

**VILLAGE OF QUESTA
REGULAR COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 17, 2015
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:06pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Those present were:

Councilor Brent Jaramillo
Councilor Miguel Romero
Councilor Lawrence Ortega

Councilor Julian Cisneros was not present.

Also present:

Administrator Loretta Trujillo
Village Clerk Renee Martinez
Finance Director Karen Shannon
Utility Billing Clerk Nadine Herrera
Public Works Director Arwin Vasquez
Village Attorney Vanessa Chavez

III. PLEDGE OF ALLEGIANCE

Councilor Romero led the Pledge of Allegiance

IV. APPROVAL OF AGENDA

Motion: Councilor Jaramillo
Second: Councilor Ortega

In Favor: All
Opposed: None

To approve the agenda as presented. All voted yes. Motion carried

V. APPROVAL OF MINUTES

- October 27, 2015

Motion: Councilor Ortega

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Second: Councilor Romero

In Favor: All

Opposed: None

To approve the October 27, 2015 minutes as presented. All voted yes. Motion carried

VI. **PUBLIC COMMENTS** - *(It is the policy of the Governing Body to accept public comment. Because your particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct staff to address issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)*

Mr. Andamo Sanchez – Inquired if the Governing Body had time to review the information regarding the purchase of his well. He stated that he dropped the paperwork off with Village Administrator Loretta Trujillo a couple of months ago. Ms. Trujillo stated that she had let Mr. Sanchez know that the Village did not have the funds to purchase the well at the time. Ms. Trujillo asked the Governing Body for any direction regarding this issue. Councilor Ortega stated that Mr. Sanchez had discussed this with him a while back and suggested that Mr. Sanchez turn in all information to Ms. Trujillo which he did. Councilor Ortega asked Ms. Trujillo if it is just a matter of the Village securing the funding. Ms. Trujillo stated that the funding is one issue as well as if we choose to purchase a water well we would have to go out for RFP for the reason that we must allow anyone within the Village who has a well the opportunity to respond. Councilor Ortega inquired if the funds are available in the Village's Water Rights Fund. Ms. Trujillo stated she would look into this and pass on the information. Mr. Sanchez stated that it is a commercial water well and believes that there are about 22 people who are utilizing it. Mr. Sanchez stated that he has contacted the Office of the State Engineer regarding this and everything is in order. Councilor Jaramillo stated that throughout the years we have asked Mr. Sanchez to do his due diligence and it is only fair that we give it good consideration. Mayor Gallegos stated that at the next regular meeting we place this possible RFP on the agenda for consideration.

Mayor Gallegos recognized Mr. Stephen Archuleta who is an applicant for the Economic Development Executive Director position. Mr. Archuleta stated thanked the Governing Body for the opportunity to apply for the Executive Director position. He stated that he had a chance to meet with the Mayor regarding some of the wants and needs of the Village. He stated that it is an exciting opportunity for him and asked the Governing Body if they had any questions for him at this time. Councilor Ortega thanked Mr. Archuleta for his interest in this very important position. He stated that he looks forward to working with the director and well as the director working closely with the Village Administrator. Mr. Archuleta stated that he believes that he has a lot to offer this position. Mayor Gallegos stated that the person that is selected will be able to get the ball rolling immediately.

Mayor Gallegos closed Public Comments at 6:18pm.

VII. **DISCUSSION ITEMS** -

A) Mr. Dan Daily – CDCA Associates, Update on Feasibility Study of Industrial Park

Mr. Dan Daily, Associate with the CDCA, informed the Governing Body that he is present this evening for Mr. Amalio Madueno. He stated that he here to give a brief update on the feasibility study that was conducted for the industrial park. He stated that it is about 95% complete and they are making good progress. In order to complete the study, they are waiting on information from the study that is being done by Wilson & Co.

Mr. Daly stated that there are other applications that they have submitted. Councilor Jaramillo requested a spreadsheet indicating all the grants that have and are being applied for. He suggested a summaries and grant amounts so that the Governing Body can be aware. Ms. Trujillo stated that Mr. Joe Moore of Wilson & Co. sent an update today stating that they are 90% complete and are hoping to have it completed by November 30.

