VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 28, 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 6:06 pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:
Councilor Brent Jaramillo
Councilor John Anthony Ortega

Not Present:
Councilor Lawrence Ortega
Councilor Julian Cisneros

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

III. PLEDGE OF ALLEGIANCE

Mr. Christian Isely led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Gallegos suggested the Financials be moved up before the presentations.

Motion: Councilor Brent Jaramillo
Second: Councilor John Ortega

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES

November 14, 2017 – Regular Meeting

Motion: Councilor John Ortega
Second: Councilor Brent Jaramillo
In Favor: All
Opposed: None

To approve the November 14, 2017 meeting minutes as presented. All voted yes. Motion carried.

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

There were no public comments.

X. 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 November 23, 2017.

Councilor John Ortega inquired about some more oil changes being done out of Questa. He believes that the business should be kept locally. Ms. Shannon stated that these were done prior to the last council meeting. They will speak with Chief Lamendola about this.

Councilor Brent Jaramillo asked if we should hold off on approving the Llano Community Irrigation Ditch invoice. Mr. Maestas stated that we are still looking into these properties. He stated we will need to go to the Office of the State Engineer to verify the water rights. He stated he is doing the research, which is what the Council requested before this invoice is paid. Councilor Jaramillo asked Mr. Maestas what his recommendation is. Mr. Maestas stated that he recommends that we hold off on this invoice until we complete the research.

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.

VII. PRESENTATIONS
   A) Presentation regarding multiple services under one contract for engineers – Ms. Andrea Telmo, PE.
      Project Manager NMED Construction Programs Bureau

Ms. Telmo stated that she was here to provide clarification or answer any question regarding the RFP for on call engineering services. She stated that for any of the projects that the Village has, that are funded by capital outlay and overseen by their department or the finance authority, on-call engineering is not allowed for the reason that they want the RFP to be project specific; it has to be clear in the RFP what exactly the project is; however, the Village can still procure on-call engineering services.

Councilor Jaramillo stated that the concern was that there was not the budgetary funds committed to an on-call engineer. Ms. Telmo stated that it is hard sometimes to know the exact number but obviously you need to have the funds available to do the project. It depends on the funding source and their requirements. With the funding that she oversees, they do not allow on-call contracts. The funding agreements require that the RFP be project specific.
Councilor John Ortega asked if an engineer goes out and looks for grants for a project and secures one, are we obligated to hire that engineer. Ms. Telmo stated that you would have to have a signed agreement with them with a scope of services; more than likely there is a fee attached. However there are a lot of engineering firms who will help with this process.

Engineering service under $60,000.00 is allowable with this funding. A proposal with a scope of work is needed.

Ms. Telmo stated that if the Village is using any of their funding, they have to review the engineering contract and fee.

Ms. Telmo stated that if the Governing Body has any questions to please feel free to contact her anytime.

B) Presentation regarding draft Restoration Plan for Environmental Damage at Chevron/Questa Site – Trais Kliphuis, Executive Director, NM Office of Natural Resources Trustee

Mr. Maestas stated that he asked Ms. Kliphuis to come up and make a brief presentation to the Council. A public meeting will be held tomorrow evening at the Questa VFW. Councilor Lawrence Ortega had requested that a presentation be made to the Council prior to the public meeting.

Ms. Kliphuis provided the council with a power point presentation. The following questions were asked and addressed:

- Councilor John Ortega inquired about the location of the Anderson Ranch. Mayor Gallegos stated it is off Ute Mountain Road going towards the Top of the World Ranch. Councilor John Ortega inquired about the $3.4 million and where it is going to be used. Ms. Kliphuis stated that this is money that has already been spent on the damage assessment. Councilor John Ortega requested a copy of the presentation. Ms. Kliphuis stated that she will get the presentation to Mr. Maestas.

- Mayor Gallegos asked about any removal of the tailings line bedded water lines. There are old transite lines. There was some language included in the proposal. This is something that will probably be asked at the meeting tomorrow evening by the community members. Ms. Kliphuis stated that she will look into this.

