

**VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, JUNE 23, 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 6:04pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Those present were:

Councilor Lawrence Ortega

Councilor Brent Jaramillo

Councilor Miguel Romero

Councilor Julian Cisneros was not present.

Also present:

Village Attorney Vanessa Chavez

Administrator Loretta Trujillo

Finance Director Karen Shannon

Village Clerk Renee Martinez

III. PLEDGE OF ALLEGIANCE

Mr. Daniel Gallegos 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

- May 27, 2015

Motion: Councilor Ortega

Second: Councilor Jaramillo

In Favor: All

Opposed: None

Village of Questa Regular Meeting
June 23, 2015

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

- June 01, 2015

Motion: Councilor Jaramillo

Second: Councilor Romero

In Favor: All

Opposed: None

To approve the June 01, 2015 meeting minutes as presented. All voted yes. Motion carried.

- June 02, 2015

Motion: Councilor Jaramillo

Second: Councilor Ortega

Councilor Ortega stated that on line 280, it should read to 'seize and desist' instead of 'seize and assist.'

In Favor: All

Opposed: None

To approve the June 02, 2015 meeting minutes as amended. 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. Jim Vaughn thanked the Village for their support at the County Commission meeting in reference to the funding for the ambulance. Mr. Vaughn also inquired if we can get the work study for the animal control ordinance rescheduled since no one showed up for the last scheduled meeting. Ms. Trujillo stated that she was going to bring up that issue as part of her report. Mayor Gallegos suggested we wait and see if Councilman Cisneros will show up to this meeting so we can get a consensus of the Council as to when we can reschedule.

Mayor Gallegos closed Public Comments at 6:09.

VII. **PRESENTATIONS** –

A) 2015 Veterans Healing Field of Honor – Ms. Louise Padilla

Ms. Louise Padilla updated the Council on the 11th Annual Healing Field of Honor held on Memorial weekend. Ms. Padilla thanked Mayor Gallegos for such a touching tribute to our veterans at the ceremony. She stated that the Council members were missed. She stated that we had great supporters this year with sponsorships totaling \$ 3150.00. Chevron Mining as well as Robles, Rael & Anaya were our two biggest Stars and Stripes supporters as well as 9 Red supporters and 1 White Supporter. Ambitions Consulting Group support us by supplying and printing the programs. There were 9 total flag sales totaling \$230.00. She stated that she is working on getting the Council a proper financial statement for the event. Councilor Jaramillo thanked everyone who was part of organizing this year's event. Mayor Gallegos stated that Mr. Tom Chavez was unable to make the meeting this evening but sends his gratitude for being able to give back to the community. He and his co-workers from Entact and CEMC were a major component in the setup of the rebar and flags. Ms. Padilla stated that they are a tremendous help with the event. Mayor Gallegos thanked Ms. Padilla for her efforts as well as all the volunteers. Ms. Padilla also thanked the Village staff for their participation.

Village of Questa Regular Meeting
June 23, 2015

B) Update on Planning Grant – Mr. Gilbert Gallegos, Business Dev. Mgr. / WH Pacific, Inc.

Mr. Gallegos introduced his colleague who was present with him this evening, Ms. Karen Jacobsen, Senior Project Engineer. Mr. Gallegos stated that asset management plan is the application they submitted for the Village of Questa. He stated that this is one of the items necessary for applying for most grants. Mr. Gallegos stated that an application was submitted for \$50,000.00 for the asset management plan which was approved. He will be working with Ms. Trujillo to get all the required documents. Mr. Gallegos recommended the Village go through the Cooperative Educational Services (CES) to approve engineering services. The CES is authorized for cooperative procurement.

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

A) Amendment to Intergovernmental Agreement – NM Economic Dev. Department / Village of Questa

Ms. Chavez informed the Governing Body that this amendment identifies a fiscal agent for this project. The amendment to this agreement is on page two which states, 'In the event the Village is unable to act as fiscal agent for EDD, then the Village shall contract with North Central New Mexico Economic Development District to act as the fiscal agent for EDD on the terms stated herein and using procedures acceptable to EDD.' Councilor Ortega asked if the EDD has already agreed to this. Ms. Chavez stated that they have already agreed to do this.

