

1 **VILLAGE OF QUESTA**
 2 **REGULAR MEETING MINUTES**
 3 **TUESDAY, JANUARY 23, 2018**
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
 5 **6:00PM**

7 I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**

8 Mayor Gallegos called the meeting to order at 6:03 pm.

10 II. **ROLL CALL**

12 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

14 **Present:**

15 Councilor John Anthony Ortega

16 Councilor Lawrence Ortega

17 Councilor Brent Jaramillo

19 **Not Present:**

20 Councilor Julian Cisneros

22 **Also Present:**

23 Administrator Nicholas Maestas

24 Village Clerk Renee Martinez

25 Finance Director Karen Shannon

26 Attorney Lance Hough

28 III. **PLEDGE OF ALLEGIANCE**

30 Councilor Brent Jaramillo led the Pledge of Allegiance.

32 IV. **APPROVAL OF AGENDA**

34 Councilor Lawrence Ortega requested items XI, XII and XIII be moved up before Item VII.

36 Motion: Councilor Lawrence Ortega

37 Second: Councilor Brent Jaramillo

39 Roll Call:

40 Councilor John Ortega YES

41 Councilor Lawrence Ortega YES

42 Councilor Brent Jaramillo YES

44 In Favor: All

45 Opposed: None

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

49 V. **APPROVAL OF MINUTES** –

- 51 • Special Meeting, December 19, 2017

52 Motion: Councilor Lawrence Ortega
 53 Second: Councilor Brent Jaramillo

54
 55 In Favor: All
 56 Opposed: None

57
 58 To approve the Special Meeting minutes of December 19, 2017 as presented. All voted yes. Motion carried.

- 59
 60 • Regular Meeting, January 09, 2018

61
 62 Motion: Councilor John Ortega
 63 Second: Councilor Lawrence Ortega

64
 65 In Favor: All
 66 Opposed: None

67
 68 To approve the Regular Meeting minutes of January 09, 2018 as presented. All voted yes. Motion carried.

69
 70 VI. **PUBLIC COMMENTS** - (It is the policy of the Governing Body to accept public comment. Because
 71 your particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct
 72 staff to address issues at a future Council Meeting. Public comments are limited to a maximum of three
 73 minutes.) @6:07pm.

74
 75 There were no Public Comments.

76
 77 XII. **EXECUTIVE SESSION** - (The Governing Body may convene into Executive Session at this time
 78 pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)

- 79 A) Pending or Threatening Litigation - (§ 10-15-1(H) (7)) - Liquidated Damages - 2015 CDBG Project

80
 81 A motion to enter into Executive Session was made by Councilor John Ortega, seconded by Councilor Lawrence
 82 Ortega.

83
 84 Roll Call:
 85 Councilor John Ortega YES
 86 Councilor Lawrence Ortega YES
 87 Councilor Brent Jaramillo YES

88
 89 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed.
 90 The Governing Body entered into Executive Session at 6:09pm.

91
 92 A motion was made to reconvene from Executive Session at 6:23pm by Councilor Lawrence Ortega, seconded
 93 by Councilor Brent Jaramillo.

94
 95 Roll Call:
 96
 97 Councilor Lawrence Ortega YES
 98 Councilor Brent Jaramillo YES
 99 Councilor John Ortega YES

100
 .01 Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.

102

103
 104 XIII. **ACTION ITEM** – Agreement Discussion, Consideration & Decision regarding the approval of:
 105 A) Liquidated Damages

106
 107 Motion: Councilor Lawrence Ortega motioned that we assess the liquidated damages as per the contract.
 108 Second: Councilor John Ortega

109
 110 Roll Call:

111
 112 Councilor Lawrence Ortega YES
 113 Councilor Brent Jaramillo YES
 114 Councilor John Ortega YES

115
 116 In Favor: All
 117 Opposed: None

118
 119 To move forward with assessing the liquidated damages as per the contract. All voted yes. Motion carried.

120
 121 B) Invoice

122
 123 Motion: Councilor John Ortega motioned to deny payment of this invoice.
 124 Second: Councilor Lawrence Ortega

125
 126 Roll Call:

127
 128 Councilor Lawrence Ortega YES
 129 Councilor Brent Jaramillo YES
 130 Councilor John Ortega YES

131
 132 In Favor: All
 133 Opposed: None

134
 135 To approve the motion of non-payment of the Invoice to Adame Construction. All voted yes. Motion carried.

