

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, September 18, 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, Finance Officer Valarie Delgado as well as Village Clerk Dianna Brusuelas.

**Absent:** Attorney Jefferson Rhodes

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. Motion 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 of the Board voting aye.

Items on the agenda and the consent agenda included minutes of July 23, 2007, August 2, 2007, August 20, 2007, August 21, 2007, Village Bills, Business Registrations and Site and Sign Permits for August 2007 and announcement of the next regular meeting.

### **Item 2. Unscheduled Correspondence & Public Comments**

Trustee Thomas McKean made a comment about the Census meeting coming up the 16<sup>th</sup> of October asking if anyone is attending, no one seemed to be interested.

Trustee Patrick Garcia commented about the alley's being inundated with weeds and wondered who to contact to complain. Mayor Cordova advised him to call the Police Department and talk to the Chief. Trustee Patrick Garcia also asked if a big trash bin could be brought to the yard for dumping. Mayor Ray Cordova asked Village Clerk Dianna Brusuelas to make a note to contact Alamo Disposal and request a large bin and possibly place it at the yard and then notify the residents of it's availability through the water bill.

Trustee Gloria Sainz stated that a lot of people have good intentions on cleaning their yards and have the tree limbs and brush placed at the curb and it is later spread all over because they have no means of hauling the limbs off; suggesting maybe one day a month someone could pick them up in a trailer and haul them off. Trustee Thomas McKean felt that the contract with Alamo Disposal took care of that. It was decided to look at the contract.

### **Item 3. Adoption of Resolution 2007-08-08 STB 07-L-G-3759 for \$100,000.00 to construct, equip and furnish the Tularosa Library**

Trustee Margaret Trujillo moved to adopt Resolution 2007-08-08 STB 07-L-G-3759 for \$100,000.00 to construct, equip and furnish the Tularosa Library. 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 4. Adoption of Ordinance 226 Amending Section 153.01, 153.02, 153.03, 153.04, 153.06, 153.07, 153.08, 153.10, 153.13, and 153.15 and adopting new section 153.16**

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Trustee Margaret Trujillo moved to postpone and was seconded by Trustee Patrick Garcia. Trustee Thomas McKean asked until when. Trustee Margaret Trujillo answered, indefinitely.

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

**Item 5. Municipal Capital Outlay Gross Receipts Tax Ordinance – Decision on whether to enact the entire quarter percent or some other increment**

Trustee Patrick Garcia moved to enact the entire quarter percent 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 of the Board voting aye.

**Item 6. Rick Gutierrez – Adoption of Resolution 2007-08-09 Water Plant Storage Ponds and approve Grant Agreement SAP 07-4521-GF Water Plant and Storage Ponds**

Trustee Margaret Trujillo moved to adopt Resolution 2007-08-09 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 7. Approval of payment to Tularosa Community Ditch Corporation Assessment for 2006 in the amount of \$1,202.74 and 2007 in the amount of \$1,246.56**

Trustee Thomas McKean moved to approve the payment 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 of the Board voting aye.

**Item 8. Chief Mayberry – Salary increase for Darrell Chavez from \$10.25 to \$11.28 per hour. Certification of Darrell Chavez**

Trustee Margaret Trujillo asked if a copy of the certification was available. Village Clerk Dianna Brusuelas stated that she has talked to the Chief and he informed her that the person in Santa Fe who signs the certifications was not in so the actual certification was forthcoming.

Trustee Thomas McKean moved to approve the increase of Darrell Chavez to \$11.28 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 9. Appointment of Lloyd Horton to the Planning & Zoning Board**

Trustee Thomas McKean moved to approve the appointment of Lloyd Horton to the Planning & Zoning Board 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.

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**Item 10. Oliver Yearby – Adjustment of Water Bills**

Trustee Margaret Trujillo moved to table since Mr. Yearby did not show up. 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 11. Keith Kaplan – Pot hole on Calle de la Rosa**

Mayor Ray S. Cordova asked Mr. Keith Kaplan to make his presentation. Mr. Kaplan stated that he received 99 signatures from customers who frequent his restaurant asking the Village to remedy the potholes. Trustee Margaret Trujillo asked if the area in question was from the highway to the restaurant. Mr. Kaplan answered that the biggest problem was when someone leaves the restaurant making a right turn into the highway, the tires dig into the gravel and tires spin and if someone tries to beat the traffic there could be an accident. Mr. Kaplan was just requesting help from the city and offered his assistance. Trustee Margaret Trujillo felt that it was not Village property but agreed to help since it was a danger to get into the highway. Mr. Kaplan offered to split the cost three ways and include himself, Gary Stallings and the Village. Mayor Cordova said he would check with Otero County to see how much they would charge to chip seal.

