VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 08, 2016
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:00pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor John Anthony Ortega
Councilor Lawrence Ortega
Councilor Brent Jaramillo

Not Present:

Councilor Julian Cisneros

Also Present:

Administrator Loretta Trujillo
Village Clerk Renee Martinez
Finance Director Karen Shannon
Administrative Assistant Dina Coleman
Utilities Clerk Nadine Herrera

III. PLEDGE OF ALLEGIANCE

Police Cadet Joseph Fernandez led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

A request by Mayor Gallegos to add Wilson & Co., to Presentations, as part of the QEFD Update, regarding the Business Park.

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES –

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• Regular Meeting October 24, 2016

Motion: Councilor Brent Jaramillo
Second: Councilor John Anthony Ortega

In Favor: All
Opposed: None

To approve the October 24, 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.)

• Mr. Malaquias Rael stated that there about 11 street lights out in town. He would appreciate that they be addressed.

VII. PRESENTATIONS/UPDATES
A. QEDFB Update - Mr. Phillipe Chino, Questa Economic Dev. Director

Mr. Chino asked that Mr. Joe Moore of Wilson & Co. present first.

Mr. Moore stated that he met with Mr. Chino and they discussed how they can come up with a phasing plan for the development of the business park infrastructure. Mr. Moore went over the phasing plan with the Governing Body.

The economic development portion of this project was also discussed.

** Ms. Trujillo at this time introduced Police Cadet Joseph Fernandez. Mr. Fernandez has been hired on a temporary basis to fill the vacant position of Officer LeEvan Sanchez who resigned.

Mr. Phillipe Chino updated the Governing Body on the following:

• Barley Pilot Project - Tests are completed and he and Duncan Sill will be meeting with Taos Mesa Brewing at the end of the week.
• Community Garden – Met with the 2 pastors of Living Word Ministries who are also thinking of starting a community garden. They talked about combining their efforts and do one together.
• Tourism – Board Meeting was held yesterday. The Board talked about tourism, nothing was agreed on but the discussion will continue.

VIII. DISCUSSION ITEMS –
A. Review of Off Highway Vehicle (OHV) Ordinance

Attorney Randy Autio informed the Governing Body that this has been before them in draft form and now in a final draft for review. It has basically been modeled after State law to follow the same rules for off highway vehicle drivers and operators as would be applied for automobiles. All State required safety rules have been applied to this ordinance. This applies to all Village of Questa streets and crossings of a State highway. All traffic rules must be followed.

B. Review of Universal Traffic Code (UTO) Ordinance

Mr. Autio stated that the UTO changes correspond with the OHV Ordinance, regarding the off highway vehicle rules.

C. Review of Business License Ordinance

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Mr. Autio stated that there are people who currently are not paying their business registration fees. The ordinance is designed to catch businesses within the Village. A discussion was held regarding business licenses and GRT reporting. Ms. Dina Coleman inquired about requiring a registration from businesses who do not have a physical building in the village limits, but are doing business in the Village. She does not believe that the ordinance is clear on this. Mr. Autio stated that it is their physical business location. Mayor Gallegos stated that his concern is that there are businesses in town operating without a registration or license. Mr. Autio recommended that we start a search and identify all the businesses. Then, send a nice letter to them to inform them of the requirements; if they don't respond, a second letter stating that this is a legal requirement and if not followed we will list the things that can be done in order to enforce it. If this doesn't work the law firm will send one out. The Council then needs to decide what enforcement approach you want to take with these businesses. Councilor Lawrence Ortega asked about the businesses that bring in services to Questa such as professional services. Mr. Autio stated no, they do not need one for the reason that they do not have a business physically in Questa.

D. Collection of Unpaid Debt Procedures

Mr. Autio stated that we are moving to get unpaid debts collected in the utilities department. Per state statute, the solid waste debt cannot be collected the same way the water is. He also stated that state statute allows you to write off the debt after 4 years if you have made ample attempts to collect.

Councilor John Anthony Ortega inquired about the debt in our EMS Department. Mr. Autio stated that we can also collect on these as well. It will ultimately go to small claims courts, it is a different process.

Councilor Lawrence Ortega asked if these collection procedures are consistent with our ordinances. Mr. Autio stated that they are pretty much in line with them. He recommends that in order to set up the process for water and solid waste is to look at how the ordinance tells you to do it, and send the letters pursuant to that ordinance.