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B) Mr. Larry Sanchez – Discussion regarding water/sewer

Mr. Larry Sanchez stated that he wanted to discuss an issue that he had with the re-connect of his uncle's sewer. He stated that two years ago, his uncle passed away. He stated that they shut down the house not knowing who the house would be going to. The house was eventually given to his uncle's daughter who was unable to attend her father's funeral for the reason that she is battling cancer. Mr. Sanchez stated that he met with Ms. Loretta Trujillo to see what the agreement was about. He stated that he believes that she signed an agreement that states to go ahead and charge the \$600.00. He stated that at one time the previous administrator Jim Fambro drafted a letter stating that if they continue to pay the monthly sewer fee, this \$600.00 fee would not incur. He stated they did not get that letter. The Uncle's daughter at this time got the property which she in turn sold it to her brother. The brother now is trying to rent the home to a young couple with a child who are looking for a place to rent. He is concerned because the couple wanted to move in so the rent money they had went towards the \$600.00 fee. On top of that, they incurred other expenses with the electricity and gas. Mr. Sanchez stated that he is concerned that they are struggling financially. He is asking that the Governing Body repeal the existing ordinance to help their constituents. He stated that while the Governing Body is addressing the ordinance this evening to consider this issue and have some consideration for people. A discussion was held. Councilor Jaramillo stated that we should continue to work with the property owner and if Mr. Sanchez is acting on his behalf Ms. Trujillo could call the property owner and go over the ordinance to see if there is any flexibility in it or not. Ms. Trujillo stated that she and the Village Attorney have gone over the ordinance and do not see any flexibility. She stated that she has reached out to the owner of the property and he has not gotten back to her other than him signing the tenant/landlord agreement allowing the transaction to take place. She stated that the Village did not charge the renters the \$600.00. The renters came in and paid the money on their own so that they could move in. Ms. Trujillo stated that the Village was attempting to work directly with the owner.

VIII. PUBLIC HEARING

A) Village of Questa Water/ Sewer Ordinance No. 2015-141

Mayor Gallegos opened the public hearing at 6:36pm.

Mayor Gallegos asked that we look at the section of the ordinance regarding the sewer tap fees. Village Attorney Vanessa Chavez stated that there are some legal limitations as to what the Council is able to do in situations like this because of the sewer bond. There is no way to authorize people to be temporarily disconnected and allow service to be temporarily suspended. Councilor Ortega stated that even in Mr. Sanchez' case, it would have to be grandfathered in. Ms. Chavez agreed. Mayor Gallegos stated that we are bound by the sewer bond agreement that do have to keep everyone connected until the loan sunsets in 2024. Councilor Ortega stated that at the last public hearing the Public Works Director stated that we need that \$600.00 payment is needed for the connection costs. Ms. Chavez stated that there is a change to the reconnect fee in the proposed ordinance which covers the actual cost of the connection. Ms. Chavez stated that if the fee is not charged the Village will be violating the anti-donation clause by providing a service for free.

Mayor Gallegos asked if the connection fees for Class II and III on page 15 should be the same. Ms. Trujillo stated that they are the same as well as Class IV and V. Councilor Ortega asked if it was the same size of meter for both classes. Mr. Vasquez stated that Class II is a 1" meter, he is not sure about the Class III. Ms. Trujillo read aloud page 4 of the ordinance regarding the classes. Councilor Ortega stated that there is a significant cost difference between a 1" meter and a 2" meter and suggested that we raise the connection fee. Mr. Vasquez stated that the cost difference between the two meters is about \$2,000.00. The agreed changes are as follows: increase the water service connect fees for Commercial Class III from \$3,000 to \$3,475 with outside Village limits from \$3,800 to \$4,275.

155 There were no public comments.

156 Mayor Gallegos closed the Public Hearing at 6:53pm.

158 B) Village of Questa Animal Welfare Ordinance No. 2015-142

159 Mayor Gallegos opened the Public Hearing at 6:54pm.

161 There were no public comments or no questions or comments from the Council.

163 Ms. Trujillo stated that she would like to state for the record that her concern as the Village Administrator is that we do not have the staff to administer and enforce this ordinance. Mayor Gallegos stated that this ordinance will allow the Village to begin seeking equipment and additional resources that we could not have done without the ordinance. This ordinance gives us 'teeth' to move in the right direction.

168 Mayor Gallegos closed the Public Hearing at 6:56pm.

170 C) Village of Questa LEDA Ordinance No. 2015-121

172 Mayor Gallegos opened the Public Hearing at 6:57pm.

174 Ms. Chavez stated that there is a typo in the ordinance number that we need to fix. She stated that it has been advertised as 2015-121 but since the advertisement included the name of the ordinance as well as the information about the ordinance it substantially complies with the requirements considering it was just a typo. The ordinance should read 2015-143. She stated that this ordinance is required to broaden the Village's ability to adopt projects for LEDA under State Statutes.

180 Councilor Jaramillo asked Ms. Chavez if she felt comfortable with not having to re-advertise. Ms. Chavez stated she does and she conferred with another attorney and they had the same opinion.

183 Mayor Gallegos asked if there were any comments from the public. There were none.

185 Mayor Gallegos closed the Public Hearing at 6:59pm

187 IX. **ACTION ITEMS** - (Discussion, Consideration and Action)

189 A) Village of Questa Water/ Sewer Ordinance No. 2015-141

191 Motion: Councilor Ortega – With changes made in the Public Hearing

193 Second: Councilor Romero

194 Roll Call:

196 Councilor Miguel Romero YES

198 Councilor Lawrence Ortega YES

199 Councilor Brent Jaramillo NO

200 Village of Questa Water/ Sewer Ordinance No. 2015-141 was not adopted due to the lack of a majority of the Council in favor of the adoption.

203 B) Village of Questa Animal Welfare Ordinance No. 2015-142

206 Motion: Councilor Jaramillo

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Second: Councilor Ortega

Roll Call:

Councilor Lawrence Ortega YES

Councilor Brent Jaramillo YES

Councilor Miguel Romero YES

To approve the adoption of Village of Questa Animal Welfare Ordinance No. 2015-142. All voted yes. Motion carried.

C) Village of Questa LEDA Ordinance No. 2015-143

Motion: Councilor Romero

Second: Councilor Ortega

Roll Call:

Councilor Lawrence Ortega YES

Councilor Brent Jaramillo YES

Councilor Miguel Romero YES

To approve the adoption of Village of Questa LEDA Ordinance No. 2015-143. All voted yes. Motion carried.

X. **FINANCE DEPARTMENT** - Ms. Karen Shannon, Finance Director

A) Approval of Unpaid Vouchers

Ms. Shannon informed the Governing Body that the vouchers included are as of November 13, 2015. Ms. Shannon stood for any questions.

Councilor Ortega – Page 3, asked Ms. Trujillo about the contract regarding the water rights and if it requires the Village to pay for the permit application. Ms. Trujillo stated that it does not but she is bringing it before the Council to request that the Village does pay for the reason that the amount we are going to pay to the owner is very low and is based on consumptive use. The total acreage is 29 acre feet and consumptive use came out to a little over 7 acre feet. Councilor Ortega stated that he is fine with it as long as the contract does not prohibit us from paying it. Ms. Chavez stated that we can amend the agreement to reflect it.

Motion: Councilor Romero

Second: Councilor Jaramillo

In Favor: All

Opposed: None

To approve the Unpaid Vouchers as presented. All voted yes. Motion carried.

XI. **MATTERS FROM ATTORNEY** - Ms. Vanessa Chavez

A) Introduction of Ordinance No. 2015-143

Ms. Chavez stated that this ordinance will actually be advertised as 2015-144. This ordinance is specifically authorizing the Village to enter into the project with Taos Mountain Energy Foods. Because the Village has agreed to do the security interest in the building permits it is considered as additional financial assistance so we have to amend the ordinance we originally adopted. This ordinance will be up for public hearing and adoption after it has been properly advertised. Additional documents will be brought back to the Council.

Councilor Ortega inquired about the project scope of work and how it is documented. Ms. Chavez stated it is part of the Project Participation Agreement (PPA). She stated that there are 3 components to the project. There is the Ordinance, the PPA and the Intergovernmental Agreement with the Economic Development Department.

B) Discussion of possible acquisition of Water Rights

Ms. Chavez stated that she does have an update on the Village's effort to purchase water rights, although she recommends going into Executive Session to discuss it, which is allowed by the Open Meetings Act.

Mayor Gallegos requested a motion to table Item XI. B to follow Item XIII.

Motion: Councilor Ortega
Second: Councilor Jaramillo

In Favor: All
Opposed: None

All voted yes. Motion carried.

XII. **MATTERS FROM ADMINISTRATOR** – Ms. Loretta Trujillo, Administrator

Ms. Trujillo reported on the following:

- Business Park gas line – The application was delivered to NM Gas Company on October 30. All piping has been purchased. Right of Way clearances need to be acquired from the NMDOT and should be done by November 20th. The NM Gas Co. feels that they can complete this project by the middle of December, weather permitting.
- RFP for the planning services for Asset Management Plan – WH Pacific is working with the NMED in completing the contract. A meeting has been set for December 1st in Albuquerque in which Ms. Trujillo will attend.
- Caselle Upgrade - Ms. Trujillo and Ms. Shannon continue to move forward with the implementation of the financials into the Caselle software. Estimated implementation date is January 1, 2016.
- Eliu Romero Water Rights – The Office of the State Engineer gave the permission to publish the notice of application to change the initial water rights from surface to groundwater. Ms. Martinez has published the notice in the Taos News legal section. The run dates are November 19, November 26 and December 3. If there are no protests we can move forward.
- Water Rights – Ms. Trujillo sent a letter to the Office of the State Engineer requesting their consideration to apply the return flow credit for all the years that information was not submitted. The OSE did give the Village the credit which brought our over diversion down quite a bit. Our over diversion is at 701,675. Ms. Trujillo as well as Mayor Gallegos commended the Public Works Department for their hard work in getting leaks repaired.
- CDBG Project – Spoke with Mr. Gabriel Cisneros this morning in which he stated that he is still waiting on the grant agreement from the State. Ms. Trujillo stated that she has approached the Town of Taos to be our fiscal agent. Ms. Marietta Fambro from the Town of Taos is fine with it but will have to take it to Council for approval. Councilor Ortega asked if Mr. Cisneros believes we are going to meet the threshold. Ms. Trujillo stated that he is not as confident as he was in the beginning because of the personnel issues at DFA. Councilor Ortega asked that Mr. Cisneros come give the Council an update at the next meeting.
- Contract for Corral Use – The Village Attorney has drafted a contract and Ms. Trujillo needs to make a couple of small changes and will then get it executed. Mayor Gallegos asked if we were going ahead with the proposal. Ms. Trujillo stated that there was only one bidder. Mayor Gallegos stated that he has been contacted by members who have questions and concerns about this. Councilor Ortega suggested that these individuals come to the next corral user's association meeting. Councilor Ortega stated he will inform Mayor Gallegos when this meeting will be held.

- Veteran's Memorial (names) – Ms. Trujillo stated that she received an email from Councilor Cisneros on October 31st stating that the only people who can access the DD214 report are veteran's or their immediate families. Councilor Cisneros stated that it was the responsibility of the individual to provide evidence that they have provided service to our country. Councilor Ortega stated that he would take care of it.
- State Appropriations – Ms. Trujillo has been working with DFA for one year trying to get this money. She stated that because DFA who are trying to figure out new procedures for entities who have acquired fiscal agents, it has been a struggle. Ms. Trujillo was contacted last week with the information that is needed to move forward. Ms. Trujillo sent all information needed and will be in contact with them on a weekly basis. Ms. Trujillo also has asked that they look into the 90,000.00 for the river restoration.

