

Regular Meeting-August 16, 2005

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, August 16, 2005 at 7:00 P. M. in the Court Room of the Public Safety Facility located at 609 St Francis Drive, Tularosa, New Mexico.

Present: Mayor Demetrio Montoya Jr., Trustee Margaret Trujillo, Trustee Thomas McKean and Trustee Fred Utter. Also present was Dianna Brusuelas Village Clerk, Richard Gutierrez Grants Coordinator, Police Chief Frank Sackman and Village Attorney Jefferson Rhodes.

Absent: Trustee Ray Cordova.

Mayor Montoya opened the meeting welcoming everyone and asking that all rise and join in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Fred Utter requested to move Item 23 and number it Item 22A. Trustee Thomas McKean asked to remove Item 18 from the Agenda.

Trustee Thomas McKean moved to consider the Agenda and the Consent Agenda, Trustee Fred Utter seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

The Consent Agenda consisted of the minutes of the July 11, 2005 Workshop, minutes of the July 19, 2005 Regular Meeting, minutes of the August 1, 2005 Special Meeting (Planning & Zoning) minutes of the August 1, 2005 Special Meeting, Village Bills, Business Registrations for July 2005, Site and Sign permits for July 2005 and announcement of the next regular meeting for September 20, 2005.

Item 2. Approve Adoption of Ordinance 215-2005 Amendments to the 2004 Uniform Traffic Ordinance

Attorney Jeff Rhodes explained that when the 2005 Legislature enacted the amendments to the Uniform Traffic Ordinances they included everything affecting traffic unfortunately the off-road vehicle portion does not go into effect until January 2006

Trustee Thomas McKean moved to adopt Ordinance 215 removing all prevalent data related to off-road vehicles and was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

Trustee Thomas McKean moved and Trustee Margaret Trujillo seconded to publish by Title and Subject Matter. Motion carried with all Board members present voting aye.

Item 3. Approve Adoption of Resolution 2005-06-07-Increase State Grant of \$11,271.00 for necessary improvements and

repairs to the Senior Center

Trustee Margaret Trujillo moved to adopt Resolution 2005-06-07. Trustee Fred Utter seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present.

Item 4. Approve Adoption of Resolution 2005-06-08-Transfer to Capital Outlay \$8,800.00 from various line items to purchase a Ford Crown Victoria Police Car

Trustee Fred Utter moved to approve the Adoption of Resolution 2005-06-08 to transfer \$8,800.00 to Capital Outlay. Trustee Thomas McKean seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 5. Approve Adoption of Resolution 2005-06-09-Adopting the Infrastructure Capital Improvements Plan

Trustee Fred Utter moved to approve the Adoption of Resolution 2005-06-09 adopting the Infrastructure Capital Improvement Plan. Trustee Margaret Trujillo seconded the motion. Trustee McKean asked about the order and if there were any assigned priorities. Mr. Richard Gutierrez stated that he would have Ms. Bautista from the Council of Governments send a list. Trustee McKean then asked what the difference between Legislative and State Grants. Mr. Gutierrez again responded that State Grants are from different agencies such as the Environment Department and Legislative are from legislators. Motion carried with all members present voting aye.

Item 6. Approve Adoption of Resolution 2005-06-10- Authorizing and Approving submission of application for financial assistance and project approval to NMFA

Trustee Margaret Trujillo moved to approve adoption of Resolution 2005-06-10, authorizing and approving submission of application for financial assistance and project approval to NMFA. Motion was seconded by Trustee Fred Utter.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Attorney Jeff Rhodes advised the Board that there was not a roll call vote on Item 5. Mayor Montoya proceeded to ask for roll call vote.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

Item 6A. Approve Adoption of Resolution 2005-06-14- Authorizing the execution and delivery of a loan agreement between the Village of Tularosa and the New Mexico Finance Authority in the amount of \$311,112.00

Mayor Montoya explained that this was for the street paving and read the street names to include Fairview, Sierra Blanca, Peach, Apple, Cherry, Posey Lane, Montezuma, Monte Vista, Montclair, Marshall, Chris Drive, Ethel, Iris, Rose, 5th St. from Alamo to Higuera, 6th St. from Alamo to Higuera 7th St. from Bosque to South 7th, Rosalio from Higuera to Curve, West La Luz Ave from West 1st to Higuera, West 1st to Railroad Tracks, Clayton from La Luz to 8th St, Darby Lane and South Bookout to Curve.