A discussion was held regarding dealing with solid waste and sewer debt and how to enforce it.

E. EMS Department and EMS Coordinator Position

Ms. Trujillo stated that we have received 2 applications. We will be holding interviews at the beginning of next week so that we can get someone on board.

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

A. Approval of Contract 2016-02 - Landscaping Services (Property across Parish Center)

Ms. Trujillo informed the Governing Body that the bid was approved for landscaping services last meeting. Since then, she found out that the contractor, La Yucca Landscaping, does not have their license for the plumbing portion. This company can do the landscaping portion but not the plumbing portion. They are now charging less, $34,000.00 plus GRT. We would then need to go out and find a plumbing company. Councilor Lawrence Ortega asked if they could hire a sub-contractor. They bid the full contract, they don't really have a choice. Councilor John Anthony Ortega asked if the other company that bid could do the plumbing. Ms. Trujillo stated yes.

It was the will of the Council to hold La Yucca to the original contract. Councilor Lawrence Ortega stated if they cannot fulfill the contract they would have to come before us and let us know. Councilor Brent Jaramillo stated that we can then amend the contract.

It was decided to give Ms. Trujillo the authority to execute the contract with the original scope of services. If the contractor cannot perform the services, then we don't have a contract.

Motion: Councilor Lawrence Ortega – To execute the contract per the original scope of work.

Second: Councilor Brent Jaramillo

Roll Call:

Councilor John Anthony Ortega  YES

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To approve the contract with La Yucca Landscaping with the original scope of work. All voted yes. Motion carried.

B. Approval of Contract 2016-03 – Architectural Services (Youth Center Building)

Councillor Lawrence Ortega asked if it was clear to the contractors that the roof was going to be done. Ms. Trujillo stated that both contractors identified that the roof needed repair. They are aware that it needs to be addressed. Councillor John Anthony Ortega asked if there was a reference in the scope of work for an addition to the building. Ms. Trujillo stated yes. The repairs will be done and an additional design will be done for future construction.

Motion: Councillor Lawrence Ortega
Second: Councillor Brent Jaramillo

Roll Call:
Councillor John Anthony Ortega YES
Councillor Lawrence Ortega YES
Councillor Brent Jaramillo YES

To approve Contract 2016-03 – Architectural Services (Youth Center Building). All voted yes. Motion carried.

X. FINANCIALS – Ms. Karen Shannon, Finance Director

A. Approval of Unpaid Vouchers

Ms. Shannon stated that the presented vouchers are as of November 4, 2016.

Councillor Lawrence Ortega asked who is maintaining the airport. Ms. Trujillo stated that Mr. Jamie Archuleta is in charge of the airport. Ms. Trujillo stated that Mr. Archuleta will be present at the next council meeting for an update. Councillor Lawrence Ortega inquired about the voucher for LMNOC Broadcasting and which budget it comes out of. Ms. Trujillo stated that it is paid out of the Cambalache budget and comes from the QEDFB.

Motion: Councillor Brent Jaramillo
Second: Councillor Lawrence Ortega

In Favor: All
Opposed: None

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

XI. MATTERS FROM ATTORNEY – Mr. Randy Autio

A. Update on Mr. Manuel Medina Request to Close Road

Mr. Autio stated that from what he understands from the last meeting, Mr. Medina stated that all he really wanted was some signs posted that read ‘No Thru Traffic’ for local use only. Mr. Autio stated that this is can easily be done with signs posted at each end. If Mr. Medina is willing to go this route it is his recommendation that the village do this. Councillor Lawrence Ortega asked if this is something we can enforce? Mr. Autio stated that it is more of an honor system.

B. Comcast Franchise Agreement

In reviewing the contract, there is nothing that identifies the process if Comcast should decide to discontinue service. Comcast has the right to do this. Mr. Autio stated the best remedy would be to send them a letter stated that we

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received the letter and that we demand that they remove their infrastructure from the Village’s rights of way at the time that they seize doing business. Mayor Gallegos asked Mr. Autio to send the letter to Comcast.

