

**VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 15, 2015
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:15pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Those present were:

Councilor Brent Jaramillo

Councilor Lawrence Ortega was present by telephone.

Councilor Miguel Romero and Councilor Julian Cisneros were not present.

Also present:

Administrator Loretta Trujillo

Village Clerk Renee Martinez

Finance Director Karen Shannon

Public Works Director Arwin Vasquez

Utilities Clerk Nadine Herrera

III. PLEDGE OF ALLEGIANCE

Mr. Tommy Lyles led the Pledge of Allegiance

IV. APPROVAL OF AGENDA

Motion: Councilor Jaramillo

Second: Councilor Ortega

In Favor: All

Opposed: None

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

V. APPROVAL OF MINUTES - September 8, 2015 Special Meeting

September 8, 2015 -

Motion: Councilor Jaramillo

Second: Councilor Ortega

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In Favor: All
Opposed: None

To approve the September 8, 2015 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.)*

There were no Public Comments...

VII. **PRESENTATIONS** - Swear-In of Village of Questa Chief of Police, Mr. Nicolas Lamendola

Village of Questa Municipal Judge Michael Rael, Sr. administered the Oath of Office to Village of Questa Chief of Police Nicolas Lamendola.

Councilor Jaramillo welcomed Chief Lamendola to the Village of Questa. Mayor Gallegos also welcomed Chief Lamendola. Mayor Gallegos also acknowledged Officer Victor Alvarado for his work and dedication to the Village through the transition.

Chief Lamendola introduced Officer Jacob Montez, Officer LeEvan Sanchez and Officer Victor Alvarado.

At this time a motion was made by Councilor Jaramillo to recess for 30 minutes. Seconded by Councilor Ortega. All were in favor. The meeting was recessed at 6:37pm.

Mayor Gallegos asked for a motion to reconvene. A motion was made by Councilor Jaramillo, seconded by Councilor Ortega. All were in favor. The meeting was reconvened at 7:11pm.

A motion was then made by Councilor Jaramillo to recess the meeting until September 23, 2015 at 6:00pm. The motion was seconded by Councilor Ortega. All were in favor. Motion carried.

WEDNESDAY, SEPTEMBER 23, 2015
6:00PM

Mayor Gallegos asked for a motion to reconvene the meeting from September 15, 2015 at 6:00pm. Present were Councilor Jaramillo, Councilor Ortega and Councilor Romero. Councilor Cisneros arrived at 6:02pm.

Motion: Councilor Jaramillo
Second: Councilor Ortega

In Favor: All
Opposed: None

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98 Motion carried.

100 Mayor Gallegos stated that we will now begin the Public Hearings. Councilor Cisneros inquired if the agenda has
101 already been approved. Mayor Gallegos stated that the agenda was approved at the September 15, 2015
102 meeting. This is a continuation of that meeting.

104 Councilor Cisneros motioned to table action items A and B under Item IX. Councilor Ortega seconded the motion.

106 In Favor: Councilor Cisneros, Councilor Ortega, Councilor Romero

107 Opposed: Councilor Jaramillo

109 VIII. **PUBLIC HEARINGS** –

110 A) Village of Questa Water/ Sewer Ordinance No. 2015-141

112 Mayor Gallegos opened the public hearing at 6:08pm.

114 Ms. Trujillo stated that on page 15, the sewer connection fees have been increased by \$300.00, which was
115 requested at the last meeting. Also, on page 16, Item 3, bulk water fee, Ms. Trujillo proposed a fee structure.
116 Currently, it is \$30.00 per 1,000 gallons. This will help with customers who would like to purchase less than that
117 minimum.

119 Councilor Ortega, Page 20, Item J inquired if this is the item that the administrator has the authority to waive
120 penalties and interest. Mayor Gallegos stated that no penalties and interest will be waived. A payment plan will
121 be in place instead on the past due amount and the customer will continue paying the current. If the customer
122 does not comply with the payment agreement, the water will be turned off and the agreement will be void. No
123 penalties will be waived. Ms. Trujillo stated we are giving the customer the opportunity to catch up with their
124 bill.

