

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, December 20, 2005 at 7:00 P. M. in the Conference/Court Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

**Present:** Mayor Demetrio Montoya Jr., Trustee Ray Cordova, Trustee Margaret Trujillo, Trustee Fred Utter, Trustee Thomas McKean, Police Chief Frank Sackman, Grants Coordinator Richard Gutierrez as well as Village Clerk Dianna Brusuelas and Finance Officer Valarie Delgado.

**Absent:** Attorney Jefferson Rhodes and Field Supervisor Reynaldo Guilez.

Mayor Montoya dispensed with the Pledge of Allegiance since it had just been recited at the earlier Planning & Zoning meeting. Mayor Montoya then welcomed everyone.

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

**Trustee Margaret Trujillo moved to consider the Agenda and the Consent Agenda. Trustee Ray Cordova seconded the motion. Trustee Thomas McKean moved to amend the motion to remove item 16A from the Agenda. Trustee Margaret Trujillo seconded the amendment.**

**Roll Call Vote:** Trustee Thomas McKean, aye. Trustee Fred Utter, aye. Trustee Margaret Trujillo, aye. Trustee Ray Cordova, aye. Motion carried with all members of the Board voting aye.

### **Item 2. Otero County Habitat for Humanity (1)A-1613 West 6<sup>th</sup> Street, (2)B 1611 West 6<sup>th</sup> Street, (3)C 1609 West 6<sup>th</sup> Street-Approval of plans to install utilities**

Representatives from Habitat for Humanity requested that Village furnish the manhole, valve and a fire hydrant and they would install it and if possible an additional 50' of plumbing. Habitat had contracted for 250' and would like the Village to pay for an additional 50' making the line 300' and it would service additional lots. Also in the request was waiving the \$800.00 tap-in fee for sewer and the \$750.00 water connection fees for the three houses being built stating that Habitat is running short of funds. Another member of Habitat for Humanity explained the program. Trustee Margaret Trujillo questioned whether waiving the \$800.00 and \$750.00 was against the Anti-Donation. Another volunteer from Habitat for Humanity stated that the Anti-Donation Clause for affordable housing was passed in the last session by the Governor that you are allowed to make donations of land or services to a non-profit entity and was passed in July of this year. Mayor Montoya asked Mr. Gutierrez what the cost of the manhole's were and felt \$1,500.00 and felt \$2,000.00 would be adequate. Trustee Thomas McKean felt that the total donated request from Habitat would be up to \$6,200.00. Trustee Trujillo wondered where the money would come from. Mayor Montoya recommended that it be passed pending the availability of the money and mentioned the Small Cities Assistance money. Trustee Trujillo mentioned that the Village is expending more money than what is being brought in and felt the Small Cities Assistance would only tide the Village over. **Trustee Fred Utter moved to approve provided that it was not against the Anti-Donation Clause and there was money available. Trustee Ray Cordova seconded the motion.**

**Roll Call Vote:** Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, aye. Trustee Cordova, aye. Motion carried with one nay vote and three yes votes.

### **Item 3 Mickey Samuel-Southern NM Water Association, Inc. Offer to**

### **supply treated water to the Village of Tularosa**

Mayor Montoya explained the Mr. Samuel is proposing to put in a Reverse Osmosis plant at Bookout Road and Tularosa Farms and process the water and wants to give the Village the opportunity of buying it at a reasonable cost. Mayor Montoya stated that this presentation was for information.

