

**VILLAGE OF QUESTA  
REGULAR COUNCIL MEETING MINUTES  
TUESDAY, MAY 19, 2015  
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 6:02pm.

**II. ROLL CALL**

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Those present were:

Councilor Julian Cisneros  
Councilor Lawrence Ortega  
Councilor Brent Jaramillo

Councilor Miguel Romero arrived at 6:06pm.

Also present:

Village Attorney Vanessa Chavez  
Administrator Loretta Trujillo  
Public Works Director Arwin Vasquez  
Finance Director Karen Shannon  
Village Clerk Renee Martinez  
Police Chief Gerald Bates

**III. PLEDGE OF ALLEGIANCE**

Councilor Ortega led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Mayor Gallegos requested to table Items (D), (E) and (F) under Item IX until we get some language clarification on the Resolutions. Councilor Ortega requested that Item X be moved into Executive Session.

Motion: Councilor Ortega  
Second: Councilor Cisneros

In Favor: All  
Opposed: None

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

\*\*6:06pm – Councilor Miguel Romero arrived at this time.

V. **APPROVAL OF MINUTES** –

- Regular Meeting, May 05, 2015

Motion: Councilor Cisneros

Second: Councilor Ortega

In Favor: All

Opposed: None

To approve the Meeting Minutes of May 05, 2015 as presented. All voted yes. Motion carried.

- Special Meeting, May 07, 2015

Councilor Ortega inquired if the Resolution was required. Ms. Martinez stated that it is only required for the Fourth Quarter Report. Ms. Trujillo stated that she did verify this with DFA.

Motion: Councilor Cisneros

Second: Councilor Romero

In Favor: All

Opposed: None

To approve the Meeting Minutes of May 07, 2015 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. Trujillo introduced Mr. Michael Steininger from the Department of Finance and Administration. She informed the Governing Body that Mr. Steininger will be here this week to assist us with some accounting in the Finance office. Mr. Steininger informed the Governing Body that he and Ms. Shannon are currently attempting to get the cash balances in align with the bank reconciliations. He stated that he has spoken with our auditors on what in the audit report I can rely on and what I should not because of the reason that the last audit was disclaimed. He stated that as the Governing Body gets into the budget cycle, there are a few things that are concerning him: 1) Like many communities, Questa seems to be burning through the cash. 2) 72% of the water receivables are delinquent. He stated that while the State takes no position in how the Village enforces ordinances, he strongly suggests that we adopt the ordinance because collections will be harder to collect if the balances keep climbing. He stated that this is all he has looked into in the past couple days and stood for any questions. Councilor Ortega thanked Mr. Steininger for being here and for his review.
- Chief Gerald Bates stated that he has provided the Council with a report that was not available at the time the packets went out.

Mayor Gallegos closed Public Comments at 6:13pm.

VII. **PRESENTATIONS** –

A) Mr. Tim J. Archibeque, Armstrong Consultants, Inc.

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Mr. Tim Archibeque updated the Governing Body on the following:

- Last year a design only task order and grant was done for a (Runway Safety Area) RSA grading which was a 5010 deficiency from the FAA. Also a grant for the design on the wildlife fencing on the North and South side. There is currently fencing on the East and West side. (2014 Grant)
- Construction and bid on RSA grading and obstruction removal. This project is ready to bid and waiting for the okay from FAA and the Village. (2015 Grant)
- Received a small state grant for \$5,000.00 to try and remedy the lighting problems. Because there are only a select few of electricians who can work on airports, we called in Bixby Electric to troubleshoot. Councilor Ortega inquired if the hiring of the contractor was under State contract. Mr. Archibeque stated that they received a quote from Bixby that they found to be reasonable. Councilor Ortega asked Ms. Trujillo if she felt that procurement was followed. Ms. Trujillo stated yes, for the reason that this job could not be done by any electrician. Mr. Archibeque stated that in the future if they are required to solicit more quotes they can certainly do that. Councilor Ortega stated that they should follow our local procurement policy. Councilor Ortega asked if the other projects will be going out for bid. Mr. Archibeque stated that they will. Councilor Ortega would like to see the bids in the Taos News since it is local. Mayor Gallegos inquired about the grading and what would local contractors need to bid. Mr. Archibeque stated that the contractors would have to have a GF-1 or GF-98 license to work on airports.