Trustee McKean questioned whether the loan amount was for \$288,000.00 and paying back \$311,000.00 stating that then there would be \$23,000.00 in interest. Trustee McKean also mentioned that there was only \$22,000.00 budgeted and the payments would be over the \$22,000.00 and felt that eventually the village would have to come up with extra money to pay for the loan. Mayor Montoya felt that the income to that line item would also increase.

Trustee Thomas McKean moved to approve the Adoption of Resolution 2005-06-014 and was seconded by Trustee's Utter and Trujillo.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all member present voting aye.

Item 7. Approve Adoption of Resolution 2005-06-11- Authorizing Application for CDBG Funds

Mr. Richard Gutierrez presented a list of projects presented at several of the public hearings. Mayor Montoya was recommending two items and felt the second items on the list would not be coming out of CDBG. Trustee McKean felt it should be Swimming Pool or Water & Sewer lines. Mayor Montoya felt the need was in Water Holding Tanks. Mr. Gutierrez stated that he was talking to Mr. Gilbert Gallegos, Ganett-Fleming and thought funding for the tanks could come from RUS. Mayor Montoya then stated he felt the Senior Center Building, Recreation Facility/Swimming Pool.

Trustee Fred Utter moved to approve the Adoption of Resolution 2005-06-11 authorizing application for CDBG funds. Trustee Margaret Trujillo seconded the motion. Trustee Thomas McKean asked if for a Senior Center, Trustee Utter stated that for a Senior Center, Recreation Facility/Swimming Pool and Trustee Trujillo seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 8. Approve Adoption of Resolution 2005-06-12-Authorizing Agreement with NMSHTD Co-Op Funding for Fiscal Year '05-'06

Mr. Richard Gutierrez gave a synopsis of what the Resolution was about stating the project estimate was around \$88,000.00, 75% Highway and 25% village match.

Trustee Fred Utter moved to approve the adoption of Resolution

2005-06-12 authorizing agreement with NMSHTD Co-Op funding for fiscal year 05-06. Trustee Margaret Trujillo seconded the motion.

Trustee McKean asked when this work would start. Mayor Montoya responded that they had to finish the job up on the mountain and then would move the equipment down, possibly three weeks

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 9. Approve Adoption of Resolution 2005-06-13-Budget Increase for additional positions of Office Assistant and Librarian and additional Custodial hours at \$7.00

Trustee Fred Utter moved to approve the adoption of Resolution 2005-06-13 Budget Increase for the positions of Office Assistant, Librarian and Custodial work, Trustee Margaret Trujillo seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 10. Dianna Brusuelas-Additional positions to Section 80.01 Salary Ranges and Personnel Policy Changes to Section 20-02 (D); 20-06 (A); 20-06 (B)

Village Clerk Dianna Brusuelas explained that this would include in the Policy Manual, salary range section, the position's that were approved at the last meeting, the salaries of the elected officials and the request by Trustee Trujillo to clarify that when an employee transfers to another job vacancy that they don't take their salary with them, they take what is in that position.

Trustee Thomas McKean moved to accept the changes to the Policy and was seconded by Trustee Trujillo.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 11. Approve confirmation of Kevin Moheit to Regular Full time. Date of Hire 1/3/05

Trustee Margaret Trujillo moved to confirm and was seconded by Trustee Fred Utter.

Trustee Thomas McKean asked who he would be under and Mayor Montoya said he would work under him.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board members present voting aye.

Item 12. Approve confirmation of Ronald Saavedra certified corporal training officer at \$13.00 per hour with 6 months probation. Date of Hire 7/25/05 Trustee Margaret Trujillo moved to confirm Mr. Saavedra and was seconded by Trustee Fred Utter.

Trustee Thomas McKean ask if Mr. Saavedra was New Mexico certified and the response was yes.