#### **Item 4. Gerald Marr**

**Trustee Margaret Trujillo moved to get Klad Zimmerle to do a survey for the property that Mr. Gerald Marr wants to sell. Motion was seconded by Trustee Ray Cordova.**

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

#### **Item 5. Rice & Calkins-Approval of Summary Subdivision**

**Trustee Thomas McKean moved to approve the Summary Subdivision with the exception to Ordinance 217. The proposed change would take care of the Water Rights situation when it comes into effect. Trustee Margaret Trujillo seconded the motion.**

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

#### **Item 6. Larry Dolan/Klad Zimmerle-Tularosa Springs Golf & Saddle Club approval of proposed annexation of 586.670 acres**

Item 6 being carried over from the earlier Planning & Zoning meeting **Trustee Fred Utter moved to approve the annexation of 586.670 acres of the Tularosa Springs Golf & Saddle Club, motion was seconded by Trustee Ray Cordova.**

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

#### **Item 7. Approve Employment Agreement with Attorney Jefferson Rhodes and the Village of Tularosa**

**Trustee Thomas McKean moved to approve the Agreement with the start date of the 1<sup>st</sup> of October 2005. Trustee Ray Cordova seconded the motion.**

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

#### **Item 8. Approve appointment of Kelly Byers-Activities Coordinator at the Senior Center with 6 months probation at \$7.00 per hour. Date of Hire 11/28/05**

**Trustee Margaret Trujillo moved to approve Kelly Byers, Activities Coordinator at \$7.00 per hour. Trustee Thomas McKean seconded the motion.**

**Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye.

Trustee Cordova, aye. Motion carried with all members of the Board voting aye.

**Item 9. Approve appointment of Michael Montoya-Police Officer with 6 months probation at \$12.50 per hour. Date of Hire 12/09/05**

Mayor Montoya explained that Mr. Montoya's certification expired in January and will be going to school in February to get re-certified and has worked for Belen and Alamogordo. Mayor Montoya asked the Board to make an exception to the pay of \$12.50 and clarified that if he doesn't get his certification, then he is gone. Mayor Montoya proceeded to state that no, Michael Montoya was not related to him.

Trustee McKean asked when his certification expired. The response was January of 2005.

Trustee Cordova asked Chief Sackman if Mr. Montoya was going to the Academy in February. Chief Sackman responded yes, for a Certification by Waiver. Trustee Cordova asked how long the process takes and was told three weeks.

Trustee Trujillo asked what Academy he was going to. Chief Sackman responded whichever one had the first opening. Trustee Trujillo wondered if maybe there could be a stipulation that when they go to a Certification by Waiver they could pay for their own schooling if they don't pass, so the Village doesn't lose any money.

Mayor Montoya suggested checking with the attorney.

**Trustee Cordova moved to approve the appointment providing he gets certified in a timely manner, motion was seconded by Trustee Utter.**

Trustee McKean asked who would pay for the school. Mayor Montoya responded, we do.

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

**Item 10. Award Irrigation Water Right Bids**

Mayor Montoya advised the Board members that two bids were received for three water rights, one from Fred Tyler and one from Ralph Vigil.

Trustee Thomas McKean asked when they start taking the water, reply was January to December.

**Trustee Margaret Trujillo moved to award one water right to Mr. Fred Tyler for \$400.00 and two water rights to Mr. Ralph Vigil at \$400.00 a piece. The other rights available be awarded on a first come basis at \$400.00. Trustee Ray Cordova seconded the motion.**

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

**Item 11. A. Approve suspension of Yvonne Anderson**

**Trustee Thomas McKean moved to approve the suspension of Yvonne Anderson. Trustee Fred Utter seconded the motion.**

**Trustee Margaret Trujillo amended the motion to include that Yvonne get paid up until tonight.**

Trustee Thomas McKean asked if that would not be on the next item and Trustee Trujillo agreed. Trustee McKean explained that they needed closure on this and this gives the individual the right to have a hearing, instead of being stagnated.

**Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, no. Mayor Montoya, aye. Motion carried with two members voting aye, two members voting no and the Mayor voting aye.

**Item 11. B. Approve recommended discharge of Yvonne Anderson**

**Trustee Fred Utter moved to approve the discharge of Yvonne Anderson but if she is exonerated she will come back to her job and added that she be paid up until today. Motion was seconded by Trustee Thomas McKean.**

**Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, no. Mayor Montoya, aye. Motion carried with two members voting aye, two members voting no and the Mayor voting aye.

