

**VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 08, 2016
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:00pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor John Anthony Ortega
Councilor Lawrence Ortega
Councilor Brent Jaramillo

Not Present:

Councilor Julian Cisneros

Also Present:

Administrator Loretta Trujillo
Village Clerk Renee Martinez
Finance Director Karen Shannon
Administrative Assistant Dina Coleman
Utilities Clerk Nadine Herrera

III. PLEDGE OF ALLEGIANCE

Police Cadet Joseph Fernandez led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

A request by Mayor Gallegos to add Wilson & Co., to Presentations, as part of the QEFD Update, regarding the Business Park.

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES –

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- Regular Meeting October 24, 2016

Motion: Councilor Brent Jaramillo

Second: Councilor John Anthony Ortega

In Favor: All

Opposed: None

To approve the October 24, 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.)*

- Mr. Malaquias Rael stated that there about 11 street lights out in town. He would appreciate that they be addressed.

VII. **PRESENTATIONS/UPDATES**

A. QEDFB Update - Mr. Phillipe Chino, Questa Economic Dev. Director

Mr. Chino asked that Mr. Joe Moore of Wilson & Co. present first.

Mr. Moore stated that he met with Mr. Chino and they discussed how they can come up with a phasing plan for the development of the business park infrastructure. Mr. Moore went over the phasing plan with the Governing Body.

The economic development portion of this project was also discussed.

** Ms. Trujillo at this time introduced Police Cadet Joseph Fernandez. Mr. Fernandez has been hired on a temporary basis to fill the vacant position of Officer LeEvan Sanchez who resigned.

Mr. Phillipe Chino updated the Governing Body on the following:

- Barley Pilot Project - Tests are completed and he and Duncan Sill will be meeting with Taos Mesa Brewing at the end of the week.
- Community Garden – Met with the 2 pastors of Living Word Ministries who are also thinking of starting a community garden. They talked about combining their efforts and do one together.
- Tourism – Board Meeting was held yesterday. The Board talked about tourism, nothing was agreed on but the discussion will continue.

VIII. **DISCUSSION ITEMS** –

A. Review of Off Highway Vehicle (OHV) Ordinance

Attorney Randy Auto informed the Governing Body that this has been before them in draft form and now in a final draft for review. It has basically been modeled after State law to follow the same rules for off highway vehicle drivers and operators as would be applied for automobiles. All State required safety rules have been applied to this ordinance. This applies to all Village of Questa streets and crossings of a State highway. All traffic rules must be followed.

B. Review of Universal Traffic Code (UTO) Ordinance

Mr. Auto stated that the UTO changes correspond with the OHV Ordinance, regarding the off highway vehicle rules.

C. Review of Business License Ordinance

Mr. Autio stated that there are people who currently are not paying their business registration fees. The ordinance is designed to catch businesses within the Village. A discussion was held regarding business licenses and GRT reporting. Ms. Dina Coleman inquired about requiring a registration from businesses who do not have a physical building in the village limits, but are doing business in the Village. She does not believe that the ordinance is clear on this. Mr. Autio stated that it is their physical business location. Mayor Gallegos stated that his concern is that there are businesses in town operating without a registration or license. Mr. Autio recommended that we start a search and identify all the businesses. Then, send a nice letter to them to inform them of the requirements; if they don't respond, a second letter stating that this is a legal requirement and if not followed we will list the things that can be done in order to enforce it. If this doesn't work the law firm will send one out. The Council then needs to decide what enforcement approach you want to take with these businesses. Councilor Lawrence Ortega asked about the businesses that bring in services to Questa such as professional services. Mr. Autio stated no, they do not need one for the reason that they do not have a business physically in Questa.

D. Collection of Unpaid Debt Procedures

Mr. Autio stated that we are moving to get unpaid debts collected in the utilities department. Per state statute, the solid waste debt cannot be collected the same way the water is. He also stated that state statute allows you to write off the debt after 4 years if you have made ample attempts to collect.

Councilor John Anthony Ortega inquired about the debt in our EMS Department. Mr. Autio stated that we can also collect on these as well. It will ultimately go to small claims courts, it is a different process.

Councilor Lawrence Ortega asked if these collection procedures are consistent with our ordinances. Mr. Autio stated that they are pretty much in line with them. He recommends that in order to set up the process for water and solid waste is to look at how the ordinance tells you to do it, and send the letters pursuant to that ordinance.

A discussion was held regarding dealing with solid waste and sewer debt and how to enforce it.

E. EMS Department and EMS Coordinator Position

Ms. Trujillo stated that we have received 2 applications. We will be holding interviews at the beginning of next week so that we can get someone on board.

