



AGENDA
VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, MARCH 10, 2020
VILLAGE OF QUESTA COUNCIL CHAMBERS
2500 Old State Road 3
Questa, NM
6:00 P.M

~ NOTICE TO THE PUBLIC ~

Mayor Mark L. Gallegos
Mayor Pro-Tem Charlie I. Gonzales
Councilmember Brent P. Jaramillo | Councilmember John A. Ortega | Councilmember Louise T. Gallegos

- I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF MINUTES** – 1) February 25, 2020 – Regular Meeting
- 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.)*
- VII. **PRESENTATIONS**
 - A) Enchanted Circle Trails Association Annual Report – Mr. Carl Colonius
 - B) WH Pacific – Updates on Business Park Project and Cabresto Waterline Project
 - C) Legislative Update - Universal Professional Services, Mr. Gabriel Cisneros
- VIII. **ACTION ITEMS**
 - A) Discussion, Consideration & Decision - Resolution 2020-06 MAP Resolution
 - B) Discussion, Consideration & Decision - Dollar General Store Application
- IX. **FINANCIALS** – Ms. Karen Shannon, Finance Director
 - A) Finance Update
- X. **MATTERS FROM ATTORNEY**
- XI. **ADMINISTRATIVE REPORT**
- XII. **MATTERS FROM MAYOR & COUNCIL**
- 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 (§10-15-1(H) (2)) – Police Department
- XIV. **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid of service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at 575-586-0694 if a summary or other type of accessible format is needed.

**VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, MARCH 10, 2020
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

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

II. ROLL CALL

Village Clerk Renee Martinez called roll where a quorum was present.

Those present were:

Councilman Charlie I. Gonzales

Councilwoman Louise T. Gallegos

Councilman John Anthony Ortega

Councilman Brent P. Jaramillo was not present.

III. PLEDGE OF ALLEGIANCE

Councilwoman Louise T. Gallegos led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion: Councilwoman Gallegos

Second: Councilman Gonzales

Roll Call:

Councilman John Ortega YES

Councilwoman Louise T. Gallegos YES

Councilman Charlie Gonzales YES

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

V. APPROVAL OF MINUTES – 1) February 25, 2020 – Regular Meeting

Councilwoman Gallegos stated there was a typo and has been corrected.

Motion: Councilwoman Gallegos

Second: Councilman Gonzales

In Favor: All

Opposed: None

To approve February 25, 2020 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.)

Councilman Gonzales suggested that any public comments related to The Dollar General be discussed under Item VIII.B.

Mr. Tommy Lyles with Chevron updated on the following:

- The tailings project is winding down, a lot of the heavy equipment being trafficked out. The four trailers will be removed next week, the project will start back up again in the spring preceding. It was completed in less than a year and everything went well.
- Mr. Lyles stated that sadly his time in Questa is coming to an end. After almost 5 years, he has been reassigned and is relocating back to Houston. Mr. Christian Isely will be taking over his role. He thanked the Mayor and Council.

Councilman Gonzales also thanked him for his contribution and asked if everything that was supposed to be removed was removed. Mr. Lyles stated that there is still some grading being done and everything that was required to be removed has been removed.

Mayor Gallegos also expressed his appreciation for all the work Tommy did during the water outage crisis and the help with preparing all the public documents. Councilor Ortega also thanking him for his help during the outage and for his contribution to the community; holding a seat on the different boards. Councilwoman Gallegos reiterated what the council said and stated that he will be greatly missed.

Jeannie Masters stated that because of Chevron and Tommy Lyles the North Central Food Pantry got started. Chevron gave the St. James Episcopal Church some money to extend the food pantry services to Questa. She stated that she appreciates the sponsorship that Chevron gave. The numbers are growing, they served more than 330 people last month.

Mr. Mark White spoke about the progress of the business park and that it has been an interest to him because it is a source of employment and supports property values. He thanked the Village of Questa for all their efforts and is excited about the groundbreaking soon.

VII. PRESENTATIONS

A) Enchanted Circle Trails Association Annual Report – Mr. Carl Colonius

Mr. Carl Colonius was present to provide the annual report. He stated he will come back at a future meeting with a power point presentation because so much of this report is visual. The role of the Enchanted Circle Trail Association; the focus is the development, maintenance and promotion of the regional trail system. They are working throughout the entire enchanted circle and have the support of every municipality within the Enchanted Circle with the exception of the Town of Taos who are making their own way on trail projects. When he comes back he will show some of the progress on NM 150 flight path and the Taos Valley overlook trail set, BLM project, Talpa Ridge conceptual trail plan just to the east of the Labra foot hills in the Town of Taos, Horse Seed Mesa conceptual trail plan that they have completed and submitted to BLM. Horse seed Mesa just north of Arroyo Hondo particularly important to the Village of Questa as that is part of the connector for the Rio Grande Trail, also working on the Bull of the Woods to upper Red River Trail, connector to the Taos Ski Valley and upper Red River, and then finally the Questa to Red River trail. Particularly of interest will be the Questa to Red River trail and he will send an email with an ARC GIS map link that is live and online. This project is ready to go to engineering and the estimated cost is \$75,000.00 and they are working to procure those dollars.

A couple of things for the Council and Mayor to consider is to have some of these trail projects be a part of the Village's ICIP list. A few events coming up over the next quarter; they will be hosting a free trail master training that trains community members on trail-maintenance techniques. The first Trail Stewardship Day will be on June 6th and they will be targeting multiple trails throughout the region and getting community members to come out, under the guidance of the newly trained trail master trainers. Local groups will be encouraged to adopt a trail and maintain it. They will provide the tools and equipment and instruction.

Councilman Ortega inquired about trails for ATV's. Mr. Colonius stated that there is one that has been established.

Mayor Gallegos and the Council thanked Mr. Colonius for his presentation.

B) WH Pacific – Updates on Business Park Project and Cabresto Waterline Project

WH Pacific representatives were unable to attend the meeting. Mayor Gallegos stated that staff will be meeting with engineers and contractors to finalize documentation for the Business Park Project. Staff will also be meeting with funding agencies in Santa Fe to finalize all the details to move things along.

The Cabresto Waterline Project plans are 70% complete, and the Village has talked with WH Pacific regarding what it would take to correspond with Chevron in case we run in to some of the tailings embedded lines and how to remediate it. WH Pacific will be coming to Questa next week to finalize conversation with staff.

C) Legislative Update - Universal Professional Services, Mr. Gabriel Cisneros

Mr. Gabriel Cisneros was not present. Mayor stated that Mr. Cisneros has been in Santa Fe, the Governor has some projects she may veto. Mr. Cisneros has been participating on what has been going on. Ms. Martinez stated that the Governor did not sign the \$200,000.00 for Cabresto Road. Mayor Gallegos stated that we will get an update from Mr. Cisneros at a later date.

A constituent spoke up at this time regarding the status of speed bumps in front of her house on Cabresto Road. She stated that there was an accident recently in front of her driveway. The 25 mile an hour speed limit does not correct the situation; it is a dangerous spot. Mayor Gallegos stated that we are in the process of getting an on-call engineer to remedy these types of concerns.

VIII. ACTION ITEMS

A) Discussion, Consideration & Decision - Resolution 2020-06 MAP Resolution

Ms. Martinez stated that this Resolution is a requirement from NMDOT and has to be submitted with the MAP Grant Application.

Motion: Councilman Gonzales

Second: Councilwoman Gallegos

Roll Call:

Councilwoman Louise T. Gallegos YES

Councilman Charlie Gonzales YES

Councilman John Anthony Ortega YES

To approve Resolution 2020-06. All voted yes. Motion carried.

A) Discussion, Consideration & Decision - Dollar General Store Application

Mayor Gallegos stated that the application came to the Village of Questa a few months back. It was unknown if the Village was able to provide sewer service. The Governing Body inquired if the applicant got approval from the NMDOT for permitting in regards to a turning lane. Twelve Oaks then pulled back their application to make sure they had that approval and paperwork from the NMDOT.

Village Attorney DeFillippo stated that his office has reviewed the paperwork submitted from NMDOT and stated that it is safe based on the designs had. As such, the public health concerns that were brought up at the last meeting have been addressed and in addition, all ordinances have been complied with in regards to Dollar General's proposition. However, as we are moving forward, the two options are to either approve the application as is or deny as is under NMSA Section 3-38-2. Should the Council choose to deny, another hearing will have to be set. The Council will only be able to deny the hearing should there be a public interest concern or a public welfare concern. In regards to NM law, public interest includes economic interest as well as any other public interest that may be brought to council's attention. Should a denial occur, before an official denial will be able to be stamped and finalized, Dollar General will have to have the opportunity to have a hearing to provide council the reasoning for why they do in fact adhere to public interest of the village council as well as to public welfare of the Village. This hearing will provide Dollar General the opportunity to speak on these two issues as well as provide citizens the opportunity to speak on these issues. These are the two options for the Council today. If there is a public hearing, this is where the petitioners would speak up. Mayor Gallegos asked the Council if there were any questions.

Councilman Gonzales, for the record, presented signed petitions as well as online petitions that were provided to us from people opposing the Dollar General. Councilman Gonzales expressed his concerns regarding the approval of the traffic study from the NMDOT; it is a very dangerous spot. He stated that he as well as his fellow councilmembers have the responsibility for the safety of the community as well as a responsibility to our constituents. He, at this time votes to deny the application.

Councilwoman Gallegos stated that she votes to deny the application at this time. The public has spoken; we are the voice of the people who have asked us to represent them. It will hurt our local economy. Bringing in stores such as Dollar General will hurt our local business owners who have been here for generations.

Councilman Ortega asked if the NMDOT stated in the study, that they did actually come out and look at the location. Mr. DeFillippo stated that the study seems to state that. Councilman Ortega stated that the traffic safety is his major concern. Councilman Ortega asked for the recommendation of legal counsel. Mr. DeFillippo stated that he does not have a recommendation other than the two options that he has presented. Councilman Ortega stated that Dollar General has never come before the Council and he feels like the hearing should have been held before we make this decision. Mr. DeFillippo stated that this is the first time a completed application has been presented which includes the NMDOT traffic study.

Ms. Betty Richter proposed a couple of questions to those present. First, why after the citizens of Questa never received a response from Dollar General regarding the letter sent out to them. She stated that Dollar General does not seem to be concerned about the citizens at all. She also sent a packet from our concerned citizens to the NMDOT and spoke to someone there and said they would be looking into it; and never received any response or has not seen any DOT people out by her property at all. She is also concerned about the security, sees it as a target for burglaries. We want to hear from Dollar General.

Mr. Juan Cisneros stated that first of all, the proposed location is ridiculous. Also, he believes an economic study needs to also be done. This store will hurt local businesses.

Ms. Jeannie Masters also spoke against Dollar General; we don't need them and do not want them.

Mr. David Cordova, transaction coordinator for the landowner, spoke on the positivity that Dollar General could have on the community. He stated that the landowner, Mrs. Piper was hoping that this purchase would go through; she cares about the community. He stated that we can balance the needs of the community and Dollar General is a great company. Mayor Gallegos stated that he and the property owner should have come to the Village and asked if the Village was interested in the property; Dollar General didn't come to the Village firsthand regarding this. The Village heard about it through the county. There was not any conversation; they came in like a thief in the night.

The engineer stated that all state highway requirements were met. This site was chosen because it was part of the business district. They saw a need in Questa for this business.

Councilman Ortega stated that he has further questions for Legal Counsel and also believes that the full council should be present before there is a vote. He believes it is in our best interest to table this item at this time.

Mr. DeFillippo stated that the two options are to either accept as is or set for a public hearing. He has no objections of the traffic study. Councilman Ortega asked if it can be tabled. Mr. DeFillippo stated no.

Councilman John Ortega made a motion to set for a public hearing to determine public interest and public welfare. Seconded by Councilwoman Gallegos.

Roll Call:

Councilwoman Louise T. Gallegos YES

Councilman Charlie Gonzales YES

Councilman John Anthony Ortega YES

To approve setting a Public Hearing for determining public interest and public welfare. All voted yes.
Motion carried.

IX. **FINANCIALS** – Ms. Karen Shannon, Finance Director

A) Finance Update

Ms. Shannon informed the Council that \$164,197.71 in GRT's were received for January and \$46,085.65 were received for February; it was quite a drop. Ms. Shannon also stated that we received our Small Cities Assistance in the amount of \$408,075.88. This is the highest we have received.

X. **MATTERS FROM ATTORNEY**

Mr. DeFillippo stated that there was a meeting with Chevron a couple of weeks ago and we were provided with a large number of documents. He will share with the Council what he learns. There will be a meeting with Dr. Miller on April 14. Dr. Miller will be giving an update on the completion of the tailing's facility and the rock pile plan.

He also spoke to New Mexico Gas Company briefly regarding safety measures that are being required by the state to be put in place junction points due to an incident/death that occurred in Roswell. We can request a wooden fence or enclosure be put around it.

XI. **ADMINISTRATIVE REPORT**

Ms. Martinez stated that the fire hydrant testing began today and will continue through tomorrow. Along with the testing they will also be providing GIS coordinates in order to have the hydrants mapped.

Ms. Martinez stated that we will have to schedule a Special Meeting to approve the recommendation for the engineer for the Red River Restoration Project. It was decided to schedule the meeting Monday, March 16th at 7:00am.

XII. MATTERS FROM MAYOR & COUNCIL

There were no matters.

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 (§10-15-1(H) (2)) – Police Department

A motion to enter into Executive Session was made by Councilman Ortega. Seconded by Councilman Gonzales.

Roll Call:

Councilman Ortega	YES
Councilman Charlie Gonzales	YES
Councilwoman Louise Gallegos	YES

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the item listed.

The Governing Body entered into Executive Session at 8:14pm.

A motion was made to reconvene from Executive Session at 8:46pm by Councilwoman Gallegos, seconded by Councilman Ortega.

Roll Call:

Councilman John Ortega	YES
Councilwoman Louise Gallegos	YES
Councilman Charlie Gonzales	YES

Mayor Gallegos stated that only the Executive Session Items regarding Limited Personnel Matters (§10-15-1(H) (2)) were discussed. Attorney Chris DeFillippo concurred.

XIV. ADJOURNMENT

Motion: Councilman Ortega
Second: Councilman Gonzales

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:48pm.

ATTEST:

Renee Martinez, CMC

APPROVED:

Mark Gallegos, Mayor