VILLAGE OF QUESTA
SPECIAL MEETING MINUTES
TUESDAY, DECEMBER 19, 2017
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS
Mayor Gallegos called the meeting to order at 6:05 pm.

II. ROLL CALL
Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

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

Not Present:
Councilor Julian Cisneros

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

III. PLEDGE OF ALLEGIANCE
Village Clerk, Renee Martinez led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA
Mr. Maestas stated that the presentation from Ms. Erin Sanborn will be at the January 23, 2018 meeting and asked that it be removed from the agenda. Councilor Lawrence Ortega inquired about item VII B and if there would be anything to review, because there was nothing in the packet regarding it. Mr. Maestas stated no, he was planning on presenting on the cost. Councilor Lawrence Ortega asked if there is a contract to be signed. Mr. Maestas stated that there is a contract that is available to be signed and he will be talking about it. Councilor John Ortega requested a discussion regarding the Questa Land and Water Board. This item would become item XA.

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

To approve the agenda as amended with the above change. 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

Ms. Erin Sanborn, Business and Organization Development Manager - Kit Carson Electric Cooperative, Inc.

Removed from agenda.

VII. ACTION ITEMS

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

Mr. Maestas informed the Governing Body that the facility build contract was brought before the council at last meeting and additional information was requested. He stated that the information before them is the layout of the concrete footing and the fencing that will go around the facility. The heaters are the electronic baseboards. The shed will be a 12 x 10 building for the temporary facility that will go over the well. Councilor Lawrence Ortega asked if these plans are going to be certified by the engineer of record. Mr. Maestas stated that he was told that once the contract is approved, the plans will then be certified by the engineer; it is not done prior to.

Councilor Lawrence Ortega stated that they will need that to secure a building permit from the county.

Councilor Brent Jaramillo stated that Facility Build will have their in house engineer of architect that will certify it.

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the Facility Build Cost Proposal. All voted yes. Motion carried.

B) Discussion, Consideration & Decision - Approval of Contract for Pot-Hole Repair Project

Mr. Maestas stated that we will be using the money from Coop project SP-5-16-195; a grant in the amount of $55,357.00 with a Village match of $18,452.00 for a total of $73,809.00. Of this amount, the engineer was paid $18,840.00 for the drafting of plans and for the time it took to get the grant reinstated and recertification of the plans. This leaves a remaining total of $54,969.00 for the project. Mr. Maestas stated that we went through the bidding process, we got the price per square yard calculation, and were able to calculate that we were able to do 400 square yards of pavement rehabilitation. The quote they agreed to, based on the quantities was $58,960.00. RL Leeder is willing to reduce the cost by $4,000.00 for the traffic control management. He will ask the Public Works department to monitor that the cones and barrels stay in place. He stated that he has been in conversations with the state for approval of the extension. He stated that depending on how the Council chooses to vote this evening, the locations can be marked tomorrow, the hot mix will come from Taos and will be available until it is shut down sometime between Christmas and the New Year. Mr. Maestas stated that if this contract is approved today we can possibly complete it by the end of week. Mr. Maestas stood for questions.

Councilor Brent Jaramillo stated that the traffic control price is for barrels and signage and they're charging $2,000.00 for the flaggers; or are they expecting us to flag? Mr. Maestas stated that the way that he understands it is that they will provide the barrels and cones and reduce the price if they do not have to provide someone to watch them. Councilor John Ortega expressed his concern regarding the cold temperatures when laying the cold mix; he knows we need to get this done but it needs to get done right. Councilor John Ortega asked if there was some kind of guarantee regarding their work. Mr. Maestas stated that the contract does not have a

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guarantee and does not recall seeing any guarantee regarding a length of time; the standard is usually one year.

