

1 **VILLAGE OF QUESTA**
2 **REGULAR MEETING MINUTES**
3 **TUESDAY, NOVEMBER 28, 2017**
4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
5 **6:00PM**

6
7 I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**
8

9 Mayor Gallegos called the meeting to order at 6:06 pm.
10
11

12 II. **ROLL CALL**
13

14 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.
15

16 **Present:**

17 Councilor Brent Jaramillo
18 Councilor John Anthony Ortega
19

20 **Not Present:**

21 Councilor Lawrence Ortega
22 Councilor Julian Cisneros
23

24 **Also Present:**

25 Administrator Nicholas Maestas
26 Village Clerk Renee Martinez
27 Finance Director Karen Shannon
28 Village Attorney Lance Hough
29

30 III. **PLEDGE OF ALLEGIANCE**
31

32 Mr. Christian Isely led the Pledge of Allegiance.
33

34 IV. **APPROVAL OF AGENDA**
35

36 Mayor Gallegos suggested the Financials be moved up before the presentations.
37

38 Motion: Councilor Brent Jaramillo

39 Second: Councilor John Ortega
40

41 In Favor: All

42 Opposed: None
43

44 To approve the agenda as amended with the above change. All voted yes. Motion carried.
45
46

47 V. **APPROVAL OF MINUTES**

48 November 14, 2017 – Regular Meeting
49
50

51 Motion: Councilor John Ortega

52 Second: Councilor Brent Jaramillo

53 In Favor: All
 54 Opposed: None

55
 56 To approve the November 14, 2017 meeting minutes as presented. All voted yes. Motion carried.
 57

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

62
 63 There were no public comments.

64
 65 X. **FINANCIALS** – Ms. Karen Shannon, Finance Director

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

67
 68 Ms. Shannon stated that the Vouchers presented are as of November 23, 2017.

69
 70 Councilor John Ortega inquired about some more oil changes being done out of Questa. He believes that the
 71 business should be kept locally. Ms. Shannon stated that these were done prior to the last council meeting.
 72 They will speak with Chief Lamendola about this.

73
 74 Councilor Brent Jaramillo asked if we should hold off on approving the Llano Community Irrigation Ditch
 75 invoice. Mr. Maestas stated that we are still looking into these properties. He stated we will need to go to the
 76 Office of the State Engineer to verify the water rights. He stated he is doing the research, which is what the
 77 Council requested before this invoice is paid. Councilor Jaramillo asked Mr. Maestas what his recommendation
 78 is. Mr. Maestas stated that he recommends that we hold off on this invoice until we complete the research.

79
 80 Motion: Councilor John Ortega – with the exception of the Llano Community Irrigation Ditch invoice.
 81 Second: Councilor Brent Jaramillo

82
 83 In Favor: All
 84 Opposed: None

85
 86 To approve the vouchers as presented with the exception of the Llano Community Irrigation Ditch invoice. All
 87 voted yes. Motion carried.

88
 89 VII. **PRESENTATIONS**

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

92
 93 Ms. Telmo stated that she was here to provide clarification or answer any question regarding the RFP for on
 94 call engineering services. She stated that for any of the projects that the Village has, that are funded by capital
 95 outlay and overseen by their department or the finance authority, on-call engineering is not allowed for the
 96 reason that they want the RFP to be project specific; it has to be clear in the RFP what exactly the project is;
 97 however, the Village can still procure on-call engineering services.

98
 99 Councilor Jaramillo stated that the concern was that there was not the budgetary funds committed to an on-call
 100 engineer. Ms. Telmo stated that it is hard sometimes to know the exact number but obviously you need to have
 101 the funds available to do the project. It depends on the funding source and their requirements. With the funding
 102 that she oversees, they do not allow on-call contracts. The funding agreements require that the RFP be project
 103 specific.

