I.	CALL TO ORDER BY MAYOR MARK L. GALLEGO	S
Mayo	r Gallegos called the meeting to order at 6:04 pm.	
II.	ROLL CALL	
Mayo	r Gallegos asked Village Clerk Renee Martinez to take roll.	
Coun	nt: cilor John Anthony Ortega cilor Lawrence Ortega cilor Brent Jaramillo	
	resent: cilor Julian Cisneros	
Admi Villag Finan	Present: nistrator Nicholas Maestas e Clerk Renee Martinez ce Director Karen Shannon ney Lance Hough	
III.	PLEDGE OF ALLEGIANCE	
Mr. G	abe Herrera led the Pledge of Allegiance.	
IV.	APPROVAL OF AGENDA	
	n: Councilor Lawrence Ortega d: Councilor Brent Jaramillo	
Counc	all: ilor John Ortega YES ilor Lawrence Ortega YES ilor Brent Jaramillo YES	
n Fav Oppos		
Γο ο ρι	prove the agenda as presented. All voted yes. Motion carried.	

<u>APPROVAL OF MINUTES</u> –

Work Study, January 23, 2018

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Motion: Councilor John OrtegaSecond: Councilor Lawrence Ortega

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In Favor: All Opposed: None

To approve the Work Study minutes of January 23, 2018 as presented. All voted yes. Motion carried.

• Regular Meeting, January 23, 2018

Motion: Councilor Lawrence Ortega Second: Councilor Brent Jaramillo

In Favor: All Opposed: None

To approve the Regular meeting minutes of January 23, 2018 as presented. All voted yes. Motion carried.

VI. <u>PUBLIC COMMENTS</u> - (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. Jamie Archuleta – Former Village of Questa Employee – Thanked the Governing Body for the opportunity given to him as an employee for the past 5 years. Stated his last day was Friday. Expressed his concerns with the administration. Asked that the Governing Body look into safety issues as well as the public works vehicles, tools and equipment.

• Phyllis Zimmerman, Questa Quilt Guild - formed in 1997 – Meet twice a week and make a quilt annually and raffle it off. All proceeds go back into the community. They received a letter from the Village with a contract to charge \$60.00 a month for the use of the Youth Center. They use the building on Mondays and Wednesdays from 10:00am to 2:00pm. They don't use much electricity, they do use the restrooms. One of the members used to clean and they have bought supplies. They took care of the building when they used it. They cannot afford the \$60.00 a month. When they spoke with the Administrator, he suggested they do some in kind services. They can clean the restrooms and the floors. We are senior citizens and some of us have some health issues. She asked when the Youth Center rental discussion is held later in the meeting to please consider this. They have never been charged for using the building in the past. The Youth Center was built for community use. She understands that the Village needs to generate some revenue, but she also feels like they pay taxes. They would like to continue using the building and would like to work something out.

VII. PRESENTATIONS / UPDATES

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Mr. Daniel Trujillo presented the Fiscal Year 2017 audit. There are 4 levels of a financial statement opinion. They are (from worst to best):

A) Mr. Daniel Trujillo, Kubiak & Melton - Presentation of Final Audit FY 2017

- Disclaimer
- Adverse
- Qualified
- Unmodified

The Village received a qualified opinion. The reason we could not give a full unmodified opinion was because the capital asset listing and depreciation schedule needs to be completed. It is a huge task, the Village will need more resources to get it done. Mr. Trujillo stated that he would like to work with the Village to move forward.

103 Mr. Trujillo went over the following findings:

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1. Capital Asset Depreciation Schedule - Material Weakness - (Repeated finding) Originated in 2011

2. Capital Asset Inventory - Material Noncompliance - (Repeated finding) Originated in 2014

3. Payments made under existing contracts – Material Weakness – (Repeated finding) Originated in 2016 Attorney Services regarding Chevron and Geotechnical Services need to be procured.

4. Utility Billing – During test work there were 2 instances where commercial customers were not being billed in accordance with the utility ordinance.

Status of Prior Year findings:

- 1. Capital Asset Depreciation Schedule Repeated
- 2. Segregation of Duties Resolved
- 3. Capital Asset Inventory Repeated
- 4. Internal Controls over Receipts and Deposits Resolved
- 5. Payments made under existing contracts Repeated

Mr. Trujillo reiterated that the Governing Body make a move on allocating the resources to get the capital asset schedule completed as soon as possible. A couple of options to consider are that they could get the Village in touch with a couple of firms that would like to help or Kubiak can submit a quote as long as management is knowledgeable and have the skills and experience to take responsibility for the procedures the firm performs, they can remain independent in order to do the audit. He would really like to see the Village get an unmodified audit. He stood for questions.

