

1 **VILLAGE OF QUESTA**  
 2 **REGULAR MEETING MINUTES**  
 3 **TUESDAY, OCTOBER 10, 2017**  
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**  
 5 **6:00PM**

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

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10 Mayor Gallegos called the meeting to order at 6:00 pm.

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12 II. **ROLL CALL**

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

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16 Present:

- 17 Councilor Brent Jaramillo
- 18 Councilor John Anthony Ortega

19  
20 Not Present:

- 21 Councilor Julian Cisneros
- 22 Councilor Lawrence Ortega

23  
24 Also Present:

- 25 Administrator Nicholas Maestas
- 26 Village Clerk Renee Martinez
- 27 Finance Director Karen Shannon

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29 III. **PLEDGE OF ALLEGIANCE**

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31 Judge Michael Rael led the Pledge of Allegiance.

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33 IV. **APPROVAL OF AGENDA**

- 34 Motion: Councilor Brent Jaramillo
- 35 Second: Councilor John Ortega

- 36 In Favor: All
- 37 Opposed: None

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39 To approve the agenda as presented. All voted yes. Motion carried.

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43 V. **APPROVAL OF MINUTES**

- 44
- 45 • September 26, 2017 – Regular Meeting

- 46 Motion: Councilor Brent Jaramillo
- 47 Second: Councilor John Ortega

- 48 In Favor: All
- 49 Opposed: None

51 To approve the September 26, 2017 minutes as presented. All voted yes. Motion carried.

52 VI. **PUBLIC COMMENTS** - *(It is the policy of the Governing Body to accept public comment. Because your*  
53 *particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct staff to address*  
54 *issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)*  
55

56  
57 1. Mr. Tommy Lyles updated the Mayor and Council on the following:  
58

- 59 • The demolition project is moving forward aggressively. Highway 38 from mile marker 3 to mile marker 6
- 60 will be closed on October 26 at 8am for about 30 minutes while a structure is demolished.
- 61 • The pipe removal project kicked off two weeks ago and is moving smoothly.
- 62 • The MOU regarding Abra Road has been given to the Village Administrator for review. Once it is signed off
- 63 by the Village we can then move forward with the pay request.
- 64 • They received a request from the Questa emergency services regarding assistance with the road up to Flag
- 65 Mountain.

66  
67 Councilor Jaramillo suggested they sit down with the Taos County Emergency Management Director, Bobby Lucero  
68 and the Coordinator Mark Ortega.  
69

70 2. Judge Michael Rael stated that he is the President of the Judge’s Association and the Board of Director’s for  
71 the NM Municipal League. He stated that the NM Municipal League is suing the State of NM to try and get  
72 the Admin Fees back down to a reasonable fee, so that they don’t keep taking away money from the  
73 Municipalities.  
74

75 Also, there is a lawsuit against the NM Taxation & Revenue Department regarding the GRT funds that are  
owed to NM cities and municipalities. Judge Rael stated that he gave Mayor Gallegos the contact information  
for the attorney’s involved; they will come to Questa and update the Governing Body on this lawsuit if  
requested.  
78

79  
80 The Cambalache was a success. He thanked all involved; including the Administrator and Dina Coleman for  
81 all their help.  
82

83 A suggestion was made by Judge Rael for the Police Officers to go out to the businesses and introduce  
84 themselves and get to know people.  
85

86 VII. **PRESENTATION** - Swear-In of Village Administrator Mr. Nicholas Maestas  
87

88 Questa Municipal Judge Michael Rael gave the Oath of Office to Village Administrator Nicholas Maestas.  
89

90 At 6:15pm, a motion to take a short recess to welcome Mr. Maestas as well as have some refreshments, was made by  
91 Councilor John Ortega, seconded by Councilor Brent Jaramillo.  
92

93 In Favor: All  
94 Opposed: None  
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96 To approve the short recess. All voted yes. Motion carried.  
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98 At 6:28pm a motion was made by Councilor Brent Jaramillo to reconvene the meeting, seconded by Councilor John  
99 Ortega.  
100

101 In Favor: All  
102 Opposed: None

103 To reconvene the meeting. All voted yes. Motion carried.

105 VIII. **ACTION ITEMS**

106

107 A) Discussion, Consideration & Decision - Letter of Support for NM State Game Commission/ New Mexico  
108 Dept. of Game and Fish

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110 Mr. Maestas stated that Attorney Lance Hough has informed the Governing Body that this letter would be presented  
111 to them at the next Council meeting. He stated that the letter is in regards to the proposed change for the fishing  
112 requirements for the Red River-below hatchery special trout water to X-Mas water.