Mr. Maestas thanked Ms. Kliphuis for her presentation and informed the Council and the public that the meeting will be held tomorrow at the VFW from 5:30pm – 7:00pm.

VIII. ACTION ITEMS

A) Discussion, Consideration & Decision - Appoint a member of the council or administration to represent the Village of Questa at Vida del Norte

Ms. Christy Arguello stated that the meetings will be scheduled for once a month. The next meeting is on December 5th. It is crucial that someone from the Village does attend these meetings.

Mayor Gallegos asked if we can take turns attending until the March election where we can designate someone specifically to represent the Village.

It was decided to rotate between the Governing Body members. Mayor Gallegos stated that he will attend the next meeting.

B) Discussion, Consideration & Decision - Resolution No. 2017-23 / Resolution calling for the 2018 Municipal Election

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Councilor Jaramillo motioned to table the Resolution for the lack of a majority of the Council present. Councilor John Ortega seconded the motion, with discussion.

Councilor John Ortega asked if it was necessary to do both early voting and absentee voting. Ms. Martinez stated that the reason absentee voting is provided is so that if a voter will be out of town during early voting or election day they can request a ballot to be mailed to them. Councilor John Ortega asked what the process was to obtain an absentee ballot because he has concerns from constituents that in other elections, not held by the Village, there were some issues regarding the absentee ballots. Ms. Martinez stated that an absentee ballot application must be completed. Anyone can pick up an absentee ballot for anyone. They are not limited to how many they can take. The applications can be delivered to the Village by the voter or by another. The actual ballot is mailed to the voter. No ballot go out of the building unless they are mailed directly to the voter. Councilor John Ortega asked that if there is any way to be assured that the ballot is being mailed to the voters PO Box. Ms. Martinez stated that when she verifies the absentee ballot voter information, she makes sure the PO Box that it is being mailed to is on the voter information sheet.

In Favor: All
Opposed: None

To table Resolution No. 2017-23. All voted yes. Motion carried.

C) Discussion, Consideration & Decision – Questa Land & Water

Attorney Lance Hough stated that the updated by-laws and articles of incorporation were sent out recently.

Councilor Jaramillo asked Mr. Hough to direct him to the page that states the Village benefits from the gross receipts tax. Mr. Hough stated the by-laws are essentially the operations of the non-profit. The way it is drafted is to allow every transaction to be filtered through the village. Mr. Hough stated that to his recollection, that is not stated in these by-laws. Mr. Christian Isely stated that the GRT in terms of the criteria is in the application questionnaire, listed as exhibit B in the by-laws. Councilor John Ortega stated that the only members of the council guaranteed to be here past March are he and Councilor Jaramillo; could we set a member temporarily until the election in March; being that it is a 3 year position. Councilor John Ortega suggested having a Work Study session before next meeting, with Marcus Rael, so that we have more clarity about the QLW. Councilor Jaramillo stated that we got sold on the ‘pretty picture’ and we are not seeing it this today. There are attachments and amendments; what would have helped us, is seeing the whole product. Mr. Hough stated this document is only for the operation of the organization. A discussion was held.

Councilor John Ortega would like clarification on the bylaws and articles of incorporation regarding the board member appointments; they are not clear. Councilor Jaramillo asked if there needs to be an Executive Director; the board function without one. Councilor Jaramillo asked Mr. Hough if it would be appropriate through the Open Meetings Act to go into closed session to discuss the by-laws. It was decided that this discussion would not meet any of the exceptions of entering into a closed meeting.

It was decided to hold a Special Meeting on December 7th at 6:00pm to approve the corporate documents as well as to appoint the required board members.