Councilor Lawrence Ortega – Asked for a brief definition of material weakness. Mr. Trujillo stated that there are 3 levels – deficiency, significant deficiency and material weakness. The definition of material weakness is that a misstatement could occur. If a material weakness remains undetected and unresolved, a material misstatement could eventually occur in the financial statements.

Councilor Brent Jaramillo – Should the Utility Billing finding have been found the year before? Mr. Trujillo stated that it could have been; however different tests are performed in different years.

Mayor Gallegos thanked Mr. Trujillo for the work his firm has done for the Village. Mr. Trujillo thanked the staff for stepping up and working hard on resolving the findings and moving forward. Councilor Lawrence Ortega asked Mr. Maestas if he believes he can get the resources we need to in order to get the asset issue completed by June. Mr. Maestas stated that he believes we will have to be creative in finding the funding for securing professional services; a lot of the homework has already been done to be able to set us up in order to get someone on board. Councilor Lawrence Ortega stated that we need to do whatever we have to, to get it done and believes the Governing Body supports this. Councilor Brent Jaramillo stated that if Mr. Maestas can come to the Governing Body in two weeks with a recommendation of which way he wants to go the Council will support it, and whatever BAR needs to be made.

B) Mr. Gabe Herrera, Project Manager - Options regarding the Tailing Pipeline on Embargo Road

Mr. Gabe Herrera stated that he is here to revisit the two options for the pipeline that passes underneath Embargo Road. One option involves excavating and removing pipe and the other option involves filling the pipe with grout and leaving it in place. Mr. Herrera described the impacts of each option.

Mr. Herrera stated the pipe is about 13-14 feet deep near the entrance to Embargo and tapers down to 7-10 feet.
The 811 utility locates identified a 6 inch gas line that runs on the south side of SR 522 and branches off along Embargo Road where it meets the distribution station. A 4 inch line comes back along that same stretch and heads back over to the Village where it serves the Village residents and in addition continues west.

Councilor Brent Jaramillo asked when this project would begin, for either option. Mr. Herrera stated that the project would take about 6-7 months for the first option – they would like to start in the month of March, of any given year and run through September. 2019 would be the earliest date. For the second option, the project could probably be completed this year. Councilor Brent Jaramillo asked if the pipeline would be taken out of the Rael property or would it be capped and grouted as well. Mr. Herrera stated that the intent is to remove the pipe from the property.

Councilor John Ortega asked if the pipe was going to be removed from under SR 522. Mr. Herrera stated that it can be removed if there is enough room in that specific area and if they find an area that is safe and agreeable to all parties. Councilor Brent Jaramillo stated that if we said, remove the pipe under Embargo Road, would you just grout the portion under SR 522. Mr. Herrera stated that he had not considered that, he would have to think about that. They have been looking at completely removing or completely grouting; not a combination of both. Councilor John Ortega stated that this will impact traffic. Mr. Herrera stated yes, it would cause us to detour traffic. Mayor Gallegos stated that he is sure that someone has already had this conversation with NMDOT. Mayor Gallegos is concerned with the relocation of the material during the hydro excavation. Councilor Lawrence Ortega asked what 14 inch TS asphalt is. Mr. Herrera stated that he believes it is 14 inch thick asphalt. Councilor Lawrence Ortega asked if there was a schedule they would like to adhere to in order to move forward or is there some flexibility. Mr. Herrera stated that they are flexible, but ideally they would like to begin planning for whatever option is decided upon; maybe having a decision by June or July.

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Councilor John Ortega asked how the rest of the pipeline removal is going. Mr. Herrera stated that they have completed stage 1 of the removal which is at the tailings facility. They have advanced form the entrance of the tailings facility down Mountain View Road.

Mayor Gallegos thanked Mr. Herrera for the update.

A) C.A. Cisneros Youth & Family Center Rental

VIII. **DISCUSSION ITEM**

Mr. Maestas presented the two agreements currently in place for the use of the Youth Center. Both groups pay \$60.00 per month. The Questa Library also uses the facility for different events. He stated that he had the opportunity to sit down with the Questa Quilting Guild regarding the use of the facility. He drafted an agreement for them which included sweeping the entryway and wiping down the bathrooms as well as keeping the larger room clean; picking after themselves. The user fee was reduced to \$20.00. It was sent over to the group and we have not received any type of response. He would like to eventually hire someone to be there with a community center type of environment. He would like to look at this during our budget process to see if this will be feasible.