136
 137 XI. **PRESENTATIONS** –

138 A) Mr. Luis Reyes, KCEC CEO and Ms. Erin Sanborn, KCEC Business and Organization Development
 139 Manager

140
 141 Mayor Gallegos introduced Mr. Luis Reyes, CEO of Kit Carson Electric Cooperative as well as Mr. Bobby
 142 Ortega, Board of Trustees President and District 2 Trustee.

143
 144 Mr. Reyes updated the Governing Body on their work on Economic Development in connection with the
 145 Intergovernmental Council of the Enchanted Circle (IGC). He stated that the IGC approached Kit Carson to
 146 facilitate working with all the communities, creating a regional economic development approach. There were
 147 several criteria's that were discussed such as this plan cannot interfere with existing economic development plans
 148 and to try and get the IGC more relevant than it has been in the past few years. He stated that the IGC is a great
 149 vehicle to promote economic development that fits in different areas. We need a kind of clearing house to see
 150 where we can attract companies and where they fit. Kit Carson has been involved in economic development for
 151 about 20 years. Through this process, we are starting to build a consensus around the enchanted circle that
 152 economic development and job creation needs to be a priority for the community. Information has been given
 153 to Mr. Maestas. The next meeting is this coming Thursday at Taos County.

154

155 Councilor Brent Jaramillo asked Mr. Reyes to discuss the vision for the IGC staff. Mr. Reyes stated that the best
 156 way is to have an economic development director and staff associated that are allocated just for that work in the
 157 enchanted circle. They believe the best model is to create a 501-C3 corporation that is funded by either a third
 158 party, such as the entity run by Mr. Terry Brunner or in-kind services from different organizations to help recruit
 159 companies and put packets together. If a 501-C3 is put together you take away a lot of the politics out of the
 160 equation and look for the best location that business fits.

161
 162 Councilor Lawrence Ortega asked if Mr. Brunner is with a governmental entity or private entity. Mr. Reyes
 163 stated he is with a private entity and has a lot of experience with many agencies.

164
 165 Mayor Gallegos thanked Mr. Reyes for the update.

166
 167 Mayor Gallegos asked Mr. Joe Moore of Wilson & Company to give a brief update on the upcoming Cabresto
 168 Road MAP project. Mr. Moore brought plans and a spec book. He stated the project will start of Cisneros Road
 169 and go north to Llano Road. The tentative schedule has been moved back a few weeks, ran into a snag with the
 170 NMDOT. Construction should start in March and the bid phase should start the beginning of February. They
 171 are waiting on the NMDOT final review on the environmental. Otherwise, they are ready to go.

172
 173 Councilor Lawrence Ortega asked if we are going to improve the hill from SR 38 up to Cabresto Road. Mr.
 174 Moore stated that this was originally included but is not going to be included in this project. The driveways will
 175 be improved as they currently exist. Councilor Lawrence Ortega asked if in the event we get good bids, and
 176 there is some money left over, that hill can be reconsidered. Mr. Moore stated yes.

177
 178 **VII. DEPARTMENT REPORTS**

179
 180 Mr. Maestas stated that as department heads are available he would like for them to come in to the council
 181 meetings and update the Governing on their individual departments. He would like to maybe consider doing
 182 this in the future. Chief Lamendola is present tonight to give the Governing Body an update as to what is
 183 happening in his department.

184
 185 Chief Lamendola stated that they have had approximately 470 calls for service from December 1 to today. He
 186 has seen a decline in more violent crimes which may be due to more police visibility. They are doing more
 187 traffic patrol which may bring complaints from the public. Mayor Gallegos asked what their protocol was
 188 regarding traffic stops. Chief Lamendola stated that they will cite for 10 miles over the speed limit and over.
 189 There are verbal and written warnings also given. Councilor Brent Jaramillo stated that he knows the PD needs
 190 new vehicles, but how are the ones they have currently running. Chief Lamendola stated that all the units with
 191 the exception of one are running. He stated that the new unit was shipped back to the dealership in Albuquerque
 192 because the entire wheel and drive train fell off. Councilor Lawrence Ortega asked if there are any issues with
 193 their scheduling. Chief Lamendola stated that there are not any issues, they adjust the schedule as needed.
 194 Councilor John Ortega asked what the time frame is to get the two officers certified. Chief Lamendola stated
 195 that they have one year from the day they are hired to go to the academy. He stated that they have until July and
 196 there is an academy class in June. They are allowed to work for a year and get on the job training. They will
 197 have to test a month before the academy and once they pass, they will start the academy in June. Councilor John
 198 Ortega asked if there is anything he needs from the Governing Body or is there anything they can do to support
 199 the department. Chief Lamendola stated that he would like to find some funding to hire some reserve officers
 200 to help he and officer Cardenas cover when the two officers are at the academy. They are currently working on
 201 getting the two officers physically fit for the academy. Councilor John Ortega stated that we need to look for
 202 ways to support the officers and if they get certified we need to increase their pay so that they stay in Questa and
 203 not follow the higher pay. Mr. Maestas stated that he is working with the attorneys on a legal document to retain
 204 these officers so they commit to the Village for at least a couple of years. Mr. Maestas stated that he has met
 205 with Chief Lamendola regarding what their needs are and looking for how we can prepare our budget to show
 206 them that we are committed to our police force and giving them the resources that they need for their protection

