

Minutes 1/16/2007

The Village of Tularosa Board of Trustees met in a Regular Meeting on Tuesday, January 16, 2007 at 7:00 P.M. in the Conference/Court Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Ray S. Cordova, Trustee Patrick Garcia, Trustee Margaret Trujillo, Trustee Thomas J. McKean, Trustee Gloria Sainz, Dianna Brusuelas Village Clerk as well as Police Chief Frank Sackman.

Absent: Valarie Delgado, Finance Officer.

Mayor Ray S. Cordova led the Pledge of Allegiance and welcomed everyone.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Margaret Trujillo asked to make a correction to the minutes of December 19, 2006, Item 11, page 4 where it says "in turn the subdivider sells", change that to "in turn the subdivider conveys".

Trustee Thomas McKean requested to move Item 19 (Award bid for Sound System in Court/Conference Room) and making it Item 2(A).

Mayor Ray Cordova said that late this afternoon he was told that Mr. Jerry Johnson would not be available but Mr. Johnson being present stated that he did make it back into town in time and would like to remain on the agenda.

Trustee Thomas McKean then moved to approve the Agenda and the Consent Agenda with the changes. Motion was seconded by Trustee Patrick Garcia.

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

Items on the Consent Agenda consisted of Minutes of the December 5, 2006 Special Meeting, minutes of the December 18, 2006 Workshop, minutes of the December 19, 2006 Regular Meeting, minutes of the January 4, 2007 Special Meeting, village bills, December business registrations and Site & Sign Permits.

Item 2. Unscheduled Correspondence and Public Comments

Mr. John Romine voiced concerns on the speed limits on Radio Road and stated that he does not feel that the 25 miles per hour is appropriate. Mr. Romine also felt that the police officer should not be parked outside the city limits. Mr. Romine was advised that from the highway to the pecan orchard is county property and it's up to the county to install speed limit signs on that portion of the road. Mr. Romine also complained about the trains slowing down at the railroad near Riata and Radio and wondered if the track was hazardous. Mayor Cordova suggested an inquiry letter questioning why the trains slow down in that area but also felt that the part of the railroad track in question was outside the city limits.

Ms. Karen Turner inquired about repairs to Sierra Blanca Road. Mayor Ray Cordova said there was a shortage of money. Ms. Turner asked if the road could be graveled and grated. Mayor Ray Cordova said he would look into it.

Trustee Thomas McKean asked Mayor Ray Cordova about an update on the Stogden well. Mayor Cordova informed the Board that Statewide Drilling had been hired and the drilling company is trying to pull out the pump to be able to lower a camera in there to inspect the casing and they were not able to, possibly the solution would be to drill a new well. Trustee McKean also said that Mr. Rick Gutierrez, Grants Coordinator would have to change the wording to the capital

outlay to be able to drill a new well. Mayor Cordova said that Mr. Gutierrez is currently in the process and has made contact with Senator Dianna Duran.

Village Clerk Dianna Brusuelas mentioned that Mr. Rick Gutierrez asked her to bring up whether the Board wanted him to go for funding for additional Co-Op money for the streets, the Village would have to match 25%. Trustee Thomas McKean said he would rather see a denial than the village not applying at all.

Mr. John Romine again asked to speak stating that at Radio Road where there were ditches the construction company has filled in the ditches and black topped over them and now the water stands and has no where to go, it's on the North side from Hi Fi Lane to Riata. Mayor Cordova stated he would check on it.

Trustee Patrick Garcia asked the Mayor that a constituent called him and was told a different person was the Villages Code Enforcement Officer and would like to be enlightened. Mayor Ray Cordova asked Police Chief Sackman if Lt. Rupp was still the Code Enforcement Officer. Chief Sackman said currently yes. Trustee Garcia said that a females name was given. Chief Sackman responded that they were in transition and in the process of training another person in Code Enforcement. Mayor Cordova stated that all the department should play a part in the Code Enforcement just in case Lt. Rupp is on day off anyone could fulfill the spot and not put people on hold and asked Chief Sackman to look into that.

