VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 12, 2017
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR PRO-TEM JOHN ANTHONY ORTEGA
Mayor Pro-Tem John Ortega called the meeting to order at 6:02 pm.

II. ROLL CALL
Mayor Pro-Tem John Ortega asked Village Clerk Renee Martinez to take roll.

Present:
Councilor Lawrence Ortega
Councilor Brent Jaramillo
Councilor John Anthony Ortega

Not Present:
Councilor Julian Cisneros
Mayor Mark Gallegos

Also Present:
Administrator Nicholas Maestas
Village Clerk Renee Martinez
Finance Director Karen Shannon
Village Attorney Lance Hough

III. PLEDGE OF ALLEGIANCE
Attorney Lance Hough led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA
Councilor Brent Jaramillo requested Item D under action items be removed due to the fact that this project has already been completed.

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES
- November 28, 2017 – Regular Meeting

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the November 28, 2017 meeting 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.)

There were no public comments.

VII. ACTION ITEMS
   A) Discussion, Consideration & Decision - Resolution No. 2017-23 / 2018 Municipal Election

Mr. Maestas stated that this Resolution calls for the 2018 Municipal Election.

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

Councilor John Ortega expressed his concern on how the absentee ballots will be distributed and received. Ms. Martinez stated that the statute states that when an absentee ballot is mailed out, it can be returned by mail or brought in by the voter casting the ballot, by a member of the voter’s immediate family or by the caregiver to the voter. She stated that she is very aware of who brings in an absentee ballot and it is noted on the absentee ballot list who brings the ballot in. Councilor Lawrence Ortega asked who is considered an ‘immediate family member.’ Ms. Martinez stated that it refers to a spouse, children, parents, brother and sister. Councilor Brent Jaramillo asked if the Clerk tracks who drops the ballot off. Ms. Martinez stated that she does keep a record of who brings the absentee ballots in. Councilor John Ortega expressed his concern with the mail ballots and how we know where they are being mailed to and mailed from. Ms. Martinez stated that on the voter list the physical address as well as the mailing address is listed so she can match the voter to the address. If the address does not match, a call is made to the voter to confirm they sent the ballot in. Councilor Lawrence Ortega asked if someone can come in and request 20 absentee ballots. Ms. Martinez stated that someone can come in and request 20 absentee ballot applications. There is no restriction on the amount of absentee ballot applications that someone can request. Councilor John Ortega asked Ms. Martinez if she could keep track of who is taking the applications. Ms. Martinez stated yes and if she sees a large number going out she will definitely call the Secretary of State’s office to see if there is anything legally that can be done.

Roll Call vote was conducted by the Clerk by the direction of the Mayor Pro –Tem, with the vote as follows:

Councilor Lawrence Ortega YES
Councilor Brent Jaramillo YES
Mayor Pro-Tem John Ortega YES

To approve Resolution 2017-23 / 2018 Municipal Election as presented. All voted yes. Motion carried.

B) Discussion, Consideration & Decision - Resolution No. 2017-24 / 2017 CDBG

Mr. Maestas stated that this Resolution was passed previously by the Council, with the amount of the request at $700,000.00. Local Government Division has requested the amount be reduced to $500,000.00 due to the amount available. This is the only change to the Resolution.

Councilor Lawrence Ortega asked if we need to rescind the previous Resolution. Attorney Lance Hough stated that he does not believe it needs to be.
Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

Roll Call vote was conducted by the Clerk by the direction of the Mayor Pro -Tem, with the vote as follows:

Councilor Lawrence Ortega: YES
Councilor Brent Jaramillo: YES
Mayor Pro-Tem John Ortega: YES

To approve Resolution No. 2017-24 / 2017 CDBG as presented. All voted yes. Motion carried.

C) Discussion, Consideration & Decision - Resolution No. 2017-25 / NMDOT COOP Project SP-5-16(195)

Extension Request

Mr. Maestas stated that this extension request to the NMDOT is due to the time constraints we are facing. The deadline is December 31, 2017. He spoke with Ms. Godina at the NMDOT who in turn sent an agreement to be executed for the extension approval with a completion date of December 31, 2018. With the approval of this Resolution we will be able to execute the agreement and submit the paperwork to the state.

