

**VILLAGE OF QUESTA  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 23, 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 6:06pm.

**II. ROLL CALL**

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor John Anthony Ortega

Councilor Brent Jaramillo

Not Present:

Councilor Julian Cisneros

Councilor Lawrence Ortega

Also Present:

Administrator Loretta Trujillo

Village Clerk Renee Martinez

Finance Director Karen Shannon

Village Attorney Randy Autio

**III. PLEDGE OF ALLEGIANCE**

Mr. Christian Isely led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Mayor Gallegos asked that the Presentation item regarding Ruhber, Inc. be omitted from the agenda. Mr. Michael Sanchez and Mr. Sam Garcia are not able to attend tonight's meeting.

Councilor Brent Jaramillo requested that Item IX., Discussion Items be moved up the agenda to follow Public Comments.

Motion: Councilor Brent Jaramillo

Second: Councilor John Anthony Ortega

In Favor: All

Opposed: None

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

**V. APPROVAL OF MINUTES –**

- Regular Meeting August 09, 2016

Motion: Councilor John Anthony Ortega

Second: Councilor Brent Jaramillo

In Favor: All

Opposed: None

To approve the August 09, 2016 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.)*

- Ms. Phyllis Zimmerman thanked the Governing Body for the gate at the Municipal Park. She lives in the area and there is a lot of traffic going to the park late at night. Ms. Zimmerman suggested putting up a sign with the rules and regulations of the park. She sees a lot of people come in with their dogs who defecate in the park and leave. She stated that a lot of people are using the park. She also expressed her thanks the use of the Youth Center facility for their quilting group. She understands that it will close for improvements soon and is happy that we are doing this; it needs some work. Councilor Jaramillo stated that the Questa Animal Welfare Ordinance does have rules regarding defecation which can be cited on the sign. Councilor John Anthony Ortega suggested a stand be put up with plastic bags.

VII. **PRESENTATIONS/UPDATES**

A. Ruhber, Inc. - Mr. Michael Sanchez and Mr. Sam Garcia, Co-Founders

**\*\*Removed from agenda.**

IX. **DISCUSSION ITEMS**

A. Animal Welfare Control Ordinance

Mayor Gallegos informed the Council that there has been previous conversation regarding having discussions with Taos County regarding an MOU to assist the Village with the enforcement of the Animal Welfare Ordinance. Mayor Gallegos stated that he made a suggestion to the County Commission and they have given him the okay to discuss this possibility with staff. He asked the Council if this was something they still wanted to move forward with. He stated that citizens have contacted the Village to see how we are going to enforce this ordinance. We do not have the manpower currently to get this done on our own.

Councilor Brent Jaramillo stated that there is concern from citizens about enforcement but there is also the issue of tourist perception and citizens seeing dogs run wild. He stated that it needs to be addressed from these two standpoints.

Councilor John Anthony Ortega asked if the County would be willing to assist us with an Animal Control officer. Mayor Gallegos stated that we will probably have to pay some kind of fee to them per visit depending on our call volume. We may have to revise our ordinance that will allow us to use their ordinance temporarily with an MOU. Councilor John Anthony requested a copy of the Village ordinance as well as a copy of the County ordinance to see what the differences are.

Attorney Randy Autio stated that he believes that this can be accomplished; it is just a matter of agreeing on a cost and time response, etc. If they are already enforcing their ordinance that is County wide it should not be that much more of a burden on them to respond in the Village limits. He stated that the Village would have to revise their ordinance to allow the County to enforce their ordinance within the Village limits, under the MOU.



