



AGENDA

**VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, MARCH 26, 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, March 12, 2019
- 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. **PRESENTATION** - Questa Economic Development Fund Board Update
- VII. **DISCUSSION**
 - A) Presentation by Dr. Deb Miller, Miller Geotechnical Consultants
Re: Environmental Clean-Up as associated with the Chevron Mine.
- VIII. **MATTERS FROM ATTORNEY**
- IX. **MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL**
- X. **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))
- XI. **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.

1 **VILLAGE OF QUESTA**
 2 **REGULAR MEETING MINUTES**
 3 **TUESDAY, MARCH 26, 2019**
 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 6:05 pm.
 10

11 II. **ROLL CALL**
 12

13 Village Clerk Renee Martinez called roll where a quorum was present.
 14

15 Those present were:

16 Councilwoman Louise T. Gallegos

17 Councilman Charlie I. Gonzales

18 Councilman Brent P. Jaramillo
 19

20 Councilman John Anthony Ortega was not present.
 21

22 III. **PLEDGE OF ALLEGIANCE**
 23

24 Ms. Lindsey Mapes led the Pledge of Allegiance.
 25

26 IV. **APPROVAL OF AGENDA**
 27

28 Mayor Gallegos asked that and Limited Personnel Matters be added to Executive Session as X. B). Also, to
 29 extend Public Comments longer than the 3 minutes allotted for a short presentation from Chevron Mining.
 30

31 Motion: Councilwoman Gallegos

32 Second: Councilman Gonzales
 33

34 Roll Call:

35
 36 Councilwoman Louise Gallegos YES

37 Councilman Charlie Gonzales YES

38 Councilman Brent Jaramillo YES
 39

40 To approve the agenda as amended. All voted yes. Motion carried.
 41

42 V. **APPROVAL OF MINUTES** – 1) Regular Meeting, March 12, 2019
 43

44 Councilwoman Gallegos stated that she has submitted her corrections to the Clerk.
 45

46 Motion: Councilwoman Gallegos

47 Second: Councilman Gonzales
 48

49 In Favor: All

50 Opposed: None
 51

52 To approve the March 12, 2019 meeting minutes with corrections. All voted yes. Motion carried.

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

57
 58 Mr. Tommy Lyles, Chevron Mining Public Affairs Manager – Mr. Lyles updated the Governing Body
 59 regarding the upcoming tailings facility project mobilization and kickoff. Project Manager Mark Burley
 60 stated that they will conduct a cover demonstration project on approximately 275 acres of the tailing facility.

61
 62 The objectives for the project are:

- 63 • To determine whether a two foot thick cover can be successfully designed, constructed and
 64 maintained so that there is adequate protection of soil and groundwater, can successfully revegetate
 65 and can be maintained over time.
- 66 • To support an inquiry into whether the CERCLA remedy should be modified accordingly.

67
 68 The road that was built up north will be used exclusively for this project. There will be no vehicles going
 69 through Don Martinez Road or Abra Road unless there is an emergency.

70
 71 Councilman Jaramillo asked Mr. Lyles how they would be communicating the community phone line to the
 72 public. Mr. Lyles stated that cards would be printed and distributed at the library, schools and visitor's
 73 center and other public places.

74
 75 Councilman Gonzales inquired about the number of employees. Mr. Lyles stated that at the peak of the
 76 project, RECON which is the contracting company, are expected to employ over 60 employees. Councilman
 77 Gonzales asked what percentage would be local. Mr. Lyles stated that 8 are local hires and hope to hold a
 78 job fair in mid-April. Notifications will be sent out. Councilman Gonzales asked what will happen to the
 79 solar array located out by the project area. Mr. Lyles stated that it will not be impacted in any way.
 80 Councilman Gonzales asked about the type of equipment that will be brought in. Mr. Burley stated that it
 81 will be low impact equipment-trucks, excavators, dozers and various maintenance equipment. Councilman
 82 Gonzales asked if any local contractors will be used. Mr. Burley stated he is not sure if they have decided
 83 on any subcontractors. Mr. Burley stated that they have been encouraged to do so. Councilman Gonzales
 84 asked is they will be setting up an office in the Village. Mr. Lyles stated that the office will be located at the
 85 previous RUST offices. Councilman Gonzales asked how long the project is expected to last. Mr. Burley
 86 states that they are scheduled for completion of the earth work and cover in late November/early December,
 87 protect surface the winter, and come back in the spring to seed and re-vegetate. Councilman Gonzales asked
 88 that they make sure to communicate with Dr. Miller. Mr. Lyles stated that there will be a five year
 89 monitoring period of this project. Councilman Gonzales stated that what is important to him is that the ROD
 90 asked for a 3 foot cover and somehow we ended up with a 2 foot cover. It is important to our community
 91 that we have a good monitoring system.

