

1 **VILLAGE OF QUESTA**  
 2 **REGULAR COUNCIL MEETING MINUTES**  
 3 **TUESDAY, DECEMBER 15, 2015**  
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**  
 5 **6:00PM**

---

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

8 Mayor Mark Gallegos called the meeting to order at 6:04pm.

10 **II. ROLL CALL**

11 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

13 Those present were:

15 Councilor Lawrence Ortega

16 Councilor Julian Cisneros

17 Councilor Brent Jaramillo arrived at 6:12

19 Councilor Miguel Romero was not present.

21 Also present:

23 Administrator Loretta Trujillo

24 Village Clerk Renee Martinez

25 Finance Director Karen Shannon

26 Attorney Charles Rennick

28 **III. PLEDGE OF ALLEGIANCE**

30 Councilor Cisneros led the Pledge of Allegiance.

32 **IV. APPROVAL OF AGENDA**

34 Councilor Cisneros suggested that Item XIII Work Study Session be moved up as Item E under Discussion Items VIII.

37 Motion: Councilor Cisneros

38 Second: Councilor Ortega

40 In Favor: All

41 Opposed: None

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

45 **V. APPROVAL OF MINUTES –**

47 December 07, 2015 Special Meeting

49 Councilor Ortega stated that on page 3, line 127 should read 'Are we over budget' instead of 'Are we under budget'. Also, on page 3, line 131- The word 'do' should read 'to'.

Village of Questa Regular Meeting  
 DECEMBER 15, 2015

Motion: Councilor Cisneros  
 Second: Councilor Ortega

In Favor: All  
 Opposed: None

To approve the December 07, 2015 minutes as corrected. 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.)*

- Opened @ 6:09

Mr. Malaquias Rael, Chairman of the Questa Economic Development Fund Board, updated the Council on the following regarding the Economic Development Fund:

- Mr. Felip Chino was selected as the Economic Development Executive Director – Mr. Chino will start working the first week of January. Councilor Cisneros asked how much Mr. Chino's contract was for. Mr. Rael stated that it is for \$90,000.00 per year.
- Planners from Lighthouse Creative out of Florida were here in October to discuss a Visitor/Welcome Center in Questa. They visited for a couple of days to get familiar with the area. A 60 page plan referred to as a 'hook-book' was created to provide a good plan so that we can begin looking for funding at the Federal, State and private levels. The main goal is to develop a museum type, visitor/welcome area to try and extend our visitor's dwell time in Questa. We will need 1.5 – 2 acres of land to develop this 16,000 square feet Visitor's Center on. In the next few weeks we will begin asking people for their ideas for the building. We are hoping that by 2018 we will be able to begin this project. Within the next few weeks Lighthouse Creative will start working with us and begin gathering information and ideas. Mayor Gallegos stated that this is part of the process to make the Visitor's Center a reality. Mayor Gallegos stated that he does believe we are on the right track. He asked Mr. Rael if the dollar amount paid to Lighthouse Creative is \$40,000.00. Mr. Rael stated yes. Mayor Gallegos asked what we are getting for this money. Mr. Rael stated that we will get the drawings of the building, the design and flow layout. It is something that the potential funding agencies will be able to look through and get a vision of what the center will look like. Mr. Rael stated that this is the first step. Mr. Rael stated that the input will come from the community but he will have Creative Lighthouse share all communications with Ms. Trujillo in which she can get the information to the Council. Mr. Rael stated that a committee will be formed. Councilor Ortega asked who the designer was. Mr. Rael stated it was Mr. Chris Miles of Lighthouse Creative. Mr. Rael stated that we cannot move forward with this unless we have a formal agreement. Mayor Gallegos stated that he supports the idea but is concerned about the amount we are paying them. Mr. Rael stated that this is a logical move in the building of the Visitor's Center and we cannot do this on our own. We need to work with someone who has the expertise. Councilor Jaramillo stated that prior to the meeting he did have some concerns but believes that Mr. Rael answered all of his questions. Mayor Gallegos asked the Council to allow the fund board to move forward with working with Lighthouse Creative. Councilor Cisneros stated that this is Public Comments and not an action item. Councilor Ortega agreed. A discussion was held and it was decided to place this on the agenda for the first meeting in January.