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

Item 13. Temporary Employment Agreement-Lindsay Sackman per Chapter II, Section 20-01, paragraph E of the Village of Tularosa Employee Personnel Policy from July 29, 2005 to August 31, 2005

Trustee Fred Utter moved to hire Ms. Lindsay Sackman for temporary employment under Chapter II, Section 20-01, paragraph E of the Village of Tularosa Employee Personnel Policy.

Trustee Thomas McKean stated with the expiration date of 31 August '05.

Trustee Utter continued his motion to include August 31, 2005 and Trustee Margaret Trujillo seconded the motion.

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

Item 14. Mayor Montoya-Appointment of Dianna Brusuelas as the Voting Delegate for the NMML Annual Conference

Trustee Thomas McKean moved to appoint Dianna as the Voting Delegate and was seconded by Trustee Fred Utter. Motion carried with all members voting aye.

Item 15. Robert Chavez

(A) Approve Bid for Fire Department Construction

Trustee Fred Utter moved to approve the Fire Department bid to Classic Construction and was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board Members voting aye.

(B) Request \$32,950.75 shortage of Base Bid

Trustee Fred Utter moved to approve the \$32,950.75 shortage of the Base Bid and was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all Board Members voting aye.

(C) Request \$6,302.23 Alternate #1-2 Bay Doors

Trustee Thomas McKean moved to approve the \$6,301.00 for the two bay doors. Trustee Fred Utter seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

(D) Request \$2,969.25 for Bunker Wall Mount

Trustee Margaret Trujillo moved to approve the request for \$2,969.25. Motion was seconded by Trustee Fred Utter.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

(E) Request waiver of Water & Sewer Fees on construction project

Trustee Fred Utter moved to waive the water and sewer fees. Trustee Margaret Trujillo seconded the motion.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

Item 16. William H. Hill-755 Riata Road-Purchase of Village property and Approve Appraiser

Mr. Hill not being present;

Trustee Margaret Trujillo moved to postpone item 16 and was seconded by Trustee Thomas McKean.

Item 17. Trustee Trujillo-Revisit Drug Policy

Trustee Trujillo stated that she knew that a vote had already been taken on the Drug Policy but felt that there was a need to revisit the Drug Policy and go with the zero tolerance.

Trustee Thomas McKean moved to do away with the last change agreement.

Trustee Margaret Trujillo explained that in order for her to bring up the issue again she had to have the approval of the board. After the Board agreed on bringing up the issue **Trustee McKean moved to have a zero tolerance Drug Policy and do away with the change that was inserted at the last meeting. Trustee Trujillo seconded the motion.**

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members present voting aye.

Item 18. Removed from agenda.

Item 19. Approval of "Mia Estates" subdivision as approved by P & Z on 8/1/05

Trustee Thomas McKean noted that he did not see any easements for power lines on the preliminary plat. Mr. Klad Zimmerle, Alamotero Land &

Survey, being in the audience answered that they were providing 30' of right-of-way for Radio Road and Riata Road and 50' street right-of-way for Marin. Trustee McKean also asked if there were any easements on the irrigation ditch. Mr. Zimmerle said they were maintaining the easements on the irrigation ditches. Trustee McKean asked when the final plat would be submitted. Mr. Zimmerle said they would have it done within a week which would include the covenants.

Trustee Margaret Trujillo moved to approve the "Mia Estates" subdivision as approved by P & Z on 8/1/05. that was the preliminary. Trustee Fred Utter seconded the motion.

Roll Call Vote: Trustee McKean stated that as long as the Final Plat has the changes, aye. Trustee Utter, aye. Trustee Trujillo, aye.

Item 20. Lynette Campos-1608 W. 5th – Place double wide, add utilities, put fence. Approval of lines for residence

Mayor Montoya explained that the property is west of the baseball field and three lots were put together 150' X 140'.

Trustee Fred Utter moved to accept placing the double wide at 1608 West 5th and approval for her to put the lines to her residence. Trustee Thomas McKean seconded the motion.

Trustee Trujillo asked if the fence would meet the requirements. Ms. Campos answered that she did not know the requirements but when the time came she would comply.

Motion carried with an aye from all members.

Item 21. Mayor Montoya-Approve annexation and ask Attorney to proceed

Trustee McKean asked if the Village was sure they wanted to annex the South side of Radio Road. Mayor Montoya and Trustee Utter felt that it would be a good idea because now water and sewer would be available to the few residents that are in that area.

