

**VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, MARCH 17, 2015
VILLAGE OF QUESTA COUNCIL CHAMBERS**

6:00 P.M.

MINUTES

CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:10pm.

I. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Those present were:

Councilor Miguel Romero
Councilor Lawrence Ortega
Councilor Brent Jaramillo

Councilor Julian Cisneros was not present.

Village Staff and employees also present:

Administrator Loretta Trujillo
Village Attorney Vanessa Chavez
Public Works Director Arwin Vasquez
Finance Director Karen Shannon
Village Clerk Renee Martinez
Police Chief Gerald Bates
Deputy Fire Chief Mark Ortega
Fire Chief Max Ortega
Receptionist Dina Coleman

II. PLEDGE OF ALLEGIANCE

Councilor Miguel Romero led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Gallegos requested to remove Item VII (A). Ms. Trujillo requested Items IX (C) and (D) be removed.

Motion: Councilor Romero
Second: Councilor Jaramillo

In Favor: All
Opposed: None

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

IV. APPROVAL OF MINUTES –

- Regular Meeting, March 03, 2015

Councilor Jaramillo stated that he went over his changes with the Clerk regarding the time he arrived and was present.

Motion: Councilor Jaramillo
Second: Councilor Romero

In Favor: All
Opposed: None

To approve the Meeting Minutes of March 03, 2015 with correction. All voted yes. Motion carried.

- Special Meeting March 10, 2015

Councilor Ortega stated that Page 2 should indicate that ‘Councilor Ortega prepared some cost estimates for sewer line extensions on Cabresto Road, Abra Road and Embargo Road.’

Motion: Councilor Jaramillo
Second: Councilor Ortega

In Favor: All
Opposed: None

To approve the Meeting Minutes of March 10, 2015 as amended. All voted yes. Motion carried.

V. 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.)*

There were no Public Comments.

VI. PRESENTATIONS –

A) Questa Geology & Hydrogeology - Paul Bauer & Peggy Johnson, NM Bureau of Geology at NM Tech Principal Geologist Mr. Paul Bauer and Principal Hydro-Geologist Peggy Johnson displayed a power point to the Governing Body regarding their study regarding the water issues in Questa. Mr. Bauer stated that he was approached in 2011 by Mr. Ron Gardiner to assist the Village with things like aquifer mapping and evaluations of aquifers as well as models of groundwater systems. He stated that they have been doing these types of studies in Taos County for about 18 years. He stated that they have been working on finalizing the geological map of the Questa area in creating two geologic cross sections through the areas of Village of Questa municipal water wells, 1 and 2. Mr. Bauer summarized the findings of the study and also stated that a final copy of the study has been given to Ms. Trujillo for the Village of Questa records. The information can also be viewed on their website.

At this time a motion to take a 5 minute break was made at 7:07pm by Councilor Ortega seconded by Councilor Jaramillo.

In Favor: All
Opposed: None

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Mayor Gallegos stated that the meeting would re-adourn at 7:12pm.

A motion to resume the meeting was made by Councilor Romero, seconded by Councilor Jaramillo.

In Favor: All

Opposed: None

Mayor Gallegos called the meeting back to order at 7:13pm.

B) Petroglyphs on the Rio Grande – Mr. Elmer Salazar

Mr. Elmer Salazar, along with Mr. Malaquias Rael Chair of the Questa Economic Fund Board reported informed the Governing Body about the following:

- They are moving forward on April 1st with the formation of the Community Advisory Group.
- They have met with the Questa School Board and several businesses in Questa to understand what the community's perspective is on Economic Development.
- Reviewed reports and projects that have been planned in the past.
- We have to know where water is being utilized and where it coming from – collecting a lot of water history. We will be able to deliver a document that serves as direction for the Village of Questa.
- There are housing challenges.
- Taos Mountain Energy Bars plan to move into business park-with help of \$438,000 in LEDA funding that will be invested in the business park building. Creates a food hub concept capability. All equipment and improvements belong to the Village.
- Talking to Taos Mesa Brewery regarding them opening up in Questa
- Need to get roads at Business Park built as well as solar array.

C) Summer Events Series – Ms. Claire Cote and Ms. Lynn Gitter

Ms. Claire Cote informed the Governing Body about the Luz es Vida Questa Event Series and summer projects to the Governing Body. The events will run from March to October.

Ms. Cote also presented a budget summary with a total budget of 26,573.00.