102 B. Abra Road Resolution

103 Ms. Trujillo stated that a draft Resolution has been prepared regarding Abra Road repairs and the possibility of  
 104 Chevron Mine to assist with the cost. Mayor Gallegos asked the Council if the draft referenced their concerns and  
 105 asked for ideas. Councilor Brent Jaramillo wondered if the reference to Chevron was corrector should it read  
 106 CEMC. Regarding the 5<sup>th</sup> 'whereas' should it read 'request assistance from Chevron Mining' or 'request assistance  
 107 from CEMC.' A discussion was held regarding who we would be requesting assistance from. It was suggested  
 108 by Mr. Christian Isely that it should read CEMC. It was decided to also remove 'a subsidiary of Chevron Mining',  
 109 it is not necessary. Mayor Gallegos asked if the Council had anything more to add to the Resolution. There were  
 110 no more additions. Mayor Gallegos asked that Ms. Trujillo place it on the next agenda for approval.

112 VIII. **ACTION ITEMS - (Consideration and Action)**

113 A. Approval of Resolution 2016-25 –Infrastructure Capital Improvement Plan (ICIP) 2018-2022

115 Ms. Trujillo stated that attached are the changes made to the ICIP. It is due to the state by September 1, 2016.

117 Mayor Gallegos stated since there is not a majority of the Council present at this meeting it cannot be considered.  
 118 He stated that we will have to have a Special Meeting next week to get it approved and sent by September 1<sup>st</sup>. A  
 119 discussion was held regarding the date and time. It was decided to work on a date and time that would work for  
 120 the majority of the Council.

122 A motion to table this item until the Special Meeting to be held Monday, August 29, 2016, was made by Councilor  
 123 John Anthony Ortega, seconded by Councilor Brent Jaramillo.

125 In Favor: All  
 126 Opposed: None

127 To table the approval of Resolution 2016-25 –Infrastructure Capital Improvement Plan (ICIP) 2018-2022. All  
 129 voted yes. Motion carried.

131 B. Approval of Heads Up Landscape Co. Bid –Questa Median Improvements (VOQ-ITB2017-01)

133 Ms. Trujillo informed the Governing Body that per their directive, an invitation to bid was sent out for the  
 134 landscaping of the median; one bid was received from Heads-Up Landscaping. A motion to approve was made  
 135 by Councilor John Anthon Ortega. Councilor Brent Jaramillo motioned for discussion. Councilor Brent Jaramillo  
 136 asked what the budgeted amount was. Ms. Trujillo stated that it is about \$58,000.00. Councilor Brent Jaramillo  
 137 stated that this proposal was bid at \$50,000.00 plus tax. Councilor Brent Jaramillo asked Ms. Trujillo if she felt  
 138 like every effort was made to contact other contractors in the area. Ms. Trujillo stated that she personally called  
 139 all contractors that were listed in the phone book and/or had a webpage. Ms. Trujillo stated that the ITB was  
 140 posted in all five designated locations throughout town. Mayor Gallegos stated that he believes the bid is high and  
 141 hoped we could go out for a second bid. Ms. Trujillo stated that we have the right to pull a bid if the Council so  
 142 chooses. She stated that we can also decrease the amount of trees and make other changes to the scope and re-  
 143 advertise. Mayor Gallegos stated that he has heartburn with paying for room and board and travel time from  
 144 Albuquerque. Ms. Trujillo stated that the native grass is not included in the bid. Councilor John Anthony Ortega  
 145 stated that he would like to see the native grass included as part of the scope. Councilor John Anthony Ortega  
 146 thought since we are in the latter part of the year it might be a good idea to wait until the spring for this project for  
 147 the planting of the grass and trees. Mayor Gallegos stated that we could probably get some feedback from local  
 148 contractors on this. Ms. Trujillo stated that there are no landscape contractors under state contract. It was decided  
 149 to add the native grass and possibly the irrigation to the scope and take a more aggressive approach to getting this  
 150 invitation to bid out again.