**Item 12. Approve Adoption of Ordinance 217 amending Code of Ordinance and to publish by Title and Subject Matter**

**Trustee Thomas McKean moved to approve and adopt Ordinance 217 and was seconded by Trustee Margaret Trujillo.**

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

**Item 13. Approve Adoption of Ordinance 218 on Dangerous Dogs and to publish by Title & Subject Matter**

**Trustee Thomas McKean moved to approve and adopt Ordinance 218 and was seconded by Trustee Ray Cordova.**

Mayor Montoya feels holding off on adopting the ordinance would be the best thing right now and felt that this was designed for a big town. Trustee Trujillo agreed. Trustee McKean felt that it would be a mistake if it doesn't pass.

**Roll Call Vote:** Trustee McKean, aye. Trustee Utter, nay. Trustee Trujillo, no. Trustee Cordova, aye. Mayor Montoya, no. Motion did not carry as there were two members voting aye. Two members voting nay, and the Mayor voting no.

**Item 14. Chief Frank Sackman-Raise traffic fines in School Zones-Double the current fines**

Mayor Montoya felt that the village needed to ask Attorney Jeff Rhodes to write a supplement to the current ordinance but felt it was a good idea. Trustee Cordova asked about the 6 pt. Violation. Mayor Montoya instructed Village Clerk Dianna Brusuelas to send a memo to the Attorney and do what is necessary to double the fines.

**Trustee Cordova moved to direct Jeff Rhodes to do what is necessary to increase the fines and that signs be erected saying that there will be double fines and also for Construction Zones. Trustee Utter seconded the**

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**motion.** Trustee McKean asked why double fines can't be given now. Chief Frank Sackman explained that it was not in our ordinance.

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

**Item 15. Chief Frank Sackman-Increase salary for Barbara Rupp from \$8.00 to \$9.00**

Trustee Ray Cordova asked if the money was in the budget and Chief Frank Sackman stated yes. **Trustee Cordova then proceeded to moved to approve and item was seconded by Trustee Fred Utter.**

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

**Item 16. A. Removed**

**B. Salary increase for Fire Chief**

Trustee McKean felt that when salary's were changed last month, the Fire Chief was left off. **Trustee Fred Utter moved to add \$150.00 per month, to what he is already getting, the new salary being \$800.00. Trustee Ray Cordova seconded the motion.**

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

**C. Clarify comp-time issue passed at 11/15/05 Regular Meeting add with approval of Supervisor whether it be Friday or Monday**

After much confusion and Trustee McKean realizing that the minutes of 11/15/05 that were previously approved were missing a page; **Trustee McKean moved to amend 40.09 to include that the 3<sup>rd</sup> day off, given to the stand-by person would be up to the supervisor whether it be a Friday or a Monday. Trustee Cordova seconded the motion.**

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

**Item 17. New Business**

Mayor Montoya advised the members of the Board that the Police Department is currently taking their police units home because there have been some tires slashed. Sgt. Saavedra has come up with a letter which will be signed by the officer and the mileage will be logged in.

Trustee McKean asked when Santa Clause would be here. Village Clerk Dianna Brusuelas replied that it would be at 2:00 p. m. Christmas Eve and that the Fire Chief had sent notices to the school.

**Item 18. Old Business**

None

**Item 19. Unscheduled Correspondence & Public Comments**

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Joan Price a member of the public asked questions on the Tularosa Springs Golf Course and the process of the annexation.

**Item 20. Adjourn**

**Trustee Margaret Trujillo moved to adjourn and was seconded by Trustee Ray Cordova.** At 8:17 the Mayor adjourned the meeting wishing everyone a Merry Christmas and a Happy New Year.

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, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

Approved at the Board of Trustee's Regular Meeting of January 17, 2006.