT AGENDA:**

Councilor Larry Hathaway made a motion to approve the Consent Agenda consisting of May 10, 2022 Regular Meeting Minutes, and the May 2022 Monthly Financial Reports as presented. Councilor Jason Heslop seconded the motion. Upon voice vote, the motion passed unanimously.

**PUBLIC HEARING**

Councilor Jason Heslop made a motion to go into a Public Hearing. Councilor Larry Hathaway seconded the motion.

1. Conduct a **Public Hearing for ORDINANCE 2022-22 – MOBILE FOOD UNITS**
  - a. Public Comments: Changes made to the ordinance were explained by Dan Flack
  - b. Hearing Closed

Councilor Jason Heslop made a motion to close the Public Hearing. Councilor Alex Uhl seconded the motion.

2. Council Comments: It was agreed that the 4-hour requirement should be removed.
3. Consideration of Approval ORDINANCE 2022-22 – MOBILE FOOD UNITS

Councilor Alex Uhl made a motion to approve ORDINANCE 2022-22 with the removal of C. 3. in Locations and hours of operation. Councilor Jason Heslop seconded the motion

The roll was called with the following result:

Those voting aye:  
Jason Heslop  
Larry Hathaway  
Tyrone Austin  
Alex Uhl

Those voting nay:     None

Mayor Mark Duncan thereupon declared that four Councilors having voted in favor thereof, the said motion carried and ORDINANCE 2022-22 – MOBILE FOOD UNITS was duly passed and adopted.

#### **H. PUBLIC HEARING**

Councilor Jason Heslop made a motion to go into a Public Hearing. Councilor Larry Hathaway seconded the motion.

1. Conduct a **Public Hearing for PROCLAMATION – USE OF FIREWORKS**
  - c. Public Comments: Jason Oberholser stated that he would be grateful for anything the town could do to regulate the use of fireworks.
  - d. Hearing Closed

Councilor Jason Heslop made a motion to close the Public Hearing. Councilor Tyrone Austin seconded the motion.

2. Council Comments: None
3. Consideration of Approval to issue PROCLAMATION – USE OF FIREWORKS

Councilor Jason Heslop made a motion to close the Public Hearing. Councilor Larry Hathaway seconded the motion

The roll was called with the following result:

Those voting aye:  
Jason Heslop  
Larry Hathaway  
Tyrone Austin  
Alex Uhl

Those voting nay:     None

Mayor Mark Duncan thereupon declared that four Councilors having voted in favor thereof, the said motion carried and PROCLAMATION – USE OF FIREWORKS was duly approved.

## **I. NEW BUSINESS**

### **1. Consideration and Approval of RESOLUTION 2022-08 – A RESOLUTION TERMINATING AND DISSOLVING THE TOWN OF KIRTLAND’S RELATIONSHIP WITH THE NEW MEXICO SELF INSURER’S FUND**

Councilor Jason Heslop made a motion to approve RESOLUTION 2022-08 – A RESOLUTION TERMINATING AND DISSOLVING THE TOWN OF KIRTLAND’S RELATIONSHIP WITH THE NEW MEXICO SELF INSURER’S FUND. Councilor Alex Uhl seconded the motion.

The roll was called with the following result:

Those voting aye:  
Jason Heslop  
Larry Hathaway  
Tyrone Austin  
Alex Uhl

Those voting nay:     None

Mayor Mark Duncan thereupon declared that four Councilors having voted in favor thereof, the said motion carried and RESOLUTION 2022-08 – A RESOLUTION TERMINATING AND DISSOLVING THE TOWN OF KIRTLAND’S RELATIONSHIP WITH THE NEW MEXICO SELF INSURER’S FUND was duly passed and adopted.

### **2. Consideration and Approval of RESOLUTION NO. 2022-09 – THE TOWN OF KIRTLAND TO EXECUTE THE COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR LOCAL GOVERNMENT ROAD FUND (LGRF)**

Councilor Jason Heslop made a motion to approve RESOLUTION NO. 2022-09 – THE TOWN OF KIRTLAND TO EXECUTE THE COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR LOCAL GOVERNMENT ROAD FUND (LGRF). Councilor Alex Uhl seconded the motion.

The roll was called with the following result:

Those voting aye:  
Jason Heslop  
Larry Hathaway  
Tyrone Austin  
Alex Uhl

Those voting nay:     None

Mayor Mark Duncan thereupon declared that four Councilors having voted in favor thereof, the said motion carried and RESOLUTION NO. 2022-09 – THE TOWN OF KIRTLAND TO EXECUTE THE COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR LOCAL GOVERNMENT ROAD FUND (LGRF) was duly passed and adopted.

### **3. Consideration and Approval of Professional Services Agreement with NM Local Government Law, LLC**

Councilor Tyrone Austin made a motion to approve Resolution 2022-03, Professional Services Agreement with NM Local Government Law, LLC. Councilor Alex Uhl seconded the motion.

The roll was called with the following result:

Those voting aye:  
Jason Heslop  
Larry Hathaway  
Tyrone Austin  
Alex Uhl

Those voting nay:     None

Mayor Mark Duncan thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Professional Services Agreement with NM Local Government Law, LLC was duly approved.

### **4. Consideration and Possible Approval for a Part Time Employee**

Mayor Duncan began by stating with the addition of Valley Water and Sanitation District this is something that may need to be looked at.

The clerk explained the additional workload and the need for someone in the office that can cover the financial side of the town. She reminded the council that the budget was late, the auditor contract was late. The clerk stressed there is a need for another employee to train in the event something should happen to her.

Councilor Uhl asked how much time the previous person was spending on the sanitation district. The clerk stated that the previous person was billing for much more than a few hours, she was billing \$760 a month.

Councilor Heslop questioned, what is considered part time. He continued by saying who is going to determine what part time hours are? In response, Mayor Duncan stated, what we don't want to do is hire someone and have them sit in the office with nothing to do while they are being paid. He continued; we do not want to throw money away.

The clerk asked, are you thinking that the person would only come in and work on the Valley Water and Sanitation District? In response, Mayor Duncan stated, you said you were already overwhelmed before we took on the sanitation district so that has to be the first thing that we look at. He said maybe

we look at someone who has government financial experience that is retired and just wants to work part time, that is what he would recommend.

Councilor Heslop stated it sounds like we have a problem with getting the financials out on time. Maybe we need to talk with that individual and see why we are not getting things done on time and maybe we need to get someone else that can handle the finances. Mayor Duncan said that the individual is driving truck for his brother, to which Councilor Heslop stated, he understands that but this has been a problem for a long time, it has not just been recent and it needs to be addressed somehow.

Councilor Hathaway explained that based on his previous work experience in the private sector and the public sector, Councilor Heslop said it very well. He would try to get more out of our accountant, and he is not cheap, he is pretty pricey but if we can get more out of him and more support from him, that is a good first step. Secondly, he maintained, what he always looked at before adding another employee; saying that he had been on the other end of that were he had to lay people off, he did not like to go through that experience and so he is always very cautious to add people as he does not want to lay them off one day. If we should go into a recession and the town revenues drop or what ever the case may be, he is hesitant to add anyone for the reasons he stated previously.

Continuing, Councilor Hathaway said what he always looked for is how much has our overtime increased. We may need to authorize some overtime for the clerk. That is one sign that we look at, is she is having to work forty-five hours instead of forty hours a week and the other part of that is finding an accountant that is responsive to the contract and then his billable hours go up. When you start looking at that incremental piece that has gone up and say we could hire a part time employee and save money for what we are paying for the contracted accountant and for what we are paying for overtime. With that information you make a decision that we have reached the breaking point where we need to hire a part time employee. He stated that he would look at some history that is in dollars and cents. If the accountant could come up with some systems and put them in place so the clerk could use the systems, maybe there is some efficiencies the clerk could work with rather than reinventing the wheel. So that she has some support in place to help with Valley Water and Sanitation District.

Councilor Hathaway stated that he did not know if we have gone through all of the steps yet to get to a place where we are in a position to say that we need to hire someone. He does not know that we have progressed quite to that point from the cost benefit perspective. He again expressed the concern of hiring someone and then lay them off.