IX. ACTION ITEMS - (Consideration and Action)

A. Approval of Contract 2016-02 - Landscaping Services (Property across Parish Center)

Ms. Trujillo informed the Governing Body that the bid was approved for landscaping services last meeting. Since then, she found out that the contractor, La Yucca Landscaping, does not have their license for the plumbing portion. This company can do the landscaping portion but not the plumbing portion. They are now charging less, \$34,000.00 plus GRT. We would then need to go out and find a plumbing company. Councilor Lawrence Ortega asked if they could hire a sub-contractor. They bid the full contract, they don't really have a choice. Councilor John Anthony Ortega asked if the other company that bid could do the plumbing. Ms. Trujillo stated yes.

It was the will of the Council to hold La Yucca to the original contract. Councilor Lawrence Ortega stated if they cannot fulfill the contract they would have to come before us and let us know. Councilor Brent Jaramillo stated that we can then amend the contract.

It was decided to give Ms. Trujillo the authority to execute the contract with the original scope of services. If the contractor cannot perform the services, then we don't have a contract.

Motion: Councilor Lawrence Ortega – To execute the contract per the original scope of work.

Second: Councilor Brent Jaramillo

Roll Call:

Councilor John Anthony Ortega YES

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154 Councilor Lawrence Ortega YES
 155 Councilor Brent Jaramillo YES

157 To approve the contract with La Yucca Landscaping with the original scope of work. All voted yes. Motion carried.

158

159 **B. Approval of Contract 2016-03 – Architectural Services (Youth Center Building)**

160 Councilor Lawrence Ortega asked if it was clear to the contractors that the roof was going to be done. Ms. Trujillo
 161 stated that both contractors identified that the roof needed repair. They are aware that it needs to be addressed.
 162 Councilor John Anthony Ortega asked if there was a reference in the scope of work for an addition to the building.
 163 Ms. Trujillo stated yes. The repairs will be done and an additional design will be done for future construction.

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165 Motion: Councilor Lawrence Ortega

166 Second: Councilor Brent Jaramillo

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168 Roll Call:

169 Councilor John Anthony Ortega YES

170 Councilor Lawrence Ortega YES

171 Councilor Brent Jaramillo YES

172

173 To approve Contract 2016-03 – Architectural Services (Youth Center Building). All voted yes. Motion carried.

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175 X. **FINANCIALS** – Ms. Karen Shannon, Finance Director

176 A. Approval of Unpaid Vouchers

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178 Ms. Shannon stated that the presented vouchers are as of November 4, 2016.

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180 Councilor Lawrence Ortega asked who is maintaining the airport. Ms. Trujillo stated that Mr. Jamie Archuleta is
 181 in charge of the airport. Ms. Trujillo stated that Mr. Archuleta will be present at the next council meeting for an
 182 update. Councilor Lawrence Ortega inquired about the voucher for LMNOC Broadcasting and which budget it
 183 comes out of. Ms. Trujillo stated that it is paid out of the Cambalache budget and comes from the QEDFB.

184

185 Motion: Councilor Brent Jaramillo

186 Second: Councilor Lawrence Ortega

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188 In Favor: All

189 Opposed: None

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191 To approve the vouchers as presented. All voted yes. Motion carried

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193 XI. **MATTERS FROM ATTORNEY** – Mr. Randy Autio

194 A. Update on Mr. Manuel Medina Request to Close Road

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196 Mr. Autio stated that from what he understands from the last meeting, Mr. Medina stated that all he really wanted
 197 was some signs posted that read ‘No Thru Traffic’ for local use only. Mr. Autio stated that this is can easily be
 198 done with signs posted at each end. If Mr. Medina is willing to go this route it is his recommendation that the
 199 village do this. Councilor Lawrence Ortega asked if this is something we can enforce? Mr. Autio stated that it is
 200 more of an honor system.

201

202 B. Comcast Franchise Agreement

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204 In reviewing the contract, there is nothing that identifies the process if Comcast should decide to discontinue service.
 Comcast has the right to do this. Mr. Autio stated the best remedy would be to send them a letter stated that we

received the letter and that we demand that they remove their infrastructure from the Village's rights of way at the time that they cease doing business. Mayor Gallegos asked Mr. Autio to send the letter to Comcast.

XII. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL

Ms. Trujillo updated the Governing Body on the following:

- Street Lights – Working with Bixby regarding their requirements. Requested the as built from Bixby and they will provide them to us. We will have them if we decide to go with another company to provide the service. They have indicated that they may be able to come out sometime in the next two weeks to replace the airport light as well as the street lights.
- Audit – Auditors were here 11/07-08. We were able to provide them with all the information they requested. The audit is due to the state by December 15th instead of December 1st.

