

**VILLAGE OF QUESTA  
REGULAR MEETING MINUTES  
TUESDAY, APRIL 26, 2016  
VILLAGE OF QUESTA COUNCIL CHAMBERS  
6:00PM**

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

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

**II. ROLL CALL**

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor Brent Jaramillo

Councilor Lawrence Ortega

Councilor John Anthony Ortega

Not Present:

Councilor Julian Cisneros

**III. PLEDGE OF ALLEGIANCE**

Ms. Karen Shannon led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Ms. Trujillo informed the Governing Body that she had a correction to the agenda. Item IX A should read approval of audit award instead of approval of audit contract.

Motion: Councilor Lawrence Ortega

Second: Councilor Brent Jaramillo

In Favor: All

Opposed: None

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

**V. APPROVAL OF MINUTES –**

- Regular Meeting March 22, 2016

Councilor Lawrence Ortega stated that on line 235 there is a minor typo.

Motion: Councilor John Anthony

Second: Councilor Lawrence Ortega

In Favor: All

Opposed: None

To approve the March 22, 2016 minutes with the correction on line 235. All voted yes. Motion carried

- Regular Meeting April 12, 2016

Councilor Lawrence Ortega questioned if this should be approval of minutes or approval of agenda, since there was no meeting held. Attorney Randy Autio inquired about what occurred. Councilor Brent Jaramillo stated that the meeting was called to order, the clerk took roll call and there was not a quorum to continue with the meeting. The clerk usually will do the minutes in order to reflect that the meeting was called to order but there was no quorum present. Attorney Autio stated that he agrees with the way it was done.

Motion: Councilor Brent Jaramillo  
Second: Councilor Lawrence Ortega

In Favor: All  
Opposed: None

To approve the April 12, 2016 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.)*

Mayor Gallegos asked if there was anyone from the public that wished to address the Governing Body. There were none.

VII. **PUBLIC HEARING / FISCAL YEAR 2016-2017 ANNUAL BUDGET** – A Public Hearing allowing the opportunity for the public to provide input to the Village of Questa 2016-2017 budget.

Mayor Gallegos stated that this is a public hearing that gives the public an opportunity to provide input to the Village of Questa regarding the upcoming 2016-2017 budget.

Mayor Gallegos opened the Public Hearing at 6:18pm.

There were no comments from the public.

Mayor Gallegos closed the Public Hearing at 6:19pm.

VIII. **PRESENTATION** –

A. Proposed Mural at the Questa Public Library – Ms. Sharon Nicholson, Questa Public Library Director

Mayor Gallegos stated that Ms. Nicholson, Library Director and Ms. Vialpando, Questa Schools Art Teacher were here at the last meeting and did an informal presentation on the proposed mural. Ms. Trujillo stated that this will be paid for through a grant from the McCune Foundation which will go through the Friends of the Library.

Ms. Louise Padilla, President of the Friends of the Public Library informed the Governing Body that they were granted money from the McCune Foundation for the cost of the supplies. They will begin the mural in June.

B. Proposal of closing a portion of Cabresto Road – Mr. Manuel Medina

Mr. Manuel Medina informed the Governing Body that he would like to close the portion of Cabresto Road from the Parish Center to the Visitor's Center for the reason that it is no longer needed and is very dangerous. There is a lot of traffic going through the area and they do not obey the speed limit. He stated that he has had to fix his fence many

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times at his expense. It was originally used for ingress and egress but there are currently other ways to get in and out of Cabresto. The road would remain open for the residents in that area but closed to thru traffic. Mr. Medina stated that the road does not belong to the Village. Also, there has been no compensation for the use of it. Councilor Lawrence Ortega asked the Attorney if he was correct in saying that there is a process that needs to be followed to close a private road. The Attorney stated that yes, there is a process. It is a complicated process. Mr. Medina stated that his deed states that that road is just an ingress and egress and is not needed for that reason anymore.

Mayor Gallegos stated that we will have further discussion with legal counsel and get back to Mr. Medina. Mr. Medina inquired if there was a timeline for hearing back. Mayor Gallegos asked Mr. Medina to check in with the Village in the next couple of weeks. Ms. Trujillo asked Mr. Medina to please provide the Village with a copy of his deed so that we may provide it to legal counsel.

\*\*Mayor Gallegos stated that we overlooked placing Chief Nicolas Lamendola on the agenda and with the Council's permission allow him to update the Council. Councilor Lawrence Ortega suggested Chief Lamendola present under Matters from Administrator since we already approved the agenda. Councilor Brent Jaramillo stated that he would make the motion after the QEDFB update to move up Matters from Administrator to before the Action Items.

#### C. QEDFB Update - Mr. Phillippe Chino, Questa Economic Dev. Director

Mr. Malaquias Rael, Questa Economic Development Board Chair, stated that Mr. Chino sends his apologies for not being present this evening. Mr. Rael updated the Governing Body on the following:

- Actively working on the Visitor's Center and developing the Hook Book that will be presented to potential funding agencies. Working on scheduling a meeting with the Congressional delegation to provide them with the information.
- Working with Chevron Mining on the land and water trust.
- Meeting with local businesses and assisting them with technical assistance and funding resources they may need.
- Held monthly meeting today and approved the Village's request for payment for the base coarse for the site preparation in back of the business park building and the contract between the Village and Mr. Amalio Madueno (CVC). Also, the payment for the extension of the gas line to the business park was also approved.
- Working on a Performance Management Plan Process that will assist the QEDF Board in making sure the Director is keeping up with his responsibility of his job description as well as making sure we are implementing the economic development plan. Also, making sure we are holding up to the spirit of the MOU between the Village and the QEDFB. The actual document should be available by the next meeting.
- Working with the Village in forming a beautification committee.
- Working on forming a River Restoration Committee to identify roles and how everyone will participate
- Working on hiring two summer associates through the VISTA program who will work with the community on beautification and community gardening.
- Working with Taos Mesa Brewery regarding the 'grain to glass' project which entails working with brewers and producers of beer products to work with local growers. Currently looking for Federal Grants to apply for in order to expand into the Questa area.
- The Director is working on the entrepreneurship project, reaching out to the local businesses and learning about their needs. Mr. Chino is meeting with business owners at two scheduled meetings today and this evening.
- Financial reports were also approved. Mayor Gallegos requested that Council have copies of the reports.

Councilor Brent Jaramillo asked if it was too late to change the name of the Visitor's Center. Councilor Lawrence Ortega requested the Hook Book be presented to the Council before it goes to the potential funders. Councilor John Anthony Ortega commented that he has been attending the Leadership meetings and believes that the QEDFB is

headed in the right direction. He stated that he spoke with a couple of business owners and they are concerned that the QEDFB is not helping them. He believes there is a lot of misinformation going on in the business community and is happy to hear the Mr. Chino is going out to the businesses personally to answer their questions and give them the correct information.

Mayor Gallegos thanked Mr. Rael for his report.

\*\*A Motion was made at this time from Councilor Brent Jaramillo to move Item XIII, Matters from Administrator up to Item IX. The motion was seconded by Councilor Lawrence Ortega.

Roll Call:

Councilor Lawrence Ortega	YES
Councilor Brent Jaramillo	YES
Councilor John Anthony Ortega	YES

To move Item XIII, Matters from Administrator up to Item IX. All voted yes. Motion carried.

IX. **MATTERS FROM ADMINISTRATOR** – Ms. Loretta Trujillo

Ms. Trujillo introduced Attorney Randy Autio to the Council. Mr. Autio informed the Council that he has worked 25 years in public law, 19 years at the City of Albuquerque in different capacities as well as two years as City Clerk. Works as the Attorney for the County of Los Alamos and acting County Administrator. Worked as the Attorney for Bernalillo County. Mr. Autio stated he loves his work and enjoys working for Robles, Rael and Anaya. He looks forward to working with the Village.

Mayor Gallegos informed the Council that he requested Chief Lamendola to come in and update the Council on the Police Department.

Chief Lamendola informed the Council that they are on frequent patrol showing their presence. He stated that they have picked up a more felony level crimes such as breaking and entering. They have been active in the schools with the Explorer Program and have a good relationship with them. Emergency lighting on all police vehicles are up to date as well as all weaponry. The morale in the department is very good.

Councilor Lawrence Ortega thanked Chief Lamendola and stated that he has heard great things about our Police Department from the public. Councilor Brent Jaramillo also thanked Chief Lamendola for the work he is doing as well as the other officers. Also for making due with the equipment and vehicles we have and making it work. Councilor John Anthony Ortega thanked Chief Lamendola and stated that he has worked hand in hand with our officers and it has been nothing but professional. Mayor Gallegos stated that he is pleased with the department and the local business owners understand what the department is doing out there to protect them.

Ms. Trujillo updated the Council on the following:

- Meeting for the Restoration Projects for Natural resource Damage Settlement is scheduled for April 27, 2016. Council will meet with Rebecca Neri Zagal at 1:30pm in the Council Chambers. Restoration Planning Public Meeting will be at the VFW from 6:00pm to 8:00pm. On April 28, 2016, open house will be held at the Questa Ranger District Office. I have not received any information as to the time of this meeting; we will ask Rebecca at our meeting with her.
- Congratulations to Renee Martinez for receiving her Certified Municipal Clerk designation (CMC) from the International Institute.
- Waste Management contract is up in June and we will have to go out for RFP for solid waste services.
- Invitations to Bid: Construct new sewer service for sub-division on Shirley Drive. ITB closed on April 15, 2016. We received on bid. Contractor requested to run the elevations at the site so he can feel comfortable

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with the scope of work the village provided on the invitation to bid. He is scheduled to meet with Nick on Saturday April 23<sup>rd</sup>.

- Complete fencing at Municipal Park. This item has been removed; the Questa Volunteer Fire Department has expressed interest in adopting the Municipal Park and will erect the fencing.
- Construct handicap parking space at Municipal Library. Grant money will be used for this project. Deadline to submit bid is on April 28, 2016 by 3:00pm. Two contractors are interested.
- Construction at Business Park Road is complete. Contractor has been paid. Funds were provided from the QEDF for this project. Compaction tests were completed.
- 2016-17 Budget Process - I will be requesting a special meeting with the only item on the agenda being the budget so that we can work on finalizing it. May 24<sup>th</sup> Regular Meeting-Consideration and approval of interim budget.
- Asset Management Plan - W.H. Pacific is continuing to complete the mapping and attribute data. Councilor Lawrence Ortega asked if the public roads need to be in the inventory. Ms. Trujillo stated that WH Pacific is not going to inventory the roads. She will do more research.
- Water Rights - Eliu Romero-No update from OSE. Estate of Lino Trujillo - Awaiting the warranty deeds necessary to submit with the changes of ownership forms to OSE. Our attorney is to create these for us. Need to request approval from the Llano Ditch Association to allow the transfer of said water rights. Karen Cortez-no word from Ms. Cortez. I will no longer pursue this sale. Councilor Lawrence Ortega thinks we should get a letter of intent from the sellers before we begin the work. Mayor Gallegos suggested we also require a clearance from the acequia association also. Ms. Trujillo will look into this.
- Natural Gas Line - The main line along State Road 522 is complete and is currently stubbed out on the village property next to SR 5622. I received written quotes on the cost to continue the line from SR 522 to the Business Park Building. Gas Company of New Mexico was low bidder at \$1949.43 inclusive of GRT. All paperwork (including a right-of-way easement) is being finalized. Work is schedule to begin on Monday, April 25<sup>th</sup> with completion within the week but no later than Friday, April 29<sup>th</sup> (weather permitting).
- Taos Mountain Energy - Construction redesign in building is scheduled to be completed by the end of April. Approximately 95% of their large equipment has been purchased and is being installed. Awaiting the natural gas line to the building so they can test equipment. At the EDTL meeting held on Monday, April 18, 2016, Kyle Hawari indicated they intend to be in the building, full operating, by July 2016.
- Fiscal Agent Agreements - They are still at DFA Awaiting final approval. I spoke with Steve Lacy on Thursday, April 7<sup>th</sup>. DFA has hired a person to review and finalize all fiscal agent agreements. I have left several messages this week requesting an update from Steve Lacy. He has not returned any calls.

X. **ACTION ITEMS - (Discussion, Consideration and Action)**

A. Approval of FYE 2016 Audit ~~Contract~~ Award

Ms. Trujillo informed the Governing Body that the Village had solicited bids for our FYI 2016 audit. Ten firms were contacted, four firms responded, three were not accepting new clients and three did not return calls. Three quotes were received. Ms. Trujillo spoke to all three firms. Two of the firms came to meet with Ms. Trujillo and Ms. Shannon. Ms. Trujillo reiterated that we really need to move forward. All three firms believed that we should be able to move to the next level of a qualified opinion, with qualification still being our asset inventory. The recommended firm of Kubiak, Melton & Associates has let us know that they will come in in September for the audit and if we show substantial completion of our asset inventory they will include that within our audit with a slim chance we can have an unqualified opinion. Ms. Trujillo stated that she is recommending that we contract with Kubiak, Melton & Associates, they were the lowest bidder and have worked on our audits for the past three years. Ms. Trujillo would like to keep consistent with that and they also know what our struggles have been and understand the improvements we have made. Councilor Lawrence Ortega stated that when we met with the stated auditor a month ago, he and his deputy had some concerns with a couple of the reporting areas; the way the material was presented in the audit to the Village. Councilor Lawrence Ortega stated that he recommends that there should be some language in the contract, if the award is approved, that addresses these concerns that the State Auditor had.

256 Also, that they give the Village some documentation that shows that our asset management is well under way. Ms.  
 257 Trujillo stated that the contract will be drawn up and presented to the Council for approval at a later date.

259 Motion: Councilor Lawrence Ortega  
 260 Second: Councilor John Anthony Ortega

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262 Mayor Gallegos asked the Clerk to call roll:

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264 Councilor Lawrence Ortega YES

265 Councilor Brent Jaramillo YES

266 Councilor John Anthony Ortega YES

267

268 To approve the Audit Award to Kubiak, Melton & Associates. All voted yes. Motion carried

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270 **B. Approval of Engineering Services Contract for 2015 CDBG Project – Wilson & Co.**

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272 Motion: Councilor Lawrence Ortega – Contingent on approval from DFA.

273 Second: Councilor Brent Jaramillo – Requested a copy of the full contract.

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275 Mayor Gallegos asked the Clerk to call roll:

276

277 Councilor Lawrence Ortega YES

278 Councilor Brent Jaramillo YES

279 Councilor John Anthony Ortega YES

280

281 To approve the Engineering Services Contract for 2015 CDBG Project – Wilson & Co. All voted yes. Motion carried.

282

283 **C. Approval of Water Rights Purchase Agreement – Village of Questa and the Estate of Lino Trujillo**

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285 Ms. Trujillo stated that this is the same agreement that we executed with Mr. Eliu Romero.

286

287 Motion: Councilor Lawrence Ortega

288 Second: Councilor Brent Jaramillo

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290 Mayor Gallegos asked the Clerk to call roll:

291

292 Councilor Lawrence Ortega YES

293 Councilor Brent Jaramillo YES

294 Councilor John Anthony Ortega YES

295

296 To approve the Water Rights Purchase Agreement between the Village of Questa and the Estate of Lino Trujillo.

297 All voted yes. Motion carried.

298

299 At 8:11pm, a motion to take a five minute break was made by Councilor Lawrence Ortega. Seconded by Councilor  
 300 John Anthony Ortega.

301

302 In Favor: All

303 Opposed: None

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305 To approve a five minute break. All voted yes. Motion carried.

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307

At 8:19pm, a motion to reconvene was made by Councilor John Anthony Ortega, seconded by Councilor Lawrence Ortega.

In Favor: All  
Opposed: None

To approve to reconvene the meeting. All voted yes. Motion carried.

# XI. DISCUSSION ITEMS –

## A. Senate Bill 270 – Identification of Roads

Mayor Gallegos stated that Senate Bill 270 is in regards to the use of off road vehicles on paved roads across the state. Councilor Ortega would like the Governing Body and staff to get together with a map of the roads and identify which roads everyone would like to see used. He suggested that by next meeting everyone bring their ideas so that we can finalize the roads. Mayor Gallegos stated he was hoping that we could identify SR 522, SR 38 and North Kiowa as roads that cannot be used by ATV's, except as crossing areas to other Village Roads. Councilor Lawrence Ortega stated that he is concerned with the roads leading to the schools, such as Sagebrush Road. Councilor John Anthony Ortega stated that as far as public safety we need to enforce the helmet and speeding laws. He stated that he has no problem with the bill but the laws have to be enforced. Councilor Brent Jaramillo stated that the shoulder trails of SR 522 near the Health Center and the park is a concern. Councilor Lawrence Ortega inquired if we would be liable for any accidents on State highways within the Village limits. Councilor John Anthony Ortega stated that he believes that the Police Chief and the Fire Chief should also give some input. Mayor Gallegos stated that we can have the staff look further into this, invite the police and fire chief and have another discussion. It was decided to look at this item again in June or July.

## B. Identify Project area(s) for Rocky Mountain Youth Corps 2017 proposal

The Governing Body decided that the project areas submitted should be MolyCorp Field improvements and the Questa Municipal Park. Some ideas were:

1. Restore the MolyCorp Miner Memorial Park
  - A) Repair and paint the existing bandstand
  - B) Graffiti Removal on all facilities
  - C) Repair/replace and paint picnic tables and concession booths
  - D) Weed eradication in public areas
  - E) Thinning of trees around public areas
2. Improve newly constructed Municipal Park –
  - A) Plant trees for beautification and windbreaks

# XII. FINANCIALS – Ms. Karen Shannon, Finance Director

## A. Approval of Resolution 2016-14 – 3<sup>rd</sup> Quarter Budget Adjustment Requests

Ms. Shannon presented the 3<sup>rd</sup> Quarter Budget Adjustment Requests.

