

Regular Meeting 11/18/2009

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, November 18, 2009 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 Fred Tyler

Trustee Patrick Garcia

Trustee Thomas McKean

Trustee Gloria Sainz

Also in attendance was Village Attorney Jefferson Rhodes, Village Clerk Dianna Brusuelas-Guilez, Valarie Delgado Finance Officer and Richard Gutierrez Grants Coordinator.

Mayor Ray S. Cordova called the meeting to order at 7:00 P. M. and asked that all rise and join him in the Pledge of Allegiance.

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

Trustee Thomas McKean moved and both Trustee Gloria Sainz and Trustee Fred Tyler seconded the consideration of the Agenda and the Consent agenda.

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

Items on the consent agenda and consent agenda consisted of the minutes of October 20, 2009 workshop, minutes of October 21, 2009 regular meeting, the village bills, business registrations and site & sign permits for October 2009 and the announcement of the next regular meeting for December 16, 2009.

**Item 2. Unscheduled Correspondence and Public Comments**

None

**Item 3. Dianna Brusuelas-Guilez-Approval of Election Resolution 2009-2010-11**

Trustee Patrick Garcia moved for the approval of the Election Resolution 2009-2010-11. Motion 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 in the affirmative.

**Item 4. Valarie Delgado-Approval of Resolution 2009-2010-12 Budget increases and decreases to various funds**

Trustee Thomas McKean moved to approve Resolution 2009-2010-12 budget increases and decreases to various funds. Trustee Fred Tyler 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 in the affirmative.

**Item 5. Mayor Cordova-Confirmation of Michael Gaston to Regular Full-Time Status, Date of Hire May 11, 2009**

Trustee Patrick Garcia moved to approve the confirmation of Michael Gaston to Regular Full-Time status and was seconded by Trustee Fred Tyler.

Trustee Thomas McKean questioned why one would be at Full-time status and one would be at Part-time status. Mayor Ray Cordova explained that at the current time there was not enough work for two full-time employees possibly until the village starts picking up all the commercial garbage accounts.

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

**Item 6. Mayor Cordova-Confirmation of Joshua Puckett to Regular Part-Time Status, Date of Hire May 11, 2009**

Mayor Ray S. Cordova stated that Mr. Puckett would work not less than 20 hours per week. Trustee Fred Tyler moved to confirm Joshua Puckett to Regular Part-time status and was seconded by Trustee Thomas McKean. Trustee Patrick Garcia asked if Mr. Puckett was aware of the part time status. Mayor Cordova replied that he had met with Mr. Puckett last week.

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

**Item 7. Chris Masters-HELP New Mexico-Utilization of Head Start facilities discussion/agreement**

No action.

**Item 8. Pam Clarke-Habitat for Humanities-Approval of Site Plan for 1605 W. Sixth**

Mrs. Pam Clarke started with an explanation that the address for the planned house is 1505 West Sixth Street as indicated on the Site Plan itself. Trustee Thomas McKean asked what the front and rear footage was. Ms. Clarke said they was approximately a 30' set back in the front and the back is about 90'.

Trustee Thomas McKean moved to approve 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 in the affirmative.

**Item 9. Klad Zimmerle-Alamotero Land Survey-Approval of Subdividers Contract Agreement with Steve Dyer/Rhino Subdivision**

Mr. Klad Zimmerle said the Rhino subdivision is a 5 lot subdivision across the truck stop, the subdivider will install sewer and driveways. The final contract agreement has been submitted to Mr. Dyer's attorney for review. Mr. Zimmerle and Village Attorney Jeff Rhodes are working on the clause that should go on the plat. Mr. Zimmerle read what the clause would say: The Village of Tularosa and Mr. Steve Dyer have entered into an agreement-subdividers contract with regards to the approval of Rhino Subdivision, Tularosa, Otero county, New Mexico which agreement permits actual construction of improvements as each lot is developed. This Agreement/Contract shall be binding on lots 1 through 5, Rhino Subdivision and any and all future owners of lots in Rhino Subdivision. Although the subdivider is responsible to the village for actual construction of all improvements required by the Village Code. The Village of Tularosa shall have no responsibility for the future construction of any plan or proposed infrastructure including but not limited to curb, gutter, asphalt, water, sewer, gas etc. Each lot will be developed on a case by case basis and not to the depth of any adjacent property. Village Attorney Jeff Rhodes explained that that would be what is going to be on the plat and recorded at the court house along with the agreement.