Motion: Councilor Ortega
Second: Councilor Romero

Roll Call:

| | |
|---------------------------|-----|
| Councilor Brent Jaramillo | YES |
| Councilor Miguel Romero | YES |
| Councilor Lawrence Ortega | YES |

To approve the amendment to the Intergovernmental Agreement between the Village of Questa and the NM Economic Development Department. All voted yes. Motion carried.

B) Community DWI Grant MOU – Taos County / Village of Questa, Mr. Herbert Valdez, DWI Coordinator

Mayor Gallegos stated that this MOU is the same MOU we have entered into with Taos County every year to receive funding to conduct DWI checkpoints.

Motion: Councilor Jaramillo
Second: Councilor Ortega

Roll Call:

| | |
|---------------------------|-----|
| Councilor Brent Jaramillo | YES |
| Councilor Miguel Romero | YES |
| Councilor Lawrence Ortega | YES |

To approve the Community DWI Grant MOU with Taos County. All voted yes. Motion carried.

C) Proposal for Professional Engineering Services for Old Red River Road – Wilson & Co., Inc.

Ms. Trujillo stated that she approached Mr. Joe Moore to provide a proposal for the Old Red River Road project. She stated that as the Council is aware, Mr. Moore has worked with the Village on several projects and she has been very pleased with his work and would like to request approval of this proposal. Councilor Ortega inquired if Mr. Moore was provided with the funding information for this project. Ms. Trujillo stated that he was.

155
 156 Motion: Councilor Romero
 157 Second: Councilor Jaramillo
 158

159 Roll Call:

160
 161 Councilor Brent Jaramillo YES
 162 Councilor Miguel Romero YES
 163 Councilor Lawrence Ortega YES
 164

165 To approve the Proposal for Professional Engineering Services for Old Red River Road with Wilson & Co., Inc. All
 166 voted yes. Motion carried.
 167

168 D) Village Attorney Contract, Robles, Rael & Anaya, PC – Amendment One

169
 170 Ms. Trujillo stated that last year the Village went out for RFP for Attorney services for up to three years. This is year
 171 two. Councilor Ortega asked if any changes were made in this amendment to the original contract. There were no
 172 changes.
 173

174 Motion: Councilor Ortega
 175 Second: Councilor Romero
 176

177 Roll Call:

178
 179 Councilor Brent Jaramillo YES
 180 Councilor Miguel Romero YES
 181 Councilor Lawrence Ortega YES
 182

183 To approve the Amendment One to the Village Attorney Contract with Robles, Rael & Anaya, PC. All voted yes.
 184 Motion carried.
 185

186 Ms. Chavez thanked the Governing Body for the approval.

187
 188 At this time Mayor Gallegos stated that regarding items E, F and G, we do not have the capability to approve these
 189 resolutions at this time with the Council that is present. Councilor asked if we could take action on item E. Ms. Trujillo
 190 stated yes. Councilor Romero inquired why Item G has to be brought up since he has already instructed his mother
 191 not to do any business with the Village so there is no conflict. Ms. Trujillo stated that it is up to Councilor Romero if
 192 he would like to have it removed but her preference is to leave it on because she believes that we are a small community
 193 and we should be able to do business with our local businesses as much as possible and would like to open it up to any
 194 relative of the Governing Body to have the opportunity to do business with the Village. State statute states that it is
 195 fine to do this as long as we are open and transparent. Of course, procurement still needs to be followed.
 196