126 Councilor Cisneros suggested a work study session be scheduled regarding this ordinance. Mayor Gallegos stated
127 that the staff has worked very hard to get this ordinance where it needs to be and we keep putting it off. He
128 stated that if a work study is scheduled that everyone needs to participate; not only to the work study but attend
129 the meetings, otherwise it prolongs the staff to move forward and ends up affecting our audit. Councilor Cisneros
130 stated that there shouldn't be a time limit for working on ordinances when it is going to affect each individual.
131 We need to make sure it is done right.

133 Mayor Gallegos then asked the Council if we should give Ms. Trujillo direction to follow the current ordinance
134 which is in effect which states that after 45 days of being delinquent the water must be shut off. We are currently
135 in violation of our own ordinance and we are looking at another audit finding. Councilor Ortega stated that he
136 agrees with the Mayor in regards to there being 100% attendance if another work study session is scheduled.
137 Councilor Ortega inquired if we can have the work study session soon so that it can fall into the 45 day window
138 and hopefully this ordinance can get in place before that deadline comes up. Mayor Gallegos stated there are
139 deadlines that need to be met regarding advertising.

141 Councilor Jaramillo agrees with having the work study session and stated we should have it sooner than later.

143 Mr. Jim Vaughn stated that we have been putting it off for six months already. If the Council puts it off again
144 aren't there already people who are past the 45 days that their services would have to be shut off? Mr. Vaughn
145 stated that the ordinance has already been hammered out and published. Ms. Peggy Cross stated that the
146 Council is a decision making committee and needs to make up their minds. It needs to be done.

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A discussion was held regarding the date of the work study session.

Mayor Gallegos asked if there were any more comments from the public. There were none.

Mayor Gallegos closed the public hearing at 6:26pm.

B) Village of Questa Animal Welfare Ordinance No. 2015-142

Mayor Gallegos opened the public hearing regarding the Questa Animal Welfare ordinance at 6:26pm.

Ms. Trujillo stated that the last of the changes were made last month. The name change from Questa Animal Control ordinance to Questa Animal Welfare ordinance was made.

Mayor Gallegos asked for comments and suggestions from the public.

Mr. Jim Vaughn asked about what will happen now, do we have to start from square one? We understood that the ordinance was ready and would be approved tonight. We attend meeting after meeting to review it, with those who attend, and we are ready to move forward.

Ms. Peggy Cross addressed her concerns about abuse and cruelty to animals.

Mayor Gallegos asked the Council to express their concerns with the ordinance. Councilor Cisneros stated that he is concerned about animal abuse and if there is any way to enact something immediately that would address this issue.

Mr. Joe Cisneros asked the Council if they were not tired of seeing them come to the meeting begging and pleading to get this ordinance in place. Ms. Peggy Cross stated that this is disgusting already, this is an animal control ordinance that every town in the country has. Mayor Gallegos stated that we are concerned with the enforcement portion of this ordinance. Ms. Cross stated that if the ordinance was adopted we could call law enforcement. Councilor Romero stated that if the county is called in they will site on the county ordinance. The county and the Village are two different jurisdictions.

Ms. Janice Vaughn stated that a work study session was scheduled sometime back and Councilor Cisneros didn't show up.

Councilor Cisneros stated that some of his concerns with the ordinance are:

- Defecation and Urination – He doesn't think this is necessary, this is not the city. Mr. Jim Vaughn stated to Councilor Cisneros that we had scheduled a work study with you that you did not show up to and no one had the courtesy to call us and cancel. We sat here for 25 minutes waiting for you. Mr. Vaughn told Councilor Cisneros that he has had every opportunity in the world to voice his opinion on this ordinance. It has been beat to death and everyone has agreed on it and that is why it has been advertised for approval. Mr. Vaughn stated that he does not understand why Councilor Cisneros is coming in now and wanting to change everything. Councilor Cisneros stated we haven't passed it so technically I have this right. Mr. Vaughn stated that Councilor Cisneros also has the right to at least to have the respect to show up to meetings.
- Animal Noise - A discussion was held regarding if this item is enforceable.
- Dogs Running Loose – He has a dog that lives outside and can do anything she wants. What should we do, lock her up? A lot of dogs are running loose.

Councilor Romero:

Stated that his concerns were addressed at last meeting regarding animals and livestock.

Councilor Ortega:

Councilor Ortega would like his comments and concerns addressed at the next works study session.

Councilor Jaramillo:

Stated that his concerns were addressed in last two meetings. He would like Mr. Vaughn to reiterate what he said last meeting regarding the enforcement of the Ordinance.