The following is a breakdown:

- In kind/other funding – 15,919.00
- NFGNHA 2015(pending) – 3,000.00
- Chevron Questa (proposed) – 3,708.00
- Questa Econ. Fund Board – 3,946.00

Mayor Gallegos stated that he is in full support of the events and supports Ms. Cote in presenting to the Questa Economic Fund Board. Councilor Jaramillo, Councilor Ortega and Councilor Romero thanked Ms. Cote for her presentation.

D) Christmas Fair – Ms. Gayle Martinez

Ms. Gayle Martinez, proposed a Winter Event Series in Questa. The concept for the series is to showcase a Northern New Mexico Christmas. The series would run from December 1st – 31st. Events such as farolito displays, tours, tree lighting, window decorating contests for homes and business, food demonstrations, caroling events, tying church services, promote businesses. Also, purchase booths for arts & craft fairs and could be used for different events.

Mayor Gallegos thanked Ms. Martinez for her presentation. He stated he was in support of this going before the fund board. Councilor Jaramillo asked if they would be working under the umbrella of a non-profit. Ms. Martinez stated that that is an option although she would prefer working under the Village. Councilor Ortega stated he certainly supports her efforts in pursuing funds from the fund board. Councilor Romero thanked Ms. Martinez and stated that it is a great idea and it will show that there is unity here in Questa.

E) Water Lines/Tailings – Ms. Peggy Cross

Ms. Peggy Cross stated that she is still concerned about the water lines that are still laid in mine tailings. She stated that local realtors are telling people who want to buy property in Questa that we are toxic. She stated that she has been damaged permanently health wise. She suggested that the superfund should have taken care of this issue. She stated that there is a huge amount of cancer in this area. She heard it's too late to get the EPA to do anything about this. We need to get these lines replaced. She stated that she had an expert, Mr. Lawrence Bailon, who was going to come in to present with her but he was unable to attend. She stated that she is willing to assist in identifying the lines that are in tailings. She would like the Council to call her and give her things to do to assist in this effort at 586-1396.

F) Public Hearing – Questa Water & Sewer Ordinance No. 2015-141

Mayor Gallegos opened the Public Hearing at 8:40pm and asked if there were any people present who would like to comment or express any concerns.

- Mr. John Hollander, owner of Questa Lodge and RV Park stated that he runs a seasonal business busy three months out of the year. He was concerned that with this proposed ordinance his water rates would double and triple. He feels like RV Parks are being unduly penalized and are being classified incorrectly. He requested that the council reconsider moving RV parks to another classification.
- Mr. Bobby Ortega, owner of Sierra Vista RV Park stated that along with water the sewer also goes up. A mobile home park would have more usage because of the fact that they are full time residents with larger square footage. The other issue is the sewer classification, he asked the Council to consider basing the sewer on the return flow. He stated that it seems we are investing money into our business and we he asks that the Council re-consider the classification.
- Mr. Malaquias Rael inquired about the amount the rates were going up. Mayor Gallegos stated that there would not be a rate increase. Other proposed changes were citizens able to make payments on connection fees and giving the Administrator some flexibility to work with customers on their bills and some classification changes.

Councilor Ortega stated he would like to see how the Town of Red River has their ordinance set up regarding the water and sewer.

Mayor Gallegos stated that they will take these suggestions into consideration before adopting the Ordinance.

There being no other public comments Mayor Gallegos closed the Public Hearing at 9:50pm.

**At this time, Chief Ortega asked the Governing Body if Item VIII. (A) could be moved up the agenda to Item VII.

Motion: Councilor Jaramillo

Second: Councilor Ortega

Roll Call:

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

To approve amending the agenda by moving item VIII A) up to the first item in Item VII. All voted yes. Motion carried.

VII. ACTION ITEMS -

DISCUSSION – A) Questa Volunteer Fire Department – Chief Max Ortega & Deputy Chief Mark Ortega

Mayor Gallegos informed Chief Ortega that the Governing Body asked for their presence at the meeting this evening so that the Governing Body could be updated on the Fire Department. He stated that one of the questions the Governing Body had was regarding the purchasing of items such as bunker gear and other items purchased by different grants that the Governing Body had not been made aware of. Mayor Gallegos stated that it is important that the Governing Body know these things so that when they are asked by citizens they know how to answer.

Chief Ortega went over the grants that he has received since he has been Chief. He stated that they have been lucky in getting some FEMA grants from the State Fire Marshal's Office. Deputy Chief Ortega stated that they need to replace their bunker gear every 10 years.

Councilor Romero inquired how many volunteers the department currently has. Deputy Chief Ortega stated that he believes there are 25 currently on the roster.

Councilor Ortega stated that all grants should come through the Administrator's office so that she is aware of them. Chief Ortega stated that they do not have an issue with doing that.

Ms. Shannon stated that they met with the Fire Marshal's Office to clear up any misunderstandings regarding paying utilities and other items out of the Fire Fund. Also, all items that the Fire Department purchases need to be on the Village inventory if the money to purchase them came through the Village. They need to be part of our asset inventory listing.

Mayor Gallegos stated that the reason they want to be updated on these things is because we want to have a unified voice when it comes to answering the questions that arise.

Councilor Romero also asked why they don't request a new building so that their vehicles aren't left outside. Deputy Chief Ortega stated that we have applied for a grant for a new fire house in the past and were denied. Mayor suggested we talk to Commissioner Fambro regarding this.

A discussion was held regarding the possibility of bringing back the Fiestas.

A) Discussion, Consideration & Action – Approval of Village of Questa Ordinance 2015-141
Re: Water & Sewer Ordinance

**Removed from Agenda

B) Discussion, Consideration & Action – Approval of PERA Resolution 2015-13
Re: Pre-Tax Contributions

Ms. Trujillo informed the Governing Body that the purpose of the resolution is to allow the Village of Questa to withhold employee contributions pre-tax instead of post-tax. It is a great way to help employees bring home a little more of what they earn each payday because it reduces their taxable income.

Motion: Councilor Ortega
Second: Councilor Romero

Roll Call:

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

To approve Resolution 2015-13 as presented. All voted yes. Motion carried.

C) Discussion, Consideration & Action – Approval of Resolution 2015- 14
Re: Grant Agreement with NMED / Special Appropriations / Sewer System Imp/Extension

Ms. Trujillo stated that this is a standard resolution for the grant agreements with NMED identifying the Town of Taos as our fiscal agent. It was decided that this money would be used as part of our CDBG project.

Motion: Councilor Romero
Second: Councilor Ortega

Roll Call:

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

To approve Resolution 2015-14 as presented. All voted yes. Motion carried.

D) Discussion, Consideration & Action – Approval of Grant Writer Contract with Mr. Amalio Madueño

Ms. Trujillo stated that we did go out for RFP and we received just one proposal. She stated that Mr. Madueño has reviewed the contract and has requested a couple of minor changes: Page 1 (A) under Scope of Work. He would like it to read ‘Seek federal, state or other grants....’ instead of ‘Secure federal, state or other grants.....’ Also, add an item 10 that would read, ‘allow for grant writer to seek other grant opportunities that develop during the contract period.’

Councilor Ortega asked if this would overlap with our lobbyist contract. Councilor Jaramillo stated that this grant writer is for the purpose of Economic Development. A discussion was held regarding the amount of the contract. Mayor Gallegos stated that these are some of the things that Mr. Elmer Salazar put together. Councilor Jaramillo stated he was fine to pass this contract tonight. He stated that the scope of work fits because they all can be economic development. Village Attorney, Vanessa Chavez suggested that the Council approve it in this form and re-structure the scope of work which would give the Mayor the authority for final approval, since Mr. Madueno has already started working. Councilor Ortega stated that he would like to table this item and see the contract re-structured before we approve it.

A motion to table the contract until the April 7, 2015 meeting was made by Councilor Ortega, seconded by Councilor Romero.

Other discussions were held.

A motion to approve the contract was made by Councilor Jaramillo. There was not a second.

Mayor Gallegos brought it back to discussion.

Councilor Jaramillo stated that his issue is that every meeting it seems that we are tabling things and not getting things done. Councilor Ortega stated that he is not going to approve something that he is not comfortable with. He stated that this scope of work contradicts with the scope of work of our Lobbyist.

A motion was again made by Councilor Ortega to table the contract until the next Council meeting, seconded by Councilor Romero.

Roll Call:

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

To approve the tabling of Grant Writer Contract with Mr. Amalio Madueño until the next council meeting. All voted yes. Motion carried.

E) Discussion, Consideration & Action – Approval of Water Rights Purchase from Mr. Eliu Romero

Ms. Trujillo stated that the contract is for 56.888 acre feet at \$5,500.00 per acre feet for a purchase price of \$312,884.00.