Councilor Lawrence Ortega stated that he believes that state statute requires a one year guarantee; he asked Mr. Maestas to check with the state on this. Mayor Gallegos inquired about the extension request and if it has been approved. Mr. Maestas stated that it has not been signed yet. Mayor Gallegos stated that it is good that we have the contractor in place which may help us in getting the extension but does not think we should have the contractor move forward and break ground until the spring of 2018. He stated that he is not really clear where we are sitting right now. Councilor Jaramillo stated that, then the question becomes, if we wait until the spring, should we keep Cabresto Road included in this project or let the MAP project take care of it; this has some bearing on what we decide tonight. Councilor Lawrence Ortega stated that, realistically, are the contractors going to be able to complete this project before the temperature drops. Councilor Brent Jaramillo asked who has talked to Mr. Perovich regarding the cold mix. Mr. Maestas stated that he has talked to him as well as Mr. John Leeder. They have come to an agreement that if Mr. Leeder buys a certain quantity, Mr. Perovich will provide it. Councilor Lawrence Ortega asked Mr. Maestas if they are ready to start tomorrow? Mr. Maestas stated that they can get up here tomorrow and possibly mobilize and start on Thursday. Mayor Gallegos stated that they need to do a pre-construction utility survey. Mr. Maestas stated yes. Councilor Lawrence Ortega asked what that entailed. Mr. Maestas stated that it is part of the process; they have to do line locates and going through the area to decide which areas are a priority for the Village. He stated that the areas have already been identified and we are looking at about 600 square yards so we need to decide which areas are the most severe. Councilor Lawrence Ortega stated to Mr. Maestas that the contractor does not pay for a pre-construction utility survey; the utility companies come out to locate their lines if they are called-why are they charging for that service. Councilor Lawrence Ortega stated he has an issue with the cost; $55.00 per square yard for 2" asphalt is pricey, should be at about $30.00; as well as the charge for the pre-construction utility survey. He stated that we discussed this briefly before and were informed that the extension was pretty much a done deal. Mr. Maestas stated it is pretty close to a done deal. He was informed by Ms. Susan Godina of the NMDOT that she had walked the request up to the office of the Deputy Secretary and stated that it is likely that it will be signed before the deadline.

It was decided to table this item down to Item IX B so that Mr. Maestas can call Mr. Leeder to get more information.

Mr. Maestas stated that he will call Mr. Leeder for clarification on the following:

- 1 Year Warranty
- Pre-construction utility survey cost
- The cost of the 2" asphalt

Motion: Councilor John Ortega
Second: Councilor Brent Jaramillo

Roll Call:

Councilor Brent Jaramillo       YES
Councilor John Anthony Ortega   YES
Councilor Lawrence Ortega       YES

To table this item to later in the meeting. All voted yes. Motion carried.

VIII. **FINANCIALS**—Ms. Karen Shannon, Finance Director

A) Discussion, Consideration & Decision regarding the approval of Unpaid Vouchers
Ms. Shannon stated that at the last meeting there was a question regarding the purchase of the diesel exhaust fluid by the EMS Department. The ambulance needs it because it is diesel and it is required. It is being purchased in bulk because it is cheaper and the Fire Department can also use it.

Ms. Shannon stated that the Vouchers presented are as of December 15, 2017 and stood for questions.

Councilor John Ortega stated that it would be a good idea for the Village to do an audit at all properties on all Kit Carson electric meters, to see if they are being used or not used or damaged.

Councilor Lawrence Ortega asked if the voucher for the Llano Irrigation Ditch can be removed from the unpaid voucher list until it has been resolved.

Councilor Jaramillo asked if the billboard lease invoice was for an entire year since we had talked about not renewing it. Ms. Shannon stated that she believes that the lease ends in February or March. Monthly payments are made for a year-long lease. Mayor Gallegos stated that the QEDF thought that this money could be better used in marketing and tourism to better benefit the Village since the billboard really does not represent Questa.

Motion: Councilor John Ortega – with the exception of the Llano Community Irrigation Ditch invoice.