- Closed @ 6:53pm

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

Village of Questa Regular Meeting  
 DECEMBER 15, 2015

A) Resolution #2015-40 – 2016 Employee Holiday Resolution

Ms. Trujillo stated that this is the standard Holiday Resolution that comes before the Council every year for approval.

One correction was made to the Resolution prior to approval which was New Year's Eve is Friday, December 30, 2016 instead of Thursday.

Councilor Cisneros asked if we could look at changing Columbus Day to Native American Day or something less offensive. Councilor Ortega stated that since we are following the Federal Holiday Schedule and it is referred to as Columbus Day we should leave it as it is.

Motion: Councilor Cisneros  
Second: Councilor Jaramillo

Roll Call:  
Councilor Lawrence Ortega YES  
Councilor Brent Jaramillo YES  
Councilor Julian Cisneros YES

To approve Village of Questa Resolution No. 2015-40 as amended. All voted yes. Motion carried.

B) Resolution #2015-41 – 2016 Open Meetings Act Resolution

Ms. Trujillo stated that there is only one change proposed to this Resolution from last year's. The Regular Meetings would move from the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday's to the 2<sup>nd</sup> and 4<sup>th</sup> Monday's. The reason for this is that we do not receive the bank statements until between the 10<sup>th</sup> and the 15<sup>th</sup> of the month which does not give our Finance Director sufficient time to reconcile the bank accounts and get the monthly financial reports out. Councilor Cisneros stated that he prefers to keep them on Tuesday instead of Monday.

It was decided on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month.

Motion: Councilor Cisneros  
Second: Councilor Ortega

Roll Call:  
Councilor Lawrence Ortega YES  
Councilor Brent Jaramillo YES  
Councilor Julian Cisneros YES

To approve Village of Questa Resolution No. 2015-41 as amended. All voted yes. Motion carried.

**VIII. DISCUSSION ITEMS -**

A) Mr. Larry Sanchez – Sewer Connection Concern  
Mr. Sanchez was not present.

B) Mr. Amalio Madueño, (CDCA) – Grant Update

Mr. Madueno updated the Council on the following:

Village of Questa Regular Meeting  
DECEMBER 15, 2015



- Business Park – Wilson & Company has completed 75% of the engineering work. Councilor Ortega inquired about the work that the engineer is doing at the Business Park. Mr. Madueno stated that they are doing an engineering study. Councilor Ortega asked if it was a site plan. Mr. Madueno stated that it is a site plan with the lots and grading for the entire property. Councilor Jaramillo asked who was funding this study. Mr. Madueno stated that it is funded by the Questa Economic Development Fund Board.
- Cabresto Road waterline application has cleared the first hurdle at NMFA.
- Wastewater Treatment Impact application was withdrawn because the Village had received funding in May. You are allowed only two applications within five years.
- They have prepared the USDA water engineering plan application. They stated that they would only consider funding the water treatment impact study only with respect of building a fire station.
- Gas Line application to USDA was submitted and won't be considered unless it is connected with building a fire station.
- CFRP – No area in Questa for use of CFRP Grant.

Councilor Ortega asked if the funding sources from USDA are grants or is there a loan amount. Mr. Madueno stated that there are loans available and they have spoken to USDA about those. Ms. Trujillo stated that she was told by USDA that they would loan us 40% and the remainder would have to be a grant for the gas line. Mr. Madueno stated that they are going after grants not loans.

#### C) Deputy Chief Mark Ortega - EMS Update

Mr. Ortega updated the Council on the waiver to the PRC Rule which states that there must be 2 EMT's on all medical calls. This is the second year we receive this waiver which expires now on December 23<sup>rd</sup>. He stated that they have a schedule of EMT's on volunteer hours. One EMT on shift and one on call as well as a driver. The exception is on Thursday night where the EMT is also a driver. They have been in contact with the PRC regarding this waiver and they have stated that they are not out to shut any small services ambulances down, in fact there are more and more services applying for the waiver because it is hard for a small service to meet this requirement. We are asking for an extension to the waiver. Mayor Gallegos thanked Mr. Ortega for his update and requested something in writing from the PRC stating that our ambulance service is not in jeopardy.