Mayor Gallegos stated that our working relationship with the Questa School District is a priority, with their 4 day schedule, should be at no charge as entity to entity. He stated that it should be the same fee from everyone who has an agreement.

Councilor John Ortega stated that he is disappointed that this is the first time that we see these documents. Before we started charging for the use of the facility it should have been brought to our attention. I know a decision had to be made and we do not want to micro manage but the Council approves the budget and anything that affects the budget should come before us. He stated that he was very disappointed when he found out during the weekend that the 4-H Club has to pay for the use of the facility; they are a non-profit group. The quilting guild is a non-profit group. The agreements with the AA and Non Violence Works; they are government funded.

Councilor Brent Jaramillo stated that in order to avoid the anti-donation, there would have to be a contract or agreement in place with any entity that does not meet fair market value or can provide a service to the benefit of the community at large. The school district is government to government. We have to make sure that our attorney can draft a sound agreement that will pass the audit test.

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Councilor Lawrence Ortega asked how the use of the Youth Center differs from the use of the park. We don't charge a fee for people to use the park. Attorney Lance Hough stated that there is a difference. The park is a facility that the public has access to at any time, unless the park is closed. The Youth Center is a facility that is not open all the time and is not always accessible to the public as well as the extra costs of operating the building. He would like the opportunity to research this issue and put it together in a memorandum.

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Ms. Jennifer Vialpando stated that her issue is that the school board and superintendent have banned them from the use of the building after hours. Our kids need services. This is the reason she had come to the Village. If they start a program, and they get a professional to come and do a class, how would that work? She does not want the Village to get into any trouble. She is also seeking grants so that none of the groups have to pay a fee. She would like more clarity.

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Ms. Phyllis Zimmerman stated that there has not been a charge for 20 years and now all of a sudden they want to charge when it is supposed to be for the youth and families of Questa.

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Councilor John Ortega stated we need to do something for the youth of this community. It would be worth it to look into some programs and organizations in for the youth.

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Mr. Daniel Trujillo (Kubiak & Melton) stated that what they really look for regarding anti donation is their consideration. Consideration can be anything, other than 'free'. The facility could maybe be re-purposed as a multi-use community center and have someone there and open regular hours.

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Ms. Jennifer Vialpando asked if the Council would like to hear a proposal from her in the future of what she and a couple of other colleagues have in mind. It was agreed by the Council that they are interested in seeing a presentation.

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Attorney Lance Hough will provide the necessary information for next meeting.

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Ms. Kim Santistevan asked if the Little League and the Village Council could come to an agreement in getting the baseball field ready for the season.

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IX. ACTION ITEMS

243 244 245 **A)** Discussion, Consideration & Decision regarding the selection of a member to serve on the Nominating Committee for a one year term for Holy Cross Hospital Board

246 247 After a brief discussion, it was decided that Village Administrator Nicholas Maestas serve on the nominating committee for a one year term.

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Motion: Councilor Brent JaramilloSecond: Councilor Lawrence Ortega

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252 Roll Call:

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254 Councilor Lawrence Ortega
755 Councilor Brent Jaramillo
6 Councilor John Ortega
YES
YES

To approve Village Administrator Nicholas Maestas serve on the nominating committee for a one year term.

All voted yes. Motion carried.

B) Discussion, Consideration & Decision regarding Resolution 2018-03 – NMFA Grant Resolution

Mr. Maestas stated that this Resolution is required from NMFA authorizing and approving the submission of an application for financial assistance for a planning grant for a Preliminary Engineering Report and Waste Water Master Plan. This was a recommendation from the environment department for the Village to find some planning money. Councilor Brent Jaramillo asked for an explanation regarding the waste water master plan. Mr., Maestas stated that the idea for this is to understand the current capacity level of our waste water treatment plant with its current customer load and capacity for new customers. Councilor Lawrence Ortega asked if this master plan would include the collection system also or just the treatment system. Mr. Maestas stated that we will have the opportunity, once we acquire the grant, to tailor it for what we need, depending on the cost.

Councilor Lawrence Ortega suggested that we include collection system in the description as well as show what areas in the community need sewer lines. Councilor Brent Jaramillo suggested re-wording it to consider the NRDA money.

Motion: Councilor Lawrence Ortega – with additions to the application as mentioned above.

276 Second: Councilor Brent Jaramillo

Roll Call:

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

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To approve the NMFA grant Resolution 2018-03. All voted yes. Motion carried.