Second: Councilor Brent Jaramillo

In Favor: All

Opposed: None

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

X. MATTERS FROM MAYOR AND COUNCIL

A. Discussion Item - Questa Land & Water – (added to the agenda)

Mayor Gallegos stated that regarding the email from Attorney Lance Hough, to Mr. Maestas which stated that he understands that the Questa Land & Water Board members will be as follows:

Chairman Malaquias Rael
Councilor Lawrence Ortega
Charlie Gonzales
Donald Gallegos
Louise Gallegos

Mayor Gallegos stated that there were additional recommendations that the Village and QEDF made that were not accepted by those who made the final decision. He would like to say for the record, that he and Councilor Brent Jaramillo, as members of the QEDF board, participated in a meeting last week where we unanimously recommended Mr. Louis Eddie Herrera as representative of the QEDF on the Questa Land & Water Board. Legal Counsel is not present tonight to answer why it was changed. Councilor Brent Jaramillo suggested calling Attorney Marcus Rael. Councilor John Ortega stated that we ask our attorney how the members were chosen, what the criteria was; as well as the family issue. Councilor Lawrence Ortega stated that it looks like the names changed quite a bit from one of our recent meetings where we were told that Mr. Hough would be on the board.

Mayor Gallegos stated that legal representation is needed on that board and hopes that Mr. Gallegos is filling that roll. Councilor Lawrence Ortega stated that he has nothing personal against anyone on the board but is concerned with having a brother and sister on the board when there is a thousand other residents in Questa. Mayor Gallegos agreed. The Mayor stated that the Governing Body has voiced their concerns regarding the QLW will not be an economic benefit or driver for us. Councilor Brent Jaramillo suggested calling Attorney Marcus Rael to voice our frustration regarding both Donald and Louise Gallegos on the board, if Mr. Herrera
will be placed on the Board and Malaquias Rael on the Board and was not selected by the QEDF. Mayor Gallegos stated that Chevron did not want the Village Council to select the Board originally. They thought it was going to be politically driven.

Attorney Marcus Rael joined the meeting by phone at 6:51 pm.

Mayor Gallegos informed Mr. Rael that the Governing Body was in discussion regarding the QLW Board. He stated that there are concerns and frustrations over the process and possible criteria of which the Board members were selected. Mayor Gallegos stated that his concern is that the QEDF unanimously selected Mr. Louis Herrera to be on the Board. Mr. Herrera accepted and somewhere along the line in the selection Malaquias Rael was selected instead. He does not understand that particular selection and asked Mr. Rael to elaborate on why Mr. Herrera was not selected or why Malaquias Rael was selected. Mr. Rael stated that his understanding is that the QEDF put forward Mr. Herrera's name as well as others. Mayor Gallegos stated that the QEDF was to select a member from their board, correct? Mr. Rael stated yes. Mayor Gallegos stated so as a board, Mr. Herrera was unanimously selected from the QEDF Board and Councilor Lawrence Ortega was selected by the Governing Body. Mr. Herrera was not to be in the mix of the at-large positions. Mr. Rael stated that his understanding is this, after speaking with Kevin Dougherty. Mr. Dougherty was under the impression that Malaquias Rael was going to be on the board from the beginning. Mr. Dougherty took the other names all as one group, then he selected Louise Gallegos out of that group. Then out of the names that the Village Council selected, he selected Donald Gallegos because he is an attorney, and Charlie Gonzales. Mayor Gallegos stated that the Village Council submitted Juan Cisneros, Donald Gallegos and Charlie Gonzales. Louise Gallegos was selected as an alternate if Donald Gallegos did not accept the position. Mr. Rael stated that this information was never passed on to Kevin Dougherty. Mayor Gallegos stated that he was under the impression that Lance Hough was going to be the legal representation. The QEDF Board selected Mr. Herrera as the QEDF representative. Christian Isely was present at that meeting. Whether Mr. Dougherty knew that or assumed that he wanted Malaquias Rael in there, it is wrong. It is wrong that he was pre-determining who his board was going to be without giving everybody a fair chance. Mayor Gallegos stated that the Governing Body was under the impression that Village Legal Counsel along with Tom Campbell of Chevron would be making the decision of who the board would be, not Mr. Dougherty. Councilor Brent Jaramillo stated that this was per Christian Isely, who at a prior Council Meeting and at a prior QEDF meeting, Mr. Isely stated that you, Mr. Rael, and Tom Campbell were making the decision. Councilor Jaramillo stated that they were always led to believe that you, Mr. Rael along with Tom Campbell would make the final decision as well as the implication that Lance Hough would be a part of it also. Mr. Rael stated that he nor Tom Campbell were never involved in the selection of the board; it was Christian Isely and Kevin Dougherty, mostly Kevin Dougherty. Councilor Jaramillo stated that it seems that Christian Isely lied to us. Mr. Rael stated that he believes that Kevin Dougherty wanted Lance Hough on the board as the attorney representative because he had the best understanding of it because he's been involved in it. Lance's name was not submitted, Mr. Gallegos was the only attorney that was submitted. Mr. Rael stated that when he expressed these concerns to Mr. Dougherty, he was surprised because he stated that Mr. Gallegos was the only attorney that was submitted. Ms. Gallegos was selected because they wanted a woman on the board. Regarding the QEDF recommendation, it sounds to him that Mr. Isely did not make it clear to Mr. Dougherty that Mr. Herrera was not part of the at-large group of names. Mr. Dougherty stated that Mr. Herrera is an unknown entity to him. (Mr. Dougherty's words)

