

**VILLAGE OF QUESTA
REGULAR COUNCIL MEETING MINUTES
TUESDAY, APRIL 07, 2015
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00 P.M.**

CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:04pm.

I. ROLL CALL

Mayor Gallegos asked Receptionist, Ms. Dina Coleman to take roll.

Those present were:

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

Village Staff and employees also present:

Administrator Loretta Trujillo
Public Works Director Arwin Vasquez
Fire Chief Max Ortega
Receptionist Dina Coleman

II. PLEDGE OF ALLEGIANCE

Mr. Ron Gardiner led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Gallegos requested the Council consider a short presentation from Mr. Ron Gardiner. Mr. Gardiner will present after Mr. Larry Sanchez under presentations.

Motion: Councilor Romero
Second: Councilor Jaramillo

In Favor: All
Opposed: None

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

IV. APPROVAL OF MINUTES – Regular Meeting, March 17, 2015

Councilor Jaramillo stated that he had a concern regarding the Water Rights Purchase under Item E and how it was transcribed. He stated he inquired about it to Ms. Trujillo who in turn went back to the meeting

recording and verified that it was stated correctly on the transcribed minutes. Councilor Ortega stated that the first line on page 3 should read the meeting was 'reconvened' instead of 're-adjourned.' Also, on Page 7 regarding Item E., 2nd paragraph, last sentence, the word 'seller' should be 'buyer'.

Motion: Councilor Ortega
Second: Councilor Jaramillo

In Favor: All
Opposed: None

To approve the Meeting Minutes of March 17, 2015 as amended. All voted yes. Motion carried.

V. 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. Louise Padilla – Informed the Governing Body that the planning of the 11th Annual Veterans Healing Field is underway. She stated that they would be honoring the 70th anniversary of the battle of Iwo Jima. The ceremony would take place on Sunday May 24, at 1:00pm. Mayor Gallegos stated that he would be available to be the Master of Ceremonies. She also stated that Mr. Tommy Chavez will again do the layout of the field. Mayor Gallegos suggested that letters be sent out to Tetra-Tech, Entact and Skanska for a donation. Councilor Ortega inquired if there is enough funding to hold this event. Ms. Padilla stated that they have about \$2,500.00 to start with. She stated that she does not believe that we need to order flags this year so they will not have that expense. Tent and chair rentals need to be completed.

The San Antonio Restoration project is going very well. There is a fundraiser underway and the tickets are being sold for \$100.00 per ticket.

Mr. Jim Vaughn – Inquired about the animal control ordinance and the status of it. Also, regarding the \$1.00 of the MVD administrative fee. He inquired if that was additional to the \$2,500.00 the Village gives the Friends of Animals annually. Mayor Gallegos stated that the animal control ordinance has not been idle but being that we are trying to deal with economic development issues, it is taking a lot of the attorney's time. We do not want to put ourselves in a position where we adopt an ordinance we are unable to enforce. The \$1.00 fee was implemented to assist us with following through with the ordinance when it is adopted. Mr. Vaughn stated that is the Village could enter into some kind of agreement where the County could come into Questa as needed, it would be helpful. Councilor Ortega asked about the status of the ordinance. Ms. Trujillo stated that it is on her right now to set up a work study session to work on it. Councilor Jaramillo asked when we started collecting the fees. Ms. Trujillo stated that we started collecting January 1st.

Mr. Larry Sanchez – Informed that Governing body that capital outlay paperwork was submitted last Legislative session so that we can do more work to the Veteran's Memorial. He also inquired if the Village could have additional flags on hand to replace the ones at the Veteran's memorial when they get tethered by the weather.

Mr. John Hollander – Regarding the Water/ Sewer Ordinance, Mr. Hollander requested that during the off-season the rate drop from the 20 space rate to the original rate at the Questa Lodge.

Mayor Gallegos closed Public Comments at 6:29 pm.

VI. PRESENTATIONS –

A) Mr. Larry Sanchez – Community Clean-Up

Mr. Larry Sanchez informed the Governing Body regarding the following issues:

- Trash - stated that there are problems regarding trash along the side roads. People from the outside areas come and throw their trash for free leaving the Village trash customers to pick up the tab and they leave our trash bins full. Mr. Sanchez requested permission from the Governing Body to start a clean-up committee in the Village in which he will take charge of. He stated we had this program in place when he was a Councilman under Mayor Charlie Gonzales. He stated that we need our Village to look presentable for the people who come in and visit so that it does not look like a ghetto.