207 and that they have adequate equipment. Councilor John Ortega asked what the base pay is for our uncertified
 208 officers compared to our certified officers. There is an increase given when they become certified, correct. Ms.
 209 Martinez stated it is usually what the budget will allow. Councilor John Ortega stated that we need to do what
 210 we can for them because he has seen first-hand what they go through.

211

212 Mr. Maestas as well as the Governing Body thanked Chief Lamendola for his report.

213

214 VIII. **ACTION ITEMS**

215 A) Discussion, Consideration & Decision regarding the approval of Resolution 2018-02
 216 Re: Village of Questa Open Meetings

217

218 Ms. Martinez informed the Governing Body that the only addition made to the Resolution was the following:

219

220 'If a Regular Meeting date falls on a holiday, the meeting shall be re-scheduled to a later date approved by the
 221 Village Council.'

222

223 Motion: Councilor Brent Jaramillo

224 Second: Councilor John Ortega

225

226 Roll Call:

227

228 Councilor Lawrence Ortega YES

229 Councilor Brent Jaramillo YES

230 Councilor John Ortega YES

231

232 In Favor: All

233 Opposed: None

234

235 To approve Resolution 2018-02 regarding the 2018 open Meetings. All voted yes. Motion carried.

236

237 B) Discussion, Consideration & Decision regarding the approval of the 2018 Municipal Election Precinct
 238 Board

239

240 Ms. Martinez stated that the election code calls for the Council to approve the election precinct board for the
 241 municipal election. The list of people as well as their compensation was included in the meeting packet. Ms.
 242 Martinez stated that she respectfully asks for the Councils approval.

243 Councilor Lawrence Ortega

244

245 Motion: Councilor Brent Jaramillo

246

247 Councilor John Ortega requested a discussion and asked Ms. Martinez how the precinct board members are
 248 selected; is there a list provided by the County Clerk of people who want to work. Ms. Martinez stated that there
 249 is a list she can request but she prefers to use the same people for the reason that they are already familiar with
 250 the process for a Municipal election as opposed to a regular election which are run differently. Councilor
 251 Lawrence Ortega asked if this precinct board was for Election Day only. Ms. Martinez stated yes, just for that
 252 one day. Ms. Martinez stated that she takes care of the absentee and early voting herself along with Ms. Dina
 253 Coleman who assists when needed. Ms. Coleman did also go to election school this past year and also assisted
 254 with the 2016 election. Councilor John Ortega asked if the office will be open through the lunch hour for early
 255 voting. Ms. Martinez stated yes, she will be here for voters for early voting from 8:00am to 5:00pm.

256

257 Second: Councilor Lawrence Ortega

258

259 Roll Call:

260

261 Councilor Brent Jaramillo YES

262 Councilor John Ortega YES

263 Councilor Lawrence Ortega YES

264

265 In Favor: All

266 Opposed: None

267

268 To approve of the 2018 Municipal Election Precinct Board. All voted yes. Motion carried.

269

270 C) Discussion, Consideration & Decision regarding moving forward with amending Village of Questa
271 Ordinance No. 2002-117 Compensation for Mayor and Council

272

273 Mayor Gallegos stated that at the last meeting there was some discussion and requests for other municipalities
274 Governing Body pay as well as if it was in our budget. Councilor Lawrence Ortega stated that we were going
275 to be presented with information to assist us in moving forward with this decision. Mr. Maestas stated that the
276 information requested was the COLA rates which was presented at the last meeting. Councilor Brent Jaramillo
277 stated that they were assuming it would come to the next step of showing different pay scenarios and what it
278 would cost. Mr. Maestas apologized. Councilor Brent Jaramillo asked Mr. Maestas if he or Ms. Shannon can
279 confidently say that there is money for these pay raises for the Governing Body. Ms. Shannon stated that any
280 pay increases would come out of our cash balance. We did budget for the small cities assistance at the minimum;
281 at the end of the second quarter we have the cash balance that we could drop. Councilor John Ortega stated that
282 if he was a citizen looking at this, after sitting for a month without water last year, it would not sit well with him.
283 If we have extra money it should go to infrastructure. He stated for the record that personally he does not think
284 he deserves a raise as a Councilman just based off of this. Councilor Lawrence Ortega stated that he agrees with
285 Councilor John Ortega.