Ms. Janice Vaughn stated that the problem she has with the loose animals are the vicious ones. It puts other animals as well as small children in danger. Ms. Cross stated that an ordinance must be in place so that owners can take responsibility for their animals. She stated that if you are going to let your pet roam, you have to face the consequences as the owner. Regarding noise, if you have a dog that is barking and barking they are probably terrified.

Councilor Cisneros stated that he has four dogs and you won't find a more compassionate person than himself when it comes to pets.

Councilor Romero stated that he is aware of how hard Mr. Vaughn worked on this ordinance. He stated that if we approve this ordinance there is going to be holes in it. Councilor Romero stated that we are going to have to work on some things.

Ms. Gail Cisneros stated that they need this ordinance for the reason that they need some backup when they go out and pick up animals.

There were no more public comments at this time.

Mayor Gallegos stated that this was a good discussion and we will continue at the work study session. Mayor Gallegos closed the public hearing at 6:58pm.

**At this time Ms. Trujillo introduced Mr. LeEvan Sanchez who is our new part-time police officer. Councilor Ortega asked that Chief Lamendola be present at a future meeting so that the members who were not present at the swearing in can meet him. Ms. Trujillo stated that we will have a formal swearing-in for the officers at the next council meeting. Councilor Cisneros asked that next time a new employee is hired that the council be informed. Councilor Jaramillo concurred.

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

A) Adoption of Village of Questa Water/ Sewer Ordinance No. 2015-141

Removed from agenda.

B) Adoption of Village of Questa Animal Welfare Ordinance No. 2015-142

Removed from agenda.

C) Approval of I-T Contract – Ambitions Consulting Group

Councilor Ortega asked if the effective date on the contract of September 15 is correct. Ms. Trujillo stated that it should be dated September 24, 2015 through September 23, 2016. She stated that she would like to end all contracts at the end of the fiscal year. Councilor Ortega stated his concern is that the amount of the contract would change. Ms. Trujillo stated that she is recommending the contract be approved from 09/24/2015-09/23/2016 for one year.

Motion: Councilor Cisneros

Second: Councilor Romero

In Favor: All

Opposed: None

To approve the IT Contract with Ambitions Consulting Group. All voted yes. Motion carried

D) Approval to proceed with Natural Gas Line to Business Park Building

Ms. Trujillo stated that at the last meeting she informed the Council that NM Gas Company came back to us with a price of \$ 25,500.00 to take the gas line to the Business Park. It is 1,700 ft. at \$15.00 per foot. Along with that, they will give us allowances for the empty lots with a final cost of \$ 23,500.00. Another option is the Village can go door to door along that area to see if any other households will commit to hooking up to the gas service which we will get credit for. Councilor Romero asked if the fund board would help fund this. Mayor Gallegos stated that he has discussed this with Mr. Rael, Chair of the QEDFB and he was comfortable with the idea that the funding would come through them. Mayor Rael asked Ms. Trujillo to see if the Village could carry this cost and if not we can move forward with requesting it from the fund board. It is something that is necessary to get Taos Mountain Energy Foods in the door. Councilor Ortega asked if there is some 'wiggle room' in the cost. Ms. Trujillo stated that their price is firm. Councilor Jaramillo thought that the fund board said they would fund up to \$ 15,000.00 which would leave the cost to the Village of about \$ 8,500.00.

Motion: Councilor Cisneros

Second: Councilor Jaramillo

In Favor: All

Opposed: None

To approve the Village proceed with the Natural Gas line to the Business Park. All voted yes. Motion carried

E) Resolution No. 2015-31 – Resolution to rescind Resolution No. 2015-30

Ms. Trujillo stated that Resolution 2015-30 was passed in a previous meeting. She stated that we have been advised by our Grant Writer Mr. Amalio Madueno that some additions to the resolution need to be made before it is submitted. The resolution will be brought back to a later council meeting so that it can be approved with the additions.