Councilor Lawrence Ortega stated that if he is not mistaken, this is the second extension request we submit for this project. Mr. Maestas said yes and that the state reestablished the grant for the Village in March of 2017. He stated that because we already got the approval from the state for the extension, he believes that it will get extended. Councilor Lawrence Ortega stated that this has been going on for over two years now and we need to get these projects done. Mr. Maestas stated that we are working on getting this project completed. An ITB was put out in the Taos News and we did receive a response from a company out of Santa Fe. Before going ahead with the bid, a local bid request was put out into the community. He stated that we are comparing the cost per square yard for the project in the quote and the bid request we received. He stated the intention is to try and get the project done by the end of the month but wanted to also have the extension request in place in case we did not get the money expended on time. Councilor Lawrence Ortega asked if we have to have the funds spent by the end of the month or encumbered. Mr. Maestas stated that the funds have to be spent.

Councilor Jaramillo agreed with Councilor Lawrence Ortega in that we need to get these projects going; work on the bid process in the winter and get the contractor secured to start work in the spring.

Mayor Pro Tem Ortega stated that since we are going to start paving Cabresto Road next summer and Abra Road is complete, he believes all this project funding should be used on Embargo Road; it is in very bad shape.

Mr. Maestas stated that he is going to ask for clear guidance because his intention moving forward, we had had this conversation about dedicating these funds to Embargo Road and that we also wanted to take care of one or two areas on Cabresto Road. Councilor Brent Jaramillo stated that he believes that the conversation then was that we were thinking that pavement was going to be dropped in November. Councilor Lawrence Ortega stated that there are only 2 or 3 areas that have been identified on Cabresto that are really bad. He would like to get those areas done if possible; but agrees the majority of the funds should go to Embargo. Councilor Jaramillo, for clarification, asked Mr. Maestas if it is his intention, if the bids come back, and he can get a contractor to pave in December and bill us- that part of Cabresto will be done? Mr. Maestas stated yes. Councilor Jaramillo stated that he had thought that Mr. Maestas said earlier, with regards to the extension that he was going to hold off until next year. Mr. Maestas stated that the request for extension is a last resort. His intention is to try and get it done by the 31st. Councilor Lawrence Ortega stated that realistically we cannot get it done now; there is probably no asphalt available this time of the year; the best way to go is in the spring. Councilor Lawrence Ortega stated if we rush it now we may not get a good job done. Mr. Maestas stated that he has been working very hard to get this project completed and has reached out to local asphalt providers to see if they still have some available. He was told that
they would run their asphalt operation with a couple days' notice. Mr. Maestas stated it is a tight squeeze but wants to try to get it done before the deadline.

Mayor Pro Tem Ortega asked when we were going out for bid on the MAP project; spring 2018? Mr. Maestas stated yes. Mayor Pro Tem Ortega stated that he is in agreement with Councilor Lawrence Ortega in that if we get this project done now in December, the problem areas in Cabresto should be fixed. If we wait until the spring, we'll be going out for bid on the Cabresto MAP project so this coop project money should be focused on Embargo.

Councilor Jaramillo suggested that in one of the January meetings, having a work study session and have Mr. Joe Moore come up so we can go over all of our paving projects for 2018, so we are all on the same page. Councilor Lawrence Ortega stated that we need some schedules from Mr. Moore as to what the timeframes are for these projects because we keep going back and forth.

A lengthy discussion was held regarding the number of square yards and bids versus proposals.

Mr. Maestas stated that he doesn't believe we should rush into it because of all the procurement questions he still has. Councilor Lawrence Ortega asked isn't Mr. Moore assisting with this solicitation process. Mr. Maestas stated that he has assisted him quite a bit.

Motion: Councilor Lawrence Ortega – with discussion. Councilor Lawrence Ortega stated that the bid documents and other documents will come to the Council before anything is constructed, correct? Mr. Maestas stated yes. Councilor Lawrence Ortega stated that it is standard procedure for the Council to award it. Mayor Pro-Tem John Ortega asked if we will need to hold a special meeting to award that bid. Mr. Maestas stated that if we award the bid in December, we will need a special meeting. Councilor Lawrence Ortega requested a copy of the ITB. Mayor Pro-Tem John Ortega stated that we need to take the weather and the time of year into consideration. Councilor Lawrence Ortega stated that it has to be 45 degrees and rising to place the hot mix, if the ground is frozen, it make it worse; it is not a good time to lay hot mix in December and January, that is for sure. Mr. Maestas stated that he will follow up with the Council on this.

Second: Unclear

Roll Call vote was conducted by the Clerk by the direction of the Mayor Pro –Ten, with the vote as follows:

Councilor Lawrence Ortega    YES
Councilor Brent Jaramillo     YES
Mayor Pro-Tem John Ortega     YES

To approve Resolution No. 2017-24 / 2017 CDBG as presented. All voted yes. Motion carried.

**D) Discussion, Consideration & Decision - Resolution No. 2017-26 / NMDOT COOP Project SP-5-17(195) Extension Request**

Removed from Agenda.