104

105 Councilor John Ortega asked if an engineer goes out and looks for grants for a project and secures one, are we
 106 obligated to hire that engineer. Ms. Telmo stated that you would have to have a signed agreement with them
 107 with a scope of services; more than likely there is a fee attached. However there are a lot of engineering firms
 108 who will help with this process.

109
 110 Engineering service under \$60,000.00 is allowable with this funding. A proposal with a scope of work is
 111 needed.

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

114
 115 Ms. Telmo stated that if the Governing Body has any questions to please feel free to contact her anytime.

116
 117 **B) Presentation regarding draft Restoration Plan for Environmental Damage at Chevron/Questa Site –**
 118 **Trais Kliphuis, Executive Director, NM Office of Natural Resources Trustee**

119
 120 Mr. Maestas stated that he asked Ms. Kliphuis to come up and make a brief presentation to the Council. A
 121 public meeting will be held tomorrow evening at the Questa VFW. Councilor Lawrence Ortega had requested
 122 that a presentation be made to the Council prior to the public meeting.

123
 124 Ms. Kliphuis provided the council with a power point presentation. The following questions were asked and
 125 addressed:

126
 127 • Councilor John Ortega inquired about the location of the Anderson Ranch. Mayor Gallegos stated it is
 128 off Ute Mountain Road going towards the Top of the World Ranch. Councilor John Ortega inquired
 129 about the \$3.4 million and where it is going to be used. Ms. Kliphuis stated that this is money that has
 130 already been spent on the damage assessment. Councilor John Ortega requested a copy of the
 131 presentation. Ms. Kliphuis stated that she will get the presentation to Mr. Maestas.

132
 133 • Mayor Gallegos asked about any removal of the tailings line bedded water lines. There are old transite
 134 lines. There was some language included in the proposal. This is something that will probably be
 135 asked at the meeting tomorrow evening by the community members. Ms. Kliphuis stated that she will
 136 look into this.

137
 138 Mr. Maestas thanked Ms. Kliphuis for her presentation and informed the Council and the public that the
 139 meeting will be held tomorrow at the VFW from 5:30pm – 7:00pm.

140
 141 **VIII. ACTION ITEMS**

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

144
 145 Ms. Christy Arguello stated that the meetings will be scheduled for once a month. The next meeting is on
 146 December 5th. It is crucial that someone from the Village does attend these meetings.

147
 148 Mayor Gallegos asked if we can take turns attending until the March election where we can designate someone
 149 specifically to represent the Village.

150
 151 It was decided to rotate between the Governing Body members. Mayor Gallegos stated that he will attend the
 152 next meeting.

153
 154 **B) Discussion, Consideration & Decision - Resolution No. 2017-23 / Resolution calling for the 2018**
 155 **Municipal Election**

156

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

159
160 Councilor John Ortega asked if it was necessary to do both early voting and absentee voting. Ms. Martinez
161 stated that the reason absentee voting is provided is so that if a voter will be out of town during early voting or
162 election day they can request a ballot to be mailed to them. Councilor John Ortega asked what the process was
163 to obtain an absentee ballot because he has concerns from constituents that in other elections, not held by the
164 Village, there were some issues regarding the absentee ballots. Ms. Martinez stated that an absentee ballot
165 application must be completed. Anyone can pick up an absentee ballot for anyone. They are not limited to
166 how many they can take. The applications can be delivered to the Village by the voter or by another. The
167 actual ballot is mailed to the voter. No ballot go out of the building unless they are mailed directly to the voter.
168 Councilor John Ortega asked that if there is any way to be assured that the ballot is being mailed to the voters
169 PO Box. Ms. Martinez stated that when she verifies the absentee ballot voter information, she makes sure the
170 PO Box that it is being mailed to is on the voter information sheet.

171
172 In Favor: All
173 Opposed: None

174

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

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

177

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

179

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

191

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

197

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

200

201

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

204

205 Mr. Gabe Cisneros informed the Governing Body that this change order is in the amount of \$2,811.88. The
206 Governing Body has already approved the change orders in the amount of \$458,937.00 for Adame Construction.
207 The budget approved by CDBG was \$461,712.25. The difference from the contract to the change orders is the
208 \$2,811.88. He met with Steven Lacey at Local Government and went over the numbers. Everything has been

209 paid out with the exception of the \$2,811.88. The change order would be for additional work on Abra Road.
 210 We do not have to accept the change order; if we do not, the money goes back to the state. A discussion was
 211 held regarding how we could use this money for other work on Abra.

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

214

215 Second: Councilor John Ortega

216

217 In Favor: All

218 Opposed: None

219

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

222

223

224 IX. **DISCUSSION ITEMS**

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

226

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

233

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

235

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

237

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

239

240 There were no questions at this time.

241

242 C) Discussion and Update regarding Water System

243

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

252

253 Councilor John Ortega would like to see, moving forward, a nice strong plan in place of our priorities. He
 254 suggested earlier in the year that we have a retreat to discuss water issues and we never did. He thinks there
 255 are PRV's that need to be looked at. We also need maintenance plans. He stated that if the Fire Department
 256 can't take out a thousand gallons from a hydrant without it being micro managed then there is definitely still
 257 issues with the system. He brings this up because when this happened, he started getting phone calls from the
 258 upper end of town that they were out of water. The Fire Department should be able to do their trainings with
 259 the hydrants and it not affect the water system. He believes we need to put this water issue to rest and go to
 260 bed confident that we're going to have water in the morning.

261

262 Mayor Gallegos stated that there is a maintenance plan. The funding process for the telemetry system is finally
 263 in order so that we can get it going; unfortunately it's now December. The PRV's are going to be evaluated by
 264 James, Cooke & Hobson. We have sustained 85% of the capacity storage since we turned that fourth well on.
 265 Both wells are being operated evenly to give each well rest. Now it is time for Mr. Maestas to sit down with the
 266 department and go over the maintenance plan and present a good clean presentation to the Governing Body at
 267 a work study. Councilor Jaramillo agreed that we need a work study regarding the water system and we need
 268 to tackle the priorities; with the upcoming legislative session, our priorities still needs to be water. We are still
 269 not out of it. We left that leak on South Kiowa Road that needs to be figured out. Councilor John Ortega stated
 270 that this is the kind of issue that needs to be a priority.

271
 272 Mr. Maestas stated that he has asked the staff to identify meters that need to be replaced and coming up with a
 273 system to get infrastructure replaced. Councilor John Ortega stated that we did not budget adequately this year
 274 for the water system. We need to look at the priorities and budget better for water next year.

275
 276 Mayor Gallegos stated we don't have leak detectors or metal detectors. Staff doesn't have the proper tools.

277
 278 Councilor John Ortega stated that we may also need to look to thinking outside of the box.

279
 280 **D) Discussion regarding Employee Travel**

281
 282 Mr. Maestas stated that this agenda item request was made by Councilor John Ortega. Councilor John Ortega
 283 stated that he just wants to make sure that all travel is necessary. He would like to know when and where
 284 employees are traveling; he believes that should at least be brought to the Council as well as maybe come back
 285 and give some kind of report about it. He stated he is not trying to eliminate employee travel, we need to just
 286 make sure the employees are getting best out of training and travel. Councilor Jaramillo stated that we just
 287 need to watch our spending; we can't even pay to repair the streetlights.

88
 289 Mayor Gallegos stated that travel and training requests are submitted to Mr. Maestas and Ms. Shannon. They
 290 know if there is money in the budget for it and if it is needed training. He believes that how it is structured is
 291 enough to not have to worry about it being abused. He believes if the Governing Body has the opportunity to
 292 attend conferences with any of the staff, they should; in order to appreciate what they have to do. Ms. Shannon
 293 stated that a lot of the trainings are this time of year, then it slows down a lot.