Motion: Councilor Ortega

Second: Councilor Romero

Roll Call:

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294 Councilor Julian Cisneros YES
 295 Councilor Brent Jaramillo YES
 296 Councilor Miguel Romero YES
 297 Councilor Lawrence Ortega YES

298

299 To approve Resolution No. 2015-31 to rescind Resolution No. 2015-30. All voted yes. Motion carried.

300

301 F) Possible Acquisition of La Cienega School and Property

302

303 Ms. Trujillo stated she has forwarded the Council the loss and safety audit that was given to them back in June
 304 for their review which was provided by the Questa Schools along with a letter from our attorney regarding the
 305 asbestos liability.

306

307 Councilor Cisneros asked Attorney Vanessa Chavez what the Village's liability would be if we acquired the
 308 property. Ms. Chavez stated that the Village would not be liable for anything that has happened in the past, the
 309 liability would take effect on the day of acquisition. Anything that the Village opens it up to would have to meet
 310 air standards, the asbestos issue is taken care such as if it has to be removed. Once the Village takes it on, the
 311 Village will have to make sure that no one has free access to that building until all needed remediation is done.
 312 Councilor Cisneros stated that he would hate to pass up on this opportunity. Councilor Romero stated that we
 313 should take the property but is concerned if we have the money for remediation. Councilor Ortega stated that
 314 his concerns remain and believes that it is going to cost a lot of money to get it to where it needs to be for
 315 occupancy as well as demolition costs. Councilor Ortega stated that in reading the audit that the school provided,
 316 this facility has a negative value to it. He stated that these concerns still remain. Councilor Jaramillo stated that
 317 it is nice to get something for the community. It is possible for the property to be revitalized through Mr. Charlie
 318 Deans revitalization plan. This property could be used for the senior center. He stated that he is not opposed
 319 but does not want to acquire it if it is just going to sit there and we get the bad name for not following through.
 320 Mayor Gallegos stated that these are all valid concerns. Mayor Gallegos stated that he has done some homework
 321 and in talking with Mr. Charlie Deans, there is money available to get this property cleaned up. Mayor Gallegos
 322 has also met with Mr. Mike Trujillo of the Taos County Senior Center regarding going for ICIP monies to assist in
 323 the renovation. Mayor Gallegos has also spoken with members from Senator Udall's office to see if this property
 324 would qualify for historic preservation/renovation grants. Mayor Gallegos stated that there have not been any
 325 break-ins into these buildings. Ms. Chavez stated that the Village has to make sure that no one is on that
 326 property. Mayor Gallegos stated that he believes that it is more of an opportunity for us than a burden.

327

328 A motion was made by Councilor Cisneros for the acquisition of the La Cienega School and Property. Councilor
 329 Cisneros stated that the agenda reads for the 'possible acquisition' of the property. Ms. Chavez stated that it
 330 reads this way for the reason that some discussion still needs to happen with the Questa Schools. It is an approval
 331 from the Governing Body to move forward.

332

333 A motion was then made by Councilor Cisneros for the possible acquisition of the La Cienega School and Property.
 334 The motion was seconded by Councilor Romero.

335

336 In Favor: Councilor Romero, Councilor Jaramillo and Councilor Cisneros.

337

338 Councilor Ortega stated that he would like 'Abstain' from voting on the motion.

339

340 To approve the possible acquisition of the La Cienega School and Property. With a majority vote, the motion was
 341 carried.

342

X. **DISCUSSION** -

A) Leda Ordinance

Ms. Chavez informed the Governing Body that at the last meeting the Council requested an explanation of the changes to the LEDA ordinance. She stated that the LEDA ordinance should be updated for every new economic development project. Councilor Ortega asked if this was an amendment to the prior amendment. Ms. Chavez stated it is an amendment to the 2006 ordinance regarding Kit Carson Telecom.

Ms. Chavez went over the changes with the Council and stated that this ordinance will come up for approval as soon as all required advertisements for the public hearing and adoption are completed.

XI. **FINANCE DEPARTMENT** - Ms. Karen Shannon

A) Approval of Unpaid Vouchers

Ms. Shannon presented the unpaid voucher list as well as two additional lists.

Councilor Ortega inquired about the mileage paid to employees for a conference and did not see and per diem paid to go along with that. Ms. Shannon stated the meals are included at 80% in advanced travel and the rooms are prepaid by credit card. Councilor Ortega stated that he just wanted to make sure we aren't sending our employees out to conferences and they have to pay for their expenses. Councilor Ortega asked if this was our common practice. Ms. Trujillo stated that this report does not show a breakdown. Councilor Ortega inquired about the voucher to Safe Guard. Ms. Shannon stated it was for blank checks for a couple of accounts.