Motion: Councilor Lawrence Ortega  
Second: Councilor Brent Jaramillo

Mayor Gallegos asked the Clerk to call roll:

Councilor Lawrence Ortega	YES
Councilor Brent Jaramillo	YES
Councilor John Anthony Ortega	YES

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To approve Resolution 2016-14 – 3<sup>rd</sup> Quarter Budget Adjustment Requests. All voted yes. Motion carried.

**B. Review of March Financials**

Ms. Shannon presented the March Financials.

Motion: Councilor John Anthony Ortega

Second: Councilor Lawrence Ortega

In Favor: All

Opposed: None

To approve the March financials. All voted yes. Motion carried.

**C. Approval of 3<sup>rd</sup> Quarter DFA Report**

Ms. Shannon presented the 3<sup>rd</sup> Quarter DFA Report.

Motion: Councilor Lawrence Ortega

Second: Councilor Brent Jaramillo

In Favor: All

Opposed: None

To approve the 3<sup>rd</sup> Quarter DFA Report. All voted yes. Motion carried.

**D. Approval of Unpaid Vouchers**

Councilor Lawrence Ortega asked if the April 8<sup>th</sup> vouchers were approved. Ms. Shannon stated no, but they were bills that needed to be paid and are included in the March report.

Motion: Councilor Lawrence Ortega

Second: Councilor John Anthony Ortega

In Favor: All

Opposed: None

To approve the Unpaid Vouchers as presented. All voted yes. Motion carried

**XIII. MATTERS FROM ATTORNEY**

Attorney Randy Autio had no matters.

**XIV. MATTERS FROM MAYOR AND COUNCIL –**

**A. Councilor Lawrence Ortega:**

1) Beautification Project - Councilor Lawrence Ortega asked if this project was moving forward and if the fund board still funding it. Mayor Gallegos stated that there is still money available in the QEDFB budget for this. The consideration was that we not use Heads Up landscaping to do the 'island' but instead consider a local landscaper. Councilor Lawrence Ortega stated that he would prefer hiring local.

2) Questa Corral Users – Councilor Lawrence Ortega stated that the corral user membership is asking that the Council consider extending Mr. Cisneros’s contract. He stated that since then, he and Mayor Gallegos have met and discussed that there is a lot of work that needs to get done at the corrals. We feel like the fund board can pay for this work and continue to use it as an economic development driver. If we do all the work in house then we have a revenue generating mechanism in which we can bid out winter grazing, the locals can still use the corrals as needed with a daily fee. Councilor Lawrence Ortega suggested that he and Mayor Gallegos meet with the users and get the discussion going. In the meantime, we approach the QEDFB meeting to see if this would be possible.

Councilor Lawrence Ortega stated that the Little League has asked if they can do some improvements at the park. He will have Mr. David Trujillo contact Ms. Trujillo. They are willing to paint the dugouts if the paint is supplied. Councilor Lawrence Ortega also inquired about the restrooms. They need to get done. Councilor Lawrence Ortega inquired about the La Cienega property. Ms. Trujillo stated that it is now in our hands and we will give it to our attorney to look over.

Councilor John Anthony Ortega asked if we can get the employees raises this next fiscal year. Ms. Trujillo stated she agrees but it is a challenge in our budget but we will try. Also, if we could have a barbeque this summer for the employees to show our appreciation. Councilor John Anthony asked if we are still going to hire an accountant to work on the asset inventory. Ms. Trujillo stated that we will have to see if we can put it in the budget.

Mayor Gallegos requested from the Council to hire two summer employees for the public works department to assist in replacing the meters. If there is funding available we would like to hire someone who has the experience. It was agreed to move forward if the funding is available.

Councilor Brent Jaramillo inquired about the procurement for the pothole repair. Ms. Trujillo stated she has been working with Mr. Joe Moore on this and Councilor Lawrence Ortega stated that he will meet with him about this.

#### XV. ADJOURNMENT

Motion: Councilor Lawrence Ortega

Second: Councilor John Anthony Ortega

In Favor: All

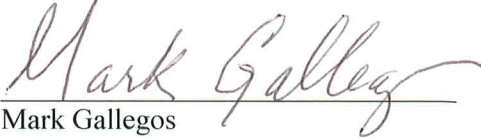
Opposed: None

There being no further business to discuss, the meeting was adjourned at 9:26pm.

**ATTEST:**

  
Renee Martinez, CMC  
Village Clerk

**APPROVED:**

  
Mark Gallegos  
Mayor