

## Village of Tularosa-Regular Meeting-October 17, 2006

The Board of Trustees of the Village of Tularosa met in a Regular Meeting

Tuesday, October 17, 2006 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, Valarie Delgado Finance Officer, Village Clerk Dianna Brusuelas, Village Attorney Jeff Rhodes as well as Chief of Police Frank Sackman.

Mayor Cordova welcomed everyone asking that all rise and join in the Pledge of Allegiance.

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

Trustee Margaret Trujillo asked to removed some items off the agenda requesting to remove on Item 14, the discussion on Highway 54/70 and Police Department Incident and keep Posey Road and Sierra Blanca. Trustee Margaret Trujillo also asked to remove Item 15 (Resolution 1994-95-10) and Item 17 (Discuss Las Rosas Apartments). The Board was informed that Item 6 (David Nichole-Handicap sidewalks) needed to be removed. Trustee Margaret Trujillo stated that under Item 22 (Old Business) she would like to remove Compensation.

Trustee Thomas McKean proceeded to move to approve the agenda and the consent agenda with the changes, 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 voting aye.

The consent agenda consisted of the minutes of September 18, 2006 Workshop, Minutes of the October 3, 2006 Regular Meeting, Village Bills, September Business Registrations and Site & Sign Permits, announcement of the next Regular Meeting for November 21, 2006

and the next Workshop for November 20, 2006.

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

Trustee Thomas McKean brought up a letter that was received from Orange Broadband announcing the removal of the Oxygen network as of November 15, 2006.

**Item 3. Franchise Agreement between Texas New Mexico Power and Village of Tularosa**

Attorney Jeff Rhodes explained that with the merger of Public Service Company of New Mexico and Texas New Mexico Power was for information only and no action is necessary.

**Item 4. Approval of Resolution 2006-07-05 Authorizing application for CDBG Funds**

Trustee Margaret Trujillo moved to approve Resolution 2006-07-05 and

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requested to poll the Board to see what the priorities would be. Trustee Thomas McKean and Mayor Ray Cordova preferred the Senior Center. Trustee Patrick Garcia disagreed wanting equipment for the field as his priority, Trustee Gloria Sainz felt getting the Senior Center accomplished and out of the way first was the way to go. Trustee Margaret Trujillo felt that the efforts were being duplicated by listing the Senior Center on CDBG since money would probably already be appropriated and agreed with Trustee Garcia on yard equipment. Trustee Thomas McKean moved to list the Senior Center as the priority on the CDBG Grant application, motion was seconded by Trustee Gloria Sainz.

**Roll Call Vote:**

Trustee Garcia, nay. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, no. Mayor Cordova broke the tie voting aye. Motion carried

with a three-two vote.

Trustee Patrick Garcia seconded the motion to approve the resolution itself.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

**Item 5. Approval of Resolution 2005-06-30 Year End Adjustments**

Trustee Thomas McKean moved to approve Resolution 2005-06-30 Year End Adjustments with two changes, on top of page 2 change 101-1200-42010 to 42020 and on top of page 7, fourth down adding 505-2140-45500. Trustee Gloria Sainz 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 6. (Removed) David Nichole-Handicap sidewalks**

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**Item 7. Bob Scott-Scott Family Investments-Sewer & Water for subdivision (clear up costs)**

Mr. Scott presented himself in front of the Board asking for clarification of costs. Mr. Scott felt he should not be paying anything for sewer because the village is not doing anything. It was explained to Mr. Scott that a licensed plumber would have to tap into the villages sewer main and that the fee he was paying was for the privilege of tapping into the sewer main. Attorney Jeff Rhodes stated that the fee was also to furnish the sewer treatment plant and all the main service lines that go from the subdivision. It was clarified to Mr. Scott that if payment is made the village provides the water meter and sets it in but the village does not provide the meter loop.

**Item 8. Diane Beckett-Tree infestation-Give direction in which to correct problem**

Ms. Beckett stated that four trees are infested and was referred to the County Extension Office. Ms. Beckett asked if she was within her right to cut the trees down. Mayor Cordova did not want to give permission if the trees did not belong to her. Attorney Jeff Rhodes asked if the trees were adjacent to

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her property. Ms. Beckett said they were right in front. Mayor Cordova said he would send someone to look at them and asked Ms. Beckett to bring a copy of her survey plat to the village office.

