



AGENDA
VILLAGE OF QUESTA
SPECIAL COUNCIL MEETING
TUESDAY, JANUARY 29, 2019
VILLAGE OF QUESTA COUNCIL CHAMBERS
2500 OLD STATE ROAD 3
6:00 P.M

Mayor Mark L. Gallegos
Mayor Pro-Tem John A. Ortega
Councilmember Brent P. Jaramillo | Councilmember Louise T. Gallegos | Councilmember Charlie I. Gonzales

- I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF MINUTES** – 1) Regular Meeting, January 8, 2018
- 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.)*
- VII. **PRESENTATIONS**
 - A) Questa Economic Development Fund Board Update - Mr. Malaquias Rael, Board Chairman
- VIII. **DEPARTMENT REPORTS**
 - A) Questa Police Department – Chief Nicolas Lamendola
 - B) Questa Fire Department – Chief Mark Ortega
- IX. **DISCUSSION ITEMS**
 - A) 2019-2020 NMDOT Local Government Road Program
Re: Project Proposal
 - B) 2019-2020 NMDOT Municipal Arterial Program (MAP)
Re: Project Proposal
 - C) Llano Ditch
 - D) Village representation at local board and committee meetings
- X. **FINANCIALS** - Karen Shannon, Finance Director
 - A) Discussion, Consideration & Decision – FY2019 2nd Quarter Local BARs
 - B) Discussion, Consideration & Decision – Resolution No. 2019-03 / FY2019 2nd Quarter State BARs
 - C) December Financial Report Review
- XI. **MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL**
- XII. **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid of service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at 575-586-0694 if a summary or other type of accessible format is needed.

**VILLAGE OF QUESTA
SPECIAL MEETING MINUTES
TUESDAY, JANUARY 29, 2019
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:04 pm.

II. ROLL CALL

Village Clerk Renee Martinez called roll.

Those present were:

Councilwoman Louise T. Gallegos
Councilman Charlie I. Gonzales
Councilman John Anthony Ortega
Councilman Brent P. Jaramillo

Also Present were:

Administrator Nicholas Maestas
Village Clerk Renee Martinez
Finance Director Karen Shannon
Judge Michael Rael

III. PLEDGE OF ALLEGIANCE

Judge Michael Rael led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Councilman Gonzales motioned for Item IX C) be moved up before item XI A). Seconded by Councilman Jaramillo.

Roll Call:

Councilwoman Louise Gallegos	YES
Councilman Brent Jaramillo	YES
Councilman Charlie Gonzales	YES
Councilman John Ortega	YES

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

V. APPROVAL OF MINUTES –

1) Regular Meeting, January 8, 2018

Motion: Councilwoman Gallegos
Second: Councilman Gonzales

In Favor: All
Opposed: None

To approve the January 8, 2018 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.)*

- Ms. Jeannie Masters – Requested that the street light in front of her home be fixed. Ms. Masters stated that she was here last year to make the same request and nothing has been done. Mr. Maestas stated that he has addressed this issue and it has been fixed twice. He again has the electrician looking into it.
- Judge Michael Rael – 1) Informed the Governing Body about the bill that the Supreme Court is proposing that would dissolve all Municipal Courts. He stated that all 81 Municipal Judges are opposed to it. Judge Rael has spoken to our Representative and Senator regarding this and they have stated they will not be in support of it. He is asking that the Governing Body also not be in support of this bill. All citations would then go to the Magistrate Courts and no money would be given to the municipalities. 2) Judge Rael stated that there have been very little no citations given since we got our new officers. There are people speeding during the day and people who are passing on the no passing zones. He asked if the village could have a full time officer to patrol during the day.
- Mr. Jerry Ben Sanchez – Concerned about the speeding and illegal passing on SR 522. He stated that his property is located in the Village limits and the officers turn at the Pendleton and don't go any further. He worked on lowering the speed limit from 60mph to 50mph up to the old port of entry. People aren't stopping at the stop sign coming out of Cerro.

VII. **PRESENTATIONS**

A) Questa Economic Development Fund Board Update - Mr. Malaquias Rael, Board Chairman

Ms. Lindsey Mapes reported on the following for the QEDF for 2018:

- The Visitors Center was open 7 days a week from mid-June to mid-October, five hours per day. They were able to cut their costs by 75%.
- The welding lab project is still in the works; hoping for an August start date.
- They are working with the Questa Creative Council on the gateway signage project and the light pole banner project.
- Ten grants were written last year.
- They have been very active in the Questa to Red River Trail meetings.
- Five events were implemented and are looking to add two to five more this year.
- The Questa Lodging Project received a grant from the LOR Foundation to pay for a feasibility study; draft I has been completed and the final draft will be complete on February 1st.
- The Questa del Rio Colorado newspaper is celebrating their 1year birthday party. Everyone is invited on February 14th at Rael's Store at 5:30pm.