Item 2(A) previously Item 19 Award bid for Sound System in Court/Conference Room

Village Clerk Dianna Brusuelas explained that Mark from Mark's Sound & Video was in the audience to explain his bid in case the Board had questions. After some questions and answers Trustee Thomas McKean moved to postpone until the next meeting. Motion was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Item 3. Approval of Budget Adjustment Request in Police Department

Chief of Police Frank Sackman said he would like to move money from the travel line item to the miscellaneous line item. Trustee Thomas McKean moved to approve budget adjustment 2006-2 and was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Item 4. Approval of Resolution 2006-07-08 supporting the City of Sunland Park, NM in requesting the establishment of a vehicle pedestrian non-commercial customs port of entry located at Ciudad Juarez-Anapra, Mexico and Sunland Park, New Mexico

Trustee Margaret Trujillo moved to approve Resolution 2006-07-08 supporting the City of Sunland Park, New Mexico. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one member voting nay.

Item 5. Approval of Resolution 2006-07-09 Budget Adjustments and Transfers in Water and Sewer Funds

Trustee Margaret Trujillo questioned whether approval was actually given at the meeting of January 4, 2007 and asked to strike out "as approve by the Board of Trustees at the Special Meeting of January 4, 2007" and end the sentence with "in

other necessary areas." Trustee Margaret Trujillo then moved to approve Resolution 2006-07-09 with the changes and was seconded by Trustee Thomas McKean.

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

Item 6. Approval of adoption of Ordinance 220

Attorney Jeff Rhodes suggested doing a Notice of Proposed Ordinance with the changes increasing the basic rates. Trustee Thomas McKean moved to Publish by Title and Subject Matter the proposed ordinance on water rates and was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all member of the Board voting aye.

Item 7. Becky Lane/Jerry Johnson-Alamogordo Chamber Transport Committee-Endorsement of NMDOT 2007 Legislative Agenda by Resolution, letter of support or other appropriate action

Trustee Thomas McKean moved to make and approve Resolution 2006-07-10 in support and the endorsement of NMDOT 2007 Legislative Agenda. Trustee Margaret Trujillo seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Mr. Johnson also stated that he was Chairman of the Alamogordo Chamber of

Commerce Water Committee and would like to see Tularosa represented. Trustee Thomas McKean asked to be e-mailed about the meetings. Mr. Johnson announced that there would a meeting at 11:30 the second Monday of the month at the Elks Lodge in Alamogordo.

Item 8. Solid Waste Agreement between Village of Tularosa and Casa del Sol Enterprises D/B/A Alamo Disposal

Trustee McKean said that on page 7, section 7a, the sentence 'length bundles or tied not to exceed (type in the word sixty (60) pounds) and proceeded to move to approve the Agreement with Alamo Disposal. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Item 9. Chief Sackman-Approval of appointment of Timothy Winrow as Police Officer-Date of Hire 1/18/2007-Six months probation at \$12.50 per hour

Mayor Cordova informed the Board that Mr. Winrow was certified from the Law Enforcement Academy. Chief Sackman said he came with experience from Portales. Trustee Thomas McKean moved to approve the appointment of Timothy Winrow as Police Officer with six months probation at \$12.50 per hour. Trustee Patrick Garcia asked if his family was in Otero County because he did not want any problems of leaving family behind and they not transfer over. Chief Sackman stated that he has family in Alamogordo. Trustee Patrick Garcia then seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye.

Trustee Trujillo, aye. Motion carried with all members voting aye.

Item 10. Dianna Brusuelas-Request to change February 20, 2007 meeting to Thursday, February 22, 2007

Village Clerk Dianna Brusuelas asked to have the next regular meeting moved from Tuesday, February 20, 2007 to Thursday, February 22, 2007 in lieu of the fact that the Mayor and several members of the Board will be in Santa Fe attending Municipal Day. Trustee Margaret Trujillo moved to approve and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Ms. Brusuelas also asked about the Workshop and it was agreed that no Workshop would be held.

Item 11. Mayor Cordova-Approval of the Police Departments Standard Operating Procedure Manual (SOP)

Mayor Cordova recommended to the Board to approve the SOP Manual. Trustee Margaret Trujillo asked if Mr. Rhodes had a chance to look at it like asked. Mr. Rhodes said no he had not and said as long as it doesn't address statutory personnel matters that the Mayor and the Board had and suggested to put in the motion to approve that if there is a conflict between it and state law and the village personnel manual, the personnel manual and state law controls. Trustee Thomas McKean moved to approve the Standard Operating Procedure manual provided that if there is any conflict between the SOP and State Law and/or the Villages Personnel Policies adopted then State Law and the Villages Personnel Policies will Prevail. Motion was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Item 12. Monica Voorbach-Award Water Rights Bids

Monica Voorbach's request was to award the bids to the two bidders, two water rights to Mr. Ralph Vigil at \$400.00 each and one water right to Mr. Fred Tyler for \$400.00 and requested that the other two rights be leased to whomever is interested on a first come first served basis. Trustee Margaret Trujillo moved to approve awarding the bids. Trustee Thomas McKean amended Trustee Trujillo's motion to remove the last sentence and retain the two water rights and make them available to the village for reserve but accept the bids from Mr. Vigil and Mr. Tyler. Trustee Margaret Trujillo voided her motion. Trustee Margaret Trujillo then seconded Trustee Thomas McKean's motion.

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

Item 13. Lance or Robin Giest-Approval of Well proposal and purchase

Village Clerk Dianna Brusuelas stated that this was to be brought over from the December meeting and was not sure that the Giest's were aware of it being placed on the agenda. Trustee Margaret Trujillo felt that the information furnished was not what was asked for. Trustee Thomas McKean moved to not approve the purchase of the well. Trustee Gloria Sainz seconded the motion. Attorney Jeff Rhodes suggested that the Village's request from him should be to determine who has an interest or ownership in the well and get a specific waiver or relinquishment by them of any right to divert from that hole in the ground. Trustee Patrick Garcia asked Mayor Ray Cordova if he would visit with Lance and tell him that is our proposal.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried will all members of the Board voting aye.

Item 14. Increase Library Hours (brought over from 12/19/2006 meeting)

Trustee Margaret Trujillo moved to postpone until the Mayor comes back to the Members of the Board with the information as to where the money is going to come from. Trustee Patrick Garcia seconded the motion and asked what the current hour are. Librarian Randi Northrop said Wednesday thru Friday 12:00-5:00 p.m. and Saturday 10:00 a.m. to 3:00 p.m.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried will all members of the Board voting aye.

Item 15. Discuss and change Service Agreement with Texas New Mexico Power/Public Service Company of New Mexico

Village Clerk Dianna Brusuelas said she got a consensus from the Board that they wanted to change the Agreement. Trustee Thomas McKean felt that the name should be changed if the company is changing; but if the village is going to be collecting for two utilities the agreement should charge accordingly. Trustee Thomas McKean moved to change the fee from \$500.00 to \$1,500.00 per month and was seconded by Trustee Patrick Garcia. It was agreed to send the Agreement and see if it is signed by March.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried will all members of the Board voting aye.

Item 16. Discuss and change Agreement between County of Otero and the

Village of Tularosa (Railroad Avenue & S. Bookout)

Trustee Thomas McKean suggested the Village change the agreement with the county and maintain Railroad Avenue and ask the county to maintain from Darby on South Bookout to the curve, the county would take back their own road and the village would take back their own road. Mayor Ray Cordova recommended studying the situation first. Trustee Margaret Trujillo felt that the village cannot maintain the roads as well as the county right now and it would be to the village's disadvantage to change. No action was taken on item 16.

Item 17. Well T-03417A(Abercrombie) File application to change the place and purpose of use

Attorney Jefferson Rhodes advised the Board that this was a no action item until the village determines where they want to go to.

Item 18. David Noble-Request to provide safe transgress for wheelchairs and pedestrians

Mr. Noble requested some kind of wheelchair path from Montevista to the Lowes Grocery store. The question arose whether the property belongs to the State Highway Department. Mayor Cordova said the first thing to do is find out who's right of way it is and that he would get his grants coordinator to look into it and asked Mr. Noble to contact him on Monday.

Item 19. Award bid for Sound System in Court/Conference Room

Item was moved to Item 2(A)

Item 20. Dan Abercrombie-Water rate increase

Mr. Abercrombie not being present, no action was taken.

Item 21. Don Ogden-Proposed new ordinance

Mr. Don Ogden stating that the Board of Trustees not having gone over the proposed ordinance requested a workshop to go over it and have input. It was suggested to have the workshop at 5:00 P. M. on January 29, 2007, Mr. Ogden would check with the members of the Planning and Zoning.