B) Mr. Mark Breen - Proposed Residential Development Complex

Mr. Breen proposed to the Council to construct a residential development consisting of 12 half-acre (or larger) lots. This would join an existing subdivision on Cerro del Oro Estates. Mr. Breen provided a plat which located that area and lots. He stated that they have reviewed the current zoning ordinance and would also like to hook up to the Village sewer and water. Councilor Ortega asked if they have spoken to the people in that area and will we be holding a public hearing on this development. Mayor Gallegos stated that he wanted Mr. Breen to come in and speak with the Council regarding his plans and from here we would speak as a Governing Body and see how it works into our ordinances to see how we would need to proceed regarding public hearings and so forth. After these reviews the Governing Body would then make a decision as to either approve or disapprove the development. Mayor Gallegos suggested a Governing Body work study session regarding this development. He informed Mr. Breen that the Village would keep him informed. Mr. Breen thanked the Governing Body for their time and consideration.

\*\*At this time Sheriff Jerry Hogrefe gave a brief update regarding the upcoming Memorial weekend holiday activities and operations. He stated that there is a very agitated situation evolving in the biker community in the wake of the recent Waco, Texas situation. He as well as other law enforcement entities have been attending briefings for law enforcement. The State Police will have 15 additional officers running the day shift and 15 running the night shift. The Sheriff's office will handle all calls from the old blinking light south. They will also assist the Questa PD in transporting individuals to Taos if needed. There will be a large presence of law enforcement in the area.

Mayor Gallegos and the Council thanked Sheriff Hogrefe for his update.

VIII. PUBLIC HEARING –

Ordinance No. 2015-142 to amend Village of Questa Ordinance No. 2010-136 –  
Re: Economic Development Project-Taos Mountain Energy

Ms. Vanessa Chavez stated that one of the questions that came up at the last public hearing was if the Village would own the equipment at the end of the lease. She stated that she confirmed that the way it is structured is that all of the items attached to the building stays with the Village; however, the other equipment will be kept and owned by Taos Mountain Energy. She stated that the reason they structured it this way is that Taos Mountain

Energy has to give a security interest in property in order to secure the funding they are receiving and secondly because that property will be used pretty heavily it is going to depreciate. So to require the Village to take that on after it is depreciated would not work for the Village. This is the way the agreement was structured by NM Economic Development.

Mayor Gallegos opened the Public Hearing at 6:47pm and asked if there were any people present who would like to comment or express any concerns. There were none. Mayor Gallegos then closed the Public Hearing at 6:48pm.

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

**A) Ordinance No. 2015-142 to amend Village of Questa Ordinance No. 2010-136 –  
Re: Economic Development Project -Taos Mountain Energy Foods, LLC**

A motion was made by Councilor Ortega to approve Ordinance 2015-142. The motion was then seconded by Councilor Romero.

**Roll Call:**

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

To approve Ordinance No. 2015-142. All voted yes. Motion carried.

**B) Project Participation Agreement – Village of Questa / Taos Mountain Energy Foods, LLC**

Ms. Chavez stated this agreement states how things will be carried out. She stated that this document has been reviewed by herself as well as Taos Mountain Energy and the Legal Counsel for NMEDD.

Motion: Councilor Ortega  
Second: Councilor Romero

**Roll Call:**

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

To approve the Project Participation Agreement between the Village of Questa and Taos Mountain Energy Foods, LLC. All voted yes. Motion carried.

**C) Intergovernmental Agreement – NM Economic Development Department / Village of Questa**

Ms. Chavez stated that this agreement allows the Village to be the fiscal agent for the funds and to authorize the project to move forward. She stated that this document also has been reviewed by herself as well as Taos Mountain Energy and the Legal Counsel for NMEDD. Councilor Ortega inquired about the term of this agreement. Ms. Chavez stated that it is in effect until the requirements of the Participation Agreement have been fulfilled.



207 Motion: Councilor Ortega  
 208 Second: Councilor Jaramillo

209  
 210 Roll Call:

211  
 212 Councilor Julian Cisneros YES  
 213 Councilor Miguel Romero YES  
 214 Councilor Lawrence Ortega YES  
 215 Councilor Brent Jaramillo YES

216  
 217 To approve the Intergovernmental Agreement between NM Economic Development Department and the Village  
 218 of Questa. All voted yes. Motion carried.

219  
 220 D) Resolution 2015-18 - G4 Excavation Waiver of Immediate Family Member to do Business with  
 221 Village

222  
 223 \*\*Item Removed from Agenda

224  
 225 E) Resolution 2015-19 - Taos Sanitary Supply Waiver of Immediate Family Member to do Business with  
 226 Village

227  
 228 \*\*Item Removed from Agenda

229  
 230 F) Resolution 2015-20 - Doris's Waiver of Immediate Family Member to do Business with Village

231  
 232 \*\*Item Removed from Agenda

233  
 234 X. **DISCUSSION ITEMS** –  
 235 A) Right of Way Acquisitions

236  
 237 \*\* Item moved to Executive Session

238  
 239 XI. **FINANCE DEPARTMENT** - Ms. Karen Shannon

240  
 241 A) Approval of April Financials

242  
 243 Ms. Shannon presented the April financials to the Governing Body. Ms. Trujillo stated that the benchmark for  
 244 April is at 83.33%.

245  
 246 Councilor Ortega inquired about the IT Services at 122%, is it going to continue to go up? Ms. Shannon stated  
 247 that it will for the reason that we changed IT companies and it was not budgeted for. Councilor Ortega asked  
 248 what we will be budgeting for IT services for the next year. Mayor Gallegos stated that we left it at the same  
 249 amount for the reason that we will have to go out for RFP this next year. Ms. Trujillo stated that she believed  
 250 that the \$25,000.00 is low and does not think we will get any proposals for that amount. A discussion was held  
 251 regarding the requirements that will be needed this coming year as opposed to last year. Councilor Ortega also  
 252 inquired about overages in the LEPF and regarding the Visitors Center and Miller Geotechnical. Councilor Ortega  
 253 also inquired about the street lights line item. Also, regarding service charges for customers paying their bills by  
 254 card. Ms. Trujillo stated she will look into Dr. Miller's invoices. Councilor Jaramillo inquired about some  
 255 transfers. Ms. Shannon stated it was a combination of a couple of transfers. Ms. Trujillo stated she appreciates  
 256 all of the questions.

257  
 258 Motion: Councilor Cisneros

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259 Second: Councilor Romero

260

261 In Favor: All

262 Opposed: None

263

264 To approve the April financials. All voted yes. Motion carried.

265

266 B) Approval of Internal Budget Adjustments (BARS)

267

268 Ms. Shannon presented the Internal BARS to the Governing Body. She stated that she is going to put some of the  
269 responsibility on the department heads to take care of their spending in their departments by going line item by  
270 line item before anything is purchased.

271

272 Motion: Councilor Ortega

273 Second: Councilor Jaramillo

274

275 In Favor: All

276 Opposed: None

277

278 To approve the Internal Budget Adjustments (BARS). All voted yes. Motion carried.

279

280 C) Approval of Paid Vouchers

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282 Motion: Councilor Ortega

283 Second: Councilor Romero

284

285 In Favor: All

286 Opposed: None

287

288 To approve the Paid Vouchers. All voted yes. Motion carried.

289

290 D) Approval of Unpaid Vouchers

291

292 Ms. Shannon informed the Governing Body that the bank balances are also included. Councilor Ortega inquired  
293 about what location we are paying water rights for to Citizens Ditch. Ms. Shannon stated she will research this  
294 item.

295

296 A motion was made by Councilor Cisneros to approve the vouchers with the exception of the invoice from  
297 Citizens Ditch. Seconded by Councilor Ortega.

298

299 In Favor: All

300 Opposed: None

301

302 To approve the Unpaid Vouchers with the exception of the invoice from Citizens Ditch. All voted yes. Motion  
303 carried.

304

305 XII. MATTERS FROM ATTORNEY

306

307 Ms. Chavez stated that the matter she had for the Governing Body is an Executive Session item.

308

309 XIII. MATTERS FROM ADMINISTRATOR

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Ms. Trujillo informed the Governing Body about the following:

- Our DFA Budget analyst Ivy Vigil informed Ms. Trujillo about an error on Budget Adjustment Resolution 2015-22, that was approved last meeting. On page 3 of the Resolution regarding the Library Fund - a transfer in was requested to the Library Fund but a transfer out was not requested from the General Fund. It will be deleted from this Resolution and be placed on the next Budget Adjustment request. Ms. Trujillo stated that because a change was made she had to bring it to the Governing Body and make it public knowledge that the Resolution was changed. It is required that the document is reviewed and the Governing Body concurs that this is acceptable. It was concurred by the Governing Body that this change was acceptable and that they are aware of it.
- Ms. Marie Reynolds has offered to sell her property to the Village of Questa and would like us to let her know if we are interested. Councilor Ortega would like to see an appraisal of the property and go from there. Councilor Jaramillo stated that based on the budget this year it doesn't look like it is possible. Other funding sources would have to be looked at.
- Mr. Andamo Sanchez is interested in selling a water well and water rights to the Village of Questa and has also submitted a proposal. Councilor Ortega stated that before we consider this proposal we have to see an appraisal. Mayor Gallegos stated that if we have funding down the road this is something that is available to us. Councilor Ortega asked if we will then be asking Mr. Sanchez for an appraisal. Mayor Gallegos commented that maybe we should get some funding options in line first. Councilor Jaramillo stated that he is interested. Councilor Ortega stated that the Village does need a new water well. Mayor Gallegos stated that Mr. Sanchez would consider carrying a note with the Village. Ms. Trujillo stated that we cannot carry notes with private individuals. Councilor Ortega stated that he still believes that we should get an appraisal either way. Mayor Gallegos asked Ms. Trujillo to contact Mr. Sanchez for an appraisal.
- Ms. Trujillo gave the Council a copy of the loss control and safety audit on the La Cienega property. She stated that a walk-through of the property has been scheduled for June 1<sup>st</sup> for the Governing Body and the Questa School officials at 6:00pm.
- Ms. Trujillo asked the Governing Body if they would like her to pursue the COPS grant being that we are in need of another officer. She asked the Council keep in mind that the grant only covers the salary portion. The Village would be responsible for purchasing the equipment, vehicle and benefits. Councilor Ortega asked about other options available. Chief Bates stated that there is really no other option. A discussion was held regarding the scheduling. Councilor Jaramillo stated that he believes that we should pursue the COPS grant. Councilor Ortega stated that he was also in favor of pursuing the grant. It was decided to have Ms. Trujillo pursue with the grant process.
- A Special meeting needs to be scheduled for the approval of the Preliminary Budget that is due to DFA by June 1<sup>st</sup>. It was agreed by all that the meeting be scheduled for Wednesday, May 27<sup>th</sup> at 6:00pm.

#### XIV. MATTERS FROM MAYOR AND COUNCIL

Councilor Cisneros inquired about the IPADS that the Council was going to get so that we wouldn't have to use the large amount of paper we have been using. Ms. Trujillo stated that they have been purchased and we need to schedule a training. It was decided that the training be scheduled at 5:00pm before the Council Meeting on June 2. Councilor Cisneros requested police presence at Council Meetings for the safety of the Council as well as the public.

Councilor Ortega suggested that a performance evaluation be done for Administrator Loretta Trujillo since she has been here for one year; for her benefit as well as the Council's. Ms. Trujillo stated that she is appreciative of the suggestion. It was decided to schedule the evaluation for Tuesday, June 9, at 6:00pm immediately following the Animal Control Ordinance work study session.

Mayor Gallegos stated that the Questa Economic Development Fund Board Leadership meeting regarding the hire of an Economic Development Director who will be hired to preform dual duties for the Village of Questa Village of Questa Regular Meeting  
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and the QEDFB. It is important that the Village Council has input regarding this issue. A discussion regarding the meeting schedule was held. Mayor Gallegos stated that he will let the Council know when the meeting will be.

**XV. 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 Litigation – Section (10-15-1(H) (8))

B) Property Acquisition – (added to Agenda)

A motion to enter into Executive Session was made by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

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

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss Pending Litigation and Property Acquisitions. The Governing Body entered into Executive Session at 8:06pm.

A motion to reconvene from Executive Session was made by Councilor Romero, seconded by Councilor Ortega.

Roll Call:

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

The Governing Body reconvened from Executive Session at 8:35 pm. Mayor Gallegos stated that direction was given to Ms. Chavez to move forward in determining the proper procedure for resolving easement issues.

**XVI. ADJOURNMENT**

Motion: Councilor Ortega

Second: Councilor Romero

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 9:37pm.

ATTEST:

  
Renee Martinez, Village Clerk

APPROVED:

  
Mark Gallegos, Mayor