VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, JANUARY 23, 2018
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS
Mayor Gallegos called the meeting to order at 6:03 pm.

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

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

Not Present:
Councilor Julian Cisneros

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

III. PLEDGE OF ALLEGIANCE
Councilor Brent Jaramillo led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA
Councilor Lawrence Ortega requested items XI, XII and XIII be moved up before Item VII.

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

Roll Call:
Councilor John Ortega
Councilor Lawrence Ortega
Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES –
• Special Meeting, December 19, 2017
Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

• Regular Meeting, January 09, 2018
Motion: Councilor John Ortega
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the Regular Meeting minutes of January 09, 2018 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.) @6:07pm.

There were no Public Comments.

XII. EXECUTIVE SESSION - (The Governing Body may convene into Executive Session at this time pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)
A) Pending or Threatening Litigation - (§ 10-15-1(H)(7)) - Liquidated Damages - 2015 CDBG Project

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

Roll Call:
Councilor John Ortega YES
Councilor Lawrence Ortega YES
Councilor Brent Jaramillo YES

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 6:09pm.

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

Roll Call:
Councilor Lawrence Ortega YES
Councilor Brent Jaramillo YES
Councilor John Ortega YES

Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.
XIII. **ACTION ITEM** – Agreement Discussion, Consideration & Decision regarding the approval of:
A) Liquidated Damages

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

Roll Call:

- Councilor Lawrence Ortega: YES
- Councilor Brent Jaramillo: YES
- Councilor John Ortega: YES

In Favor: All
Opposed: None

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

B) Invoice

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

Roll Call:

- Councilor Lawrence Ortega: YES
- Councilor Brent Jaramillo: YES
- Councilor John Ortega: YES

In Favor: All
Opposed: None

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

XI. **PRESENTATIONS** –
A) Mr. Luis Reyes, KCEC CEO and Ms. Erin Sanborn, KCEC Business and Organization Development Manager

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

Mr. Reyes updated the Governing Body on their work on Economic Development in connection with the Intergovernmental Council of the Enchanted Circle (IGC). He stated that the IGC approached Kit Carson to facilitate working with all the communities, creating a regional economic development approach. There were several criteria’s that were discussed such as this plan cannot interfere with existing economic development plans 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 vehicle to promote economic development that fits in different areas. We need a kind of clearing house to see where we can attract companies and where they fit. Kit Carson has been involved in economic development for about 20 years. Through this process, we are starting to build a consensus around the enchanted circle that economic development and job creation needs to be a priority for the community. Information has been given to Mr. Maestas. The next meeting is this coming Thursday at Taos County.
Councilor Brent Jaramillo asked Mr. Reyes to discuss the vision for the IGC staff. Mr. Reyes stated that the best way is to have an economic development director and staff associated that are allocated just for that work in the enchanted circle. They believe the best model is to create a 501-C3 corporation that is funded by either a third party, such as the entity run by Mr. Terry Brunner or in-kind services from different organizations to help recruit companies and put packets together. If a 501-C3 is put together you take away a lot of the politics out of the equation and look for the best location that business fits.

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

Mayor Gallegos thanked Mr. Reyes for the update.

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

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

VII. DEPARTMENT REPORTS

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

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

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

VIII. ACTION ITEMS
A) Discussion, Consideration & Decision regarding the approval of Resolution 2018-02
Re: Village of Questa Open Meetings

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

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

Motion: Councilor Brent Jaramillo
Second: Councilor John Ortega

Roll Call:

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

In Favor: All
Opposed: None

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

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

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

Councilor Lawrence Ortega

Motion: Councilor Brent Jaramillo

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

Second: Councilor Lawrence Ortega
Roll Call:

Councillor Brent Jaramillo YES
Councillor John Ortega YES
Councillor Lawrence Ortega YES

In Favor: All
Opposed: None

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

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

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

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

IX. 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 January 21, 2018 and stood for questions.

Motion: Councillor Lawrence Ortega

Councillor John Ortega inquired about the following vouchers:

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

Second: Councillor John Ortega

In Favor: All
Opposed: None

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

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

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Ms. Shannon stated that she has a couple of corrections on the Internal BARS. They are as follows:
- Page 1, Police – Wages full time and Wages part time; they should be flipped.
- Page 1, LEFP – Capital Purchases, negative 500 should be a positive 500
- Line 48 – Utilities/telephone, should be 861

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

Motion: Councilor John Ortega – with the above corrections.
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

C) Discussion, Consideration & Decision regarding the approval of Resolution 2018-01
Re: FY 2018 2nd Quarter DFA Budget Adjustment Requests (BARS)

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

Motion: Councilor Lawrence Ortega
Second: Councilor John Ortega

Roll Call:
Councilor John Ortega YES
Councilor Lawrence Ortega YES
Councilor Brent Jaramillo YES

In Favor: All
Opposed: None

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

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

XIV. MATTERS FROM ATTORNEY

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

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

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

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

Mr. Maestas updated the Council on the following:

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

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

XVI. **MATTERS FROM MAYOR AND COUNCIL**

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

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

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

XVII. 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 8:12pm.

ATTEST: 

APPROVED:

Renee Martinez

Mark Gallegos, Mayor

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