Item 22. Trustee Margaret Trujillo-Discuss Recreation/Swimming Pool

Trustee Margaret Trujillo deleted the item.

Item 23. Old Business:

Trustee McKean

(1) 16 Mar 06 passed by Board what is being done about decals for village vehicles - Mayor Cordova responded that he is not going to make the expense of putting decals on such old trucks. Trustee Margaret Trujillo remembered that it was by Board action. Mayor Cordova stated the minutes had to be looked up.

(2) 19 Dec 06-Received list of fire hydrants inspection, what is being done in repairing these hydrants? Mayor Cordova said that he has to hire two temporary people at minimum wage, not to exceed 180 days. It was suggested to let the field crew work on Friday afternoon's, pay overtime and doing one fire

hydrant a week. Mayor Cordova stated that he would make the proposal to the Field Supervisor.

(3) Feb 06-Subdivision approved-what is status of our water right from MIA estates. Attorney Jeff Rhodes asked if this was a subdivision that was recently annexed property? Trustee Thomas McKean explained that

it was part of the agreement for the annexation they would provide the village with water rights. Attorney Jeff Rhodes asked if they had requested water service from us and if we had provided it. Response was yes there was a request but the service has not been provided. Trustee Thomas McKean reading from the minutes of February 21, 2006, item 11, say that the water rights would be provided. Attorney Jeff Rhodes felt the village had no problem that the developer should be requesting the service and then we ask for the water rights. Mayor Cordova said he would call Klad Zimmerle, Alamotero Land and Survey, then he would call Mr. Dickamore.

(4) Apr 06-Status of fire hydrant Rose & S. Bookout. That item already answered.

(5) Jul 06-Approved to go out to bid-Village limits surveyed has this been done yet? Workshop on survey of the city limits has been canceled.

(6) 17 Oct 06-Update on sound system for meeting room. Item was already on the agenda.

(7) 17 Oct 06-Update, what is being done about monster valve at Sewer Plant. Lawyer was to review contract. Attorney Jeff Rhodes said he talked to Gil Gallegos, Gannett Fleming, and Mr. Gallegos was to follow up. Trustee McKean feels that the engineering firm should pay for the valve since it was purchased at their approval.

(8) Jan 06-Talk about (SOP) Police Department what is being done since they do not have Governing Body approved procedure. Been given to lawyer, Governing Body should approve SOP for Police Department so they approved standard operational procedures. Trustee Thomas McKean informed the SOP has been approved.

(9) Nov 06-What is the status of the sign ordinance passed by Governing Body for publication It is Trustee Thomas McKean's understanding that the changes were never delivered to Mr. Rhodes by Mr. Ogden of the P & Z.

Trustee Thomas McKean also reminded everyone that the expansion of the P & Z members was also included in that ordinance. Trustee Margaret Trujillo stated that she did not recall passing it and the rest of the board concurred. Village Clerk Dianna Brusuelas informed the Board that the motion was made was to approve 51.02 etc giving the ordinance numbers and the Board approved it in that manner.

(10) Dec 06-Letter to be written to Prairie Subdivision about violation of our Ordinance. Response was the letter was not yet written.

What is the status of our 2003 Audit? Village Clerk Dianna Brusuelas stated that after talking to Robert Apodaca Director from the Department of Finance and Administration all information has been sent to him and he will talk to the State Auditor.

After looking at his notes, Attorney Jefferson Rhodes advised the Board that Gil Gallegos from Gannett Fleming was supposed to get him the specifics about the muffin monster and nothing was received as yet.

Item 24. New Business:

Trustee McKean

(1) Has letter been written to David Baca yet on his sewer hookups The response was no letter had been sent. Mayor Cordova said he would dictate a letter.

(2) Status of Highway Department lowering the speed limits south of town Mayor Cordova said he met with two gentlemen from the State Highway Department last Friday and will lower the speed limits on the South side but they will not put a stop sign. Trustee Thomas McKean said he noticed the cement culvert is already cracked because of the semi trucks going through there. Trustee McKean also agreed with Reynaldo Guilez, Field Supervisor about charging for the RV dumping at the Travel Center.

Item 25. Adjourn

Trustee Margaret Trujillo moved to adjourn and was seconded by Trustee Thomas McKean. Motion carried by voice vote and the meeting adjourned at 10:00 P.M.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk