

**VILLAGE OF QUESTA  
REGULAR MEETING MINUTES  
TUESDAY, MAY 24, 2016  
VILLAGE OF QUESTA COUNCIL CHAMBERS  
6:00PM**

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**I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS**

Mayor Gallegos called the meeting to order at 6:05pm.

**II. ROLL CALL**

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor Lawrence Ortega  
Councilor John Anthony Ortega  
Councilor Brent Jaramillo arrived at 6:03pm.

Not Present:

Councilor Julian Cisneros

Also Present:

Administrator Loretta Trujillo  
Village Clerk Renee Martinez  
Finance Director Karen Shannon  
Police Department Clerk/MVD Supervisor Sara Trujillo  
Officer LeEvan Sanchez  
Attorney Randy Autio

**III. PLEDGE OF ALLEGIANCE**

Councilor Brent Jaramillo led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Motion: Councilor Lawrence Ortega  
Second: Councilor Brent Jaramillo

In Favor: All  
Opposed: None

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

**V. APPROVAL OF MINUTES –Regular Meeting May 10, 2016**

- Regular Meeting May 10, 2016

Councilor Lawrence Ortega - Line 200 and Line 203 – Change .25 to read .25 cents. Ms. Martinez stated she would make the change.

Motion: Councilor Lawrence Ortega

Village of Questa Regular Meeting  
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Second: Councilor John Anthony Ortega

In Favor: All

Opposed: None

To approve the May 10, 2016 minutes. 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. Manuel Medina inquired about the status of his previous request regarding the closure of a portion of Cabresto Road where his home is located. Attorney Randy Autio stated that in this particular instance we need to determine how this road was created. Was it an easement or was it simply a dedication by implication where the property owner years ago allowed the use of it as a public way. If this is the case, it is a little more complicated because what happens is, for public streets, it is an issue between the Village and the individual property owner who has that road traveling across their property. It is also an issue for every member of the public who lives in that area, using the road because some people may rely on that road day to day for access to and from their property. We do not have exclusive ability to close a public street like this without going through a formal process. This can be done one of two ways. A court action would determine the right of way and then if the community is requesting the court to vacate it then everyone else who is an interested party would have an opportunity to join the case and weigh in on that. He stated that this is what he has discovered on the legal end. He is still researching to see if a Municipality has the right to vacate an easement by a right of way by implication if there is no formal easement. Mr. Medina stated that he only wants to close a section of it for people that don't need it for the reason that there are two other avenues to get in and out. Mr. Autio stated that he is not commenting on Mr. Medina's property specifically. Mr. Medina stated that according to the constitution no one has the right to take private property for public use without justification or compensation. Mayor Gallegos stated that this is public comments and we are still working on the status of this and how to move forward. He stated that it is going to take some time. Mr. Autio asked that Mr. Medina provide the Village with a proposal in writing with a map showing what he is requesting. Mr. Medina stated that the beautification plans showed a map of the road. Mayor Gallegos stated that we will have to do some researching in-house and get a copy of the Frontier Communities proposal to our attorney for review and go from there.

Public Comments closed at 6:17pm.

VII. **DISCUSSION ITEMS** –

A. Discussion regarding MVD procedures for accepting payment

Ms. Trujillo stated that the State has imposed some restrictions on how they want their offices to handle payments. Ms. Shannon stated that we are currently using a check scanner and it goes directly into their account. The state now wants all monies to come into a Village of Questa account and they will sweep the account each day for the total amount of the previous day's transactions. Ms. Shannon stated that the issue is that the Village would be responsible for all NSF checks. We would be responsible for collecting this money. Ms. Shannon stated that if we continue to accept checks, we will need a buffer of general fund monies to keep in this account in case we get any returned checks so that the account won't be in the negative. This new procedure must be in place by the end of July.

Councilor Lawrence Ortega asked what the staff recommends. Ms. Shannon stated that she would rather not accept checks for the reason that she does not have time to collect on the returned checks. We get a lot of customers who from out of town. Councilor Lawrence Ortega asked staff if they thought this would present a problem to the customer. Ms. Sara Trujillo stated that she believes it will be an issue with the elderly who always pay by checks. Councilor Brent Jaramillo asked if it would be possible to accept checks only from Questa area residents. A



discussion was held regarding accepting only local checks. Mayor Gallegos stated that he would like to see the Village transition into accepting no checks until July 1<sup>st</sup> just to see how the customers react to the change. Ms. Sara Trujillo also inquired about the \$4.00 admin fee we are currently collecting. Also the credit/debit card machine accepts only a maximum of \$1,000.00. Councilor Lawrence Ortega agreed we should try no checks for one month and Ms. Sara Trujillo can come back to us and let us know how it went so that we may possibly revisit it. Councilor John Ortega asked what the Town of Red River is doing. Ms. Sara Trujillo stated she did not know. Ms. Loretta Trujillo suggested we start advertising right away that we will no longer be accepting checks; however, during the interim, if someone comes in and only has a check with them we allow them to pay while letting them know that next time we will need payment by cash or card.

It was decided to begin advertising the no check policy and with the feedback from Ms. Trujillo in the June meeting, a decision will be made before the July deadline.

#### VIII. MATTERS FROM ATTORNEY – Attorney Randy Autio

##### A. Update on La Cienega Property

Mr. Autio informed the Governing Body that we do have a draft of the agreement for sale of the property from the Questa Schools to the Village. The consideration is that we would be taking the building as is with the knowledge that asbestos remediation is needed at the cost of the Village. There was a stipulation in the agreement that the remediation needed to be done within a year and we have negotiated this be removed from the agreement and have an unlimited amount of time as long as the Village is using reasonable efforts to obtain the funding and carry out the remediation. He stated that he does not see any major risks for the Village except that because normal due diligence was not done with the purchase of a property, such as an environmental assessment, all we currently know about is the asbestos issue. If there are other issues we don't know about, then we could end up owning more than just the asbestos issue. We could provide in the contract that if there is an issue we do not know about, that comes up, this would cause a breach and it would go back to the schools. Councilor Lawrence Ortega asked if we had a number on the remediation cost. Mayor Gallegos stated that he has been in contact with an individual who has qualifications in NM and Colorado who will give us an assessment as to what it will cost regarding the removal of the asbestos. He stated that this won't happen until it is officially Village property. He also stated that if and when the Village receives the property Mr. Mike Trujillo of the Senior's Program will assist with looking for grants to help assist with the remediation. Councilor John Anthony Ortega expressed his concern with acquiring property that we are going to have to put a lot of money into when we have buildings that also need work that we don't have the money to repair. Also, how will we take care of the maintenance and cleaning? Mayor Gallegos stated that those are valid concerns. The building has potential for housing the Senior Citizens, Head Start, Food Pantry and other non-profit programs. Mayor Gallegos was hoping to find funding through USDA and possibly the Agency on Aging program.

Councilor Lawrence Ortega stated that the last time the Council took official action on this was to go ahead and pursue the possibility. He stated that he did not know if anyone from the Village has taken the time to take a good look at the appraisal and the report that the school had done on that facility. This report has some good figures in it that would give us some indication of what it may cost the Village for all the work that needs to be done. He believes it would be a good idea for the Village to get a good idea of what it will cost to get this facility up to occupancy level before we make the final determination. He stated that he is not saying that we should abandon the idea, but for now we need to see some figures on what it's going to cost us.

It was decided to have the report that the school supplied reviewed by Council and place this item again on the agenda for June 28<sup>th</sup> as a possible action item with Mr. Autio also be provided a copy of the report. Mr. Autio again suggested that we add a clause that states the Village may terminate the agreement if certain contingencies occur such as undiscovered contamination or structural issues that make remediation cost prohibitive.

At this time, Ms. Trujillo requested that Item X., Matter from Mayor and Council be moved up to Item IX for the reason that Mr. Autio can be excused after answering any questions from the Governing Body.



Motion: Councilor Brent Jaramillo  
 Second: Councilor Lawrence Ortega

Roll Call:

Councilor Lawrence Ortega YES  
 Councilor Brent Jaramillo YES  
 Councilor John Anthony Ortega YES

TO move Item X up to Item IX. All voted yes. Motion Carried.

**IX. MATTERS FROM MAYOR AND COUNCIL**

A. Councilor Lawrence Ortega – Senate Bill 270, regarding Off-Highway & All-Terrain Vehicles

Mr. Autio stated that he has been studying this issue and basically what the new law does is allows Municipalities to place additional safety restrictions on these off-road & all-terrain vehicles by limiting their speed, location and other safety requirements. State law already exists that sets some safety requirements so there is already a baseline of restrictions. Others can also be added on how these vehicles will interact with other vehicles on the street. He believes the main issue for the Village of Questa is identifying what streets make sense to be used by these vehicles and which do not. Mr. Autio stated that the next steps for the Council to come to a consensus of which roads you want to allow these vehicles to have access to and look at placing more restrictions if needed and placing possible penalties. This would be done by ordinance. Councilor Lawrence Ortega asked if we would be able to include in the same ordinance language that the Village would not be liable for the ATV's using the state highways. Mr. Autio stated yes.

Councilor Brent Jaramillo stated that it would probably include all Village roads. He also stated we should also include Police Chief Lamendola in on these meetings since the enforcement will be their responsibility. Also including Judge Rael and Fire Chief Ortega.

It was decided to direct the staff to work with the Village attorney on a draft of the ordinance.

Attorney Randy Autio was excused from the meeting at this time.