XIII. MATTERS FROM MAYOR AND COUNCIL

Councilor Ortega inquired about the Director position for the Economic Development and who makes the final decision on the selection. Is the Village going to have any input in the process or any say so in the selection. Mayor Gallegos stated that part of the process was that members of the fund board created a committee consisting of himself as a member of the fund board and the in representing the Village in the capacity of the Mayor, Mr. Gordon Robinson, Board Chairman Malaquias Rael and Mr. Christian Isely. Mayor Gallegos stated that all the candidate meet & greets are open to all the Council and fund board members to meet and talk with the candidates. The idea is to meet the candidates and give your input to the voting members. Councilor Ortega then stated that the fund board then will make the decision. Mayor Gallegos stated that a good part of the group is the fund board. Councilor Ortega stated that the whole group is the fund board. Mayor Gallegos stated that he sits as fund board member and as Mayor and speaks on behalf of the Village of Questa and its needs. Councilor Ortega stated that he is very disappointed that the Council did not have a voice in this process. Councilor Jaramillo concurred with Councilor Ortega. Councilor Jaramillo stated that he was not asked to participate in the process as a fund board member or as a Village Councilor. He stated that he does have a full time job but would have liked to have the opportunity to at least decline the invitation. Mayor Gallegos stated that he cannot disagree with the Council. He stated that he is doing the best he can to represent the Village. Councilor Ortega stated that the Village Administrator should have been a part of the process since she will be interacting with this individual.

Mr. Jim Vaughn inquired if it has been decided who this individual would be taking direction from. Mayor Gallegos stated that he has talked to two candidates so far and expressed to them that the Village's interest is as a whole and not just the interest of the fund board. He stated that he has made it clear that their actions are not solely what the fund board wants them to do but they need council approval for the reason that the fund was built around the Village of Questa's economic structure. It was not meant for the two to be their own entities. The MOU will lay heavily on what this Director is going to do. Mayor Gallegos stated that his question is and has been if the Village of Questa feels that they are not being properly represented through this Director, who has the authority to fire him/her? The MOU is supposed to be the tool that keeps everything together. Some kinks are probably going to need to be worked out. He stated that it is unfortunate that the Council is not more of a participant in this process.

Mayor Gallegos asked Ms. Martinez if the Council wishes we will have this discussion as part of the record. Councilor Ortega stated he would like it as part of the record.

Councilor Ortega inquired about the MVD Clerk position. Ms. Trujillo stated that an offer of employment was made and was accepted. The background check is in process. The MVD office is currently open Tuesday, Wednesday and Thursday mornings.

XI. MATTERS FROM ATTORNEY - Ms. Vanessa Chavez B) Discussion of possible acquisition of Water Rights

EXECUTIVE SESSION - (*The Governing Body may convene into Executive Session at this time pursuant to the NM Open Meetings Act NMSA 1978 10-15-1*)

B) Real Property and Water Rights (Section 10-15-1(H) (8)) – Discussion of possible acquisition of Water Rights

A motion to enter into Executive Session was made by Councilor Ortega, seconded by Councilor Romero.

Roll Call:

Councilor Miguel Romero YES

Councilor Lawrence Ortega YES

Councilor Brent Jaramillo YES

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss the items listed. The Governing Body entered into Executive Session at 7:39pm.

A motion to reconvene from Executive Session was made by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

Councilor Miguel Romero YES

Councilor Lawrence Ortega YES

Councilor Brent Jaramillo YES

Ms. Chavez stated that she recommends that the Council certify that the only items discussed during closed session were the Real Property and Water Rights.

To approve the response from Ms. Chavez regarding Executive Session. All voted yes. Motion carried.

XIV. ADJOURNMENT

Motion: Councilor Ortega

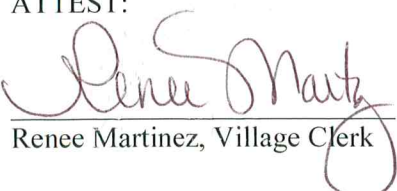
Second: Councilor Jaramillo

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 7:59pm.

ATTEST:


Renee Martinez, Village Clerk

APPROVED:


Mark Gallegos, Mayor