VIII. **DEPARTMENT REPORTS**

A) Questa Police Department – Chief Nicolas Lamendola

Chief Lamendola could not be present at the meeting. A written report was submitted. It was requested that Chief Lamendola be present at the next meeting.

B) Questa Fire Department – Chief Mark Ortega

Chief Mark Ortega reported on the following:

- There were 128 Fire calls – 400 EMS calls. He stated that these numbers are about average of what they've run before. Wasn't able to get the report from the state that breaks down the calls.

- Fire department roof repair – 4 quotes were received. They range from \$6,000.00 to \$62,000.00. The two lower bids were to repair the existing structure; the second two were to remove the metal and replace it. He would like to get it replaced but knows they do not have the budget.
- Structure and Turn-Out Gear – Have a shelf life of 10 years. They budget for 2 sets of gear every year/\$4,000.00 per set. They have about 16-20 volunteers.
- Wildland gear – it is outdated; we don't have a set we can use. He is looking into grants to purchase the gear. The cost is \$1,500.00 per set.
- Upcoming Trainings – NM Fire Fighter Association want us to host the hazmat class again in March. Entry level wildland firefighter training in April. Firefighter I Class will be held this summer. Firefighter II class is a 2 week class held in Socorro.
- Currently recruiting new members. He is working on getting fliers to put up and a notice in the paper.
- Councilman Gonzales asked how much money we get from the fire marshal's office. Chief Ortega stated that they got \$84,279.00 for the main station and sub-station. We also have the loan payment of \$37,000.00 for two trucks.
- Councilwoman Gallegos suggested they apply for the Chevron grant annually. It is still available.
- Councilman Ortega stated that most of the wild land firefighting is on private land. Chevron property is the biggest private land area we have to protect. Since it is private land, Forest service or BLM will not come out and assist. It would be worth applying for the Chevron grant for this reason.
- A public information officer class will be held at the county on March 5, 6, and 7th.
- Garage doors at EMS – the engine caught the corner of the garage and pulled it down. Two estimates were given. The insurance estimate was lower than the two we have received. The insurance company is reviewing the other 2 quotes to see if we can receive more money from them. Mayor stated we have to put a scope of work together. We may have to find the money to pay for the remaining \$6,000.00. It is currently temporarily secured. Councilman Gonzales asked if the drivers are sent out for drug tests after accidents. Mr. Maestas stated yes.
- The Fire Chiefs Association is trying to get fire marshal's office out of the PRC office and back into the insurance group. It would cut down costs for administrative purposes and HR. They believe this would be best to get them out of the PRC office.

IX. DISCUSSION ITEMS

A) Llano Ditch

Mr. Maestas stated that he was given direction to go the OSE in Santa Fe to try and find out what surface water rights the Village owns regarding the obligation to the Llano Ditch Association. He researched 4 (four) surface water rights that belonged to the village.

Councilman Gonzales asked Mr. Maestas that if in preparing his report did he seek legal counsel. Mr. Maestas stated no, he worked with the experts at the OSE. Councilman Gonzales stated that we need to seek legal advice before making any decision. This issue has been going on for years and its time we resolve it. He would have liked to see this information put up on the projector for everyone to see.

Councilwoman Gallegos inquired how the OSE could have them registered as ground water since 1974 and this report states that they are surface water. There is a miscommunication somewhere.

Mayor Gallegos stated that the issue was that we had a debt owed to Llano; we were trying to find out where those water rights were; assuming they were ground water. Ms. Jeannie Masters stated that the last time they were paid was when Mr. Jaramillo was the administrator and Malaquias Rael was the mayor. Ms. Masters stated that according to the state statute Acequia Regulation of Water Transfers, 'this recognizes the authority of an acequia to adopt a bylaw, require that an application to transfer water rights out of an acequia be subject to an approval process by the commission of the acequia; in order to exercise its authority, the acequia is required to adopt the bylaw.' Ms. Masters stated that they have done all of this. She stated that going back to the Ortega transfer, this is how we were able to fight that. She stated that they protested when the Cerro de Oro waters were going to be transferred south. She stated that the OSE is supposed to be

working on their behalf but they hired an attorney from Wyoming to represent them on this issue. The State went against us and stated that it would not be detrimental for the water to be taken from us. In turn, our attorney negotiated a \$25,000.00 future loss of assessments for us. She stated she has been the secretary treasurer for Llano since before the federal adjudication was signed in 2000 and the Village has never asked Llano for permission to transfer any water rights from surface to underground. This is why we keep billing for surface. As far as we are concerned they are surface because no one has ever gone through them for permission to transfer them. Councilwoman asked about the OSE records that show them as groundwater. Ms. Masters stated that her records do not show that.