Mayor Gallegos informed the Council that the NRDA trustees came up to do a walk through on the river restoration project.

Councilor Brent Jaramillo requested a meeting with Dr. Miller followed by a meeting regarding the EPA.

Councilor Lawrence Ortega inquired about the Pothole project and what the plan is. Ms. Trujillo stated that Mr. Moore has not identified it in this calendar year. Ms. Trujillo stated that Mr. Moore wants to tackle it in the spring of 2017. Councilor Lawrence Ortega asked if there was any chance we could get Northern Mountain to do the major areas. Ms. Trujillo stated that there is no chance this year, it was very hard to get them out here to do the Old Red River Road project. Councilor Lawrence Ortega stated that we have to aggressively pursue this project come springtime. The Governing Body agreed. Mayor Gallegos asked that Council consider going out to bid to contractors who can do the work on an 'as needed' basis. Approve the contract for up to a year, and get the work done. A discussion was held regarding procurement and the identification of the problem areas. Councilor Lawrence Ortega suggested we put the ITB out now and let them know the construction will be done in the spring.

Councilor Brent Jaramillo suggested we also get the engineering work going on the NMDOT MAP project.

Councilor John Anthony Ortega asked for an update on well #2. Ms. Trujillo stated that well #2 has seen an increase of 100,000 gallons in the last 3 days. It is pumping 100 gallons per minute and well #1 at 120. Mr. Nick Trujillo informed her that it usually takes about 7 days for the tank to fill completely and we are on track. Mr. Trujillo still has some concerns about possible leaks that need to be identified. Dominic from Rural Water is coming up with his equipment the week of Thanksgiving to see if he can detect any major leaks. The drop pipe did have to be replaced, it was damaged. Councilor John Anthony Ortega also suggested that the speed humps that will be placed on Old Red River road be more of a speed bump than a speed hump; 25mph on that road seems too fast. It was suggested we try to get it down to 20mph.

XIII. 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. Limited Personnel Matters (Section 10-15-1(H) (2)) – (1.) FLSA Exempt Employees Wage Requirements

A motion to enter into Executive Session was made by Councilor John Anthony Ortega, seconded by Councilor Lawrence Ortega.

Roll Call:

Councilor John Anthony Ortega	YES
Councilor Lawrence Ortega	YES

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258 Councilor Brent Jaramillo YES

260 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the item listed. The
261 Governing Body entered into Executive Session at 8:33pm.

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263 A motion was made to reconvene from Executive Session at 9:13pm by Councilor John Anthony Ortega, seconded
264 by Councilor Lawrence.

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266 Roll Call:

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268 Councilor Lawrence Ortega YES
269 Councilor Brent Jaramillo YES
270 Councilor John Anthony Ortega YES

271
272 Mayor Gallegos stated that only item discussed during closed session was the discussion regarding Limited
273 Personnel Matters (Section 10-15-1(H) (2)) – FLSA Exempt Employees Wage Requirements. No action was taken.

274
275 XIV. **ACTION ITEM** –

276 A. Approval of Required Changes to FLSA Exempt Employees
277 (1) Police Chief

278 A motion was made by Councilor Brent Jaramillo to place the Police Chief position on the required FLSA salary.
279 The motion was seconded by Councilor Lawrence Ortega.

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281 Roll Call:

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283 Councilor John Anthony Ortega YES
284 Councilor Lawrence Ortega YES
285 Councilor Brent Jaramillo YES

286
287 (2) Finance Director

288 A motion was made by Councilor Lawrence Ortega for the Finance Director position to remain at the current salary
289 but be eligible for overtime based upon the FLSA Final Rule. The motion was seconded by Councilor John Anthony
290 Ortega.

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292 Roll Call:

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294 Councilor John Anthony Ortega YES
295 Councilor Brent Jaramillo YES
296 Councilor Lawrence Ortega YES

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298 (3) Village Clerk

299 A motion was made by Councilor Lawrence Ortega for the Village Clerk position to remain at the current salary
300 but be eligible for overtime based upon the FLSA Final Rule. The motion was seconded by Councilor Brent
301 Jaramillo.

302
303 Roll Call:

304
305 Councilor John Anthony Ortega YES
306 Councilor Lawrence Ortega YES
307 Councilor Brent Jaramillo YES

308
309 Ms. Trujillo stated for the record that the decisions were made based on budgetary constraints.

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XV. ADJOURNMENT

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Motion: Councilor John Anthony Ortega

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Second: Councilor Lawrence Ortega

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In Favor: All

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Opposed: None

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There being no further business to discuss, the meeting was adjourned at 9:18pm.

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ATTEST:

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325

Renee Martinez, CMC



APPROVED:


Mark Gallegos, Mayor