**Item 12. Trustee Margaret Trujillo – Replace existing 2” line with 6” water line on alley side of Sierra Blanca**

Trustee Margaret Trujillo stated that it would entail approximately 400 to 450 feet of line at an approximate cost of \$18,000.00 and taking the money from cash balance. Trustee Trujillo also said she spoke to Mr. Rick Gutierrez earlier and he said there was \$100,000.00 to pay for water lines and would possibly have \$25, 000.00 left. Trustee Trujillo asked if the village's General Fund or Water Fund could finance the \$18,000.00 until the money from the \$100,000.00 grant comes in.

Trustee Thomas McKean mentioned the sewer line on Rita Lopez Lane was also needed, all the Board Members agreed.

Mayor Cordova stated that on Friday a bid would be given for the Sewer Line on Rita Lopez Lane.

Trustee Margaret Trujillo then moved to replace the 2” existing water line with a 6” a water line, Trustee Patrick Garcia seconded the motion.

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

**Item 12(A). Mayor Cordova for Pio Otero – Variance from Water Moratorium. Village water available approximately 12 feet from Otero's property**

Mayor Ray S. Cordova asked Mr. Pio Otero to step forward and make his presentation. Mr. Otero explained that he did pump a well but preferred city water for domestic use and would irrigate with his well water. The question arose as to what line Mr. Otero was going to hook on to, the one across the field or which one. Mr. Otero responded the he would hook up to the water line that is on Bookout Road.

Trustee Margaret Trujillo moved to grant Mr. Pio Otero the variance so that he could hook up to water. Motion was seconded by Trustee Patrick Garcia. Trustee Thomas McKean brought up that there was a moratorium in place. Trustee Margaret Trujillo clarified that she was moving to grant the variance but did not want to do away with the moratorium.

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

**Item 13. Jeff Rhodes – Requesting Executive Session as per Section 10-15-1(H) of the Open Meetings Act. Reference Agreement with the City of Alamogordo**

Trustee Margaret Trujillo moved to postpone since Attorney Rhodes was not present. The motion was seconded by Trustee Thomas McKean.

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

**Item 14. Trustee Thomas McKean – Proposed Dangerous Dog Act & Changes**

**Item 15. Trustee Thomas McKean – Proposed Fireworks Ordinance**

Trustee Thomas moved to postpone Items 14 and 15 and was seconded by Trustee Patrick Garcia.

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

**Item 16. Old Business:**

**Trustee Thomas McKean – October 2006 – Update on Muffin Valve at Sewer Plant from the last letter received from Lawyer**

Mayor Ray Cordova said that Robert George stated that he thought the Muffin Valve could be used but considered it a mute issue simply because the front end works has to be redone.

Trustee Margaret Trujillo felt that accepting the offer from the vendor and keeping the muffin valve would be a solution.

**Trustee Thomas McKean – July 2006 – Status of Surveying Village Limits**

Trustee Thomas McKean asked about the survey of the Village Limits. Village Clerk Dianna Brusuelas responded that she was working on it.

**Trustee Thomas McKean – August 2007 -Status of Alamo Disposal having a meeting with them**

Mayor Ray S. Cordova explained that he and Trustee Trujillo met with the owner and addressed the issues. They were assured that the equipment was in good shape. The Mayor assured the Board of Trustees that if the village continues to get bad service a letter from the Village Attorney would be prompted.

**Trustee Thomas McKean – Latest update on Village Well status**

Trustee Thomas McKean voiced concern on the well saying that he has not seen it pumping water yet. Mayor Ray Cordova said he has not seen it working. Trustee Thomas McKean also asked how many gallons per minute the well pumps.

**Trustee Thomas McKean - What is the status of the Sewer Plant**

**Trustee Thomas McKean – What is the status of the latest well application with the State Engineer**

**Trustee Thomas McKean – What is the status of the latest water rights to our subdivision**

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Trustee Thomas McKean wondered if the transfer of the 300 acre feet of water from the Montezuma Well to the Stogden Well had taken place. Mayor Ray Cordova suggested Trustee Thomas McKean talk to Attorney Jeff Rhodes.

Trustee Thomas McKean asked about the water rights from the Mia Estates. Mayor Ray Cordova said that though it is not contingent on the village installing the water line they did say the water rights would be transferred as soon as the water line is in. Trustee Trujillo and Trustee McKean recalled that Mr. Dickamore agreed to give ground water rights not irrigation water rights.

A member of the public asked to voice a safety concern over the weeds across Subway. Mayor Cordova said the owners live in Albuquerque and a letter has already been written to them but was not sure if a response had been received. Mayor Cordova also said if necessary the Village would cut the weeds and bill the property owners or put a lien on the property.

Trustee Thomas noted that New Business nor Adjournment was listed on the agenda. The meeting finished at 8:00 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 October 16, 2007.