**E) Discussion, Consideration & Decision - Resolution No. 2017-27/ Employee Holiday Schedule**

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

Roll Call vote was conducted by the Clerk by the direction of the Mayor Pro –Tem, with the vote as follows:

Councilor Lawrence Ortega    YES

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To approve Resolution No. 2017-27/ Employee Holiday Schedule as presented. All voted yes. Motion carried.

F) Discussion, Consideration & Decision - Approval of Facility Build Cost Proposal

Mr. Maestas stated that we are eligible to use Facility Build under the State price agreement for the NMED grant to enclose the new water well. In order to protect the well for this winter, we have been working with Facility Build to build on top of the permanent structure, a temporary housing structure to protect from freezing and any intrusion. The majority of the cost will be the site work and demolition. He has requested of the contractor to do a permanent structure and concrete footing and the temporary structure. The temporary structure will be 8x8 and be able to be removed and placed up by our 30,000 gallon water tank to protect our SCADA (Supervisory Control And Data Acquisition) and electronic infrastructure. It is protected at this point, but could use something better to protect it. Once spring comes around we will be able to do the full build out of the structure which will include electricity to the structure, wall heaters, and an exterior door to be able to store our chlorine at the site. With all of this the cost will be $40,000.00 in which come spring, we won’t have to do any of the concrete work or demolition. Mr. Maestas stated that when they are ready to do the permanent structure, he will bring the scope of work before the Council. Mr. Maestas stated that he has provided the Council with the scope of work for the temporary work.

Councilor Lawrence Ortega asked if all of this work was at the new well. Mr. Maestas stated yes. Councilor Lawrence Ortega asked if any local bids were solicited. Mr. Maestas stated that he did not solicit locally because of the urgency with this project. Councilor Lawrence Ortega stated that we need to do better planning and scheduling so that we can get local contractors to do the work. Councilor Lawrence Ortega asked to see the plans for the final design.

Councilor Brent Jaramillo encouraged getting a local subcontractor on this project.

Mayor Pro-Tem John Ortega asked if we will have to approve another contract in the spring for the remaining funds. Mr. Maestas stated that we will have to come back and approve the final build out project proposal. Councilor Lawrence Ortega asked isn’t that included in the $40,000.00? Mr. Maestas stated that the concrete pad is included in this round. The walls and the other extra improvements will be in another contract. Councilor Lawrence Ortega stated that this price includes the 8x8 building; so what are they going to do later that will add more cost in the spring? Mr. Maestas stated that in an effort to get it done quickly, we are putting the temporary 8x8 facility; the build out proposal in the spring will connect the old building with the new building and will have larger garage doors. Mayor Pro-Tem John Ortega stated that his concern is that this time of year is not the best time to be working with concrete. Councilor Brent Jaramillo asked if we have been putting heating blankets on the ground. Mr. Maestas stated yes, we have to protect the well as well as around the well to protect the soil from freezing. Councilor Lawrence Ortega asked wouldn’t this be sufficient without putting a temporary building? Mr. Maestas stated he was under the impression that it needed to be enclosed as soon as possible.

Motion: Councilor Brent Jaramillo
Second: No Second

Motion dies due to lack of a second.

G) Discussion, Consideration & Decision - Approval of Governing Body Member to Questa Land & Water Board

Attorney Lance Hough stated that at the last meeting the Council approved the QLW Corporate documents as well as a consensus that Councilor Lawrence Ortega would serve on the QLW board from the Village Governing Body.
Motion: Councilor Brent Jaramillo
Second: Mayor Pro Tem John Ortega

In Favor: All
Opposed: None

To approve Councilor Lawrence Ortega to the Questa Land & Water Board. All voted yes. Motion carried.

H) Discussion, Consideration & Decision - Approval of at-large community members as candidates for Questa Land & Water Board

Mr. Hough stated that it was decided at the previous meeting that the 3 at-large community members would be presented at this meeting.

Mayor Pro Tem John Ortega stated that now would be the time for the Council to give their nominations.

Councilor Brent Jaramillo: Charlie Gonzales, Leroy Romero, Juan Cisneros
Councilor Lawrence Ortega: Donald Gallegos, Louise Gallegos (was not sure about the stipulations regarding immediate family members) and Andamo Sanchez
Mayor Pro Tem John Ortega: Juan Cisneros – and agrees with all that have been nominated.

Councilor Lawrence Ortega asked if there is something in the by laws that would prohibit a board member to apply to the QLW? Mr. Hough stated that no, there is nothing that prevents that.

