

Regular Meeting-November 15, 2005

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The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, November 15, 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, Village Attorney Jeff Rhodes, Police Chief Frank Sackman, Field Supervisor Reynaldo Guilez, Grants Coordinator Richard Gutierrez as well as Village Clerk Dianna Brusuelas and Finance Officer Valerie Delgado.

Mayor Montoya asked all to rise, join in the Pledge of Allegiance and welcomed everyone.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Margaret Trujillo moved to consider the agenda and the consent agenda and was seconded by Trustee Fred Utter.

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.

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Item 2. Otero County Habitat for Humanity-(1) A-1613 West 6th Street-(2) B-1611 West 6th Street-(3) C-1609 West 6th Street-Request variance and zone change

Mayor Montoya asked if anyone from Habitat for Humanity was present. There being no one present **Trustee Ray Cordova moved to postpone the matter and was seconded by Trustee Thomas McKean.**

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.

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Item 3. Bob Scott-Scott Family Investments-Replat a part of a Subdivision for affordable housing

Mr. Scott described the homes to be put in the subdivision stating that they would be affordable houses starting at \$120,000.00 all utilities would be underground, all streets paved and the area would have restrictions. Trustee Fred Utter asked if there would be any alleys. Mr. Scott responded no. Trustee Thomas McKean asked what a Fleet home was. Mr. Scott stated that it would be a Manufactured Home but would be placed on a solid foundation. Trustee Ray Cordova asked if the homes would be constructed on site or if they would be moved in by truck. Mr. Scott stated that they would be brought in by truck. Trustee Thomas McKean asked if this was the Stogden Subdivision and the response was yes. Trustee Thomas McKean asked if Mr. Stogden ever gave up the water rights. Mayor Montoya stated that they are currently being worked on. **Trustee Margaret Trujillo moved to approve and was seconded by Trustee Ray Cordova.** Trustee McKean asked Mr. Scott to state what he had just stated about the water rights. Mr. Scott responded that the water rights were being transferred to the city and that the village attorney was working on them. Attorney Jeff Rhodes explained that water rights are transferred on a per lot basis and if the lots were being increased the village might need to wait to approve. Mr. Scott explained that currently he is doing 40 lots and the other water rights he is acquiring. Mr. Scott said that the requirement of .45 per lot is covered by the 18.6 water rights that he is currently transferring to the village for the first 40 houses and when the other 50 are built or before the other water rights will be transferred to the village.

Roll Call Vote: Trustee Thomas McKean, aye, Trustee Fred Utter, aye. Trustee Margaret Trujillo, aye. Trustee Ray Cordova, aye. Motion carried with

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all members of the Board voting aye.

Item 4. Lynette Campos-Running water, natural gas and sewer line down alleyway between West 5th and West 6th to property at 1608 West 5th

Mayor Montoya presented the Board with a drawing showing where the water and sewer lines run. Mayor Montoya said that he thought Habitat for Humanity was going to install water and sewer lines in that area. Ms. Campos responded that she had been talking to the people from Habitat for Humanity. Mayor Montoya

stated that Ms. Campos would have to go thru the expense herself of putting the lines in and Ms. Campos understood. **Trustee Ray Cordova moved to approve Ms. Campos' request and was seconded by Trustee Margaret Trujillo.**

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.

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Item 5. Daniel Luevano or Deb Walker-Request variance for Signs

Mr. Luevano approached the Board explaining that they had just moved the Java Hut from the old Bear Trap on the highway to the back side of the tanning gym and also moved the same signs that were at their old place of business but their signs were not in compliance with the sign ordinance, one sign is 3'X12' and the other is 2'X8' and is requesting a variance. One sign would be seen from Higuera Street and the other from St. Francis. Trustee Thomas McKean asked if there were any pictures or drawings of the signs. Mr. Luevano said no. **Trustee Ray Cordova moved to approve the variance and Trustee Fred Utter seconded the motion.**

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

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Item 6. Mike Mackechnie-Hook up to Water & Sewer on lot 7 in Gary Stallings Subdivision

Mr. Mackechnie told the board that it was the property directly behind the vineyard. Trustee Margaret Trujillo asked Mr. Mackechnie is he was inside or outside the city limits. Mr. Mackechnie responded, outside. Trustee Thomas McKean remarked that there was a moratorium. Mayor Montoya remarked that the village was in the process of annexing that property. **Trustee Trujillo moved to table until Mia Estates is discussed and then come back to this item. 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.

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Item 7. Gustavo & Rosa Barraza-Children's World Child Development Center, LLC-Determine zoning and obtain approval for construction of a childcare facility at 51 Bookout Road

There being no one present Village Clerk Dianna Brusuelas explained that the Barraza's were advised to go to the county planning & zoning but that Ms. Barraza requested that she be left on our agenda in case she needed to appear.

Trustee Margaret Trujillo moved to postpone and was seconded by Trustee Ray Cordova. Motion carried with all members voting aye.

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Item 8. Approve Adoption of Election Resolution 2005-2006-15 (English & Spanish)

Trustee Fred Utter moved to approve and was seconded by Trustee Thomas McKean. Trustee McKean asked if there was a time that the resolution

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had to be put in the paper. Village Clerk Dianna Brusuelas stated that there was a time between. Trustee McKean stated a window. Ms. Brusuelas answered yes.

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

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Item 9. Approve Adoption of Resolution 2005-06-16-Authorizing and Approving submission of a completed application for Financial Assistance and Project approval to the New Mexico Finance Authority

Mr. Richard Gutierrez explained that it was for a \$25,000.00 Planning Grant for the sedimentation pond.

Trustee Ray Cordova moved to approve and was seconded by Trustee Thomas McKean.