151 C. Approval of Grant Agreement - Special Appropriation Project, Questa Youth Center (\$90,000.00)

Ms. Trujillo stated that we have received the grant agreement for repairs to the Youth Center. It has been approved and signed by Local Government. The fiscal agent agreement has already been approved for this project. Once the grant agreement is approved by Council we can move forward. Ms. Trujillo stated that her intent after the approval is to send a letter to the groups who are utilizing the center to inform them that we will close the center at the end of September to begin the process. Councilor Brent Jaramillo stated that we could give them longer than that for the reason that the process will take some time. Ms. Trujillo stated that the grant expires June 30, 2017. Mayor Gallegos stated that he agrees with Councilor Brent Jaramillo that if we can get someone in as soon as possible to look at the center and let us know what needs to be done and how long it will take so we know what the timeline will be. Ms. Trujillo stated that the intent is to make the needed repairs and if there is money left over we would then hire an architect to design an addition. Councilor John Anthony Ortega asked if we had a match for this grant. Ms. Trujillo stated no. Ms. Phyllis Zimmerman inquired if the center could be used for events such as birthday's and baby showers since this is what the center was originally opened for. Ms. Trujillo stated that this is the intent for the addition.

Motion: Councilor John Anthony Ortega  
Second: Councilor Brent Jaramillo

Councilor John Anthony Ortega	YES
Councilor Brent Jaramillo	YES

To approve the Grant Agreement - Special Appropriation Project, Questa Youth Center (\$90,000.00). All voted yes. Motion carried.

#### D. Approval of Grant Agreement - Special Appropriation Project, Questa Water System Const. (\$50,000.00)

Councilor John Anthony Ortega asked if this money will be used for repairing or extending the water lines. Ms. Trujillo stated that when it was placed on the ICIP it was not designated specifically for any one thing. Councilor John Anthony Ortega asked if it can be used for repairs or is it only for new construction. Ms. Trujillo stated it can only be used for new construction.

Motion: Councilor John Anthony Ortega  
Second: Councilor Brent Jaramillo

Councilor John Anthony Ortega	YES
Councilor Brent Jaramillo	YES

To approve the Grant Agreement - Special Appropriation Project, Questa Water System Const. (\$50,000.00). All voted yes. Motion carried.

#### E. Approval of Resolution 2016-26 – Fiscal Agent Agreement for SAP Questa Water System Const.

Mayor Gallegos asked that this item be tabled until Monday, August 29, 2016.

Motion: Councilor John Anthony Ortega  
Second: Councilor Brent Jaramillo

Councilor John Anthony Ortega	YES
Councilor Brent Jaramillo	YES

To approve the tabling of this item until August 29, 2016. All voted yes. Motion carried.



204 Attorney Randy Autio asked if he can be excused at this time.

205  
206 Councilor John Anthony Ortega asked Mr. Autio if he has spoken with Mr. Manuel Medina. He stated that Mr.  
207 Medina was present at the last council meeting and he was referred to Mr. Autio. Mr. Autio stated that he has not  
208 spoken to Mr. Medina and has not responded to the letter he sent him. Mr. Autio stated that he is happy to speak  
209 to him. Mr. Autio stated that it will have to be a community effort to get that road closed not an individual effort.  
210 Mr. Autio stated that his recommendation would be that Mr. Medina would need to start the process by seeing how  
211 many people are interested in closing the road.

212  
213 Mayor Gallegos excused Mr. Autio at this time. (7:04pm)

214  
215 X. **FINANCIALS – Ms. Karen Shannon, Finance Director**

216  
217 A. July 2016 Preliminary Budget Performance

218  
219 Ms. Shannon stated that her intention was to have a preliminary budget performance for July but the report format  
220 was not set up properly by Caselle. Ms. Shannon stated that by the next council meeting she should have the July  
221 report and possibly the August report.