- Pot Holes, Street Signs and Branches- Mr. Sanchez stated that he understands that the public works department is short-staffed. He stated that the residents who go up to the Senior Center to eat, as well as the people who live on Upper Embargo Road have to contend with the pot holes and the tree branches that are hanging over Upper Embargo off of SR 522. They are blocking the view as you are pulling out of the Senior Center. He stated that he could get the training for the committee members to fix the pot holes but the Village would need to supply the materials.

- Training – He asked if the clean-up committee could possibly get trained on operating the dump truck and the chipper in order to utilize them in the clean-up effort. He asked if they could sign a liability waiver in order to operate the machinery. He would like the Village to provide the safety material such as vests, safety glasses and trash bags. He stated that he would like to take the lead in this effort and thanked the Governing Body for hearing him out and requested their support.

Mayor Gallegos thanked Mr. Sanchez for his presentation and stated that he believes that we have a lot of things that we need to take care of. He stated that he appreciates the community support in taking ownership and believes that it is one of the things that the San Antonio Church restoration has shown the community by working together to accomplish a goal. Mr. Sanchez stated that the Church area also needs to be cleaned. He stated that they really want to help the Village out.

Councilor Ortega asked that we ask legal counsel as soon as possible regarding the use of the equipment to see if it is possible. Ms. Trujillo stated that she noted to check with legal counsel as well as our insurance company.

Councilor Jaramillo stated that he is in support of this effort. He stated that with all of the economic development that we are promoting and the tourists coming through town, the Village needs to look clean and inviting. He stated that anything we can do to support Mr. Sanchez and the committee we should definitely consider.

B) Mr. Ron Gardiner – 319 Grant *(Item added to agenda)*

Mayor Gallegos stated that he asked Mr. Gardiner to come in and speak about the 319 grant.

Mr. Gardiner gave a brief summary of the history of the 319 grant. He stated that two years ago Governor Martinez established the River Storage Shed Fund. Our Senator helped put together that funding. He stated that each year request for proposals come up. This is an opportunity for the Village to take advantage of this funding. He stated that this is about healing our river. The goal is not to change the chemistry of the water in the river, it is actually to provide fishing habitat recreational opportunity. Mr. Gardiner stood for any questions.

Councilor Jaramillo inquired about the legislative appropriation of \$ 90,000.00 that seems to be in limbo. Ms. Trujillo stated that she came across a letter dated February 4, 2014 which states that the funds were reauthorized because the Village did not move forward with providing a fiscal agent to administer those

funds. Ms. Trujillo stated she will contact Mr. Steven Lacey at DFA to see if we can locate this allocation. Councilor Jaramillo stated that if the Governor vetoed it, it should have gone back to its original purpose.

Mr. Gardiner stated that the river going through the Village is mostly in private property the Village will have to enter into partnership with the soil and water district to restore the riverbank in these properties.

Mayor Gallegos thanked Mr. Gardiner for his presentation.

VII. ACTION ITEMS -

A) Discussion, Consideration & Action –St. James Food Pantry Lease Agreement

Ms. Trujillo stated that there are a couple of changes that she would like to propose to the agreement. She stated that she was notified that the Questa group did receive their 501C3 status. We are proposing that the term of the agreement from six months to three months in order to get the Questa group started. The agreement will be from April 1, 2015 to June 30, 2015. The distribution dates will be the 2nd and 4th Friday of each month from 9:00am – 3:30pm. There is also a clause for the extension for an additional three months if necessary.

Mayor Gallegos thanked St. James for their assistance in our time of need. He also congratulated the Questa group on receiving their non-profit status.

Motion: Councilor Cisneros

Second: Councilor Ortega

Roll Call:

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

To approve the St. James Food Pantry Lease Agreement with the approved changes. All voted yes. Motion carried.

B) Discussion, Consideration & Action – Approval of Village of Questa Resolution 2015-16 Re: Submission of NM Finance Authority Application

Ms. Trujillo informed the Governing Body that this Resolution allows us to submit an application for financial assistance to complete an asset management plan.

Motion: Councilor Cisneros

Second: Councilor Romero

Roll Call:

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

To approve Resolution 2015-16 as presented. All voted yes. Motion carried.

