

## Regular Meeting-11/20/2007

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, November 20, 2007 at 7:00 P.M. 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 Patrick Garcia, Trustee Margaret Trujillo, Trustee Thomas McKean, Trustee Gloria Sainz, Village Attorney Jeff Rhodes, Finance Officer Valarie Delgado as well as Village Clerk Dianna Brusuelas.

Mayor Ray S. Cordova called the meeting to order introducing the members of his board and asking all to rise and join in the Pledge of Allegiance.

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

Trustee Margaret Trujillo moved to consider the Agenda and the Consent Agenda. Motion 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.

Items considered on the consent agenda were the minutes of the October 11, 2007 Workshop, minutes of the October 15, 2007 Workshop, minutes of the October 16, 2007 Regular Meeting, Village Bills, Business Registrations for October 2007, Site & Sign Permits for October 2007 and the announcement of the next Regular Meeting for December 18, 2007.

## Item 2. Unscheduled Correspondence & Public Comments

Mr. D. Spain requested street signs in the Prairie Subdivision. Mayor Ray S. Cordova advised that the subdivision has not been accepted by the village as completed and that it is the subdivider's responsibility to comply with the village's ordinance.

Ms. Prelo-Riedlinger wondered if there was a Code Enforcement to report unkept properties. Ms. Prelo-Riedlinger was advised to report any findings to the Police Department.

Mr. Tony Tafoya viewed his opinion on the trash collection system. Mayor Ray S. Cordova advised that the issue would be addressed on Item 10.

Mr. O'Baidi expressed concerns referencing the garbage pick-up stating that messes were left on the streets and that citizens were willing to pay for better service.

Ms. Stephanie DuBois brought up the issue on the Fire Hydrant on Willow Lane stating that Mr. Alan Cox gave a 15' easement for the water line and the fire hydrant should not be behind a locked gate. Mayor said he would check with Rick Gutierrez.

Mr. Patrick Garcia made a comment that he understood that the ISO fire rating might be going up because of a misunderstanding in the insurance industry as to who covers Bookout Road, whether it would be the Tularosa Volunteer Fire Department or the Bent Fire Department and would rate it as a 10 which would increase insurances for homes.

Trustee Thomas McKean announced to the audience that the water bill would be going up 3.5%.

Item 3. Approval of Adoption of Election Resolution 2007-2008-11 in English and in Spanish

Trustee Thomas McKean moved to approve the Adoption of the Election Resolution 2007-2008-11 and 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 aye.

Item 4. Approval of Adoption of Resolution 2007-2008-12 Salary Increases

Trustee Thomas McKean moved to approve the Adoption of Resolution 2007-2008-12 and commented on the good job done by Finance Officer Valarie Delgado. 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 of the Board voting aye.

Item 5. Approval of Adoption of Resolution 2007-2008-13 Fire Department Budget Increase

Trustee Thomas McKean moved to approve the Adoption of Resolution 2007–2008–13 Fire Department budget increase and 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 aye.

#### Item 5A. Consideration of Notice of Proposed Ordinance and Proposed Ordinance on Dangerous Dogs

Trustee Thomas McKean felt that a workshop needed to be set up to compare to the ordinance and why certain items were not included. Attorney Jeff Rhodes stated that some items left off of the ordinance on Dangerous Dog was because they were already in the ordinance for Animals at Large and that we were incorporating this into the existing ordinance.

Trustee Margaret Trujillo moved to postpone until a workshop is held. Trustee Thomas McKean seconded the 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 6. David Noble–1) Street placement on side streets 2) Update on streets along Highway 70 and sidewalks

Mr. Noble asked why the yellow markings were not completed along the highway and why there are no signs. Mayor Ray Cordova stated that the yellow striping has been challenged by businesses which of course was only a temporary solution. The village has put in for

appropriations and has come up with an alternative route behind the housing area on Monte Vista and crossing through

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village property. Mr. Noble then requested as a matter of public record everything that has been sent to the village pertaining to this. Mayor Cordova said he would have everything sent.

Item 7. Norm Daviees–Otero County Habitat for Humanities Support

Mr. Daviees thanked the Mayor and the village for support provided so far but asked for help in advertising and in building the homes in Tularosa. There were several suggestions like using the village web site, a notice on the village water bill. Four homes have been built in Tularosa on 6th Street.