XII. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL

Ms. Trujillo updated the Governing Body on the following:

- Street Lights – Working with Bixby regarding their requirements. Requested the as-builts from Bixby and they will provide them to us. We will have them if we decide to go with another company to provide the service. They have indicated that they may be able to come out sometime in the next two weeks to replace the airport light as well as the street lights.
- Audit – Auditors were here 11/07-08. We were able to provide them with all the information they requested. The audit is due to the state by December 15th instead of December 1st.

Mayor Gallegos informed the Council that the NRDA trustees came up to do a walk through on the river restoration project.

Councilor Brent Jaramillo requested a meeting with Dr. Miller followed by a meeting regarding the EPA.

Councilor Lawrence Ortega inquired about the Pothole project and what the plan is. Ms. Trujillo stated that Mr. Moore has not identified it in this calendar year. Ms. Trujillo stated that Mr. Moore wants to tackle it in the spring of 2017. Councilor Lawrence Ortega asked if there was any chance we could get Northern Mountain to do the major areas. Ms. Trujillo stated that there is no chance this year, it was very hard to get them out here to do the Old Red River Road project. Councilor Lawrence Ortega stated that we have to aggressively pursue this project come springtime. The Governing Body agreed. Mayor Gallegos asked that Council consider going out to bid to contractors who can do the work on an ‘as needed’ basis. Approve the contract for up to a year, and get the work done. A discussion was held regarding procurement and the identification of the problem areas. Councilor Lawrence Ortega suggested we put the ITB out now and let them know the construction will be done in the spring.

Councilor Brent Jaramillo suggested we also get the engineering work going on the NMDOT MAP project.

Councilor John Anthony Ortega asked for an update on well #2. Ms. Trujillo stated that well #2 has seen an increase of 100,000 gallons in the last 3 days. It is pumping 100 gallons per minute and well #1 at 120. Mr. Nick Trujillo informed her that it usually takes about 7 days for the tank to fill completely and we are on track. Mr. Trujillo still has some concerns about possible leaks that need to be identified. Dominic from Rural Water is coming up with his equipment the week of Thanksgiving to see if he can detect any major leaks. The drop pipe did have to be replaced, it was damaged. Councilor John Anthony Ortega also suggested that the speed humps that will be placed on Old Red River road be more of a speed bump than a speed hump; 25mph on that road seems too fast. It was suggested we try to get it down to 20mph.

XIII. 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. Limited Personnel Matters (Section 10-15-1(H) (2)) –
   (1.) FLSA Exempt Employees Wage Requirements

A motion to enter into Executive Session was made by Councilor John Anthony Ortega, seconded by Councilor Lawrence Ortega.

Roll Call:

Councilor John Anthony Ortega YES
Councilor Lawrence Ortega YES

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Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the item listed. The Governing Body entered into Executive Session at 8:33pm.

A motion was made to reconvene from Executive Session at 9:13pm by Councilor John Anthony Ortega, seconded by Councilor Lawrence.

Roll Call:

Mayor Gallegos stated that only item discussed during closed session was the discussion regarding Limited Personnel Matters (Section 10-15-1(H) (2)) – FLSA Exempt Employees Wage Requirements. No action was taken.

XIV. **ACTION ITEM** –

A. Approval of Required Changes to FLSA Exempt Employees

   (1) Police Chief

A motion was made by Councilor Brent Jaramillo to place the Police Chief position on the required FLSA salary. The motion was seconded by Councilor Lawrence Ortega.

Roll Call:

(2) Finance Director

A motion was made by Councilor Lawrence Ortega for the Finance Director position to remain at the current salary but be eligible for overtime based upon the FLSA Final Rule. The motion was seconded by Councilor John Anthony Ortega.

Roll Call:

(3) Village Clerk

A motion was made by Councilor Lawrence Ortega for the Village Clerk position to remain at the current salary but be eligible for overtime based upon the FLSA Final Rule. The motion was seconded by Councilor Brent Jaramillo.

Roll Call:

Ms. Trujillo stated for the record that the decisions were made based on budgetary constraints.

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XV. **ADJOURNMENT**

Motion: Councilor John Anthony Ortega  
Second: Councilor Lawrence Ortega

In Favor: All  
Opposed: None

There being no further business to discuss, the meeting was adjourned at 9:18pm.

**ATTEST:**

[Signature]

Renee Martinez, CMC

**APPROVED:**

[Signature]

Mark Gallegos, Mayor

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