92
 93 Councilwoman Gallegos thanked Mr. Lyles and Mr. Burley for being here and giving an update because it
 94 is very important that we have the answers for the citizens who come up to us and ask us these questions.
 95 Councilwoman Gallegos asked if their workforce will be hiring administrative help. Mr. Lyles stated that he
 96 has not discussed with them what positions they will be needing to fill but he can find out.

97
 98 Councilman Jaramillo asked what kind of seed and vegetation would be planted. Ms. Cynthia Gulde,
 99 Chevron EMC Project Manager, stated that they will be using an approved native seed mix, but does not
 100 know offhand what it is exactly.

101
 102 Ms. Gulde stated that as part of the design of the project they did a study regarding wild life usage out at the
 103 tailings facility. They monitored the depth that the gophers typically burrow. Also, there was also gopher
 104 activity at the solar facility which has 3 different cover depths-1, 2 and 3 foot. They were actually able to
 105 monitor the activity of the gophers in newly placed cover material. There was, in the 1 foot cover, materials
 106 brought to the surface. In the 2 foot, only in one or two places. They will continue to monitor this. The first

107 parameter they will be looking at is concentration of moly in the cover materials and that will really be the
108 determining factor on if there is an impact from the gopher activity.

109
110 Mr. Frank Medina, Questa citizen, expressed his views on the tailings dam. He read aloud a letter he
111 prepared that he will be sending out to the EPA. Mayor Gallegos thanked Mr. Medina for his comments.

112
113 Mayor Gallegos stated his frustration with the test plots. Lifelong residents will be the ones to be looking
114 out the window. We want our kids and grandkids to live here years after we are gone.

115
116 Ms. Gulde stated that they want this to be successful; there are requirements built in and we will constantly
117 be monitoring.

118
119 Mayor Gallegos stated that the tailings facility is in the Village limits. We are going to be expecting to see
120 some GRT monies coming in.

121 -----
122 Mr. Lyles stated that the tailings pipeline removal project continues. We are starting to get to our more
123 difficult areas where it may start to impact some of the community. April 5th through the 13th, we will begin
124 the work on Embargo Road; we may need to block off part of the road and turn it into one lane. We will
125 then move on to the pipeline which is adjacent to SR 38; April 25th through May 8th, we will be using a pilot
126 car to get traffic through. As the dates come closer we will be bringing more information. In late June we
127 will be completely closing Old Red River Road in both directions.

128 -----
129 Mr. Frank Medina asked if he could make one last comment. Mr. Medina stated that he worked for the mine
130 for 25 years. He would like to publicly thank them. He was able to make a living, raise a family and establish
131 life-long roots in the community. So, anything he says, is not personal; he appreciates everything Molycorp
132 did for him.

133 -----

134
135 VII. **PRESENTATION** - Questa Economic Development Fund Board Update

136
137 Ms. Lindsay Mapes updated the Governing Body on the following:

- 138
139 • This Friday, March 29th, at 9:00am is the Questa Cut Throat Festival at Wild Rivers.
140 • July 6th is Christmas in July – to tag onto the Questa Ranger District National Christmas tree project.
141 • They have received a grant from Chevron to begin 2 promotional videos of Questa. We will be doing
142 2- 2 1/2 minute videos, tourism based, aimed at two different markets to try and promote Questa as
143 an outdoor tourism destination.

144
145 VII. **DISCUSSION**

146 A) Presentation by Dr. Deb Miller, Miller Geotechnical Consultants
147 Re: Environmental Clean-Up as associated with the Chevron Mine.

148
149 Dr. Miller informed the Governing Body that she will not be able to attend the EPA meeting.

150
151 She went over the 7 items on the proposed EPA agenda:

- 152
153 1. Contamination of the Red River and any action plan pertaining to it – Dr. Miller stated that from her
154 understanding there isn't any data that indicates impacts to the river associated with the mine activities.
155 There aren't exceedances of constituents of concern of levels that raise any kind of clean-up or issues that
156 need taken action on. Mayor Gallegos stated there were some pictures sent of some of the springs that were
157 of concern. Is it natural? If so, we need it on paper; we need to have those answers for the public on April
158 11th. We feel like we are asking the questions and we don't get the right answer. What do we tell our fishing
159 community who walk up and down that river? We need answers. The group that comes in on April 11th,
160 from each agency, needs to be people who can make decisions. Dr. Miller stated that one of the theories
161 that has been going around for quite a while is that as you come down from Red River there are reaches of

162 the river the water flows from stream channel into the ground, into the groundwater; then there are other
 163 reaches where the water and the groundwater upwell into the river; that is where the springs are. Some of
 164 the studies that have been done actually indicate that some of the constituents that are observed in the
 165 concentrations that are monitored along the Red River are due to that kind of natural upwelling from natural
 166 groundwater getting into the river. It is a challenge because the natural environment is very metallic and the
 167 constituents are present in the rocks and the soils so it is difficult to determine what is a result from the
 168 mining activity and what is just natural constituents in the ground that are coming up in the river in the
 169 natural springs. This was documented in the USGS research study. Dr. Miller stated that she does not really
 170 have a firm opinion one way or the other but she is anticipating that the Council will hear a version of this
 171 at the meeting. A discussion was held regarding the pumps and French drains.