Item 8. Cynthia Prelo–Riedlinger – Approval to begin final Phase, landscaping, benches at Veteran's Memorial Park

Ms. Prelo–Riedlinger presented a design plan handout to the Board stating that she has been working with Mr. Pete Turney who helped with the schematics requesting shade, low maintenance landscape, easy care and low on water.

Trustee Margaret Trujillo moved to approve the beginning of the final phase and 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 aye.

Ms. Prelo–Riedlinger introduced Alex Candelaria to talk about the flag poles at the Veteran's Memorial Park. Mr. Candelaria stated that since the poles were put up there has been a problem with putting the flags all the way to the top. Mr. Candelaria assumes that the poles are still under warranty. Mayor Cordova asked if the problem was the contractor or the manufacture or if someone is failing to honor the warranty. Ms. Prelo–Riedlinger felt that there was a miscommunication with Rick at the Village, the flag company and Lane Gentry. Gentry is the one who ordered the flag poles and installed them. Mayor Cordova said maybe a meeting with Mr. Gentry would resolve the problem.

Item 9. Depree Shadowwalker–Request refund of \$20.00 delinquent fee

Ms. Shadowwalker was not present. No action was taken.

Item 10. Stephanie DuBois–Garbage collection consider terminating the contract

Stephanie DuBois stated that her address is on Willow Lane and complained that they have no set date to pick up the trash, that oil is spilled out all over, that garbage is all over. Several citizens voiced complaints on the trash. Mayor Cordova said the matter would be resolved by meeting with the Village Attorney and take steps to terminate the contract.

Item 11. Patricia A. Little–Grant variance for city water at 23 South Bookout Road

Mrs. Little stated that she and her husband plan to build a retirement home behind 23 South Bookout and requested a variance to allow for a water meter.

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Trustee Margaret Trujillo move to grant the variance to Mrs. Little and 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 aye.

Item 12. James Harper-Give water on 31B and D on South Bookout

Mr. Harper was not present. No action was taken.

Item 13. Janie Portillo-Request water service (Meter) transfer & improvement district for Fambrough subdivision

Ms. Janie Portillo requested a transfer of a meter from Gallegos Lane to Vaquero Road. After much discussion it was determined that the service on Vaquero Lane was considered an installation and not a meter transfer.

Trustee Thomas McKean moved to not allow the transfer from one lot to the other. Trustee Patrick Garcia seconded the motion.

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

Ms. Janie Portillo also asked about an Improvement District for the Fambrough Subdivision and was advised to come by the office and also request Colonias money.

Item 14. Don Ogden–1) Recommended adoption of Sign ordinance Replacement

Mr. Don Ogden stated that this would replace the old ordinance and went on to explain the changes.

Trustee Thomas McKean moved to have the ordinance published by Title and Subject Matter and was seconded by Trustee Patrick Garcia.

Trustee Margaret Trujillo asked if this ordinance would 'grandfather in' the places that already have signs. Mr. Ogden explained that if the sign was put up before 1995 then it was 'grandfathered in'.

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.

2) Recommend adoption of revision of definition of Dwelling Unit, Single Family

Mr. Ogden explained that the definition of Dwelling Unit had been changed. Trustee Patrick Garcia said he was uncomfortable with the fact that it bans single wide trailers, Trustee's Trujillo and Sainz were in agreement.

Trustee Margaret Trujillo moved to leave the definition of Dwelling Unit, Single Family as it is. Trustee Patrick Garcia seconded the motion.

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

Item 15. Mayor Cordova–Request to increase Librarians hours from 60 to 80 per pay period

Trustee Thomas McKean moved to increase the librarians hours from 60 to 80 and get the money from Cash Balances, 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 aye.

Item 16. Rick Gutierrez–Award Retaining Wall bid to lowest bidder and approve funding for payment of \$9,544.40 from General Fund

Trustee Thomas McKean moved to award the bid to Lancon and also moved to approve the funding come from Cash Balance in the General Fund. 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 of the Board voting aye.

Item 17. Chief Mayberry–Salary increase for Jennifer Jones from \$7.36 to \$8.36 (DOH 5/30/2007) Regular Full-time Status effective 11/30/2007

Trustee Thomas McKean moved to approve the salary increase to \$8.36 effective November 30th 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 members of the Board voting aye.