D) Discussion, Consideration & Decision - CDBG Final Change Order, Adame Construction – Mr. Gabe Cisneros

Mr. Gabe Cisneros informed the Governing Body that this change order is in the amount of $2,811.88. The Governing Body has already approved the change orders in the amount of $458,937.00 for Adame Construction. The budget approved by CDBG was $461,712.25. The difference from the contract to the change orders is the $2,811.88. He met with Steven Lacey at Local Government and went over the numbers. Everything has been
paid out with the exception of the $2,811.88. The change order would be for additional work on Abra Road. We do not have to accept the change order; if we do not, the money goes back to the state. A discussion was held regarding how we could use this money for other work on Abra.

Motion: Councilor Brent Jaramillo – To approve the change order presented with the engineer, the Village of Questa and Mr. Adame figuring out the scope of work.

Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve the above change order as presented, with the engineer, the Village of Questa and Mr. Adame figuring out the scope of work. All voted yes. Motion carried.

IX. DISCUSSION ITEMS

A) Discussion regarding CDBG Project Final Closeout Report – Mr. Gabe Cisneros

Mr. Cisneros stated that this a requirement from the state to inform the public that the project is closed and to report that we received $500,000.00 from CDBG, we leveraged $100,000.00 from legislative appropriations as a match so that the Village of Questa did not have to put any money into it. There was $15,000.00 for administration fees to use to reimburse what was paid to him for administering the project. The project is complete. He thanked Ms. Loretta Trujillo, former Village Administrator, Mr. Nicholas Maestas, current Administrator and Finance Director Karen Shannon.

He stated that we need to meet regarding the priorities for the next legislative session.

B) Discussion regarding substantiation for Llano Irrigation Community Ditch Association Invoice

Mr. Maestas stated that as he explained earlier, we are currently working on the research for this item.

There were no questions at this time.

C) Discussion and Update regarding Water System

Mr. Maestas stated that this agenda item request was Councilor John Ortega’s. Mr. Maestas stated that since he has been here they have been very proactive in reviewing our system, identifying valves and how they control the system, isolating areas that need to be isolated and learning more about our pressure zones. Prior to his hiring, he believes that the public works department did a very good job identifying some historic leaks and new leaks throughout the Village. Also identifying some questionable meters that needed to be replaced. We have proactively addressed a lot of concerns. He is aware that we will have concerns from the public with the issue we had last year, but believes that with the work of our public works department and now that he is on board, we have done a lot in order to be prepared.

Councilor John Ortega would like to see, moving forward, a nice strong plan in place of our priorities. He suggested earlier in the year that we have a retreat to discuss water issues and we never did. He thinks there are PRV’s that need to be looked at. We also need maintenance plans. He stated that if the Fire Department can’t take out a thousand gallons from a hydrant without it being micro managed then there is definitely still issues with the system. He brings this up because when this happened, he started getting phone calls from the upper end of town that they were out of water. The Fire Department should be able to do their trainings with the hydrants and it not affect the water system. He believes we need to put this water issue to rest and go to bed confident that we’re going to have water in the morning.
Mayor Gallegos stated that there is a maintenance plan. The funding process for the telemetry system is finally in order so that we can get it going; unfortunately it's now December. The PRV's are going to be evaluated by James, Cooke & Hobson. We have sustained 85% of the capacity storage since we turned that fourth well on. Both wells are being operated evenly to give each well rest. Now it is time for Mr. Maestas to sit down with the department and go over the maintenance plan and present a good clean presentation to the Governing Body at a work study. Councilor Jaramillo agreed that we need a work study regarding the water system and we need to tackle the priorities; with the upcoming legislative session, our priorities still needs to be water. We are still not out of it. We left that leak on South Kiowa Road that needs to be figured out. Councilor John Ortega stated that this is the kind of issue that needs to be a priority.

Mr. Maestas stated that he has asked the staff to identify meters that need to be replaced and coming up with a system to get infrastructure replaced. Councilor John Ortega stated that we did not budget adequately this year for the water system. We need to look at the priorities and budget better for water next year.

Mayor Gallegos stated we don't have leak detectors or metal detectors. Staff doesn't have the proper tools.

Councilor John Ortega stated that we may also need to look to thinking outside of the box.