Councilor Jaramillo stated that if Mr. Dougherty expected Malaquias Rael to be on the board, by that same logic, he would have expected Lance Hough to be on the board. So, they can't use that same logic.

Councilor John Ortega asked Mr. Rael why they even bothered with us; He stated that he asked specifically at last Tuesday night's meeting if they were even going to give any consideration to the names we submitted or was it going to be the same board we saw on paper. It basically ended up being that same board. He feels like the Council has been lied to this whole time; we've never gotten a straight answer. He stated that we should not have even approved the QLW in first place; we approved it based off of lies we were told. He stated that this is how he feels right now.
Councilor Lawrence Ortega stated that Mr. Dougherty took Ms. Gallegos’s name as one of the selections of the Council. It was clear to Lance Hough that night at the meeting and it is recorded in the minutes that she was selected only as an alternate in the event that Mr. Gallegos was also nominated by the QEDF board and selected; this is not how it came out. Mr. Rael stated that the information regarding the alternate was never passed on to Mr. Dougherty by Mr. Isely. Councilor Lawrence Ortega stated that Lance Hough was present at the last meeting where it was decided by the Council about the alternate. Mr. Rael stated that Lance Hough did talk to him today about it after he had spoken with Mr. Dougherty. It was never passed on to Mr. Dougherty.

Councilor Brent Jaramillo stated that Mr. Isely should have put the brakes on Ms. Gallegos based on the brother/sister relationship. If Mr. Gallegos was selected as the attorney, Ms. Gallegos’s name should have been put aside and another name should have been selected. If they wanted a woman, it should have been Evelyn Coggins. Councilor John Ortega stated that an attorney was suggested but they never suggested they wanted a woman; this is the first we hear about that. Mr. Rael stated that that was Mr. Dougherty stating that it would be good to have a woman; it was not a requirement.

Mr. Rael stated that he is sorry that this is causing so many problems. Mr. Rael stated that after he spoke with Mr. Dougherty he placed a call to Mr. Tom Campbell. They will talk tomorrow.

Mayor Gallegos stated that whether Mr. Dougherty knew these people or not, we made the recommendation of our own faith and our own relationship with these people. We have to work with them, not Mr. Dougherty. Also, Mr. Isely has now tainted his reliability with the Village for the reason that he manipulated this whole process by lying to Mr. Dougherty and by lying to the Governing Body. Mayor Gallegos needs to be put on that board. We have tried to make this board as quasi-neutral as we could with different groups of people who are unbiased. Right now, this board looks biased. It is better that Mr. Dougherty does not know these people; it makes it neutral. You know what it is? Chevron doesn’t have the thumb on the people they don’t know; that is why they were not chosen. Mr. Rael stated that he has heard all the comments and concerns and is going to go around Mr. Dougherty tomorrow and talk to Mr. Campbell and do everything in his power to fix this tomorrow and hopefully be able to send the Governing Body an email saying these problems have been fixed. He stated to the Governing Body that he knows they are unhappy with this and he is going to have that hard conversation with Mr. Campbell tomorrow to fix this problem.