#### D) Mr. Gabriel Cisneros, Universal Professional Services – CDBG Update

Mr. Cisneros informed the Council that he attended a CDBG workshop on December 9 for upcoming CDBG applications. He thanked Ms. Trujillo for working with the Town of Taos regarding the fiscal agent. He spoke with the director and project rep to see when we can start and when we are going to get our grant agreement. He stated that we are on a time schedule. They gave him the go ahead to get the engineering process started. He stated that he submitted a timeline to the project representative in which he gave Mr. Cisneros a verbal approval to proceed. Mr. Cisneros stated that he preferred something in writing in order to proceed.

Councilor Ortega asked if this project was for the sewer line in Cabresto, Lower Embargo and Abra. Mr. Cisneros stated that it was for Cabresto and Lower Embargo. Councilor Ortega asked what the reason was that this process is taking so long. Mr. Cisneros stated that there have been a lot of changes in local government as well as the executive order from the Governor. Mr. Cisneros stated that he does not believe we need a fiscal agent since our audit went very well but unfortunately we do. Councilor Ortega inquired if we were looking at construction this upcoming summer. Mr. Cisneros stated yes. He stated that once we go out to bid he will be pressuring the Governing Body to select an engineer so that we can have a contract by April or May. Councilor Ortega asked Mr. Cisneros to make sure that the RFP for engineering services stress on-site construction inspection.

#### E) WORK STUDY SESSION – 2016 Legislative Priorities

The following items were discussed regarding the Legislative Priorities:

- Councilor Ortega - Roads (repairs and improvements)

Village of Questa Regular Meeting

DECEMBER 15, 2015



- Councilor Jaramillo – Agreed on Roads as well as vehicles for Police and Public Works; Proper equipment for Public Works; Business Park Improvements (Road)
- Mayor Gallegos – Facilities & Building Improvements; Move MVD into Admin Building (safety Issues); Judges Office; Road Equipment; Parks
- Councilor Cisneros – Agreed with Councilor Jaramillo and Councilor Ortega's priorities.

Mayor Gallegos stated that Mr. Leroy Romero is looking to sell his commercial well to the Village. It is 63 acre feet of water.

At this time Mayor Gallegos suggested moving up Matters from Attorney so that Attorney Charles Rennick does not have to travel too late.

Motion: Councilor Jaramillo  
Second: Councilor Ortega

In Favor: All  
Opposed: None

To move Item X up the agenda to follow the work study session. All voted yes. Motion carried.