Councilor Ortega asked if there is some language about no payment will be made until water rights are approved by the State Engineer's Office. Ms. Chavez stated that there is. Councilor Ortega asked for clarification on the Page 3, Item 6(C), last part of paragraph. Ms. Chavez stated that she can put in a statement saying 'the seller also understands that the Village is under no obligation to provide any funds until approval has been made....'

Motion:	Councilor Ortega
Second:	Councilor Romero

In Favor: All

Opposed: None

To approve the Water Rights Purchase agreement from Mr. Eliu Romero. All voted yes. Motion carried.

IX. FINANCE DEPARTMENT - Ms. Karen Shannon

A) Resolution 2015-15 / 2014 Final Budget Adjustment Resolution (3)

Ms. Trujillo informed the Governing Body that when she prepared the final budget resolution for fiscal year ending 2014 she did it based on 4th quarter totals. She stated that she has currently found out that they should be based on 3rd quarter totals, which is very different from what we have had to do previously. She stated that DFA enters everything up to the 3rd quarter and everything after that is a BAR. She stated that it has already been pre-approved by DFA.

Motion:	Councilor Ortega
Second:	Councilor Romero

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

To approve Resolution 2015-15. All voted yes. Motion carried.

B) Ms. Shannon stated that all 20 bank accounts have been reconciled through the end of February.

October Financials -	Motion:	Councilor Romero
	Second:	Councilor Ortega

In Favor: All
Opposed: None

To approve the October Financials. All voted yes. Motion carried.

November Financials -	Motion:	Councilor Romero
	Second:	Councilor Ortega

In Favor: All
Opposed: None

To approve the November Financials. All voted yes. Motion carried.

December Financials -	Motion:	Councilor Romero
	Second:	Councilor Ortega

In Favor: All
Opposed: None

To approve the December Financials. All voted yes. Motion carried.

C) Resolution 2015-16 - Budget Adjustment Requests (BAR's) – 2nd Quarter

**Removed from Agenda

D) Fiscal Year 2014-2015 2nd Quarter Report

**Removed from Agenda

E) Approval of February Paid Vouchers

Motion:	Councilor Ortega
Second:	Councilor Romero

In Favor: All
Opposed: None

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To approve the Paid Vouchers. All voted yes. Motion carried.

F) Approval of Unpaid Vouchers

Councilor Ortega: Inquired if the pot-hole repair material is cost effective? Ms. Shannon said it really was not.

Motion: Councilor Jaramillo

Second: Councilor Ortega

In Favor: All

Opposed: None

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

X. MATTERS FROM ADMINISTRATOR

Ms. Trujillo stated that bringing payroll in-house has been a great thing for the Village. There are some issues that we were able to correct.

Ms. Trujillo also updated the Governing Body on the following:

- The staff has been working on the records retention and getting things organized.
- A work study session needs to be scheduled for the Animal Control Ordinance.
- Mr. Joe Moore along with HO Construction will be here on Thursday at 11:00am to meet at Cisneros Road. Councilor Ortega along with Mr. Vasquez and Ms. Martinez will also be present.
- Ms. Trujillo along with Mayor Gallegos and possibly Councilor Ortega will be attending a meeting with the tribal council tomorrow regarding water rights.
- Superintendent Trujillo invited the Governing Body to attend the next school board meeting in April 14th to discuss the La Cienega property.

XI. MATTERS FROM MAYOR AND COUNCIL

Councilor Ortega inquired about a sewer issue on Old Red River Road and asked that we look into it. Also, stated that he found the records for the State Engineers Office regarding the water rights. Ms. Trujillo stated she will be going to Santa Fe later on in the week. Councilor Jaramillo inquired about the street lights that are out in town. Ms. Trujillo stated that she would look into it.

XII. MATTERS FROM ATTORNEY – Ms. Vanessa Chavez

Ms. Chavez stated that her matters will be discussed in Executive Session.

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) Pending Litigation – Section (10-15-1(H) (8))

A motion to enter into Executive Session was made by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

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

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Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss Pending Litigation. The Governing Body entered into Executive Session at 10:39pm.

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

Roll Call:

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

The Governing Body reconvened from Executive Session at 11:05 pm. Mayor Gallegos stated that only items on the agenda were discussed and no action was taken.

XIV. ADJOURNMENT

Motion: Councilor Ortega
Second: Councilor Romero

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 11:06pm.

ATTEST:


Renee Martinez, Village Clerk

APPROVED:


Mark Gallegos, Mayor