Councilman Ortega stated that maybe we could do a public records request and see their bylaws and the records of where these water rights are located; there seems to be some confusion. We transferred to ground in 1974, maybe there is additional set of water rights that we are not aware of. He believes this needs to be our first step.

Mr. Danny Garcia stated that in 1974, the state engineers decided to do an adjudication of the water rights. It was finalized in December of 2000. During that time the Marcelino Martinez estate did donate water rights to the Village of Questa for groundwater; it is on the adjudication. These other separate water rights-each one has a separate sub file number. Changes of ownerships have never been done on by the village on some of their properties for the water rights.

Mayor Gallegos stated that we have tried to acquire water rights over the past 5 years in which we have asked the owners of the water to reach out to the associations to get approval before being transferred over to the village. He stated this is a learning experience for all of us. Councilwoman Gallegos stated that she did not know there were not change of ownerships done. She was under the presumption that we always owned them; she asked if this is why we are delinquent at the state, because they aren't under the Village's name. There are a lot of questions and we need to get the attorney's on this.

Ms. Masters stated that as far as the association is concerned, they have not been transferred. She stated that because this has gone on for so long they may have to have their attorney negotiate for future loss of revenues once the water gets transferred to underground as they did with the Ortega transfer.

Mayor Gallegos stated that it is obvious that we have more work to do on this and that we need to get legal counsel involved. Councilman Gonzales state that he would like for legal counsel to review if there is possibly an abundance of water that we have, that is not recorded at the OSE. Mayor Gallegos stated that we may have to ask for funding for contractual help to get this resolved.

B) 2019-2020 NMDOT Local Government Road Program
Re: Project Proposal

Mr. Maestas stated that he has provided a list of roads that are in need of repair.

Councilwoman Gallegos stated that she agrees with the roads that are listed. Councilman Jaramillo asked if more funding is needed on Cabresto Road for that project. Mr. Maestas stated that he is not sure how far the MAP and COOP projects are going to get us.

Councilman Ortega stated that we should discuss the Cabresto Road project; we still had a ways to go. Also, he would like to see Embargo Road added to the list. Councilwoman Gallegos stated that she understood that we already identified enough money for Cabresto Road. Councilman Jaramillo stated that he thought that WH Pacific said that the CDBG would cover Cabresto Road. Mayor Gallegos stated that they needed \$1.2 million to go from Gary Sanchez's to the visitor's center. He stated that Embargo Road needs work as well as Cottonwood.

It was decided to get some quantities together for various local roads. With the addition of Embargo Road to the list.

C) 2019-2020 NMDOT Municipal Arterial Program (MAP)

Re: Project Proposal

Councilman Jaramillo stated that the MAP project is to connect a local road from one state road to another or a bridge. This would also work on Embargo Road.

Mr. Maestas stated that he will call the state and ask if we can use it to finish Cabresto and if there is funding left over we can use it on Embargo.

Councilman Gonzales asked if we can have actual measurements of how much feet we will need to cover. Mr. Maestas stated that this discussion was to talk about roads that needed repair and if it was decided on we would then go out and get that information.

Councilman Gonzales stated we need to finish Cabresto Road and if there is funding left over, use it on Embargo Road.

Mayor Gallegos suggested Mr. Maestas ask the state if we can split the MAP project up, if Embargo Road qualifies as a MAP project and if there is money available for bridge repair. Also how much lineal feet we need to cover. Bring this information back to the Council on the meeting of the 12th and we will decide then.

D) Village representation at local board and committee meetings

Mr. Maestas presented a list of meetings that he would like Village presentation in and if any of the Councilmembers wish to participate in.

Councilman Ortega stated that he would like to continue attending the Vida del Norte meetings. It is critical we have a representative of the police department as well as the county and state police attend. Vida del Norte will be coming before the Council asking for assistance in passing some ordinances in the near future.

Mayor Gallegos stated it is hard for the Council to participate because they have meetings during the day. Councilman Ortega stated that for clarification Chief Lamendola is not the designated representative for the E-911 meetings, it is Chief Mark Ortega; it was approved at a council meeting. Mayor Gallegos asked Mr. Maestas for a calendar of all the meetings be available to the Council. Councilman Jaramillo stated that the Village has been criticized in the past for not attending meetings; at the same time, if Mr. Maestas attends a meeting we criticize him for being out of the office. We need to support the staff if we have them attending these meetings.