Trustee McKean also asked what the idea or reason was for annexing the village property. Mayor Montoya stated that in the future he planned to build a Senior Center building.

Trustee Fred Utter moved to approve the annexation of the property discussed. Trustee McKean asked if it was going all the way down to Railroad. Mayor Montoya stated that it would be in accordance with the map.

Trustee Margaret Trujillo seconded the motion.

Roll Call Vote: Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with one nay and two aye votes.

Mayor Montoya having acknowledged Mr. Hill, it was decided to listen to item 16.

Item 16. William H. Hill-755 Riata Road-Purchase of Village property and Approve appraiser

Mr. Hill apologized to the Mayor, Board of Trustees and Attorney Jeff Rhodes and presented an appraisal by Hacienda Appraisal of Alamogordo and stated that he is prepared, based on the acceptance and approval, to fund the Village \$4,500.00. Trustee McKean asked how many appraisals he had. Mr. Hill responded one, but stated that he tried to get appraisals from three other companies and was told they would not do appraisals on raw land. Mayor Montoya stated that the Village also had the same problem and had to get an appraiser from Las Cruces. Trustee McKean asked Attorney Jeff Rhodes if the village could accept just one bid. Mr. Rhodes explained the procedure of determining the value of the property, arrive at an agreement and prepare an ordinance.

Trustee Thomas McKean moved to have the ordinance published and go by the appraisal price. Trustee Margaret Trujillo asked if they were sure this would not have a negative affect on the discharge plan. Mayor Montoya's response was no. **Trustee Margaret Trujillo seconded the motion.**

Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Motion carried with all members voting aye.

Attorney Jeff Rhodes asked if the price was \$4,500.00, the response was yes. Mr. Rhodes asked Mr. Hill how he would take the title, response was Riata Farm, LLC, 755 Riata Road, Tularosa.

Item 22 & 22A (previously item 23)-Trustee Utter-Rita Lopez Lane (22A) Cristobal Provencio-Request name change from 'Rita Lopez' to 'Provencio'

Trustee McKean felt that there were eleven owners on the street and only saw two signatures and felt that if a husband and wife sign it's only one property. Mr. Provencio felt that some of the eleven should not be counted because their property did not abut the alleyway. After much discussion **Trustee Thomas McKean moved to leave the name as it is and was seconded by Trustee Margaret Trujillo.** Extensive discussion continued, Mayor Montoya calling the meeting to order asked for the roll call vote.

Roll Call Vote: Trustee McKean, aye. Trustee Utter, nay. Trustee Trujillo, aye. Motion carried with two aye votes and one nay vote.

Mr. Al Lauber mentioned that the Veterans Assembly bid opening will be held at the Community Center on the 30th of August at 2:00 P. M.

Item. 24. New Business

None

Item 25. Old Business

Trustee Thomas McKean asked if Christopher Rupp was now the Code Enforcer. Mayor Montoya answered yes. Trustee McKean asked if this had to be approved by the board. Attorney Jeff Rhodes stated that any

police officer could cite.

Item 26. Unscheduled Correspondence & Public Comments

Trustee Thomas McKean asked if any applications for dispatchers have come in. Chief Sackman said yes but they have not hired yet. Trustee McKean asked about the Waste Water position. Mayor Montoya stated that the village was going to try to certify an in-house person. Trustee McKean asked who it would be and the response was Ray Ramos. Trustee McKean asked about the Finance Officer position. Mayor Montoya mentioned a possible executive session. Trustee McKean asked if the village had to advertise for the library position.

Mr. Ogden asked about the cigarette butts on the north side of the Public Safety building and wondered about placing a container there.

Trustee McKean asked if there was 24 hour coverage from the Police Department. Chief Frank Sackman said they were working on a 5-8 schedule and that he was always on call.

Trustee Trujillo asked if there would be 24 hour coverage once he gets organized response was when he gets full staff there will be. Trustee McKean stated that there were already 7 officers including the Chief and Jon . Mayor Montoya said Jon was now back as Animal Control.

Trustee Margaret Trujillo moved to adjourn at 8:31 P. M. and was seconded by Trustee Fred Utter.

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.

Demetrio H. Montoya Jr., Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk