

Regular Meeting - July 15, 2008

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, July 15, 2008. The meeting was held in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Ray S. Cordova, Trustee Fred Tyler, Trustee Patrick Garcia, Trustee Thomas McKean, Trustee Gloria Sainz, Attorney Jefferson Rhodes, Finance Officer Valarie Delgado as well as Dianna Brusuelas Village Clerk.

Mayor Ray S. Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance.

#### Item 1. Consideration of Agenda and Consent Agenda

Trustee Thomas McKean moved to consider the Agenda and the Consent Agenda and had a question on the village bills, on travel for Susan Flores asking if anyone knew anything about it. Village Clerk Dianna Brusuelas responded that it was the Judges and Court Clerks Annual Conference. Trustee Thomas McKean asked if Susan was now a clerk. Ms. Brusuelas responded that she did not know what Susan was. Mayor Cordova explained that she went as a substitute, it was explained that Vanessa was not able to attend because of a death in her family. The second question on the bills was under Financial Administration why the New Mexico Municipal Judges dues were paid out of that line item. Village Clerk Dianna Brusuelas explained that this particular line item (dues and membership) paid for all dues and memberships from all departments. Another question was the village water bills for the parks. The motion was then seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

## Item 2. Unscheduled correspondence and Public Comments

Village Clerk Dianna Brusuelas reminded Mayor Ray Cordova to announce the change in next months meeting. Mayor Cordova announced that the August regular meeting would not be held on the third Tuesday of the month but would be held on the fourth Tuesday of the month due to the New Mexico Municipal Leagues Annual Conference.

Trustee Thomas McKean asked if they could go back to Item 1 stating that on the June 17th minutes, item 14 there needs to be a spelling correction.

Ms. Cynthia Riedlinger asked the Board of Trustees for consideration on the garbage because she and others are not pleased with the current contractors.

Trustee Patrick Garcia asked who area of responsibility is from the road to the ditch area?

Item 3. Approval of Resolution 2008-09-01 and Grant Agreement 08-3890-GF - Land purchase/water storage pond construction (\$180,000.00)

Trustee Gloria Sainz moved for approval of Resolution 2008-09-01 and Grant Agreement 08-3890-GF-Land purchase/water storage pond construction and Trustee Thomas McKean seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 4. Approval of Resolution 2008-09-02 Adopting the 2008-2009 Final Operating Budget

Trustee Gloria Sainz wondered what the budget would do to the Senior Center. Village

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Clerk Dianna Brusuelas stated that she did not foresee any problems and read the ending cash balances from June of 2003, June of 2004, June of 2005, June of 2006, June of 2007 and June of 2008 showing that in 2008 the Senior Center has the highest cash balance in all those years, noting that the cash balance has nothing to do with the budget because the budget is only a working tool. Trustee Patrick Garcia asked if Budget Adjustments could be done during the year and the response was yes and that the cash balance of \$58,000.00 is in the bank.

Trustee Patrick Garcia moved to approve Resolution 2008-09-02 adopting the 2008-2009 Final Operating Budget and was seconded by Trustee Gloria Sainz.

Trustee Thomas McKean asked if the transfer was the \$55,000.00 or the \$35,000.00 because the figure he has is \$46,468.00. Village Clerk Dianna Brusuelas explained that the Senior's requested \$55,000.00 then she and the Finance Officer brought it back down to \$35,000.00 but then added \$10,000.00 for PERA.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a vote of three aye's and one nay.

Item 5. Consideration of Adoption of Ordinance 229 granting certain rights and privileges to Tularosa Basin Telephone Company and providing for a franchise

Trustee Fred Tyler moved to adopt Ordinance 229 granting certain rights and privileges to Tularosa Basin Telephone Company and providing for a franchise fee. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 6. Kenneth Bratcher- Requesting permission to operate a Carriage Ride business

Mr. Bratcher made his presentation requesting to operate his carriage through the historic parts of Tularosa. Trustee Patrick Garcia asked about the liability. Mr. Bratcher stated he would provide the village with insurance. Mayor Cordova asked if the carriage would operate at night or in daylight hours. Mr. Bratcher's response was daylight except maybe during Christmas. Mayor Cordova wondered if it would have lights because of the safety concern. Trustee Thomas McKean asked about picking up behind the horses. Mr. Bratcher said that what is typically done is that a manure bag is placed at the harness and that catches everything.

Trustee Gloria Sainz moved to approve and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 7. Mayor Cordova-Approval of appointment of Gloria Sainz as the Voting Delegate and Monica Voorbach as the Alternate for the Business Meeting at the 2008 NMML Annual Conference August 14, 2008

Mayor Ray Cordova announced that the voting delegate would have to be himself and the alternate would be Monica Voorbach because Gloria Sainz would not be able to attend. Trustee Thomas McKean moved to appoint Mayor Cordova as the voting delegate and Monica Voorbach as the alternate for the business meeting at the 2008 NMML Annual Conference. Motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

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Item 8. John Walker-Requesting installation of speed bumps and signs stating Slow Caution Bumps on S. Bookout

Mr. John Walker submitted a request with signatures for speed bumps on South Bookout Road. After much discussion it was suggested to get a reading from the village insurance.

Trustee Thomas McKean moved to postpone until the next meeting and was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 9. Estella Guerra-Request to reduce May Water bill due to a water leak under home

Ms. Guerra asked for a reduction to her water bill due to a leak. Trustee Fred Tyler suggested setting up a payment plan if needed but not reducing the bill. Trustee Fred Tyler moved to not reduce the May water bill for Ms. Guerra and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 10. Marcos & Robin Lee Makowski-Present plans to renovate building and approval

Mr. Makowski presented plans for his address at 1201 St. Francis Drive asking to remove the service station bay doors and put up walls. Trustee Thomas McKean moved to approve the renovation plans and was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 11. Diana Galindo-Place trailer on property at 1409 West 2nd

Ms. Diana Galindo not being present, no action was taken but the Board requested that she change her drawing to reflect a 25' setback from West 2nd Street.

Item 12. Cynthia Riedlinger-Friends of Historic Tularosa-Approval of design for Veterans Park

Trustee Patrick Garcia moved to approve the design for the Veterans Park as presented by the Friends of Tularosa and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 13. Arturo Cardiel-Casa del Sol dba Alamo Disposal-Request CPI Increase and extension of Contract as per contract agreement

Mr. Arturo Cardiel requested a one year extension and the CPI increase. Trustee Thomas McKean asked what the CPI was. The response was 3.5%. Trustee McKean moved to approve Alamo Disposals request CPI increase and the extension of the contract as per contract agreement. Trustee Gloria Sainz questioned if it was the contract to renew or what. Mayor Ray Cordova said he believes the way the contract is written (asking Attorney to correct him if he is wrong) if the CPI is requested he will get it and it goes in hand that he is extended for one year at that rate. If he does not request it we do not have to give it to him. Mayor Cordova feels no action is required once CPI is requested.

Trustee Thomas McKean said he felt the Board should take action.

Mayor Ray Cordova asked Trustee Thomas McKean what his motion was, if it was to award him the CPI.

Trustee Thomas McKean answered, yes.

Trustee Gloria Sainz seconded the motion to accept the CPI.

Trustee Fred Tyler stated that the request was for CPI and extension of contract as per contract agreement.

Mayor Ray Cordova stated that once he asked for the CPI extension automatically kicks in, that's the way the contract is written. If you want to cancel the contract you; have to call for a meeting at which time we will conduct a meeting and have him come prepared to voice his side and the Village will have to present whatever they feel is in violation to nullify the contract.

Trustee Thomas McKean proceeded to withdraw his motion.

Mayor Ray Cordova stated, then no action is required and he will receive his CPI increase.

Trustee Thomas McKean said, now the Board can request a Special Meeting. It was clarified that three Members of the Board or the Mayor could request a Special Meeting.

Item 14. Mayor Cordova-Discussion of Prairie Subdivision and take action on advise from Village Attorney

Village Attorney Jeff Rhodes stated that he had requested this item be put on the agenda for the August meeting because Mr. Klad Zimmerle, Mr. Bob Scott and his attorneys would be present there.

Trustee Thomas McKean moved to postpone until the August Regular Meeting and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 15. Executive Session as allowed under 10-15-1 (H) of the Open Meetings Act for discussion of Real Estate Agreement

Mayor Ray Cordova announced that the only subjects discussed in the closed session will be those announced for closure.

At 8:03 P. M. Trustee Thomas McKean moved to retire into executive session as allowed under 10-15-1 (H) of the Open Meetings Act for discussion of Real Estate Agreement. Both Trustee's Fred Tyler and Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

At 8:25 P. M. Mayor Ray Cordova reconvened the meeting stating that the matters discussed in the closed session were limited only to those specified in the motion for closure.

Item 16. Trustee Fred Tyler-Consideration of bids given to Ditch Corporation and decide which bid to accept on 1st Street Ditch Repair

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Trustee Fred Tyler stated that he spoke with Robert Baca and they recommend the first bid which is concrete on both sides of the ditch for 78' from that culvert joined to the culvert, rubber lined and then concrete over that and it's going to cost them \$6,500.00 and they will bill us half. The work will be done by a contractor and the warranty and liability will be his. Trustee Fred Tyler moved to accept the bid that

the Ditch Corporation has to repair the ditch on First Street and we pay \$3,250.00 and reverse bill. Trustee Thomas McKean seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members of the board voting aye.

Item 17. Trustee Gloria Sainz-Request follow through on Item 14 of the minutes of November 15, 2005 and ask Attorney to prepare ordinance

Mayor Ray Cordova explained that in November of 2005 the governing body voted to increase the pay for the Judge, Mayor and Trustees and the action was never finalized except for the Judge who did receive the salary increase. Mayor Ray Cordova asked if the item had to be voted on again and proceeded to ask Attorney Jeff Rhodes to prepare an ordinance for the salary increases which were voted on November 15, 2005.

Item 18. Old Business

None

Item 19. New Business

None

Item 20. Adjourn

Trustee Gloria Sainz moved to adjourn and was seconded by Trustee Thomas McKean. Meeting adjourned at 8:30 P. M.

The written minutes are the official minutes of the meeting. The recorded tapes are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of September 16, 2008.