222  
223 B. Approval of Unpaid Vouchers

224  
225 Ms. Trujillo commented that at an open meetings training she attended at the County she learned that the unpaid  
226 vouchers are not required to come before Council for approval. This is just a practice that we have had at the  
227 Village. As we get more familiar and comfortable with Caselle she may come before Council to ask that this be  
228 discontinued. Councilor John Anthony Ortega asked if the Council should be approving up to a certain dollar  
229 amount. Ms. Trujillo stated that when the budget is approved by the Council, limits are set within each line item.  
230 If we are going over in a certain fund, we have to come back to Council with a budget adjustment request (BAR)  
231 to approve additional monies. We also have to get approval from DFA. Councilor Brent Jaramillo suggested a  
232 report given to Council, not for approval but as an information sheet that shows everything that gets paid out so  
233 the Council is aware. He stated that the current voucher list does not show everything that is getting paid, such as  
234 taxes. Mayor Gallegos stated that he is fine with not seeing the paid vouchers but does understand Councilor Brent  
235 Jaramillo's suggestion. Ms. Shannon stated that she can supply the Council with department reports as well as a  
236 check register. Or she can include a narrative that states what was paid. Ms. Trujillo stated that she suggests the  
237 check register since it is a system generated report. Councilor John Anthony Ortega stated that he would like to  
238 see the unpaid voucher list to see where some of the money is being spent. He likes the format as it is as well as  
239 what Councilor Brent Jaramillo suggested. Ms. Trujillo stated that next meeting we can bring in some sample  
240 reports to see which Council prefers. Ms. Shannon stated that she will see if the system will generate a detailed  
241 check register. Councilor John Anthony Ortega stated that he would like to see the detail as well.

242  
243 Motion: Councilor Brent Jaramillo  
244 Second: Councilor John Anthony Ortega

245  
246 In Favor: All  
247 Opposed: None

248  
249 To approve the Unpaid Vouchers as presented. All voted yes. Motion carried.

250  
251 XI. **MATTERS FROM ATTORNEY – Mr. Randy Autio**

252  
253 Mr. Autio left the meeting at 7:04pm and was not present for Matters from Attorney.

255 XII. MATTERS FROM ADMINISTRATOR

256 Ms. Trujillo updated the Council on the following:

- 258
- 259 • An inspection was done on May 11, 2016 by the NM Environment Department-Drinking Water Bureau.
- 260 They have identified 8 deficiencies we need to correct. Ms. Trujillo stated that she printed her responses to
- 261 the deficiencies. The 8 deficiencies are: 1) Well #1 is not secured from the elements. 2) Well #2 - chlorine
- 262 pump is inoperable. 3) Required records not kept on site at Well #1 and Well#2. 4) Broken water level
- 263 indicator at Storage Tank #2. 5) Storage Tank #2 has significant erosion from repeat tank overfilling.
- 264 Repeating tank overfilling has created a significant erosional feature which undermines the bank; creates the
- 265 potential for tank foundation undermining and a significant health and safety hazard. Ms. Trujillo stated that
- 266 we would hire a contractor to do the backfill since our employees are pressed for time. Councilor Brent
- 267 Jaramillo stated that it is something easy enough that our crew can handle without having to pay someone
- 268 to do it. Mayor Gallegos stated that these are big concerns. This is years of overspill that has been neglected.
- 269 This is one of the reasons that we hired a summer employee so that the Foreman could go out and take care
- 270 of these things. Mayor Gallegos asked if this was a surprise visit. Ms. Trujillo stated yes, they gave us a 2
- 271 day notice. 6) Excessive corrosion on Well #1 well header; replace broken pressure gauge on entry point
- 272 to distribution. 7) Lack of Emergency Response Plan prepared specifically for the water system.

273

274 Mayor Gallegos suggested that better time management by Mr. Trujillo should be implemented in order to

275 be on top of issues like this. Ms. Trujillo stated that in the interest of not going into personnel matters in an

276 open forum she stated that she will address this with the supervisor.

- 277
- 278 • The State Aviation Administration has approved funding to purchase a bobcat for the airport.
- 279 • We received a letter from the Office of the State Engineer regarding the Water Rights from Mr. Eliu Romero.
- 280 They have approved the transfer and we can now move forward. Ms. Trujillo requested proof from Mr.
- 281 Romero that he is up to date with assessments with the Acequia Association.
- 282 • Mr. Leroy Romero's portion of the sewer work at the subdivision is complete.