- X. **FINANCIALS** Ms. Karen Shannon, Finance Director

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

Ms. Shannon stated that included in their packet was a budget timeline.

Ms. Shannon stated that the Vouchers presented are as of February 9, 2018 and stood for questions.

Councilor Lawrence Ortega – Inquired about Invoice 4123 – NM State University – Ms. Shannon stated that it is for the Public Procurement Training and test for Mr. Maestas. Policy states that the procurement officer is the administrator or their designee. Invoice for OSE – Mr. Maestas stated this was for the application for the water rights purchase for the 3 grandchildren of Mr. Lino Trujillo.

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Councilor John Ortega - Inquired about the Amazon invoice and if these are things we can't buy locally. Ms. Shannon stated that the items are supplies that we get 3 quotes on and they are the best price. Councilor John Ortega asked if we are required to get 3 quotes on these items. Ms. Shannon stated that we do for office supplies because it is several different items. We get quotes on all the items on the list. Councilor John Ortega stated that he believes we are doing our local businesses some injustice; Amazon may be cheaper but do they pay the Village any gross receipts. Councilor Brent Jaramillo agreed and stated that we have discussed this before. There are many items that could be purchased at Family Dollar and at the Questa Lumber & Hardware. Councilor Brent Jaramillo would like the Council to revisit the procurement regarding the 3 price quotes because we're killing the staff with this process; if they are doing their due diligence and we don't have it in policy that they need 3 quotes, we should allow them to purchase it. If this is killing employee moral we need to address it. Councilor Lawrence Ortega agreed with purchasing from local businesses, especially for small items such as

these. Mayor Gallegos stated that hopefully the staff will follow this direction from this point forward in trying to support local businesses as much as possible.

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312 Motion: Councilor John Ortega313 Second: Councilor Lawrence Ortega

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315 In Favor: All 316 Opposed: None

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

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B) Discussion, Consideration & Decision regarding the approval of Out of State Travel

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Ms. Shannon stated that this travel is for Councilor Brent Jaramillo and Administrator Nicholas Maestas to attend the Congressional Cities conference in Washington, DC. - March 7-14.

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Mr. Maestas stated that he will not be able to make it to the conference because of the election. He would like to be here for the transition and is withdrawing his name from the travel request. If there is a Governing Body member that wishes to go we have until February 16th to cancel. Councilor Brent Jaramillo stated that he will be attending March 10-14. He also stated that he is requesting to go on actuals. Ms. Shannon stated that the policy states that the council has to approve the higher rate because it is above the straight per diem.

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- Motion: Councilor John Ortega approve out of state travel as well as actuals.
- 332 Second: Councilor Lawrence Ortega

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In Favor: All Opposed: None

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To approve the out of state travel as well as actuals for Councilor Brent Jaramillo. All voted yes. Motion carried.

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- XI. <u>EXECUTIVE SESSION</u> (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 (§ 10-15-1(H) (2)) Public Works Department and Questa Public Library
 - B) Pending or Threatening Litigation (§ 10-15-1(H) (7)) 2015 CDBG Project
 - C) Real Property and Water Rights (§ 10-15-1(H) (8)) North Tailing Access Road

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

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348 Roll Call:

349Councilor John OrtegaYES350Councilor Lawrence OrtegaYES351Councilor Brent JaramilloYES

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Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed.
The Governing Body entered into Executive Session at 8:01pm.

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A motion was made to reconvene from Executive Session at 9:05pm by Councilor John Ortega, seconded by Councilor Lawrence Ortega.

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Э Roll Call:

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361 Councilor Lawrence Ortega
 72 Councilor Brent Jaramillo
 3 Councilor John Ortega
 YES

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Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.

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XII. ACTION ITEM

A) Discussion, Consideration & Decision regarding Possible Close-Out of 2015 CDBG Project

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Motion: Councilor Brent Jaramillo – To direct staff to close-out the 2015 CDBG Project

371 Second: Councilor Lawrence Ortega

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373 Roll Call:

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375 Councilor Lawrence Ortega YES
 376 Councilor Brent Jaramillo YES
 377 Councilor John Ortega YES

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379 In Favor: All 380 Opposed: None

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To move forward with closing out the 2015 CDBG project. All voted yes. Motion carried.