**Item 9. Mayor-approval of November 24, 2006 off (Day after Thanksgiving)**

Trustee Margaret Trujillo moved to approve and was seconded by both Trustees Garcia and Sainz. Trustee Thomas McKean questioned that the employees were given \_ a day off for Columbus day and another day awhile back, the Mayor explained that those days were not given that time off; that the employees used their own leave for those times. Mayor Cordova stated that this would be a day off with pay without using any annual leave.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with a three to one vote.

**Item 10. Approve Policy Changes as per Workshop of July 31, 2006**

Trustee Thomas McKean showed concern in passing all the changes with one motion and wondered about going through one item at a time. Trustee Gloria Sainz moved to approve the changes as a package since they have gone through the changes over and over and

felt everyone was in agreement. Trustee Thomas McKean repeated moving that the motion state that the changes presented would be the ones passed. Trustee Patrick Garcia seconded the motion. Trustee Margaret Trujillo stated that she wanted to separate 50.02 and wanted to leave the 5 mile radius as before and not change it to 15 mile radius. After some discussion roll call vote was taken.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, nay. Motion carried with three ayes and one nay votes.

**Item 11. Patrick Maturino-Pay Increase for Terry Hawk from \$7.00 to \$8.00, completed Police Dispatch Academy on October 12, 2006**

Trustee Margaret Trujillo moved to approve the pay increase for Terry Hawk from \$7.00 to \$8.00 with a Budget Adjustment from within their own budget. 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 12. Approve appointment of Michael Montoya as Patrol Officer at \$13.00 per hour - Date of Hire October 4, 2006**

Trustee Patrick Garcia moved to reinstate Michael Montoya as Patrol Officer and was seconded by Trustee Margaret Trujillo. Trustee Thomas McKean asked if there would be no probation. The Mayor said that was correct. Trustee Thomas McKean moved to amend that he be on a six months probation. Mayor Ray Cordova felt that he was on probation before and that the Chief was his boss then and felt probationary periods were for the Department Heads to evaluate the person for six months and it's the same

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Chief hiring the same person back and if he had problems with him the

first time he would not be asking to re-appoint this man. Chief Sackman said that he would consider him a re-hire. Trustee Thomas McKean then withdrew his motion.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

**Item 13. Mayor-Pay Increase \$1.00 per hour for Valarie Delgado from \$12.00 to \$13.00, Julian Martinez from \$10.00 to \$11.00 and Raymond Ramos from \$15.50 to \$16.50**

Trustee Thomas McKean moved to deny the raises requested and was seconded by Trustee Margaret Trujillo.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion to deny carried with all members voting aye.

**Item 14. Trustee Margaret Trujillo**

**(Removed) For discussion Highway 54/70.**

**(Removed) For discussion Police Department Incident.**

**Posey Road/Sierra Blanca**

Trustee Margaret Trujillo wondered when Posey Road and Sierra Blanca would be repaired. It was discussed that after all the contractors are paid for the streets that have already been paid the Village would see how much Village money is left in the Street Fund and what prices the contractors would give for the repairs.

**Item 15. Trustee Margaret Trujillo (Removed) Resolution 1994-95-10**

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**Item 16. Trustee Margaret Trujillo-Information: Fence (Maria's)**

Maria from the Hired Hand Cafe on Central presented herself dressed in a Halloween costume explained the fence at her restaurant was for a Haunted House to raise money for CAPP (Cancer Awareness Protection Prevention) and will come off after Halloween.

**Item 17. Trustee Margaret Trujillo-(Removed) Discuss Las Rosas Apartments**

**Item 18. Trustee Margaret Trujillo-(Removed) Roberts Rules of Order-If not followed why have it**

**Item 19. Trustee Thomas McKean-Putting existing wells into use**

Attorney Jeff Rhodes explained that once the State Engineer Office approves the permit to change the purpose and place of use, you have a certain

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Amount of time in which to do it and said that he would ask for an extension.