294
 295
 296 **XI. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas**

297
 298 Mr. Maestas updated the Governing Body on the following:

- 299
 300
- 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
 303 would require us to have to go out for competitive sealed bids. We are having a legal notice in the Taos
 304 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
 307 Village once a week to meet with the miners and give them the information needed as well as answer
 308 questions.
 - Employee Christmas Dinner – Date needs to be scheduled. Councilor John Ortega and Councilor
 311 Jaramillo are fine with December 15th. The date of December 8th was also suggested.
- 312

313 • Meeting Packets – A discussion regarding receiving packets on Friday’s was held last week. He
 314 understands that a lot of the financial requests from the Council that are shared with the Council each
 15 meeting that prolongs the process. He has asked Ms. Shannon to identify what items are and are not
 316 required by the state in what we provide to the Council, in order to get an idea of how much of this
 317 information can be done ahead of time and what information can be presented at the meeting that does
 318 not need to be in the packet. Or things that have been historically requested but don’t need to be
 319 presented at every meeting. Councilor Jaramillo stated that Mr. Maestas just confused him. Councilor
 320 Jaramillo stated that all the QLW documents should have been in the packet. He stated that in his
 321 opinion, if you’re waiting for something, don’t even place it on the agenda. He does not want to see
 322 Ms. Shannon and Ms. Martinez here working on Saturday. Councilor John Ortega would like to see the
 323 unpaid vouchers. Councilor Jaramillo stated he does not need to see them unless it needs to be brought
 324 to their attention such as that Adame invoice from earlier this year. Ms. Shannon asked that we have a
 325 finance committee who meets weekly. One councilor looks at it and pulls the ones that are questionable.
 326 Councilor John Ortega stated that he would like to see the bills that are paid. Ms. Shannon stated that
 327 she has things sitting because they didn’t come in before the packet went out. Councilor Jaramillo stated
 328 that he thinks we should pay vouchers every week on Wednesday or Thursday and there can still be a
 329 list provided to the Council to review, but not necessarily approve. Mayor Gallegos stated that we
 330 micro-manage every bill they pay and then they get caught up. Councilor John Ortega stated that he
 331 doesn’t mind the bills being paid but he would like to look at them. Councilor Jaramillo stated that he
 332 would like to see an RFP done through Ms. Coleman for the oil changes. Councilor John Ortega stated
 333 that we are trying to chew through too much tonight. These issues are important and we need to set
 334 guidelines at the very beginning.
 335
 336

337 **XII MATTERS FROM ATTORNEY**
 338

339 Attorney Lance Hough updated the Council on the animal welfare ordinance and the river stewardship grant.
 340

341 **XIII. MATTERS FROM MAYOR AND COUNCIL**
 342

343 Mayor Gallegos asked if we can find money to fix the street lights. Ms. Shannon stated that if we decrease
 344 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
 345 get them fixed. Ms. Shannon will do a BAR adjustment.
 346

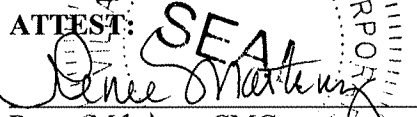
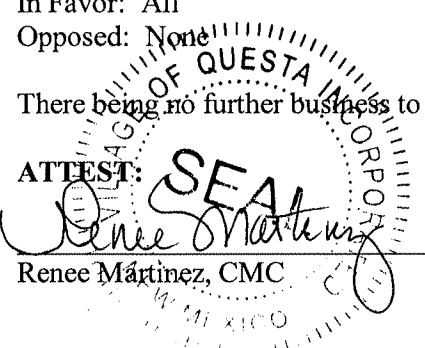
347 The Alumbra event will be held the weekend of December 16th.
 348

349 **XIV. ADJOURNMENT**
 350

351 Motion: Councilor John Ortega
 352 Second: Councilor Brent Jaramillo
 353

354 In Favor: All
 355 Opposed: None
 356

357 There being no further business to discuss, the meeting was adjourned at 10:04pm.
 358

359 **ATTEST:**
 360 
 361 Renee Martínez, CMC
 362 

APPROVED:

 Mark Gallegos, Mayor