Councilor John Ortega stated that regarding Mr. Dougherty’s comments not knowing these people - his thought is that if he was assembling a board like this one he would bring in those eight people that were recommended and interview them or at least call them and find a way to get to know them; not just dismiss them because he doesn’t know them. He still feels like we approved the QLW based off of lies. Councilor Jaramillo agreed; it’s been nothing but lies, Mr. Isely has manipulated the whole thing and we are tired of it. This isn’t the first time either, but it is the most serious. Councilor Lawrence Ortega told Mr. Rael that we are depending on him to talk to Mr. Campbell tomorrow and get it changed. Mr. Rael stated that he really believes that the QLW is a great thing for Questa and does not want Mr. Isely’s personal preferences involved in something that is really going to be good for Questa. Mr. Rael stated that he will send an email to the Governing Body tomorrow after he has spoken with Mr. Campbell to try and make this right. Councilor Jaramillo stated that on top of that, he would also like to see in that email the date that they are going to announce the water rights transfer to the Village. Mr. Rael stated that he will make every effort to include that information in the email as well. Councilor Jaramillo stated that we have been messing with this for 2plus years; it’s not the amount we want but we need water rights. We are going to be drilling a new well in the next year so we need those water rights in place. Mr. Rael stated that he has secured those water rights he is just not sure about the date but will try to get a date tomorrow; he has been working really hard on this and has no doubt that he will come through with this for the Village.

Mayor Gallegos and the Council thanked Mr. Rael.

B. Discussion, Consideration & Decision - Approval of Contract for Pot-Hole Repair Project

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Mr. Maestas informed the Governing Body that regarding the warranty, Mr. Leeder will guarantee his work for the year. Also, if they do cut and the weather turns and we are not able to get the hot mix from Taos, Mr. Leeder will get it up here from somewhere else. On the pre-construction utility survey, Mr. Leeder stated that because a lot of the utilities are located under the roads, it sometime entails had digging which is costly and time consuming sometimes requires bringing extra help in to get it done quickly; however on the second page of the handout you will see that lined up on item 9, the original cost that was put in was $4,720.00 that was already reduced by $1,000.00 because we were not going to do Abra Road – he is willing to reduce this price again by another $1,000.00 which will bring it down to $3,720.00. Councilor John Ortega state that he does not agree with this, they are fixing pot holes; there is nothing that is buried more than 3ft. The only utilities under the road are the Village utilities and those are at least 4ft down; he does not see why this is going to cost anything. Councilor Lawrence Ortega stated that that is exactly true, they are only going to have to dig a maximum of only one foot. There are no utilities buried that deep; we are initially giving that money away. Regarding the cost of two inch asphalt, when it is purchased in small quantities the cost is higher.

This would bring our total cost to $53,960.00 and be able to get it done this week. He can invoice us by end of year. Once we get the Notice of Award and Notice to Proceed he will have 30 days to complete the work. Councilor Lawrence Ortega asked if we have specifically identified where these 400 square yards are going to go or are we going to leave it up to Mr. Leeder to decide. Mr. Maestas stated that they have identified about 600 square yards. We haven’t gone back and identified the very specific areas yet because we did not know how much the cost was going to be prior. He stated that at the pre-construction meeting they can be identified.