197 Ms. Evelyn Coggins, Village resident, stated that when we all run for office, we all know the rules that our family
 198 members don't do business with the Village. So when you choose to run for office, you accept those facts. She stated
 199 that these resolutions show nepotism and non-transparency. She stated that she doesn't care how above the board we
 200 do this, the public will not understand that everyone has the chance to bid. She stated that she sees no reason to take
 201 waivers from family members. She applauds Councilmember Romero for withdrawing. She sees no reason why
 202 family members to be allowed to bid on jobs for the Village. It does not look good for the Council or the staff giving
 203 work to family members. Mayor Gallegos stated that he respects what she is saying but in the same token when Ms.
 204 Coggins was on the Council there was a relative of hers that had a contract with the Village. He stated that when
 205 Mayor Rael was the Mayor, we wouldn't have been able to do business with Questa Lumber. We are trying to be open
 206 and transparent with these resolutions. That is the intent. Ms. Coggins stated that she understands but why all of a

sudden are we passing resolutions to make it legal? Councilor Ortega stated that this is not all of a sudden, this is to make it transparent. Ms. Trujillo stated that this is a common practice with other municipalities and was a decision that she made as the new administrator and although she respects Ms. Coggins concerns, the NM Government Conduct Act allows us to do business with immediate family members as long as the Councilor does not vote when the action comes up. Ms. Coggins stated that this is the way it has always been done so why the need for a resolution. A discussion was held.

It was decided to vote on Resolution 2015-18 for the reason that we have a majority of the Council present to vote for this particular one. Councilor Ortega stated that he thinks that these resolutions should be brought up for consideration one more time and if it doesn't get done then we need to go a different route.

E) Resolution 2015-18 -

G4 Excavation Waiver of Immediate Family Member to do Business with Village

Motion: Councilor Ortega

Second: Councilor Romero

Roll Call:

Councilor Brent Jaramillo YES

Councilor Miguel Romero YES

Councilor Lawrence Ortega YES

To approve Resolution 2015-18. All voted yes. Motion carried.

F) Resolution 2015-19 -

Taos Sanitary Supply Waiver of Immediate Family Member to do Business with Village

*Tabled due to lack of majority.

G) Resolution 2015-20 -

Doris's Waiver of Immediate Family Member to do Business with Village

*Tabled due to lack of majority.

IX. DISCUSSION –

A) La Cienega Property

Ms. Trujillo stated that a tour of the building was done and had the opportunity to see what condition the building was in. She stated that this property is not listed on the State Registry of Historical Places. Ms. Chavez stated that her office looked into the potential liability the Village would have regarding any asbestos exposure. There are some federal standards that apply. The Village will not be liable for any asbestos exposure prior to ownership. A discussion was held regarding the renovation costs. In light of this information, Mayor Gallegos asked the Council if they would like to move forward with discussions with the school board. Ms. Louise Padilla asked what the reason was that the Village would like to acquire this property. Mayor Gallegos stated that the elementary building could be utilized for different groups to meet. Also, the gym could be used for events.

Councilor Ortega stated he would be interested in seeing how the asbestos issue will be dealt with and what we would be up against if we took it over. Councilor Romero stated that he believes the concept is a good one and if we keep

putting it off the property is going to keep going downhill. It was decided to keep this issue on the table and open for discussion.

B) Economic Development Executive Director Position

Mayor Gallegos stated that we have had some time to review this job description. Councilor Ortega asked when this position should be filled. Mayor Gallegos stated as soon as we can get this done and sent over to the fund board. Mayor Gallegos would like to see some input from the Village so that the Fund Board doesn't look at this position as strictly for the Fund Board and do minimal work for the Village. A discussion was held regarding the relationship between the Village and Fund Board regarding the director position. The scope was also reviewed and discussed.

It was decided that the MOU between the Questa Economic Fund Board and the Village of Questa be reviewed and approved before making a decision on this position.

C) Potential Contract with Ron Gardiner - River Restoration

Mayor Gallegos informed the Governing Body that he met with Mr. Amalio Madueno, Mr. Malaquias Rael and Mr. Christian Isely regarding money available through NMED Cabinet Secretary Flynn's office. Secretary Flynn would not fund the plan and design but will fund shovel ready projects. Mr. Gardiner has a draft contract proposal scope of work that he can do for the Village. Mayor Gallegos asked the Council if would agree to place Mr. Gardiner on the agenda for next meeting. The Council agreed to Mr. Gardiner's presentation.

D) Rocky Mountain Youth Corps – Matching Funds

Mayor Gallegos asked the Council if they would entertain Rocky Mountain Youth Corp to come in and do a presentation on potential projects coming up.

