

## **Regular Meeting – September 21, 2016**

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, September 21, 2016 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 A. Garcia  
Trustee Robert L. Sainz  
Trustee John 'Ray' Telles  
Trustee Deanna M. Montoya

Also present was Richard Gutierrez, Grants Coordinator, Dianna Brusuelas-Guilez Village Clerk as well as Village Attorney Jefferson Rhodes.

At 7:05 P. M. Mayor Ray S. Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

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

Trustee Robert Sainz moved to consider the agenda and the consent agenda. Trustee John 'Ray' Telles seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members of the board voting aye.

### **2. Unscheduled Correspondence and Public Comments (3 minutes)**

David Shields engineer from Bohannon-Huston reported to the Mayor and the Board of Trustees about the NM Environment Department's deficiency finding at the Water Plant during the Sanitary Survey. Mr. Shields identified four (4) of the deficiencies stating that all but one (1) has been complied with. The deficiency remaining is the fencing around the water tank. Mr Shields strongly advised the Mayor and the Board that the property boundary dispute needs to be taken care of so the fencing can be installed whether it be an agreement with the village and the property owner or eminent domain. Mr. Shields said he would ask NM Environment Department for a one (1) year extension but within that one year the fence has to be completed. Following the discussion it was agreed by Trustee Patrick Garcia and David Shields that they will make contact with Joel Marr, set up a meeting and discuss the property.

### **3. Approval of Certificate of Grantee Planning Grant Agreement Finance Authority No. 3309-PG for \$50,000.00**

Trustee Patrick Garcia moved to approve the Certificate of Grantee Planning Grant Agreement for \$50,000.00. Trustee Deanna Montoya seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting in the affirmative.

### **4. John Noel-Support grazing change with BLM**

Mr. John Noel explained to the Mayor and the Board that he lives at Bridal Falls and that this year the farmers have been letting their cattle graze near the creek.

Mr. Noel feels that there has to be some management practices in place so that the water flow can slow down and slow down the erosion of the creek. The property allotment is not being managed by BLM. Mr. Noels request is for the village to petition BLM to stop allowing grazing from March 15<sup>th</sup> and let cattle back in after the first frost in the fall. Mr. Noel said there are a lot of cattle and four-wheelers in the creek water and when he contacts the village Police Department he is told it is outside the village limits. Trustee Patrick Garcia asked who has jurisdiction over there. Village Attorney Jeff Rhodes said the village does, plus five (5) miles above the water intake our police should regulate and cite cattle owners into court.

Mayor Ray Cordova asked Mr. Noel to write something up and bring it to the office.

**5. Nancy Wood-Who is responsible for trees? Can Village maintain the road to my house at 1704 W. 7<sup>th</sup>?**

Ms. Nancy Wood presented the Mayor and Board with pictures of fallen trees on her property and wondered what could be done about it. Mr. Jeff Rhodes said that if there is a ditch along her property is it considered a ditch easement or that she could go to the courthouse or a titles company to see who owns the property abutting hers and contact the property owners. Attorney Jefferson Rhodes said if individuals own the property then it becomes a civil matter between Ms. Wood and the other property owners.

Ms. Wood asked if the village could maintain the road to her house. Village Attorney said it has to be a dedicated road for the village to maintain it, the only thing the Village can maintain is what is plotted.

Ms. Wood then asked about an old house on W. 8<sup>th</sup> that is a fire hazard. The village responded that they would send the code enforcement officer to look.

**6. Red Brick Building Restoration Foundation-Stephanie Dubious-Discussion of Red Brick School building**

No Action as several members of the Restoration Foundation submitted their request for a contract with the village at the Village Workshop.

**7. Approval of contract between the Village of Tularosa and the County of Otero for Public Library Services**

Trustee Patrick Garcia moved to approve the contract between the Village of Tularosa and the County of Otero for the Public Library Services.

Trustee Robert Sainz seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting aye.

**8. Approval of contract between the Village of Tularosa and the County of Otero for the Tularosa Multipurpose Senior Center**

Trustee Robert Sainz moved to approve the contract between the Village of Tularosa and the County of Otero for the Tularosa Multipurpose Senior Center

Trustee Deanna Montoya seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting aye.

**9. Adoption of Ordinance 260 amending section 95.04 for unlawful restraint of dogs, providing definitions and penalties and to publish by Title & Subject Matter**

Trustee John 'Ray' Telles moved to adopt Ordinance 260 amending Section 95.04 and to publish by Title & Subject Matter.

Trustee Robert Sainz seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting aye.

**10. Approval of recommendation of award of the construction contract for the Tularosa Sewer Improvement Project to Burn Construction Company for the amount of \$213,030.43 including New Mexico Gross Receipts Tax**

Trustee Patrick Garcia moved to postpone item 10 until the Sewer Plant Operator met with a representative of the engineering company, but no longer than 30 days.

Trustee John 'Ray' Telles seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting in the affirmative.

**11. Approval of award of Tularosa Animal Control Phase III to LanCon in the amount of \$73,923.76 including New Mexico Gross Receipts Tax**

Trustee John 'Ray' Telles moved to approve the awarding of the Animal Control Phase III to LanCon in the amount of \$73,923.76.

Trustee Deanna Montoya seconded the motion

**Roll Call Vote:** Trustee Garcia, aye. Trustee Montoya, aye. Trustee Sainz, aye. Trustee Telles, aye. Motion carried with all members voting in the affirmative.

**12. Old Business**

Richard Gutierrez informed the Board that the village only received \$25,000.00 in which to build restrooms at James Vigil Park and that was only for one unisex bathroom. The \$25,000.00 would not be enough for two separate bathrooms and wondered if the Board wanted to proceed with building one. Mr. Gutierrez said he tried to get quotes from other contractors but no one responded. The Board agreed to go ahead with the one.

Trustee John 'Ray' Telles asked about the mobile homes on Marshall, N. Bookout and S. Bookout. The response was that the mobile home on N. Bookout has been removed. Village Clerk Dianna Brusuelas-Guilez said the person who owns the

trailer on S. Bookout has been to court and has 30 days in which to move it.

Trustee Robert Sainz asked Mayor Ray Cordova about the fire hydrants being worked on because of the December deadline. Mayor Cordova said he will get two of the field personnel to start working on them.

### **13. New Business**

None

### **14. Adjourn**

Trustee John 'Ray' Telles moved to adjourn the meeting with a second from Trustee Deanna Montoya. The meeting adjourned at 8:33 P. M.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas-Guilez, Village Clerk

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.

Minutes approved by The Board of Trustees at the Regular Meeting of October 19, 2016.