Councilor John Anthony Ortega suggested the employee BBQ should be on Saturday instead of Friday to include families. A discussion was held. It was decided to move the BBQ to Saturday, June 18th at 1:00pm at Molycorp Field. Councilor John Anthony Ortega stated that he believes that his email may not be working since he has not received any emails from the Village.

Councilor Lawrence Ortega inquired about the fiscal agreements with the Town of Taos. Ms. Trujillo stated that the ones that have been approved are the CDBG and the Public Works vehicle agreements. Councilor Lawrence Ortega asked if Mr. Joe Moore was working on the Old Red River Project and the Pot Hole Repair Project; the bids need to go out soon. Ms. Trujillo stated that she will follow up with Mr. Moore. Councilor Lawrence Ortega asked that Mr. Gabe Cisneros be present at our next meeting for an update on the CDBG project.

A discussion was held regarding the cost of a roll off bin from Waste Management for use by Village residents.

Mayor Gallegos stated that he received a phone call from Red River Mayor Linda Calhoun who expressed her concern regarding our EMS operations. Her concern was that when Questa does not have coverage and dispatch calls Red River to respond, they are not always prepared with a second group of EMT's to cover Red River as well as Questa. Mayor Calhoun requested that when Questa knows that they will have no coverage that they notify

dispatch so that Red River will be prepared to cover. Mayor Gallegos suggested that we have this as an action item in June's meeting to make a decision regarding this department. Councilor John Anthony Ortega stated that the EMS needs more financial assistance. The days of depending on volunteers to respond to calls is coming to an end.

X. **MATTERS FROM ADMINISTRATOR**

Ms. Trujillo apologized to the Governing Body for not having a report in the packet.

- Officer Victor Alvarado has resigned his position effective May 20, 2016.
- Animal Welfare Ordinance regarding the enforcement of it will be on the agenda for next meeting.

Councilor Lawrence Ortega inquired about how we are going to get the beautification project out for bid. Ms. Trujillo stated that if the money is paid from the Fund Board directly, we do not have to go out for bid. If the money comes through the Village of Questa we will have to follow the correct procedure. Councilor Lawrence Ortega asked we can manage the project if the Fund Board hires the contractor. Ms. Trujillo suggested that we bring the money through the Village so that we can manage the project. Of course we will have to follow all of the requirements.

It was decided that the Village staff with Council engagement create a scope of work from the plans from Heads Up and Frontier Community Group and propose it to the Fund Board.

- Ms. Trujillo will be out of the country next week; anything financial should be directed to Ms. Shannon, operational to Ms. Martinez.

Councilor John Anthony Ortega inquired if Public Works was using the Old Engine 5 truck. Ms. Trujillo stated that they are not but she will inquire about it. Mayor Gallegos would like the Public Works department to modify and utilize it to carry needed tools, cold mix and other items needed on a day to day basis.

XI. **FINANCIALS** – Ms. Karen Shannon, Finance Director

A. Approval of Unpaid Vouchers

Ms. Shannon inquired if the Council had any questions regarding the vouchers. There were none.

Motion: Councilor Lawrence Ortega  
Second: Councilor John Anthony Ortega

In Favor: All  
Opposed: None

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

XII. **REVIEW OF PRELIMINARY BUDGET - FISCAL YEAR 2016-2017**

Ms. Trujillo went over the following:

General Fund -

- Purchase recording software for council meeting minutes - \$2,000.00.
- All personnel 0.25¢ wage increase.
- Public Safety from 2 full time, 2 part time employees to 3 full time employees.
- Create line item to include \$700.00 from County Lodger's Tax to Visitor's Center for advertising only.



Municipal Street Fund –

- Other Contractual Services – increase from \$10,000.00 to \$25,000.00

State Grants – NMDOT

- 2015- Old Red River Road Pavement Rehabilitation – 73,809
- 2016 – Pavement Rehab – Cabresto, Embargo, Abra – 85,060

Revenue Bonds –

- Add 8,900.00 to make double payment – from 8,900.00 to 17,800.00

Enterprise Funds –

- Added \$1,000.00 to each of the penalties

Ambulance –

- County contribution stay at \$70,000.00
- Increase EMS Insurance Revenue from \$50,000.00 to \$66,000.00

It was decided to approve the preliminary budget.

XIII. **ACTION ITEMS** - (Consideration and Action)

A. Approval of Preliminary Budget – Fiscal Year 2016-2017

Motion: Councilor Brent Jaramillo  
Second: Councilor Lawrence Ortega

In Favor: All  
Opposed: None

To approve the Preliminary Budget for Fiscal Year 2016-2017. All voted yes. Motion carried.

XIV. **ADJOURNMENT**

Motion: Councilor Brent Jaramillo  
Second: Councilor John Anthony Ortega

In Favor: All  
Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:38pm.

ATTEST:

Renee Martinez, CMC  
Village Clerk

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APPROVED:

Mark Gallegos  
Mayor