Trustee Thomas McKean moved to approve the subdividers contract with Steven Dyer of Rhino Subdivision. 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 in the affirmative.

**Item 10. Klad Zimmerle-Alamotero Land Survey-Approval of Rhino Subdivision at Southeast corner of South Bookout Rd & Highway 54/70**

After several questions by Trustee Thomas McKean, Klad Zimmerle agreed to put a 10' stub out on lot 5. Trustee Thomas McKean also asked Mr. Zimmerle to change the application to residential. It was agreed to make a note that it is currently residential property, anticipate commercial and to cross off the curb and gutter variance.

Trustee Thomas McKean moved to approve the Rhino Subdivision with the following conditions: 1) statement added to both plats 2) application be changed from commercial to residential 3) remove curb and gutter variance from original application. 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 in the affirmative.

**Item 11. Klad Zimmerle-Alamotero Land Survey-Approval of Ranchline Subdivision and requesting variance to the requirement for sidewalk along the street**

Mr. Chad Merchant presented the Mayor and members of the board with a new site plan adding in the sidewalks along the street. Trustee Thomas McKean made Mr. Merchant aware of a clogged ditch and how the water runs when it rains stating that the village employees suggested building up the property as high as the car wash.

Trustee Fred Utter moved to approve Ranchline subdivision based on Mr. Merchant's agreement to install sidewalks and not have the plat recorded until the work is completed. 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 in the affirmative.

**Item 12. Chad Merchant-Request approval of Dollar General Site Plan**

Trustee Thomas McKean moved to approve the Dollar General site plan with Mr. Merchant drawing in the new sidewalk for lot 1. Trustee 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 in the affirmative.

**Item 13. Chad Merchant-Approval of variance on Dollar General Sign**

Did not need variance, no action was taken.

**Item 14. Dianna Brusuelas-Guilez-Request policy change 40.02(D) delete, ten, fifteen or twenty insert or ten**

Trustee Patrick Garcia moved to approve the request for policy change 40.02(D) delete, ten, fifteen or twenty insert or ten, motion 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 in the affirmative.

**Item 15. Executive Session as per Section 10-15-1(H) of the Open Meetings Act for the discussion of acquisition or disposal of water rights by the public body**

Trustee Thomas McKean moved to go into executive session as per Section 10-15-1(H) of the Open Meetings Act for the discussion of acquisition or disposal of water rights by the public body. Trustee Fred Tyler 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 in the affirmative.

The Mayor, the Board of Trustees and Attorney Jeff Rhodes retired into executive session at 7:50 P.M. with the Mayor announcing that only those subjects announced for closure will be discussed in the closed session.

The Mayor and the Board of Trustees reconvened at 8:05 P. M. with Mayor Cordova calling the meeting back to order stating that the matter discussed in the closed session were limited only to those specified in the motion for closure.

#### **Item 16. Old Business**

An update was given on the gas line at the community center, it was stated that the gas line was capped.

Trustee Fred Tyler informed the board that he spoke with Mr. Baca from the Tularosa Community Ditch Corporation and asked him to pick up the old rusted culvert on First Street.

#### **Item 17. New Business**

Trustee Patrick Garcia asked about the Fire Department. Mayor Ray Cordova informed the board that a letter was received from the State Fire Marshall that the village could apply for a grant but that it had a 20% local match and Rick would make contact with them.

#### **Item 18. Adjourn**

Trustee Thomas McKean moved to adjourn and was seconded by Trustee Fred Tyler. The meeting adjourned at 8:17 P. M.

The written minutes are the official minutes of the meeting. The recorded Compact Flash 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-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of December 16, 2009.