Item 18. Mayor–Appointment of Brian Smith as Police Officer effective 10/17/2007 at \$8.00 per hour with six months probation

Trustee Margaret Trujillo moved to approve Brian Smith as Police Officer effective October 10, 2007 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 19. Mayor–Request to close Friday, November 23, 2007; Monday, December 24, 2007 and Monday, December 31, 2007

Mayor Cordova requested that one of the day's be considered a holiday and two days be used by the employees annual leave. Trustee Patrick Garcia wondered if the employees would be willing to use the three days off as annual leave. The response was yes.

Trustee Margaret Trujillo moved to approve the Mayor's request to close Friday, November 23, 2007; Monday, December 24, 2007 and Monday, December 31,

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2007. Then Trustee Margaret Trujillo restated her motion to move to authorize three days personal leave on Friday, November 23, 2007; Monday, December 24, 2007 and Monday, December 31, 2007. Motion 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 20. Dianna Brusuelas-Do you want to impose one-fourth of one percent of the Municipal Gross Receipts Tax? Do you want to provide for voter approval imposing the one-fourth of one percent?

Attorney Jeff Rhodes explained that the village could not impose the Capital Outlay Gross Receipts Tax until all the Municipal Gross Receipts Tax was imposed and the Legislature allowed for an addition one-fourth in August.

Trustee Thomas McKean would like the dedication to remain the same for water and sewer and would like to put a ten year limit on it.

Though he would like to provide for voter approval, Mayor Ray Cordova would not like the Gross Receipts Tax dedicated stating that he could ask the Legislature for appropriations for water and sewer lines and would like some of this Gross Receipts Tax to go towards having the village join PERA.

Trustee Margaret Trujillo moved to impose one-fourth of one percent of the Municipal Gross Receipts Tax, to provide for voter approval and that the proceeds not be dedicated to a specific area. 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 of the Board voting aye and one nay.

Item 21. Dianna Brusuelas–Do we go out to bid on Leasing the Water Rights? If so, what would be the minimum bid?

Trustee Thomas McKean moved to continue to lease three water rights for a minimum bid of \$500.00 and 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 aye.

Item 22. Mayor Cordova/Tom Goncharoff–Request to drop protest to Application T-5229 & T-5230

Mr. Tom Goncharoff stated that the well's will be for agricultural use at Crystal Springs and that they have brought the horse racing business to Tularosa and have so far hired approximately 15 employees.

Trustee Patrick Garcia moved to drop the protest T-5229 and T-5230 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 members of the Board voting aye.

Item 23. Dianna Brusuelas/Ralph Otero-Request Community Center

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Rent increase: Dining Room from \$50.00 to \$100.00 ; with kitchen from \$75.00 to \$150.00

Trustee Thomas McKean moved to approve the increase and 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 aye.

Item 24. Trustee Thomas McKean

(6) Alamo Disposal Contract

(7) Alamo Disposal Solid Waste do we go out for bid or retain?

Trustee Thomas McKean moved to start the paperwork to terminate the contract and was seconded by Trustee Patrick Garcia.

Attorney Jeff Rhodes said he would have to look at the contract and see what it says. Mr. Rhodes also reminded the Board members that they have to still provide a service to the community.

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.

Trustee Thomas McKean moved to go out for bid contingent on what happens on the termination with Alamo Disposal. Attorney Jeff Rhodes stated that the village has to have criteria for specs. 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 of the Board voting aye.

(2) What is the status of the December 2006 list received by the Board on fire hydrant repairs, what has been done?

Mayor Ray Cordova stated he would coordinate with Fire Chief Robert Chavez and Field Supervisor Reynaldo Guilez.

(3) Village of Tularosa Web Site would like to improve by having the agenda on web page before meeting

(4) On web page we have an events calendar, would like to have recreational program post all events, next have Tularosa P & Z dates and governing body meetings posted and any job employment openings

Trustee Thomas McKean stated that he would like to see more items on the Web Page like the agenda, recreation program events, announcement of P & Z meetings, announcement of governing body meeting and job openings.

Items 1 (Have Village start a system for automatic withdrawal funds from peoples checking accounts to pay for their water bills) and 5 (When will all of these ordinances that have been passed be codified) were not discussed.

Item 25. Old Business–Not discussed

Item 26. New Business–Not discussed

Item 27. Adjourn

There being no further business to come before the Board Trustee Margaret

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Trujillo moved to adjourn and was seconded by Trustee Thomas McKean. The meeting adjourned at 10:00 P. M. with a voice vote by all.

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 December 18, 2007.