X. **FINANCIALS** - Karen Shannon, Finance Director

A) Discussion, Consideration & Decision – FY2019 2nd Quarter Local BARs

Ms. Shannon stated that included in the packet are the local BAR's and stood for questions.

Motion: Councilman Gonzales

Second: Councilwoman Gallegos

Councilman Ortega requested a discussion.

Councilman Ortega asked Ms. Shannon how the General Fund is looking. Ms. Shannon stated that we have improved from the last quarter. In December we collected property tax and the GRT's are up slightly. These have helped. The small cities will come in March or April. We need to build reserves in all of the funds.

Roll Call:

Councilwoman Louise Gallegos YES

Councilman Brent Jaramillo YES

270 Councilman Charlie Gonzales YES
 271 Councilman John Ortega YES

272
 273 To approve the FY2019 2nd Quarter Local BARs. All voted yes. Motion carried.
 274

275 **B) Discussion, Consideration & Decision – Resolution No. 2019-03 / FY2019 2nd Quarter State BARs**
 276

277 Ms. Shannon stated that most of these expenditures are covered by the additional revenue that was budgeted
 278 already.
 279

280 Motion: Councilman Ortega
 281 Second: Councilman Jaramillo
 282

283 Roll Call:

284
 285 Councilwoman Louise Gallegos YES
 286 Councilman Brent Jaramillo YES
 287 Councilman Charlie Gonzales YES
 288 Councilman John Ortega YES
 289

290 To approve Resolution 2019-03 / FY2019 2nd Quarter State BARs. All voted yes. Motion carried.
 291

292 **C) December Financial Report Review**
 293

294 Ms. Shannon stated that she has the following concerns:
 295

- 296 • Municipal Court fines are a good source of revenue for the General Fund but not if we don't have
- 297 any officers giving out citations.
- 298 • Municipal Court – Lighting had to be fixed. The money from the court fines paid for this.
- 299 • Attorney Fees – We have only been billed through October.
- 300 • Police Officers – Overtime is already at 75%
 301

302 Councilman Gonzales asked if someone has gone out to the contractors to see if they have a CRS number.
 303 She stated no, we have not sent anyone out. Mr. Maestas stated that every business registered with the
 304 Village receives a personal letter from him with the location number for the Village.
 305

306 Councilman Ortega asked how the utility collections are going. Ms. Shannon stated that Ms. Herrera is very
 307 effective in calling people to pay. She is much more comfortable with their bank account balance now.
 308

309 Councilman Ortega requested Ms. Shannon send him a list of concerns she has with specific line items.
 310 Councilwoman Gallegos stated we need to support the housing project of QEDF as well as a lodger's tax.
 311

312 **XI. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL**

313

314 Councilman Ortega stated that he would like to see an Organizational Chart for the Village. He also stated
 315 that he feels like he is not getting some information and that communication should be better. A quick e-
 316 mail will work. Councilwoman stated that she saw the water quality notice at the post office and had not
 317 heard anything about it; she was disappointed about that. Councilman Ortega also stated that a constituent
 318 came to him concerned about snow being pushed against his house. The village crew went and cleaned it
 319 up and he was thankful and said the staff did a great job. Councilman Ortega wanted to make sure that this
 320 is passed on to the public works crew.
 321

322 Councilwoman Gallegos asked if the EPA meetings have been scheduled. Mr. Maestas stated that they will
 323 be scheduled sometime in March.
 324

Councilman Gonzales stated that there are a lot of boxes piled up at the MVD office; it is a safety hazard. Also the ice in front of the MVD is full of ice; it needs to be broken up. Mr. Maestas stated that the boxes at the MVD are documents that are being identified and prepared for destruction. They are out of the way currently.

XII. ADJOURNMENT

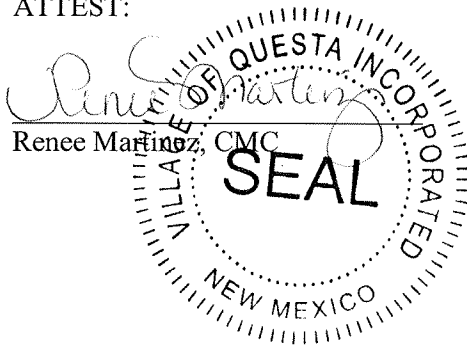
Motion: Councilman Ortega
Second: Councilman Gonzales

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:29pm.

ATTEST:

Renee Martinez, CMC



APPROVED:

Mark Gallegos
Mark Gallegos, Mayor