286

287 Mayor Gallegos stated this is a discussion with no action due to lack of a motion.

288

289 IX. **FINANCIALS** – Ms. Karen Shannon, Finance Director

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

291

292 Ms. Shannon stated that the Vouchers presented are as of January 21, 2018 and stood for questions.

293

294 Motion: Councilor Lawrence Ortega

295

296 Councilor John Ortega inquired about the following vouchers:

297

- 298 • Cummins at the wastewater treatment plant- Ms. Shannon stated that they come in to do maintenance
299 on a regular basis. It is budgeted.
- 300 • Double Eagle Electric- Is this the total invoice or will there be another. Mr. Maestas stated it is for the
301 initial labor only, there will be a final one.

302

303 Second: Councilor John Ortega

304

305 In Favor: All

306 Opposed: None

307

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

309

310 B) Discussion, Consideration & Decision regarding the approval of Internal BARS

311 Ms. Shannon stated that she has a couple of corrections on the Internal BARS. They are as follows:

- 312 • Page 1, Police – Wages full time and Wages part time; they should be flipped.
- 313 • Page 1, LEPF – Capital Purchases, negative 500 should be a positive 500
- 314 • Line 48 – Utilities/telephone, should be 861

315
316 Councilor Lawrence Ortega asked, the revised budget on the far right, is the revised budget as of the end of
317 December 2017. Ms. Shannon stated yes. There will be another budget and BARS before the end of the
318 fiscal year in June.

319
320 Motion: Councilor John Ortega – with the above corrections.

321 Second: Councilor Brent Jaramillo

322

323 In Favor: All

324 Opposed: None

325

326 To approve the internal BARS as corrected. All voted yes. Motion carried.

327

328 C) Discussion, Consideration & Decision regarding the approval of Resolution 2018-01

329 Re: FY 2018 2nd Quarter DFA Budget Adjustment Requests (BARS)

330

331 Ms. Shannon presented the DFA BARS. Councilor Lawrence Ortega asked if the changes that were made on
332 the spreadsheet, were made on the Resolution itself. Ms. Shannon stated no. The Internal Bars are not included
333 in the Resolution. These have to do with additional revenues and expenditures and also transfers between funds.
334 Councilor John Ortega asked if there are any transfers that are of concern. Ms. Shannon stated no, they are all
335 routine.

336

337 Motion: Councilor Lawrence Ortega

338 Second: Councilor John Ortega

339

340 Roll Call:

341 Councilor John Ortega YES

342 Councilor Lawrence Ortega YES

343 Councilor Brent Jaramillo YES

344

345 In Favor: All

346 Opposed: None

347

348 To approve Resolution 2018-01 as presented. All voted yes. Motion carried.

349

350 Ms. Shannon passed out the December financials and a spreadsheet that shows some of the revenues. She stated
351 we came out good at the end of the quarter. Mr. Maestas inquired of the Council guidance on how to proceed
352 with the quarterly report since it is not a requirement that the Council approves it. Would it be okay that we
353 submit it to the state without the Council approval? Councilor Brent Jaramillo stated in his opinion it should be
354 submitted. Councilor Lawrence Ortega asked when it is due. Ms. Shannon stated it is due to the state on January
355 31st. Councilor Lawrence Ortega stated that as long as the Council gets to review it and discuss it with Ms.
356 Shannon he is fine with it. Ms. Shannon stated that she will have the report for the next meeting. Councilor
357 Brent Jaramillo stated that the GRT's are pretty alarming down 24% from last year. A discussion was held
358 regarding the GRT's. It was discussed checking into the GRT's that are being reported and pursue it with the
359 NM Tax & Rev. It was requested that the Village attorney look into it and give the Governing Body a response.

360

361 XIV. MATTERS FROM ATTORNEY

362

363 Mr. Lance Hough stated that he has been looking into the Tort Claim regarding Antonio Cintas. They will be
 364 working with Traveler's Insurance on this matter.

365
 366 He has also been working on collections and possible liens for the utility bills.

367
 368 Councilor Lawrence Ortega asked Mr. Hough to keep them updated, through the Administrator on the Adame
 369 issue.