Mr. Hough asked which 3 individuals the Village would like to proceed with.

Mr. Hough stated that there are 3 recommendations from the fund board, 3 recommendations from the Village Council, for a pool of 6 people.

Mayor Pro Tem John Ortega stated that he is fine with all the names that were presented and wants to know who ultimately is going to choose this board and for the record is it going to be the same names we saw on that list a month ago? Are the names on that list going to be the board? Are we wasting our time submitting these names when the board has already been decided? Mr. Hough stated that it could have the same people, it is not based on that list; it is based on the recommendations from this Council and Fund board. The legal counsel of the village, fund board and CMI are going to get together and say, ok, these are our potential candidates for 3 positions. Mayor Pro Tem John Ortega stated that his understanding was that this entity was going to be separate from the fund board, so why do they have a seat at the table for the final pick? Why do the three entities get to decide and the Village Council doesn’t have a vote? Mr. Marcus Rael explained it to us differently. Mr. Hough stated that Marcus Rael and probably Tom Campbell from Chevron is who will ultimately choose. Councilor Lawrence Ortega stated that the minutes back in October reflect that the Governing Body will select the 3 at large members. Mr. Hough stated that that was a prior discussion since then in conversations with CMI, there’s been changes. Mr. Hough stated that Councilor Lawrence Ortega is correct, that was what was originally was represented, it has been subject to change since then. Councilor Lawrence Ortega then stated that it could be that none of our recommendations for the at large members will be selected; other than the Council member. Mr. Hough stated that that was correct because all the recommendations will go into a pool of no greater than 6 people that would be narrowed down by legal counsel and CMI to 3.

Councilor Brent Jaramillo asked why we couldn’t recommend six people since Mr. Marcus Rael and Mr. Tom Campbell are going to decide, there’s nothing really preventing us from submitting all of our recommendations. Councilor Lawrence Ortega stated that we are just giving you our top choices but all the names would work. Mr. Hough stated that the idea is to get the top candidates to choose from.
Mayor Pro Tem John Ortega asked the Council members if they have spoken to the individuals they nominated to see if they would consider being part of this board? Councilor Brent Jaramillo stated that he spoke with Mr. Gonzales, Councilor Lawrence Ortega stated that he spoke with his individuals and Mayor Pro Tem John Ortega stated he spoke with Mr. Cisneros.

It was decided that the following names be the 3 recommendations:

- Mr. Charlie Gonzales
- Mr. Donald Gallegos
- Mr. Juan Cisneros

A footnote to this recommendation is that if Mr. Gallegos is being considered by the fund board, then Ms. Louise Gallegos would take his place in the recommendation.

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the above named individuals as potential members to the QLW Board. All voted yes. Motion carried.

**Mr. Maestas stated that he was not sure on Item F if Mayor Pro-Tem Ortega was sure if he could second a motion, and if the Council wanted to go back to that item to be able to get that project moved forward since there wasn’t initially a second. If it is the will of the Council. Councilor Jaramillo stated that it ended with the lack of a second and doesn’t believe we can bring it up again at the same meeting; unless Mr. Hough says there is a legal way to do this. Mr. Maestas stated that he will look it up to be sure.

VIII. FINANCIALS – Ms. Karen Shannon, Finance Director

A) Discussion, Consideration & Decision regarding the approval of Unpaid Vouchers

Ms. Shannon stated that the Vouchers presented are as of December 8, 2017.

Councilor Lawrence Ortega:

- Page 1, Diesel Exhaust Fluid (55 gallon) what is that used for – Ms. Shannon said it is for the ambulance.
- Page 4, Does QUIL charge us freight. Ms. Shannon stated that they do not charge freight.

Mayor Pro Tem John Ortega:

- Llano Community Ditch invoice – Did we get any answers on this. Mr. Maestas stated that since they are billing us, they need to provide the documentation and we should not be using village resources if they are not available. Councilor Lawrence Ortega stated that they should have their records to justify what they are billing us. Mayor Pro Tem John Ortega stated he is ok with staff reviewing the information. Councilor Lawrence Ortega stated that he agrees that we need to review the information but not make special trips to the OSA in Santa Fe to research. Mayor Pro Tem John Ortega stated that he believes that they do need to provide us with the information. Mr. Maestas stated that the association is having their annual meeting if anyone would like to attend.

A motion was made by Councilor Lawrence Ortega to approve the vouchers excluding the Llano Community Irrigation Ditch invoice. This motion was seconded by Councilor Brent Jaramillo.

In Favor: All

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Opposed: None

To approve the vouchers as presented with the exception of the Llano Community Irrigation Ditch invoice. All voted yes. Motion carried.