172

173 2. Three of the topics that she found lumped together:

174

- explanation of tailings facility reclamation
- action plans for future clean-up projects
- what will the clean-up look like within Questa

175

176

177

178 All of these were responded to in the same manner; which was refer to the administrative order on consent.
 179 This is the partial consent decree things that were explained in the presentation.

180

181 3. Potential for non-compliance/violations and how they will be addressed - Their answer was that they
 182 don't anticipate non-compliance.

183

184 4. Lower Dump Sump – Her understanding is that this will be the very last area dealt with.

185

186 Dr. Miller stated that she will look at some of these questions before the meeting and get some bullet
 187 points for the Governing Body.

188

189 Mayor Gallegos stated that we want target dates/timelines for these projects as well as updates.

190

191 VIII. MATTERS FROM ATTORNEY

192

193 Mr. DeFillippo had no matters.

194

195 IX. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL

196

197 Councilwoman Gallegos asked for an update on the Fire Department. Mayor Gallegos stated that he received
 198 an email from Chief Ortega. It stated that the inspection went well, there is room for improvement; areas we
 199 are doing very well in and others that need improvement. As soon as the report from the Fire Marshal's
 200 Office is received, he will provide a detailed report and plan of action. The things requiring immediate
 201 attention are the roof, getting the airport substation operational, and send in copies of driver training and last
 202 year's incident reports. Mayor Gallegos stated that during the meeting they said they do see a lot of
 203 departments that are non-compliant, they did say there are forms and templates online. Also, they suggested
 204 Vilma Bailon to assist with the follow-ups. Chief Ortega recognizes he has some struggles and is willing to
 205 have other volunteers assist him. He was receptive to their criticisms, praises and suggestions. We need to
 206 do testing's on our fire hydrants this year. Mayor Gallegos stated that we need to continue to support the
 207 department.

208

209 Mayor Gallegos requested putting in solar powered street lights and LED lights.

210

211 **At 7:49pm, a motion to take a 5 minute break was made by Councilwoman Gallegos, seconded by
 212 Councilman Jaramillo.

213

In Favor: All

214

Opposed: None

215

216 To approve a 5-minute break. All voted yes. Motion carried.

217 A motion to reconvene from the break at 7:56pm was made by Councilwoman Gallegos, seconded by
218 Councilman Jaramillo.

219
220 In Favor: All
221 Opposed: None

222
223 To reconvene, all voted yes. Motion carried.

224
225 X. **EXECUTIVE SESSION** - (The Governing Body may convene into Executive Session at this
226 time pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)

- 227
- 228 A) Pending or Threatening Litigation - (§ 10-15-1(H) (7))
- 229 B) Limited Personnel Matters - (§10-15-1(H) (2))

230
231 A motion to enter into Executive Session was made by Councilwoman Gallegos. Seconded by Councilman
232 Gonzales.

233
234 Roll Call:

235		
236	Councilwoman Louise Gallegos	YES
237	Councilman Charlie Gonzales	YES
238	Councilman Brent Jaramillo	YES

239
240 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items
241 listed. The Governing Body entered into Executive Session at 7:57pm.

242
243 A motion was made to reconvene from Executive Session at 9:26pm by Councilman Gonzales, seconded by
244 Councilman Jaramillo.

245
246 Roll Call:

247		
248	Councilman Brent Jaramillo	YES
249	Councilman Charlie Gonzales	YES
250	Councilwoman Louise Gallegos	YES

251
252 Mayor Gallegos stated that only the Executive Session Items regarding Pending or Threatening Litigation -
253 (§ 10-15-1(H) (7)) and Limited Personnel Matters - (§10-15-1(H) (2)) were discussed.

254
255 XI. **ADJOURNMENT**

256
257 Motion: Councilwoman Gallegos
258 Second: Councilman Gonzales

259
260 In Favor: All
261 Opposed: None

262
263 There being no further business to discuss, the meeting was adjourned at 9:28pm.

264
265 ATTEST:



266
267
268 Renee Martinez, CMC
269

APPROVED:

Mark Gallegos

 Mark Gallegos, Mayor