370

371 **XV. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas**

372

373 Mr. Maestas updated the Council on the following:

374

- 375 • Contacted by Ms. Kim Santistevan regarding the use of Molycorp Field for the little league. He will be
 376 meeting with her next week.
- 377 • Received some community feedback regarding the streetlights.
- 378 • QEDF Meetings – Will be held the 3rd Monday of the month. The EDLT meetings are held at the 4th
 379 Monday of the month.
- 380 • School Board requested a meeting with the Village / meeting was held on Thursday January 11th.
 381 Superintendent Albert, School Board President Ortega, School Board member Jaramillo and himself
 382 along with Mayor Gallegos who were present. An update was sent to the Council.
- 383 • Looking into funding for a water planning grant from NM Finance Authority. Received concern from
 384 the environment department regarding high levels of nitrates in the water monitoring wells. (Councilor
 385 Lawrence Ortega later corrected Mr. Maestas and stated there were high levels of nitrates in the waste
 386 water monitoring wells, not in the water monitoring wells.)
- 387 • Street Lights – Double Eagle electric have identified polls 8, 9 and 10 as the faulty street lights and will
 388 run the wires to them.
- 89 • State Appropriations / Water Rights – In contacting the OSA office they informed him that only one of
 390 the Trujillo water rights was pending with the state since they were not all noticed properly. He spoke
 391 with Mr. Trujillo and the OSE office. All grandchildren can be placed on one application. We can
 392 request an emergency expedited process showing that the Village will have some financial hardship.
 393 This will have to be done quickly. The total amount will be \$32,000.00 for this purchase. We have
 394 already expended \$36,000.00 which will leave us with some money left over. The question is what to
 395 do with the remaining funds. We could request it be re-appropriated to some building improvements
 396 such as roof repair at the fire department. Councilor John Ortega stated that the roof is a priority right
 397 now. It has been leaking for years. It was decided to move forward with the fire department building
 398 improvements if the re-allocation was possible. Councilor Lawrence Ortega stated that he is appalled
 399 that they have had a leak in that building for 8-10 years and nothing has been done. Councilor Brent
 400 Jaramillo stated that over the years, the Fire Department did pay for some roof repair. Mr. Maestas
 401 stated that he will work with Mr. Cisneros on the re-allocation.
- 402 • Questa/Red River Trail meeting – was held here at the Village. This was a kick-off meeting for the
 403 possibility of linking Questa and Red River.
- 404 • Telemetry System – Primex will be here to assess the system.
- 405 • Wastewater Plant – JCH is working on a total rebuild of the razz pump. We are operating currently on
 406 only one pump.
- 407 • In the process of identifying all pumps so we can have O&M documents on all of them. Councilor
 408 Lawrence Ortega stated that we also need O&M manuals for the PRV's.

409

410 Mayor Gallegos asked that Mr. Maestas submit a report in the meeting packets in order to give the Council time
 411 to review all the information and ask questions. Also, have department monthly reports in the packet and
 412 possibly a quarterly report here at the meeting.

413

414 **XVI. MATTERS FROM MAYOR AND COUNCIL**

415 Councilor John Ortega asked that a discussion item be on the next agenda regarding the use of the youth center.
416 Also, with the election coming up and voter fraud, he would like to kept aware of anyone picking up more than
417 5 absentee ballot applications and if one person turning in more than one or two absentee ballots at a time. With
418 all the stuff happening with recent elections around here this is something we need to keep an eye on.
419

420 Councilor Lawrence Ortega asked Mr. Maestas when he would like to have his performance evaluation. Mr.
421 Maestas stated that he thought that the second meeting in February would work.
422

423 Councilor Brent Jaramillo updated the Council on the QEDF Board meeting. He stated that regarding the
424 business park, the fund board would hire Elmer Salazar as the project manager to oversee the construction of the
425 project as well as the funding for the project. Mr. Salazar will work with Mr. Maestas and help get the grants
426 moving and processed. Also, the QEDF will be looking for a visitor's center employee who has knowledge of
427 the area. A newspaper/newsletter will be created to put out information to the public. The QEDF will also be
428 hosting a candidate forum towards the end of February. Councilor Lawrence Ortega asked if Mr. Salazar will
429 also be doing construction inspection. Councilor Brent Jaramillo stated no.
430

431 **XVII. ADJOURNMENT**

432
433 Motion: Councilor John Ortega
434 Second: Councilor Lawrence Ortega
435


436 In Favor: All
437 Opposed: None
438

439 There being no further business to discuss, the meeting was adjourned at 8:12pm.
440

441 **ATTEST:**

442 
443 _____
444 Renee Martinez, GMC


APPROVED:



Mark Gallegos, Mayor