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XII. MATTERS FROM ATTORNEY

A) North Tailing Access Road

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XIII. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas

Mr. Maestas submitted a written report and informed the Governing Body on the following:

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- IGC meeting on Thursday in Taos.
- Street Light project is complete; there is only one light that is an issue.
- Questa/Red River Trail meeting is scheduled for March 6th at the Red River Visitors Center.
- NMML District Meeting at Taos Ski Valley on March 27th Please let us know if you would like to attend so we can register you.
- Early Voting begins tomorrow here at the Village Council Chambers from 8:00am 5:00pm, open through the lunch hour. Councilor John Ortega asked if we will be able to open on a Saturday for early voting. Ms. Martinez stated that we do not normally open but we can. It was decided to offer early voting on Saturday, February 24th. Councilor John Ortega stated that he was able to see the early voting machine get certified.
- Met with Ms. Christine Martinez, owner of the White Dove Laundromat. She is fine with the classification of her business. The question she had was the water rates increased to one level and the sewer rates were increased higher than the water rates. She will be drafting a letter for the Council.

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Councilor Brent Jaramillo requested Mr. Maestas state his plans for the Little League. Mr. Maestas stated that he sat down with Questa Little League President, Ms. Kim Santistevan regarding the use of Molycorp Field for the little league season. Some items discussed were the use of the concession stand, fundraising, restrooms, cleaning, trash pickup and electricity. There is one fence area that needs to be addressed.

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.1 412 Ms. Santistevan addressed the Governing Body regarding the concession area. In the past, she would take her own grill and other items. She is very concerned about food safety and needs an enclosed area. She offered to donate a gate if needed, to keep the field enclosed. Councilor John Ortega stated that we need to look into purchasing a gate to protect the playing field. Councilor Lawrence Ortega stated that we also need to look into

the tree issue since it is a safety concern. Mr. Maestas stated that knowing that we are going to have community members utilizing the park, we need to address the safety concerns. He did speak with Mr. Robinson regarding the trees.

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Mayor Gallegos stated that it he appreciate that the league is coming back. We need to look into the lighting for security, we have a building we have not been able to occupy because of vandalism. We need to meet with the Police Department regarding some kind of game cameras that we can monitor. Past President Mr. David Trujillo had stated that if we provided the tools, they would be able to help with some of the maintenance; he is not sure if this is still on the table for discussion or not. We need to look for funding for immediate safety issues. Councilor John Ortega stated that the gate used be closed on the west end so there was no access to the park area. Ms. Santistevan stated that there is a way to get on to the field through the top of the right field. Mayor Gallegos stated that we can do a sight visit and prepare the field as best as we can.

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XIV. MATTERS FROM MAYOR AND COUNCIL

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Councilor Lawrence Ortega inquired about Mr. Dale Cisneros's request for a waiver on his bill. Mayor Gallegos stated that Mr. Cisneros was supposed to come before the Council regarding this issue prior to Mr. Maestas arrival. He stated that he and Ms. Trujillo worked on the issue. He stated that he and Mr. Maestas will review some of the accounts that need to be brought to the Council and have them at the next meeting.

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Councilor Lawrence Ortega stated that a brief discussion was held with Mr. Joe Moore regarding the Cabresto Road paving. He stated at this meeting that the project would include the paving from State Road 38 all the way up the hill to Cabresto Road. It has since been eliminated. How did this change come about? Mayor Gallegos stated that he does not know how this happened. Councilor Lawrence Ortega stated that the MAP project requires that the project connects to a state road. Councilor Brent Jaramillo stated that there was supposed to also be a public meeting for this project to invite all the Cabresto residents. Mayor Gallegos suggested getting Wilson & Company up here after the election to do a presentation on this project for the Council. Councilor Lawrence Ortega stated for the public too.

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Councilor John Ortega inquired about the moving of a water line on Mr. Lino Garcia's property, Mr. Maestas stated that he is aware of this project and did reach out to Mr. Garcia and had a meeting with him and his wife. It was at the beginning of winter. He sent Mr. Garcia a letter notifying him that we would be doing that project as soon as we can the beginning of this year. Mayor Gallegos stated that it was supposed to get done since last year but the Mr. Trujillo did not get it scheduled. It needs to get done. Another project needs to get done on South Kiowa also. Councilor Lawrence Ortega has the map and easement for this. Councilor Lawrence Ortega inquired about the Administrator evaluation and when it has been scheduled. Mr. Mestas stated that we will have it on the next agenda for Executive Session.

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XV. **ADJOURNMENT**

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Motion: Councilor John Ortega Second:

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Councilor Brent Jaramillo

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In Favor: All Opposed: None

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There being no further business discuss, the meeting was adjourned at 9:34pm.

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3 464 Renee Martinez

February 13, 2018