X. FINANCE DEPARTMENT - Ms. Karen Shannon

A) Approval of May Financials

Ms. Shannon presented the May financials to the Council.

Councilor Jaramillo inquired about the franchise tax from Kit Carson. Ms. Trujillo stated they have been non-responsive. A discussion was held regarding some of the funds and line items.

Councilor Jaramillo suggested that this item be tabled because of some of the items that need to be corrected. Ms. Trujillo stated that these changes and adjustments will be done in June and the May financials will not change.

Motion: Councilor Jaramillo

Second: Councilor Romero

In Favor: Councilor Romero

Councilor Jaramillo

Opposed: Councilor Ortega

To approve the May Financials. Motion carried.

B) Approval of Unpaid Vouchers

Ms. Shannon presented the vouchers.

Councilor Ortega inquired if we had a swamp cooler previously in the library. Ms. Shannon stated there was not one previously and this was purchased with grant money.

Motion: Councilor Ortega
Second: Councilor Jaramillo

In Favor: All
Opposed: None

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

XI. MATTERS FROM ADMINISTRATOR

Ms. Trujillo informed the Governing Body on the following:

- The DFA has approved our interim budget for the 2015-2016 fiscal year.
- The NMDOT has approved our project for the 2015-2016 project year. Ms. Trujillo thanked Councilor Ortega for providing necessary information. The project targets road repair on Cabresto Road, Abra Road and Embargo Road. The funding amount awarded is \$73,809.00.
- The City of Eunice has won their lawsuit against the NM Taxation and Revenue Department regarding the GRT they were required to pay back.
- The Questa food bank has received their 501C-3 status and have asked to move to the original site at the multi-purpose building. Some minor repairs need to be made. The Council agreed.
- Ms. Trujillo suggested to the Council to close the Youth Center until repairs are done and it is renovated. The people who are using it right now have a lot of concerns that she does not want to see become issues for the Village. A thirty day notice would be given to the users. Councilor Ortega asked if the \$90,000.00 has been secured. Ms. Trujillo stated yes.
- Regarding the proposed Animal Control Ordinance, Ms. Trujillo stated that her concern is that if this ordinance is approved, we have no way of enforcing it. We do not have the staff or the money to fund it. Ms. Trujillo asked the Council for direction. A lengthy discussion was held. Councilor Jaramillo stated we should pursue it for the reason that we are mandated by State Statutes to have animal enforcement. Councilor Ortega would like to continue considering it and would like to have a work study session. Councilor Romero concurred. It was decided to schedule a Work Study on July 16, 2015 at 6:00pm.
- Asked the Council if they were ready for the Water/Sewer Ordinance to be brought before them. Councilor Ortega stated that there are still items that he would like discussed. He asked Ms. Trujillo to send his concerns to the rest of the Council. It was decided to discuss this ordinance at the next Council meeting. Councilor Jaramillo requested the latest copy of the ordinance.
- We are moving forward with Caselle and are working on the accounts payable and financial reports portion.

XII. MATTERS FROM MAYOR AND COUNCIL

Councilor Jaramillo inquired about the status of the Municipal Park. Mayor Gallegos stated that until the next community build group is established at the beginning of the school year, the project is at a standstill. The fencing and other items still need to be completed. The gazebos need to be constructed. The majority of the project is complete. Mayor Gallegos stated that if everything goes as planned we could have a ribbon cutting ceremony in late fall.

Councilor Jaramillo also inquired if the Village will be following the CES contract that Mr. Gallegos spoke about earlier or will we be following our purchasing policy. Ms. Trujillo stated that she will need to do some research on the way the CES works and if it meets procurement. Also, Ms. Trujillo stated that she has already put together an RFP to go out for on call engineering services. Councilor Jaramillo inquired if the staff attended the procurement officer training. Ms. Trujillo stated that she and Ms. Shannon took the course and that she is the designated procurement

officer for the Village. Councilor Jaramillo asked if arrangements have been made for the Municipal League Annual Conference. Ms. Trujillo stated she would begin the process.