283

284 Councilor Brent Jaramillo asked the status of the Old Red River Road project. Ms. Trujillo stated that she and

285 Mr. Moore are having a hard time getting a hold of Mr. Joey Perovich.

286

287 Councilor Brent Jaramillo suggested that we combine both the Matters from Mayor and Council and Matters from

288 Administrator on the agenda. It will flow easier in the meeting. Mayor Gallegos stated that we entertain this on

289 the next agenda.

290

291 XIII. MATTERS FROM MAYOR AND COUNCIL

292

293 Councilor Brent Jaramillo:

- 294
- 295 • Requested a folder in the shared files that would contain certain Ordinances and Resolutions, as well as
- 296 the budget that the Council could refer back to. Ms. Trujillo stated that we do have a shared file and she
- 297 will meet with Ambitions to follow up on it.

298

299 Councilor John Anthony Ortega:

- 300
- 301 • Concerned that our Attorney excused himself in the middle of our meeting. He believes the Attorney
- 302 should be present throughout the meeting.
- 303 • The water pressure at his residence and his neighbors around him is very low for a couple of years now.
- 304 He stated that when the Fire Department tests the fire hydrants he is able to almost tell where the drop in
- 305 pressure is.



- Concerned about people being out of water after hours. He believes that the Administrator needs to know if there's an issue afterhours. The Council is being contacted directly. The on-call person should call the Administrator and be updated until the issue is resolved. Inquired if there is a procedure that is followed. Ms. Trujillo stated that she and the Mayor have addressed this with staff, if there is a call after 5:30pm from a constituent without water they are directed to fix the problem and get them water, not tell them it has to wait until the morning. Ms. Trujillo stated that we are starting a procedure that will hold supervisor's accountable. Mayor Gallegos stated there is not a Standard Operating Procedures manual that tells the on-call person what procedures need to be followed. The supervisor has been asked to put something together and it has not been done. Mayor Gallegos asked that Ms. Trujillo make the supervisor aware of the Council's concerns. Ms. Trujillo stated that she agrees but if she is not aware of the problem she cannot hold them accountable. She stated that part of the problem is that they are going directly to the Council and overstepping her and she does not hear about it until it is brought to her by the Mayor or Council. Ms. Trujillo stated that she cannot hold her employees accountable if they do not come to her. Citizens aren't calling her directly they are calling the Mayor and Council. Ms. Trujillo asked that the Mayor and Council call her directly when they get one of these calls. Councilor John Anthony Ortega asked if the water department supervisor has his own cell phone. Ms. Trujillo stated no, he is not on call at all times. Ms. Trujillo stated that she will deal with it accordingly. Councilor Brent Jaramillo stated that Ms. Trujillo should know if they are called out at night. Ms. Trujillo stated that as Administrator and they being her employees, she will set up a procedure of how to handle this situation. She stated that our constituents should know that if they call the on-call emergency number and the issue is not being taken care of they should go to the next step of calling the Administrator. She stated that from what she is hearing right now, there are a lot of things she is not aware of. Mayor Gallegos stated that the issue is emphasizing the procedure for the on-call employee to have access to all the tools needed for a level 1 leak to level 5 major leak and knowing the proper protocol. Ms. Trujillo stated that it has been a goal of hers since she began working here and knows now that the Council would like this to happen sooner rather than later and will take this constructively and move forward. Mayor Gallegos stated that the Governing Body expects that she give the directive to the Supervisor....Ms. Trujillo interjected and reminded Mayor Gallegos that he is speaking about employee issues. Mayor Gallegos stated that issue is for her not to create these procedures and make more work for herself, but to have the department heads do this. Ms. Trujillo stated that she will have to develop them because they are not familiar with creating SOP's. Ms. Trujillo stated that she will request an Executive Session next council meeting to discuss this. Councilor Brent Jaramillo stated that if he receives a call from a constituent after hours he will refer them to Ms. Trujillo.

#### XIV. ADJOURNMENT

Motion: Councilor John Anthony Ortega

Second: Councilor Brent Jaramillo

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:01 pm.

ATTEST:

Renee Martinez, CMC

APPROVED:

Mark Gallegos, Mayor