D) Discussion regarding Employee Travel

Mr. Maestas stated that this agenda item request was made by Councilor John Ortega. Councilor John Ortega stated that he just wants to make sure that all travel is necessary. He would like to know when and where employees are traveling; he believes that should at least be brought to the Council as well as maybe come back and give some kind of report about it. He stated he is not trying to eliminate employee travel, we need to just make sure the employees are getting best out of training and travel. Councilor Jaramillo stated that we just need to watch our spending; we can't even pay to repair the streetlights.

Mayor Gallegos stated that travel and training requests are submitted to Mr. Maestas and Ms. Shannon. They know if there is money in the budget for it and if it is needed training. He believes that how it is structured is enough to not have to worry about it being abused. He believes if the Governing Body has the opportunity to attend conferences with any of the staff, they should; in order to appreciate what they have to do. Ms. Shannon stated that a lot of the trainings are this time of year, then it slows down a lot.

XI. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas

Mr. Maestas updated the Governing Body on the following:

- EPA Meeting set for December 8 at 10:00am.

- Pothole repair on Embargo, and Cabresto – we have about $63,000.00 to spend on the project which would require us to have to go out for competitive sealed bids. We are having a legal notice in the Taos News on Thursday. The bid opening will be Monday, December 11th.

- The Trade Adjustment Assistance Program - the Department Workforce solutions has set up here at the Village once a week to meet with the miners and give them the information needed as well as answer questions.

- Employee Christmas Dinner – Date needs to be scheduled. Councilor John Ortega and Councilor Jaramillo are fine with December 15th. The date of December 8th was also suggested.
Meeting Packets – A discussion regarding receiving packets on Friday’s was held last week. He understands that a lot of the financial requests from the Council that are shared with the Council each meeting that prolongs the process. He has asked Ms. Shannon to identify what items are and are not required by the state in what we provide to the Council, in order to get an idea of how much of this information can be done ahead of time and what information can be presented at the meeting that does not need to be in the packet. Or things that have been historically requested but don’t need to be presented at every meeting. Councilor Jaramillo stated that Mr. Maestas just confused him. Councilor Jaramillo stated that all the QLW documents should have been in the packet. He stated that in his opinion, if you’re waiting for something, don’t even place it on the agenda. He does not want to see Ms. Shannon and Ms. Martinez here working on Saturday. Councilor John Ortega would like to see the unpaid vouchers. Councilor Jaramillo stated he does not need to see them unless it needs to be brought to their attention such as that Adame invoice from earlier this year. Ms. Shannon asked that we have a finance committee who meets weekly. One councilor looks at it and pulls the ones that are questionable. Councilor John Ortega stated that he would like to see the bills that are paid. Ms. Shannon stated that she has things sitting because they didn’t come in before the packet went out. Councilor Jaramillo stated that he thinks we should pay vouchers every week on Wednesday or Thursday and there can still be a list provided to the Council to review, but not necessarily approve. Mayor Gallegos stated that we micro-manage every bill they pay and then they get caught up. Councilor John Ortega stated that he doesn’t mind the bills being paid but he would like to look at them. Councilor Jaramillo stated that he would like to see an RFP done through Ms. Coleman for the oil changes. Councilor John Ortega stated that we are trying to chew through too much tonight. These issues are important and we need to set guidelines at the very beginning.

XII MATTERS FROM ATTORNEY

Attorney Lance Hough updated the Council on the animal welfare ordinance and the river stewardship grant.

XIII. MATTERS FROM MAYOR AND COUNCIL

Mayor Gallegos asked if we can find money to fix the street lights. Ms. Shannon stated that if we decrease the money we set aside for the on-call engineer by the $10,000.00 we need, we can do it. It was decided to get them fixed. Ms. Shannon will do a BAR adjustment.

The Alumbrada event will be held the weekend of December 16th.

XIV. ADJOURNMENT

Motion: Councilor John Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 10:04pm.

ATTEST: 

Renee Martinez, CMC

APPROVED: 

Mark Gallegos, Mayor

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