Councilor Ortega asked about the status of the beautification project. Mayor Gallegos stated that the discussion in the last leadership meeting was that there would be the possibility of completing this in three phases. The Council will need to decide which property they would like to begin with and we will then pass it on to the Fund Board. There is \$150,000.00 for this project. Councilor Ortega stated that several months ago he asked about the Veterans Memorial because there are some names missing. Mayor Gallegos informed Councilor Ortega that he will be meeting with Mr. Larry Sanchez to get this done. Councilor Ortega stated that Mr. Juan Cisneros has submitted a written proposal to the Village to utilize the corral property in exchange for fencing the property and making improvements to the well house and corrals. Councilor Ortega stated that he informed Mr. Cisneros that he would bring it to the Council and get back to him. Councilor Ortega provided Ms. Trujillo with the written proposal. Mayor Gallegos stated that there may be other ranchers who would like to take advantage of this and maybe we could open it out for RFP. Councilor Ortega stated that none of the other users have shown an interest. Mayor Gallegos stated that there may be other ranchers who want to become members. A discussion was held regarding the memberships. Councilor Ortega asked Mayor Gallegos to give him a list of interested individuals that have not been given the opportunity to become members and he will invite them to the next meeting. Ms. Trujillo requested for a copy of the users list.

XIII. MATTERS FROM ATTORNEY – Ms. Vanessa Chavez

A) Discussion, Consideration and Action – Business Park Sublease Agreement

Ms. Chavez stated that before them was a copy of the proposed sub-lease agreement between Kit Carson and Taos Mountain Energy Bars. She stated that she has been working directly with the Taos Mountain Energy Counsel to reach an agreement.

Motion: Councilor Jaramillo

Second: Councilor Romero

Roll Call:

Councilor Brent Jaramillo YES

Councilor Miguel Romero YES

Councilor Lawrence Ortega YES

To approve the Business Park Sublease Agreement as presented. All voted yes. Motion carried.

Mayor Gallegos asked Ms. Chavez to update the Council on Mr. Lupe Young and the 29 acres owned by the Village. Ms. Chavez stated that at the Council's direction, she sent out a cease and desist letter to Mr. Young stating he was trespassing on Village property and that the Village has chosen to enforce their rights on the property. Mayor Gallegos stated that we had a discussion with Mr. Young last year regarding this issue and we need to send out a strong message to Mr. Young to let him know he cannot be trespassing on Village property. It was decided that this item would be placed as an Executive Session item at a future meeting to discuss the options the Village has to move forward.

XIV. 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)*

A) Real Property and Water Rights (Section 10-15-1(H) (8)) –Water Rights

B) Litigation – (Section 10-15-1 (H) (7)) – Business Park

C) Limited Personnel Matters (Section 10-15-1(H) (2)) -

1. Village Administrator

2. Chief of Police

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 9:03pm.

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

Roll Call:

| | |
|---------------------------|-----|
| Councilor Lawrence Ortega | YES |
| Councilor Brent Jaramillo | YES |
| Councilor Miguel Romero | YES |

The Governing Body reconvened from Executive Session at 10:21 pm. Mayor Gallegos stated that no action was taken and only the items listed were discussed.

XV. **ACTION ITEM** – A) Approval of Employee Agreement for Village Administrator

A motion to table this item was made by Councilor Ortega. Seconded by Councilor Romero.

| | |
|-----------|------|
| In Favor: | All |
| Opposed: | None |

To table the approval of employee contract for Village Administrator. All voted yes. Motion carried.

XVI. **POSSIBLE ACTION ITEM** - A) Termination of Chief of Police

Resignation has been tendered by Chief Gerald Bates effective June 22, 2015. It was the consensus of the Governing Body to accept the resignation of the Chief of Police.

XVII. **ADJOURNMENT**

Motion: Councilor Romero
Second: Councilor Ortega

| | |
|-----------|------|
| In Favor: | All |
| Opposed: | None |

There being no further business to discuss, the meeting was adjourned at 10:24pm.

ATTEST:


Renee Martinez, Village Clerk

APPROVED:


Mark Gallegos, Mayor