113

114 Councilor Brent Jaramillo stated that he had no questions and believes the attorney did a great job on the letter.

115

116 Councilor John Ortega stated that he would like to go on record that he is opposed to it right now. He stated that he  
117 has a lot of concerns with the whole situation. He stated that he believes it will hurt the local fisherman. There are a  
118 lot of local people using this river to fish. There should be some public comment on it first. He will be opposed to  
119 the letter of support until he believes the locals are on board with it.

120

121 Mr. Maestas stated that he believes the main intent of the rule change is to prohibit the use of bait and that the limit  
122 of fish is less of the issue. He stated that the letter can be amended.

123

124 Mayor Gallegos recommended this item be tabled until it is discussed further with legal counsel.

125

126 Councilor Brent Jaramillo stated that maybe the state gaming commission can come up here and hold a public  
127 comment hearing.

128

129 Motion: Councilor John Ortega – Table item until further notice.

130

130 Second: Councilor Brent Jaramillo

131

132 In Favor: All

133

133 Opposed: None

134

135 To table this item until further notice. All voted yes. Motion carried.

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137 B) Discussion, Consideration & Decision – Appointment of Member to the Taos Central Dispatch Board of  
138 Directors

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140 Councilor Brent Jaramillo suggested that this be discussed in a quick Executive Session under Limited Personnel  
141 Matters.

142

143 A motion to amend the agenda to add this item under Executive Session, followed by an action item, was made by  
144 Councilor Brent Jaramillo, seconded by Councilor John Ortega.

145

146 In Favor: All

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147 Opposed: None

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149 All voted yes. Motion carried.

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151 IX. **DISCUSSION ITEMS**

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153 A) Procedure for the sale of material at the Business Park

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155 Mr. Maestas stated that an email was sent to the Governing Body regarding the procedure for the sale of material at  
the Business Park. He stated that basically the procedure states that if there is a contractor who is interested in the  
purchase, they come to the Village office and make the request. If they request a different price than what we require,  
157 it would come before the Council to make the request in the form of an agenda item so that the contractor has the  
158 opportunity to explain his request. Mr. Maestas stated that he has also provided a copy of the response from our  
159 attorney. Also provided is some information regarding the 'for sale or lease of municipal property' from the NM  
160 State Statutes. There are also some sample resolutions. The attorney recommended that if the Council agrees with  
161 the way the procedure is presented, we can move forward with it. If the Council feel like we need more structure  
162 behind it, we can pass a Resolution that states the Administrator has the authority to make the sale for the reason that  
163 the property has no value and can be disposed of.  
164

165  
166 Councilor John Ortega stated he had some concerns. First of all, dirt was sold before there was a procedure put into  
167 place. It was not brought to the Council, we were not aware that anything was being sold. He felt there was a lack of  
168 communication and respect for the council to not at least ask us our opinion. He stated that he knows who made this  
169 decision and it was not Mr. Maestas, but feels that this skewed the entire process from the beginning. The last council  
170 meeting was the first day that the contractor came in and purchased the dirt; two days later, he knows for a fact, that  
171 phone calls were made to a couple of local dirt and gravel vendors to ask them what their prices were, so we sold that  
172 dirt before we knew what fair market value was. He applauds Mr. Maestas for coming up with a procedure but before  
173 that dirt was sold, there was no procedure. He thinks we were in the wrong there.  
174

175 Mr. Maestas stated that no, there was not an established procedure prior to selling the dirt. The procedures were  
176 drafted after the last meeting, so he understands that the initial sale was not backed by procedure.  
177

178 Councilor John Ortega stated that if the procedure wasn't in place at the time of the sale, are we sure we didn't break  
179 the law by not letting the Council know what was going on and not letting the general public know that the dirt was  
180 for sale. He stated that it seems wrong to him.

182 Mr. Maestas stated that these are valid concerns and we are making sure that it does not take place in that way again.  
183 He stated that the amount of dirt that was sold, 1 cubic yard, was way below the threshold of \$2,500.00. If it was  
184 over \$2,500.00 it would have to be noticed in a public newspaper for 14 days. Councilor John Ortega stated that this  
185 is his concern. We didn't know beforehand what the dirt was worth and what the cost would be. If this contractor  
186 would have taken more than \$2,500.00 worth of dirt and we don't know how much he took, we are in violation of the  
187 law. Mr. Maestas stated that his question for the attorney was, if we sold more than the \$2,500.00 would we be in  
188 violation. The attorney stated that because we are selling it by the cubic yard, we would not be in violation of the  
189 law. He asked that question specifically.  
190

191 Mayor Gallegos stated that if we sold a cubic yard for \$2,600.00, we would be in violation. If we're selling a cubic  
192 yard for \$5.00/cubic yard we would not be in violation. He stated that he understands where Councilor John Ortega  
193 is going with the attack. That is over and done. The request was to place a procedure for the sale of the dirt on the  
194 agenda. Mayor Gallegos asked Councilor Ortega if he agreed with the procedure set forth by Mr. Maestas. Councilor  
195 John Ortega stated that he personally feels like it needs to come before the entire Council as an action item and it  
196 should have beforehand. Councilor John Ortega stated that for the record, this is not an attack. Mayor Gallegos stated  
197 that this is a discussion regarding the procedure for the sale of material. Is there anything we need to consider adding  
198 to the procedure? Councilor John Ortega stated that he would like to add that the Council be informed before decisions  
199 are made. Mayor Gallegos stated that was his decision to sell the dirt, Mr. Maestas was aware of it. This procedure  
200 will keep the Council informed, Mr. Maestas mentioned at the last council meeting that there was a possibility that  
201 we would be approached again by another contractor who wanted to purchase some material. He stated that the  
202 Council agreed at that meeting that selling the material was fine as long as the Council was aware of it and a procedure  
203 was brought to the Council. Mr. Maestas has done this. Mr. Maestas explained this to the second contractor that  
204 came in to request to buy the material. As an Administrator, we need to enable Mr. Maestas to make these decisions,  
through the policies and procedures we approve. Mayor Gallegos stated to Councilor John Ortega that he understands  
206 what happened in the past but he made the initial decision to sell it. Whether you think is was right or wrong, you've

207 made that clear; tonight's discussion is about the procedure before us and if Council is fine with it or are there changes  
 208 that need to be made.

209 Councilor Brent Jaramillo stated that the process that Mr. Maestas has presented seems to be fair. He trusts that  
 210 moving forward that the policy will be followed without any deviations from the policy.

211  
 212 Councilor John Ortega stated that he still believes that it should come before the full council.

213  
 214 Mayor Gallegos stated that every Council member has the procedure in their packet to be reviewed. Mayor Gallegos  
 215 asked Councilor John Ortega if he is requesting that Mr. Maestas come before the Council each time someone wants  
 216 to purchase material to ask for the Council's blessing before he enters into an agreement, or are you enabling Mr.  
 217 Maestas to go ahead and move forward with this procedure that will be voted on by the Council. This is just a  
 218 discussion item and not an action item.

219  
 220 Councilor John Ortega stated that he asked for this item to be placed on the agenda, not just to talk about the prices  
 221 and procedure, but to talk about how this whole this was initially handled wrong. Mayor Gallegos stated that we  
 222 talked about that at the last meeting. Councilor John Ortega stated that he had more to add to it, like for instance,  
 223 calling out for prices. He asked Mayor Gallegos if in his business, he was in the habit of selling the product, not  
 224 charging for it for 2 weeks and then calling 2 days after they pay for it and asking what they should have paid for it.  
 225 Is that a good business practice? He asked again, is that a good business practice? Calling to get a price on something  
 226 2 days after the customer has already paid for it? Councilor John Ortega asked Councilor Jaramillo if this is something  
 227 they would do at the County. Councilor Jaramillo stated no.

228  
 229 Mr. Maestas stated that the reason he asked someone to make those calls was that because he took the contractors  
 230 word for it. So when he called the 2 places to confirm, after the fact, he did find out that one sells it above the amount  
 231 and one sells it below the amount. We were right in the middle of 2 other local sellers. This is the reason that we  
 232 made those calls. Councilor John Ortega stated that he is fine with that, he is even fine with him making the calls  
 233 after the fact. He is just reiterating that it was someone's bad decision in the first place and Mr. Maestas had to come  
 234 up with a procedure, without Council knowledge. The amount we charged for the dirt was the amount that the  
 235 contractor that we sold the dirt to, came up with. In his mind that does not sit well. We were just lucky that the  
 236 contractor gave us an honest price. Mayor Gallegos stated that in the past administration, a contractor took dirt from  
 237 the Village for free; at least we made some money out of it instead of it just being taken out of there. That was illegal.

238  
 239 Councilor John Ortega told Mayor Gallegos that it was not his decision to make. Why didn't it come to the Council?

240  
 241 Councilor Brent Jaramillo requested that we move on from this discussion. It was decided that this be brought to the  
 242 Council at the next meeting as an action item.

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 244 X. **FINANCIALS** – Ms. Karen Shannon, Finance Director

245  
 246 A) Discussion, Consideration & Decision regarding the approval of Unpaid Vouchers

247  
 248 Ms. Shannon stated that the Homeland Security money should be in tomorrow. The insurance money also came in  
 249 for the police vehicle.

250  
 251 Motion: Councilor Brent Jaramillo

252 Second: Councilor John Ortega

253  
 254 In Favor: All

255 Opposed: None

256  
 257 To approve the vouchers as presented. All voted yes. Motion carried.