C) Discussion, Consideration & Action – Distribution of Donated Vehicles from Chevron Mining
Re: Questa Volunteer Fire Department

Mayor Gallegos stated that during the process of the closing of Chevron Questa Mine, the Village made requests for some vehicles and other equipment. He stated that the Questa Fire Department also made a request for vehicles. He stated that Chevron Mining donated vehicles to other Fire Departments as well. Mayor Gallegos stated the he did believe that the two trucks should be given to the Public Works department for the reason that the department was in dire need of the vehicles. He stated that Chevron's intention was for the Fire Department to have these two vehicles. This is why he came to the decision to leave them with the Fire Department.

Councilor Cisneros asked what day did the mine donate the vehicles to the Village of Questa. Ms. Trujillo stated that the property description that the mine gave us along with the contract states that the two vehicles were donated specifically to the Fire Department. Councilor Cisneros stated that that is not what he is asking, he is asking when the vehicles were donated to the Village of Questa and when were the vehicles registered under the Village of Questa. He asked if the letter was given after they donated these vehicles as maybe a possible agreement between the fire department and the mine. He stated that it was his understanding that this Council expressed the desire to give these vehicles to the Public Works Department. Ms. Trujillo stated that the donation agreement that the mine sent to the Village was signed by the Mayor on January 13th. This agreement included the list of donated items that were to go to the Fire Department. Councilor Cisneros asked if the list specified which vehicles. Ms. Trujillo stated yes. Councilor Cisneros asked who legally owns these vehicles and can we legally decide where these vehicles should go to. Ms. Trujillo stated that they did have this conversation with the mine and they said they did not want to get involved with the distribution but if the Village decided to utilize them somewhere else they would not get involved. Councilor Cisneros stated that then we do have the legal right, if we choose, to give those vehicles to who we think is in need of them more. Ms. Trujillo stated that she believes so.

Councilor Ortega stated that we had this discussion a couple of months ago and he believes it was pretty clear what the Council's decision was. He asked if we were going to reconsider our position? Mayor Gallegos stated that for him and the position he took, was not to dispute the mine's wishes as to who they were allocating the vehicles to. Mayor Gallegos stated that he was upset that the Village only received one vehicle and the Fire Department got two. He stated that he had this discussion with the mine and they told him that at the end of the day those vehicles are yours and you have that fight. Ms. Trujillo stated that at that time we were paying at least two employees from the Public Works to use their own personal vehicles. Mayor Gallegos stated that at the time he proposed to the Council that these vehicles should go to the Public Works, their trucks were in and out of the garage. Since then, he stated that he has met with Chief Ortega, Mr. Benny Gallegos and Mr. Jason Rael of the Questa Fire Department. He stated that going over the vehicles the white truck could only probably be used to transport equipment and didn't have the turn radius to use with a plow. He stated that we could have probably kept the brown truck.

Councilor Cisneros stated that he doesn't believe this is a Chevron matter. He stated that we should be thinking about what is the best interest of our community. He doesn't believe there will be any question from Chevron if we are doing what's best for the community. Councilor Romero suggested we hear from Chief Ortega and Mr. Rael regarding what how they will be using these vehicles.

Chief Ortega stated that when the mine closed the Fire Department was told that they could apply for some of their vehicles. He stated that these vehicles were not all that they applied for. He stated that they gave to all the Fire Departments. He stated that the he and the Fire Department has fought long and hard for this community and they are not trying to take anything that doesn't belong to us. We need these vehicles and this is the last time we will be getting anything from Chevron. He stated that the needs of the Fire Department are great. He stated that the Fire Department has received many grants for the equipment they

have and it has not cost the Village one penny. The white truck is being used as a service truck to get more points and help insurance rates go down for the whole community. We will get more money for the fire fund. He stated that they are using the truck to hook up a trailer for the mock drill they will be putting on for the High School before prom. These are the things we are using this truck for. The brown truck is used to bring back bunker gear and hose from fire calls. He stated they can use this truck to run around in to do inspections that we have to do instead of using the fire trucks. He stated that we are not here to take someone's trucks, we are here to claim what is ours.

Mr. Jason Rael stated that they met with the Mayor previously to discuss this issue. We do take into account that the public works does need equipment. The fire department contacted Chevron to secure equipment. It is not our fault that the Public Works did not make a request. He stated that in the 18 years he has been with the fire department he has not ever seen nor heard of the Village Council trying to take anything away from the Fire department. It is shocking really. The Council has always been supportive.