Discussion on water rights and wells and Trustee Thomas McKean said he had a document showing what wells, what rights we have and noted a mistake of the Giest well (Fred Apel well) saying the village was to get .45 acre feet per lot and there were six lots and the .45 was not multiplied by 6 and feels that Mr. Giest still owes the village 3 to 3 \_ acre feet of water out of that well and when you subtract that from the 20 acre feet available, the village should only be looking at 17 acre feet. Trustee Thomas McKean said he would provide a copy to Jeff Rhodes and would compare with the State Engineer's records. Trustee Margaret Trujillo asked if water from the Stogden will could be used to water fields at the schools if it needed to be put to beneficial use. Attorney Jeff Rhodes stated yes. It was decided to look into the RO System's and the System that Cloudcroft is implementing. Trustee's Garcia and Trujillo would look at the Cloudcroft system and Trustee's McKean and Sainz would look into the Reverse Osmosis System.

**Item 20. Trustee Thomas McKean**

**1. Need to go out for bids to purchasing a sound system for this meeting room**

Trustee Gloria Sainz talked to Mike Mullikan from the County and he would either get with Trustee McKean or Village Clerk Dianna Brusuelas.

**2. Need to approve this Parliamentary Procedure in Local Government handbook for the governing body to go by instead of Roberts Rules of Order. Also have this added to our Open Meetings Resolution 2005-2006-21 Par 8 (E). This has been discussed at workshop and on previous agenda's**

Trustee Thomas McKean stated that as per the workshop discussion it should be reviewed some more.

**3. Also like to talk about Budget**

Trustee Thomas McKean stated that discussion of the Budget with the Finance Officer, Village Clerk and Mayor proved effective. Trustee Margaret Trujillo also reminded that the audits needed to be done and asked Attorney Jeff Rhodes to write a letter to Mr. Dan Austin and requested a copy of the contract.

**4. Sewer Plant Valve-What should be done?**

Mayor Ray Cordova advised that Mr. Gene Lyndecker from Gannett Fleming is writing a letter to the vendor to try to get our money back. Trustee Margaret Trujillo stated that since Gannett Fleming was the one who said the Village needed the part then they should come up with the difference in money that the vendor will refund. Attorney Jeff Rhodes asked if the Village spent \$51,000.00 for something that was incompatible based on the advise of the engineer, then if there is only a \$15,000.00 return we would suggest to them they find somebody to buy it. Mr. Rhodes requested a copy of the engineers contract before he writes the letter.

**Item 21. New Business**

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## **1. Trustee Trujillo - Lap Top Computers-No discussion**

### **Item 22. Old Business:**

#### **Trustee Trujillo (Removed) Compensation**

#### **Trustee McKean:**

**16 March 06 Have you received from Fire Chief inspection list status of all fire Hydrants?**

**February 2006 Subdivision was approved, what is the status of our water right from MIA estates.**

**April 2006, Have been on agenda what is status of fir hydrant Rose and S. Bookout intersection?**

**July 2006, approved to go out to bid to have the Village Limits surveyed has this been done yet?**

**Should we start the application for additional water rights to State Engineer for municipal use.**

Trustee Thomas McKean said he would just leave the first few items on but did feel that application should be made for additional water rights. Attorney Jeff Rhodes reminded the Board that several years ago the village filed an application to appropriate the surface and flood waters from the Rio Tularosa. It is a pending application (4662) that has been assigned a hearing officer from the State Engineers Office. The village has talked to the Ditch Corporation about building a dam and getting

grants together; Mr. Rhodes said he informed the State Engineers Office that the village is still looking for funding. The reason it was brought up now was because if we make application again we have to show reasonable need for it in a 40 year period and we presently have the pending application and should see about diverting and building a dam somewhere and retaining the water for irrigation purposes, for the ditch corporation. Since this year Governor Richardson's big item is water planning, this might be a good time to get together with the Ditch Corporation about building a reservoir. Trustee Thomas McKean felt that the Ditch Corporation has already received \$100,000.00 for that and would soon be picking an engineer for that. Attorney Jeff Rhodes suggested that the Village focus on that as opposed to drilling additional wells because additional wells will have the same problems.

### **Item 23. Adjourn**

Trustee Thomas McKean moved to adjourn and was seconded by Trustee Gloria Sainz. Meeting adjourned at 8:50 P. M.

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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  
November 21, 2006.