Motion: Councilor Romero

Second: Councilor Cisneros

In Favor: All

Opposed: None

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

XII. **MATTERS FROM ADMINISTRATOR**

Ms. Trujillo informed the Council on the following:

- Auditors will be here from Monday September 28th through Wednesday, September 30th. Ms. Trujillo asked that one Council member be present for the entrance conference.
- The RFP for planning services for the Asset Management Plan went out and we received one proposal from WHPacific.
- Three different projects went out for bid which include fencing at municipal park, janitorial services and livestock corral improvements in exchange for use of property for grazing. The only bid received was for the livestock corrals. No other bids were received.
- The CDBG Project- Mr. Cisneros is currently working on environment assessment and RFP for engineering services.
- The \$40,000.00 Legislative Appropriation for the well – Several engineers have been contacted and they do have to have a background on waster engineering. Dennis Engineering has come to look at the well and is going to submit a proposal to the Village.
- RFP for on-call engineering services is no longer needed.

- Workers Comp audit sent out a consultant to perform a safety audit last November. All but one item has been taken care of so we are off of the risk reduction list.
- A special meeting with Dr. Miller is scheduled for Friday, October 2nd at 6:00pm for an update on the mine project.
- Eagle Rock opening is Saturday, October 3 at 9:00am. The ceremony begins at noon. Councilor Jaramillo asked if the Forest Service was going to send out invitations to guests. Ms. Trujillo stated no. The flier is what they sent. Councilor Ortega asked for a copy of the itinerary. Councilor Jaramillo stated that the Village should have input on who is invited since it is a Village of Questa function. A lengthy discussion was held regarding the guests invited. Councilor Jaramillo also inquired if the river work on the river will be addressed. Ms. Trujillo stated that she will check into these issues.

XIII. MATTERS FROM MAYOR AND COUNCIL

Councilor Cisneros asked the council for permission to move forward with purchasing a memorial plaque to honor a veteran from Taos who has not been honored in New Mexico, only in Colorado. He stated he could raise the money for this plaque if there is no money for it in the project and have it placed at the Veteran's Memorial. Councilor Ortega stated he is fine with it. Councilor Jaramillo suggested talking with the local veterans to give them a heads up. Councilor Jaramillo stated that General Baca could probably be present for the dedication. Councilor Ortega asked if there has been any progress in getting the names of all the veteran's for the memorial. Mayor Gallegos stated that we get the existing list and those who are missing we request a DD214 number. Councilor Cisneros stated that this is standard procedure. It was suggested that we ask the County Clerk for a list or Mr. Francis Cordova from Taos.

Councilor Ortega inquired about the MVD vacancy. Ms. Trujillo stated that we advertised the position and received five applicants. We are waiting for Ms. Sara Trujillo to return from training so that she can review them as the supervisor of MVD. We may have to re advertise the position if none of the applicants are qualified. Councilor Ortega inquired about the due date for the bids for the Old Red River road project. Ms. Trujillo stated that it is September 28th. Councilor Ortega inquired about the status of the beautification project. Mayor Gallegos went over the costs for the project which will be funded through the fund board. The costs are lower than originally proposed. It was agreed to move forward with the project.

XIV. 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) Litigation – (Section 10-15-1 (H) (7)) –1) Herrera vs. Duran
- 2) Charlotte Witherspoon

A motion to enter into Executive Session regarding Litigation - Herrera vs. Duran and Charlotte Witherspoon was made by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

Councilor Julian Cisneros	YES
Councilor Miguel Romero	YES
Councilor Lawrence Ortega	YES
Councilor Brent Jaramillo	YES

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss the items listed. The Governing Body entered into Executive Session at 8:15pm.

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A motion at 8:22pm was made to reconvene from Executive Session by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

Councilor Julian Cisneros	YES
Councilor Lawrence Ortega	YES
Councilor Brent Jaramillo	YES
Councilor Miguel Romero	YES

Mayor Gallegos stated that only items discussed during closed session were discussed and no action was taken.

XV. **ADJOURNMENT**

Motion: Councilor Ortega

Second: Councilor Romero

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:23pm.

ATTEST:


Renee Martinez, Village Clerk

APPROVED:


Mark Gallegos, Mayor