**X. MATTERS FROM ATTORNEY –**  
A) Taos Mountain Energy Foods Update

Attorney Charles Rennick stated that the deal has changed with Taos Mountain Energy Foods, Inc. in the last couple of months. The original deal with TME was for grant money from the NM Economic Development Department (NMEDD) in the amount of \$ 437,000.00, in which the first \$300,000.00 to go towards equipment purchases, the remaining to go towards building improvements. The Council adopted an Ordinance authorizing this along with the Project Participation Agreement. The NMEDD was going to have the grant money secured by security interest in the equipment. The NMEDD came back and stated they wanted more security because the equipment was only going to be worth \$300,000.00. They spoke with their general counsel about different types of security and they accepted a surety guaranty by the Village to repay the amounts that go into the building improvements if TME would default. This surety guaranty will be on the January meeting agenda for approval. In order to protect the Village, we got them to agree that that could be a restricted fund that comes from the rental payments of \$2,500.00 per month which would go into a special designated fund that would repay the building improvements. In order to achieve this two things have to be done; first, we have to amend the ordinance; second, we have to amend the PPA. This does not affect TME because they are not going to pay that back in any event. It affects the Village and NMEDD. The changes had been drafted to the Ordinance and the PPA. Then the numbers changed again, from \$114,000.00 in building improvements to \$137,000.00. The documents were drafted at \$ 140,000.00 and sent to TME. An extended conversation was held. The amount went up again to \$ 153,000.00. Mayor asked who was increasing the dollar amount. Mr. Rennick stated it was TME. Since the Village has to guarantee the \$153,000.00 now, the Village has to amend all the agreements. We need to decide on an 'up to' amount. Councilor Cisneros suggested raising the rent. Ms. Trujillo stated that Mr. Juan Torres from NMEDD has already warned us that the Village is sticking its neck out more than he is comfortable with on this project. Councilor Ortega inquired about the options that are available to us. Mr. Rennick stated that the easiest option is to probably go to \$ 150,000.00 on the guaranty and not have any additional conditions in the PPA. He stated that the best option would be to go higher than \$ 150,000.00. Mayor Gallegos stated that with the improvements made in the building, and if TME doesn't come through, we have a building that can house another business. Mr. Christian Isely inquired the reason behind all of these changes. Mayor Gallegos stated that he believes that whatever contractor TME is using the price keeps going up. A discussion was held and it was suggested by Mr. Rennick that the cap would be \$150,000.00. Anything over that amount would require TME to bring in some plans and get them pre-approved by Ms. Trujillo. This will give the Village some protection and TME will most likely agree to it. Councilor Ortega would like to see justification for the \$ 150,000.00. Mr.

Rennick stated it is explained on the spreadsheet. Ms. Trujillo stated she would provide it for the Council tomorrow. Mayor Gallegos asked the Council to consider the threshold of \$175,000.00.

It was decided to have a Special Meeting on Thursday, January 7, 2016.

**IX. FINANCE DEPARTMENT - Ms. Karen Shannon**

**A) Resolution #2015-42 - Approval of DFA Budget Adjustment Requests**

Ms. Shannon presented Resolution 2015-42 and stood for any questions.

Councilor Ortega asked if we are overspending in the Library and EMS departments. Ms. Shannon stated part of the funding for the library and the EMS comes from the property taxes and the property taxes that were collected through October was very low and did not meet the threshold of the benchmark. We won't see any good amounts come in until January. Councilor Ortega also inquired about the General Fund and the increase of \$ 63,000.00 to reflect the expected expenditures; does this mean we under budgeted by this amount? Ms. Shannon stated that when you made her adjustments she took what we had paid out so far and divided by the number of months and multiplied it by twelve to come up with the amount for the whole year. Ms. Trujillo stated that this was anticipating through the end of the fiscal year. Councilor Ortega stated this is something we have to look at this next year. Councilor Ortega inquired about the vehicle loss and why the insurance didn't pay. Ms. Shannon stated this vehicle was the police unit and the insurance paid us for the total loss of the vehicle. It was put into the General Fund originally but needs to be put back into LEPF for the reason that this is where the vehicle was paid out of.

Motion: Councilor Ortega  
Second: Councilor Jaramillo

**Roll Call:**

Councilor Lawrence Ortega	YES
Councilor Brent Jaramillo	YES
Councilor Julian Cisneros	YES

To approve Village of Questa Resolution No. 2015-42. All voted yes. Motion carried.

**B) Approval of Internal Budget Adjustment Requests**

Ms. Shannon presented the internal budget adjustments. Councilor Jaramillo asked that the Caselle reports please not look like the ones presented. Ms. Shannon stated the Caselle reports will be broken down by fund and both the revenue and expense for each fund will be on the same report.

Motion: Councilor Cisneros  
Second: Councilor Ortega

In Favor: All  
Opposed: None

To approve the Internal Budget Adjustment Requests as presented. All voted yes. Motion carried.

**C) Approval of Unpaid Vouchers**

Ms. Shannon presented the Unpaid Vouchers as of December 11, 2015.



Councilor Ortega – Page 3, Wilson & Co., invoice for \$17,000.00, is this 75% of the work completed? Ms. Shannon stated that it did not have a percentage just the dates of October 31 – November 27, 2015. Mayor Gallegos believed that the contract was for about \$ 40,000.00. Ms. Trujillo stated that this invoice actually should be paid by the Questa Economic Fund Board. The contract is between the Fund Board and Wilson & Co. Ms. Shannon stated that she will remove this invoice.