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259 XI. **MATTERS FROM ADMINISTRATOR** – Mr. Nicholas Maestas

260 Mr. Maestas informed the Governing Body on the following:

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- After a lot of follow up with Homeland Security the emergency money should be in our account by morning.
- Sewer Project (CDBG) funding – half the funding has been reimbursed by DFA. We are in the process of submitting the second half (final) in order to move forward.
- Met with Mr. Joey Perovich from Northern Mountain Constructors. He is confident that he can do a 2” overlay from 522 to up to the chevron road property for \$73,497.00. The second quote for a 3” inch overlay, which he recommends, is \$87,006.15. He would recommend the 2” overlay which will allow us to raise the sewer manholes. Councilor John Ortega asked if we still have to put in for engineering costs. Mr. Maestas stated that the engineering is done. A special meeting will more than likely need to be held to approve the contracts. Mr. Jim Vaughn asked the Council to consider the fire trucks, fully loaded, needing to get up Abra road. Mayor Gallegos stated that depending on the numbers he hopes they can go with the 3”.
- Bixby Electric came to evaluate the street light issue. There is an issue with the auto control devise and is waiting for a proposal from them soon.
- Sunrise Builders came to clean up and do some patchwork at the Youth Center. The staff had to go in and do some of the cleaning. Mr. Maestas informed the Council that he will be invoicing Henry Architect for the costs incurred by the Village for the cleanup. Councilor John Ortega asked if there were before and after pictures taken of the cleaning. Mr. Maestas stated that he does not know if any were taken. Councilor John Ortega asked if we were still paying staff overtime to clean the offices, is this still common practice? Mr. Maestas stated no, we are all doing our own cleaning as we can. We do have a position budgeted for the cleaning of some of the administration buildings. No is currently doing the cleaning as part of their job.
- Well House update: we can use the NMED grant funds for the well house. We will need a fiscal agent and he will be meeting with Mr. Leandro Cordova of Taos County to discuss this.
- Council Retreat, October 20 and 21<sup>st</sup>. He is working on putting an agenda together. He is looking at Friday 3pm-6pm, Saturday 9am-3pm. Councilor John Ortega requested if we can start at 4pm or 5pm on Friday. Councilor Brent Jaramillo stated he is fine with whatever time is set up that afternoon.
- A calendar has been set up for the Council.

289 XII. **MATTERS FROM MAYOR AND COUNCIL**

291 Councilor John Ortega:

- Asked that Mr. Maestas follow up with Mr. Joe Rael on that property down on Lower Embargo Road. He stated that he will get Mr. Rael’s number for him for follow up. .

295 Councilor Brent Jaramillo:

- No Matters

298 Mayor Gallegos:

- No Matters

301 X. **EXECUTIVE SESSION** – (Pursuant to Open Meetings Act - NMSA 1978)

- A. Real Property & Water Rights – (Exemption 10-15-1(H)(8), which allows for discussion of the purchase, acquisition or disposal of real property or water rights by the public body.
  - 1.) Request from Chevron Mining regarding Don Martinez Road –
- B) Limited Personnel Matters - (Exemption 10-15-1(H)(2)), which allows for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of, or the investigation or consideration of complaints or charges against any individual employee.
  - 2.) Appointment of Member to the Taos Central Dispatch Board of Directors

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

311 Roll Call:

313 Councilor John Ortega YES

314 Councilor Brent Jaramillo YES

315 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed. The  
316 Governing Body entered into Executive Session at 7:20pm.

317  
318 A motion was made to reconvene from Executive Session at 7:27pm by Councilor John Ortega, seconded by  
319 Councilor Brent Jaramillo.

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321 Roll Call:

323 Councilor Brent Jaramillo YES

324 Councilor John Ortega YES

325  
326 Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.

327  
328 XII. ACTION ITEM

329  
330 A) Discussion, Consideration & Decision – Appointment of Member to the Taos Central Dispatch Board of  
331 Directors

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333 Mayor Gallegos recommend Questa Volunteer Fire Department Fire Chief Mark Ortega represent the Village of  
334 Questa and be appointed to the Taos Central Dispatch Board of Directors. Questa Police Chief Nicholas Lamendola  
335 will be the alternate.

337 Motion: Councilor Brent Jaramillo

338 Second: Councilor John Ortega

339  
340 In Favor: All  
341 Opposed: None

342  
343 To approve the appointments as stated above. All voted yes. Motion carried.

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345 XIII. ADJOURNMENT

346  
347 Motion: Councilor Brent Jaramillo

348 Second: Councilor John Ortega

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350 In Favor: All  
351 Opposed: None

352  
353 There being no further business to discuss, the meeting was adjourned at 7:30pm.

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355  
356 ATTEST:

SEAL

357 *Renee Martinez*  
358 Renee Martinez, CMEXIC  
359

APPROVED:

*Mark Gallegos*  
Mark Gallegos, Mayor