Councilor Cisneros stated that he does not believe that the Council said we wanted to take the vehicles from them.

Mr. Rael stated they survive from the Fire Fund. The ISO ratings are imperative. Mr. Rael stated that the fire department has decommissioned one of their trucks, engine 5, that has panels and toolboxes that the Public Works can utilize. We discussed this with the Fire Marshal and all they have to do is get him to sign off on the paperwork. We are willing to partner and help out. The truck has very low mileage.

Mayor Gallegos stated that the Village requested two SUV's for the Police Department and two trucks. So when we saw the trucks, we thought those trucks would be for the Public Works department. We did not know that the fire department was making the same request. There may have been a misunderstanding with the requests. Ms. Trujillo stated that we need to be aware of the requests made from the fire department for equipment for the reason that it has to be added to our inventory list. This is where the disconnect was. Mr. Rael stated that at some point when we get a plan in place regarding our long term goals we can meet with the Council, have a work study session and open up the communication.

Councilor Romero stated that he agrees with the long term goals but we are here to discuss the vehicles. A discussion was held regarding how the trucks can and may be utilized.

Councilor Cisneros asked Mr. Vasquez how the public works trucks are running. Mr. Vasquez stated that the one ton has been breaking down quite a bit. The $\frac{3}{4}$ ton is in need of getting repaired also. All the trucks are slowly going downhill. He stated that the donated white truck would not be very useful to the public works department but they could use the brown one. Councilor Cisneros asked why the Public Works department can't have the brown one and leave the white one with the Fire Department. Mayor Gallegos stated that the Fire Department would like to give Engine 5 to the Public Works Department which would be more useful to the Public Works. Mr. Vasquez stated that it has a lot of storage and the mileage is very low. It is in great condition. Councilor Cisneros stated that he wants to make sure that the Public Works is being taken care of. He would like to see us come up with some kind of agreement where both sides agree.

At this time Council Cisneros made a motion that the Fire Department keep the two trucks they have and in turn donate Engine 5 to the Village to be used by the Public Works. Mayor Gallegos asked for an amendment to the motion, following how it is listed on the agenda, as approving the distribution of the vehicles and we will move forward on getting Engine 5 to the Village.

Councilor Cisneros stated that his motion is the approval of the distribution of the vehicles to the Fire Department as well as getting Engine 5 donated to the Village for use by the Public Works.

Chief Ortega stated that they have no issue with that and they will try to get the vehicle to the Village tomorrow.

Mayor Gallegos stated that there is a motion on the floor by Councilor Cisneros and asked for a second. Councilor Jaramillo seconded the motion.

Councilor Ortega commented that there has been a long discussion here regarding how this transpired but he stated that he would like to suggest that the Governing Body make this a part of their SOP's so that something like this does not happen again. He stated that when the Council and the Mayor discuss something and they agree to it, understanding that there is always changes, it should be brought to the Governing Body to be reconsidered before we have to get into another discussion like this. Mayor Gallegos stated that he takes full responsibility and apologizes for the steps he took.

Motion: Councilor Cisneros
Second: Councilor Jaramillo

In Favor: All
Opposed: None

To approve the distribution of the two vehicles to the Fire Department and in turn the donation of Engine 5 from the Fire Department to the Village of Questa for use by the Public Works Department. All voted yes. Motion carried.

VIII. DISCUSSION –

A) Mr. Gabriel Cisneros – Legislative Update

Mr. Cisneros informed the Governing Body regarding the Legislative Session that was held from January 20 through March 21st. He stated that we were successful in what we wanted to do. Our bills were introduced by Senator Cisneros. He thanked Senator Cisneros and Representative Bobby Gonzales. Senate Bill 291 passed regarding the \$90,000.00 for the community center and is awaiting the Governor's signature. He stated that \$430,000.00 was approved for the renovation and repairs of the building for Taos Energy Bar. Mr. Cisneros stated that the CDBG application was submitted. Thresholds had to be met. He stated that almost everything needs to be notarized now. Cabresto Road then became an issue regarding ownership. The warranty deed was located at Taos County. The application is in and hopefully we will not have any more issues. Councilor Ortega asked when the CDBG board meets. Mr. Cisneros stated that they meet on June 6th. He stated that we have to wait for the special session and if it doesn't happen we will still get the monies.