Motion: Councilor Cisneros  
Second: Councilor Ortega

In Favor: All  
Opposed: None

To approve the Unpaid Vouchers with the deletion of the Wilson & Co., Invoice. All voted yes. Motion carried.

#### **XI. MATTERS FROM ADMINISTRATOR** – Ms. Loretta Trujillo

Ms. Trujillo updated the Council on the following:

- Caselle Training Update – She and Ms. Shannon will be training online every morning this week. They will also be attending training in Utah the second week in January. They will be taking their payroll and other information to go live on the system.
- Eliu Romero Water Rights – The notices were advertised in the Taos News. The deadline to submit any protest was yesterday at 5:00pm. An inquiry came in to the Village yesterday. Any protest will have to be submitted to the Office of the State Engineer postmarked by today's date.
- The Water Sewer Ordinance will be back on the agenda for consideration the second meeting in January.
- Public Works Director Arwin Vasquez submitted his resignation effective December 11<sup>th</sup>. We have advertised for the position and have not yet received any applicants.
- We have hired Ms. Erica Apodaca as our new MVD Clerk. She will start on December 21<sup>st</sup>.

#### **XII. MATTERS FROM MAYOR AND COUNCIL**

Councilor Jaramillo inquired about the salt spreader. He stated that he received a couple of calls from constituents who were concerned about the safety of the Public Works employees. Ms. Trujillo stated that she has dealt with the issue internally but will take full responsibility for not having it ready. She stated that she had requested that the department get it ready since the end of September. The controls did not work so they were having to spread the salt by hand. Zeke's Auto had it for almost two months. Councilor Jaramillo asked what the cost was to repair the salt spreader and if it would have been cheaper to buy a new one. Ms. Shannon stated it's almost to \$3,000.00. Mayor Gallegos stated that the staff would like to set up a maintenance schedule for all vehicles so that this doesn't happen again. Councilor Jaramillo asked if we still have our maintenance contract with Northern NM Diesel. Ms. Trujillo stated no. The diesel vehicles usually go to Northern NM Diesel. Councilor Jaramillo stated that the fault also lies with the Governing Body in that we should assist with looking for money to get what is needed for the department. Ms. Trujillo stated that there are changes that need to happen.

Councilor Ortega asked if Kit Carson Electric was called on the street lights. She stated that she had Ms. Coleman call for her and will get them the information tomorrow. Councilor Ortega also stated that the DOT projects were not on the project list. Councilor Ortega also asked for an estimated schedule for design and construction on these projects.

Mayor Gallegos reminded the Council about the Alumbra events that will be held the weekend.

Mayor Gallegos also asked Councilor Ortega and Councilor Cisneros to consider taking his position on the Questa Economic Development Fund Board. Councilor Ortega and Councilor Cisneros stated that they would consider

it. Mayor Gallegos stated that he will make his announcement to the Fund Board next meeting. Councilor Cisneros stated that he is fine with Councilor Ortega taking the position. The trust documents are not being followed and he is not feeling productive. Mayor Gallegos stated that if the Fund Board is going to spend any money they should come before the Council first. Councilor Ortega asked who the Visitor's Center would belong to. Mayor Gallegos stated that it would belong to the Village. Councilor Ortega stated that his issue with the Fund Board is that just because they are funding it they want to dictate what to do with the facility that belongs to the Village of Questa. Mayor Gallegos stated that the Governing Body needs to be more vocal with this project and let them know what we want.

Mayor Gallegos stated that we would make a better effort to keep the Council informed regarding meetings and other issues. Ms. Trujillo stated that she will look into using the calendars on the IPADS to keep everyone informed.

#### **XIV. ADJOURNMENT**

Motion: Councilor Ortega


Second: Councilor Cisneros

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 9:19pm.

ATTEST:

  
Renee Martinez, Village Clerk

APPROVED:

  
Mark Gallegos, Mayor