Mayor Duncan asked the clerk if she had any overtime, to which she stated that she does not work overtime because she is not allowed to. The mayor said that he will have this conversation with the accountant if he sees any break in what he is doing right now, to see if we can do something there.

The clerk stated that as she has talked with the accountant on the sanitation, he has not even looked at the financials for the sanitation. Mayor Duncan said that he would sit down and have a chat with the accountant.

Mayor Duncan instructed the clerk to put this item back on the next agenda. Councilor Hathaway inquired about the thoughts on overtime to which the mayor said he did not have a problem with



overtime. Councilor Uhl stated, he always thought you should pay your employees for what they are doing, if we do not get any help in here then we should pay for over time.

Mayor Duncan asked the clerk if that is something she would want to do, work an extra five or six hours a week. In response the clerk said that she could if she was being compensated.

The clerk stated that she needed to make the council aware of something that she discovered this week concerning the budget and employee benefits, as an example of the lack of support that we are receiving.

As she was entering the budget there is a line item for retirement health care benefits, which has been in the budget since PERA was approved. We do not have the retirement health care benefits set up nor has the clerk been able to get the accountant to help with how to set it up but he obviously was aware of it or it would not have been in the budget. The town has not been paying into the retirement benefit and because we have not been paying into it, in order to set it up there are penalties that have been accrued that will have to be paid. The clerk continued, there comes a time when if the town is going to entice employees there needs to be something that makes someone want to work for the town. Looking at the future, if the benefits are not there why would anyone come work for the town when they can work for other cities that have benefits and compensation already in place.

Mayor Duncan said he would ask the accountant about that as well and report back to the council. Councilor Hathaway said if the accountant is too busy maybe we need to look at doing something else if that is beyond what he is interested in.

#### **5. Consideration and Approval of Boundary Line Adjustment for Lanny and Susan Christie and Melton and Lovella Touchine**

Dan Flack provided the explanation for the boundary line adjustment and recommend approval, Councilor Jason Heslop made a motion to approve the boundary line adjustment for Lanny and Susan Christie and Melton and Lovella Touchine. Councilor Tyrone Austin seconded the motion. Upon voice vote, the motion passed unanimously.

#### **6. Consideration Concerning Campaigning on Town Property**

Councilor Jason Heslop made a motion to contact the attorney for an ordinance regarding campaigning on town property. Councilor Alex Uhl seconded the motion. Upon voice vote, the motion passed unanimously.

#### **7. Report of Farmers Mutual Community Ditch**

#### **8. Consideration and Report for a Car Show, Fry Bread/Navajo Taco Contest**

Mayor Duncan let the council know the details of this topic were still in the works.

#### **9. Presentation for a Community-Wide 4<sup>th</sup> of July Event**

Jason Oberholser addressed the council to report on the plans for the event.

### **REPORTS FROM ELECTED OFFICIALS:**

Councilor Alex Uhl reported that the City of Farmington was still working towards operation of San Juan Generating Station.

Councilor Larry Hathaway reported that it was his understanding the Early Childhood Center was being moved to the two elementary schools, Kirtland Elementary and Judy Nelson.

### **COMMENTS FROM THE PUBLIC:**

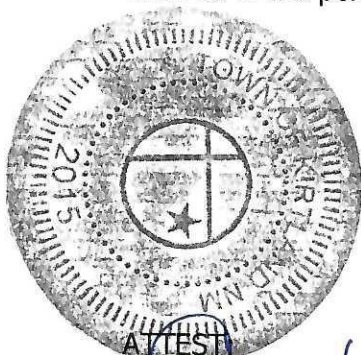
### **ADJOURNMENT:**


There being no further business to come before the Council, Councilor Larry Hathaway made a motion to adjourn the meeting, Councilor Alex Uhl seconded the motion. Upon voice vote, the motion passed unanimously.

The meeting was adjourned at 5:34 p.m.

Approved this 12<sup>th</sup> day of July 2022.

Entered in the permanent record book this 13<sup>th</sup> day of July 2022.



ATTEST  
  
Gwen Warner, Town Clerk

  
Larry Hathaway, Mayor Pro Tem