IX. FINANCE DEPARTMENT - Ms. Karen Shannon

A) Approval of Internal Budget Adjustment Requests (BAR's) through the 2nd Quarter
Ms. Trujillo went over the Internal BAR's with the Governing Body. She stated that they have been in constant contact with DFA.

Motion: Councilor Ortega
Second: Councilor Romero

In Favor: All
Opposed: None

To approve the Internal Budget Adjustment Requests (BAR's) through the 2nd Quarter. All voted yes. Motion carried.

B) Approval of Fiscal Year 2014-2015 2nd Quarter Report

Ms. Trujillo stated that it is the same report from the Internal Bar's report. She stated that all these figures will be transferred over to the DFA report.

Motion: Councilor Romero
Second: Councilor Cisneros

In Favor: All
Opposed: None

To approve the Fiscal Year 2014-2015 2nd Quarter Report. All voted yes. Motion carried.

C) Approval of Unpaid Vouchers

Councilor Ortega inquired about the patches ordered. Ms. Trujillo stated that they were ordered for safety vests and jackets to identify them as Village employees. Also, regarding voucher from Miller Geotechnical Consultants, asked if that invoice was for one month for the reason that it seems higher than normal. Ms. Trujillo stated that it is for one month. Councilor Ortega inquired about the ad in the Enchanted Homes Magazine. Ms. Trujillo stated that it is a reimbursable item from the Fund Board requested by Ms. Alberta Bouyer for the marketing budget. Mayor Gallegos stated that he asked Ms. Chavez to coordinate a meeting with Dr. Miller and Robles, Rael & Anaya for a review of Eagle Rock Lake, the closing of the underground and the Record of Decision. Ms. Trujillo stated that she would contact Ms. Chavez to set a meeting date.

Motion: Councilor Cisneros
Second: Councilor Ortega

In Favor: All
Opposed: None

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

X. MATTERS FROM ADMINISTRATOR

Ms. Trujillo informed that Governing Body that she has been very busy with various projects. Also, the Village received a letter from the state Auditor allowing us to move forward with this year's fiscal audit. She stated that DFA has approved last years ending balances as well as the budget for this fiscal year. The first quarter reports have also been approved.

Councilor Ortega inquired about the Cisneros Road closeout. Ms. Trujillo stated that we are waiting on Mr. Joe Moore who is working on the As-Builts. Councilor Ortega stated that the contractor did come back and did a great job on the culverts. Mayor Gallegos thanked Councilor Ortega for his help on this project.

XI. MATTERS FROM MAYOR AND COUNCIL

Councilor Jaramillo expressed his concern regarding all of the street lights in town that are still out. Mayor Gallegos stated that the ribbon cutting for Taos Mountain Energy Bar will be on April 20, and possibly

Governor Martinez will be present. A meeting regarding the Fiestas was held and there is another one scheduled for April 16th at 5:30pm. The Mud Bog committee requested power be available at the property. Councilor Ortega would like to have a discussion soon about the water well at the corrals. Mayor stated that a groundbreaking is being scheduled for the Municipal Park. Mayor would like a presentation regarding Eagle Rock Lake. Councilor Ortega inquired if the Village has a set of plans of the Eagle Rock Lake project. Mayor asked the Governing Body to consider allowing him to explore the potential of an Adopt a Tree program at the Municipal Park. Also, the Public Works department is going to start keeping track of the trash bins and picking up the trash around them. A discussion regarding illegal dumping in our dumpsters. Councilor Jaramillo stated that an engineer needs to be hired for the Old Red River DOT road project. Also, a field representative from Ben Ray Lujan's Office would like to hold office hours at the Village office. Councilor Ortega stated that the list is incomplete on the Veteran's wall. He stated we need to get the names of all the Veteran's on the wall.

XII. ADJOURNMENT

Motion: Councilor Ortega

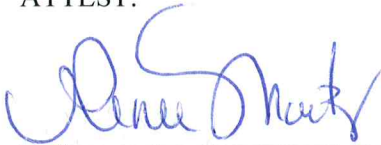
Second: Councilor Romero

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:43pm.

ATTEST:



Renee Martinez, Village Clerk

APPROVED:



Mark Gallegos, Mayor