IX. **MATTERS FROM ADMINISTRATOR** – Mr. Nicholas Maestas

Mr. Maestas updated the Governing Body on the following:

- Alumbra will be held this Saturday. A Village leadership booth will be set up if the Council is available.
- Street Lights – A local electrician has submitted a quote. We are hoping to get them fixed by the end of the month.
- Youth Center – Two windows still not operable. They should be taken care of soon.
- Calendar – working on the quarterly calendar and should have one available for the Council by the next meeting.
- MVD Position – Interviews were conducted with 2 of the applicants. We will be moving forward with the required background checks and fingerprinting with one of them.

***Regarding Item VI. (F) - Mr. Maestas stated that he, and Mr. Hough have looked into the parliamentary procedure regarding item F. Mr. Hough stated that the general rule is if a motion dies, it doesn’t come back up. However; we did find a secondary source (not state statute) that states if it dies on a technical error, rather than lack of support, then it can be brought back up. Councilor Lawrence Ortega asked, with that being said, what is the technical error that would justify bringing it back up. Mr. Maestas stated that for clarification, the Councilor acting as mayor pro tem, if he is eligible to motion. Mr. Maestas asked Mayor Pro Tem Ortega to correct him if he is wrong, but he had heard that he asked if he could second a motion. Mayor Pro Tem Ortega stated that he never asked if he could ‘second’ on that motion; he did say on the next motion that he didn’t realize he could ‘second’ but he prefers to keep it clean and move it to the next meeting, unless for some reason you need to get it done tonight. Councilor Brent Jaramillo asked Mr. Maestas if he could guarantee that Facility Build will start next week. Mr. Maestas stated that he can’t guarantee it but at least we can be in place to move it forward.

A discussion was held regarding cancelling the meeting on December 26th and holding a special meeting instead on December 19th.

X. **MATTERS FROM ATTORNEY**

Attorney Lance Hough updated the Council on the NRDA Meeting. The Village did have all the projects awarded however there was a concern from community members regarding the project in Midnight Meadows from Amigos Bravos. Mayor Pro Tem Ortega stated that he believes that they had a good explanation, but believes that the project money could be better used here in the Village limits for property that was actually damaged by the mine. Amigos Bravos and the Forest Service could be spending their money on that Midnight Meadows project. Councilor Lawrence Ortega asked how they are justifying the work at Midnight Meadows as a restoration project. Mr. Hough stated that the meadows act like sponges, so they have a holding capacity of water that can percolate down over time; technically the beginning of a watershed that brings it all down. The intent behind their plan was that you have creeks running through these meadows that are eroding down (head cuts). They want to have the meadows continue to act like sponges, which helps the groundwater. Modifications to plan may be solicited or something else in lieu of that may happen. Mr. Hough wanted to update the Council on this. Moving forward Mr. Hough stated that he senses that there is a concern about the Midnight meadows Project. Mr. Hough stated that he will state something to the effect that ‘the Village has identified that community members are concerned about the Midnight Meadows project, somewhat removed nature, from the affected area which is the Village of Questa and in accordingly the Village joins them in their concern.’ Councilor Lawrence Ortega asked how this project specifically is impacting the Village positively. Mayor Pro Tem Ortega stated that he believes that the money that’s going to that project is taking money from the river restoration; Midnight Meadows was not affected by the mine. It was decided that Mr. Hough’s response will be that the community has concerns, the Village shares the concerns, and as a result would like to see an alternative project ideally in the Forest Service area or in the municipal

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Councilor Lawrence Ortega asked Mr. Maestas how the CES contract process works. Ms. Shannon stated that she receives an invoice from CES with the backup from the vendor. The Village pays CES and the vendor. It is reviewed and signed off on by the Administrator. Councilor Ortega also asked on the progress of the Beautification Project. Mr. Maestas stated that he has it on his calendar and will get to it as soon as possible.

Mayor Pro Tem John Ortega asked Mr. Maestas if he followed up with Mr. Joe Rael regarding the issue with his sister’s property on Lower Embargo and SR 522. Mr. Maestas stated the he has not but will contact him this week. Councilor John Ortega asked if it is possible to have a Christmas party for the employees this year. Mr. Maestas stated he would look into it.

Councilor Brent Jaramillo stated that we need to get on the same page on our Legislative priorities. We can use the Legislative monies to get our projects shovel ready. It was decided to hold a work study for the Legislative priorities.

XII. ADJOURNMENT

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:11 pm.

ATTEST:

Renee Martinez, Clerk

APPROVED:

John Ortega, Mayor Pro-Tem

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