Councilor Jaramillo stated that it is a lot of what ifs. So if we approve the contract, you are going to call Joe Moore and Mr. Leeder tonight and have a pre-construction meeting tomorrow, right? Mr. Maestas stated yes. Then, you are going to rely on John Rael to find you 400 yards of roadway to work on. Mr. Maestas stated that he has driven the roads with John Rael and he knows them and has marked them. Mayor Gallegos questioned the numbers. We are looking at about $42,000.00 correct? We can do more like 600 square yards. Mayor Gallegos is also concerned about the weather. Do we wait and start in the spring? Councilor John Ortega asked Mr. Maestas how sure he was that the state will approve the extension. Mr. Maestas stated that until he has the document in his head he doesn’t know. Councilor Lawrence Ortega stated that last meeting they were told by Mr. Maestas that it was pretty close to a done deal, now he’s saying he has no clue; which is it? Mr. Maestas stated that it was hand delivered today to the Deputy Secretary, got a call from Ms. Godina stating that it should be signed by the 31st. Councilor Jaramillo stated that if we can’t get them in to do the project this week then we should look at May or June. Councilor Lawrence Ortega agreed. Councilor John Ortega stated the utility locates are going to take at least a couple of days.

Councilor Brent Jaramillo asked Mr. Maestas, with all the factors involved, and all the discussion that was had, what his recommendation is. Mr. Maestas stated that his recommendation is that we move forward and try to complete the work this week and do everything we can to meet the original deadline. Councilor John Ortega stated Embargo Road needs to get done.

Motion: Councilor John Ortega
Second: Councilor Lawrence Ortega - with discussion.

Councilor Lawrence Ortega suggested that item 9 be deleted and the contractor be paid for only the utility work that is done. He is not convinced that any work will be needed under this line item.

Councilor Lawrence Ortega stated that our motion will have to include the amount we are awarding. Mr. Maestas stated we can award the amount of the grant of $54,969.00. Councilor Lawrence Ortega stated that we can approve the contact with Item 9 included and change order it out if the work is not needed.

There was no other discussion.

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An amended motion was made by Councilor John Ortega to award the contract with RL Leeder in the amount of $54,969.00. Councilor Lawrence Ortega seconded the motion and directed Mr. Maestas to make sure it states somewhere in the contract that the warranty is included.

In Favor: All
Opposed: None

To approve the contract for the Pot-Hole Repair Project with the stipulations outlined above in the amended motion. All voted yes. Motion carried.

IX. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas

Mr. Maestas updated the Council on the following:

- Alumbra was held this last weekend, there was a great turnout.
- Workforce Solutions will be here tomorrow. They will hold a community meeting at the Alta Vistas School auditorium.
- Waste Water Treatment Plant- There is an issue with a motor that was just purchased. The company is giving us a difficult time on the warranty. He will update the Council as we go.
- JCH was here yesterday to look at the pumps and some of the PRV’s. Councilor Lawrence Ortega asked if they will be giving us some recommendations for PRV’s. Mr. Maestas state that we are working on getting a topographic map to make this easier.
- Streetlights - Double Eagle Electric will be available next week to assess the lights.
- There will be a QEDF board meeting on December 28th.

Councilor John Ortega asked if we hired someone for the MVD Clerk position. Mr. Mestas stated that two interviews were done and an offer was made. Councilor Lawrence Ortega asked who was hired. Mr. Maestas stated that Ms. Valerie Gurule was hired. Councilor Lawrence Ortega stated that it is important to be transparent.

Councilor John Ortega asked if we were short-handed again at the Police Department. Mr. Maestas stated yes. Councilor Brent Jaramillo asked if Officer Jani Davis resigned her position. Mr. Maestas stated yes, she did. Councilor Lawrence Ortega stated that these are things we need to know in order to be transparent. Councilor John Ortega stated that the Police Department needs some new police vehicles. Councilor Lawrence Ortega asked about the vehicles at the corrals and if they are going to be disposed of. Councilor John Ortega stated they belong to Felix Gomez and does not know if wants to get rid of them. Councilor Jaramillo stated that the County is getting complaints about them, they need to be disposed of.

XI. ADJOURNMENT

Motion: Councilor John Ortega
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:06pm.

ATTEST

Renee Martinez, CMC

APPROVED:

Mark Gallegos, Mayor

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