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

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Item 10. Approve Adoption of Resolution 2005-06-17-Transfer from Sewer Fund to Water Fund

Trustee Thomas McKean moved to approve Resolution 2005-06-17 and 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.

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Item 11. Approve Budget Adjustment Request to correct figures

Trustee Thomas moved to approve the Budget Adjustment Request giving it Request #1 and correct line item number 301-1830-48290, should be 48250 and the one across from that says 48290 should be 48250. Trustee Fred Utter 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.

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Item 12. Amend Government Leasing Monthly payment approved at the Regular Meeting of April 19, 2005 to read: The amount of the payment would be \$2,323.25 per month which would be paid through the Law Enforcement Protection Fund

Village Clerk Dianna Brusuelas explained that the reason that was changed was because there would be less years to pay for the vehicles. Chief Frank Sackman stated that instead of paying four years we would pay three years. Trustee Thomas McKean asked if basically we would have to come up with \$5,479.00. Chief Sackman responded that not necessarily because of the appropriation coming up in January which is for vehicles and equipment. Trustee McKean asked if it was in addition to the Law Enforcement Protection Fund. Chief Sackman explained that it was separate.

Trustee Ray Cordova moved to approve and Trustee Fred Utter 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.

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Item 13. Approval of Lease Agreement with Plateau Telecommunications, Inc.

Trustee Thomas McKean moved to approve the Plateau Telecommunications contract 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 of the Board voting aye.

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Item 14. Mayor Montoya-Elected Official's Salaries

Village Attorney Jeff Rhodes stated that if there are any changes they would have to be by ordinance, we would have to amend the ordinance. Mayor Montoya explained that any changes would not go into effect until after the election. Trustee Fred Utter felt that all elected positions and the Fire Chief deserved an increase. Trustee Ray Cordova asked Mayor Montoya if he wanted to take these one at a time. Mayor Montoya said yes and requested to take the Judges position first. Trustee Cordova asked how long he had been at \$6,000.00 and wondered if this was done by motion and then turn it into a resolution. Attorney Jeff Rhodes said the Board would have to instruct him to prepare or amend the ordinance and he could do it by the December meeting. Trustee Cordova felt that they should give the Judge \$1,000.00 a month from \$500.00. Trustee Trujillo stated that she was going to ask for a salary increase for an employee but she did not because she checked the General Fund and it is very low, the individual continues to work very hard at \$7.00 per hour and she cannot see giving the Mayor, the Board of Trustees nor the Judge an increase when the village cannot afford to pay an individual who does a lot of work for the village, increase him to \$8.00 or

\$9.00 per hour. Trustee Cordova asked when the increases would go into effect. Trustee Trujillo stated in March so it would be this budget year. Mayor Montoya feels the financial status is not that bad and stated that some of the General Fund money will get reimbursed by the Police Department once they get their money. Trustee Trujillo said the salary, if increased, would be \$12,000.00 a year and that a while back she walked into the yard and it had been raining and they had cans and buckets because the roof was leaking. She said she felt if they saved that money, in four years they could put a new roof over the building, they don't even have equipment and felt this should be a priority item. Trustee Cordova said Mr. Rick Gutierrez had told him there would be some kind of funding for roof repairs and equipment and asked Mr. Gutierrez about it. Mr. Gutierrez responded that there might be some NMFA loans. Trustee McKean's opinion was that you run for public office and you don't run for the money. You run because you want to give something back to the public and feels the salaries should stay the same as they are. **Trustee Fred Utter moved to increase the Judges salary to \$1,000.00 and another \$100.00 to the Trustees and make the Mayor's salary \$800.00.** Trustee McKean suggested doing one at a time. **Trustee Fred Utter moved to increase the Judge's salary to \$1,000.00. Trustee Ray Cordova seconded the motion.**

Roll Call Vote: Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, aye. Mayor Montoya, aye. Motion carried with two nays and three ayes.

Attorney Jeff Rhodes stated that he took that as a direct notice to publish the change to the Judicial Office salary to \$1,000.00. Mayor Montoya said, yes.

Trustee Fred Utter proceeded to move to increase the Trustee's position another \$100.00 and was seconded by Trustee Ray Cordova. Trustee McKean asked what the motion was and Trustee Utter said that it was to increase salaries for the Trustee's from \$200.00 to \$300.00 increasing it by \$100.00 for each Trustee position. Trustee Trujillo questioned Trustee Utter stating that by making that motion he was saying was that one elected position is worth more than the rest of the elected positions. Trustee Utter said no that's why he said for all the positions. Trustee Trujillo said one the Judge position is at \$1,000.00, he's an elected official, but everybody else has to go for \$100.00 more while this one position goes up 100%. Mayor Montoya said that he felt that the nature of the job speaks for itself. Trustee Trujillo said that the Judges position brings in money because the Chief of Police and his officers write the tickets but that the Mayor and the Trustees initiate what goes on.

Roll Call Vote: Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, aye. Mayor Montoya, aye. Motion carried with two nays and three aye votes.

Trustee Fred Utter then moved to increase the Mayor's salary \$300.00 from

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\$300.00 to \$600.00 a month and was seconded by Trustee Ray Cordova.

Roll Call Vote: Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, aye. Mayor Montoya, aye. Motion carried with two nays and three ayes.

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Mayor Montoya stated that items 15 and 16 were tied together and asked the Board of Trustees if they wanted to go into executive session and then address item 16.

Item 15. Mayor Montoya-Possible Executive Session-Limited Personnel as allowed under Section 10-15-1 (H)(2)

Trustee Ray Cordova moved to go into executive session and 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. At 8:05 P. M. the Members of the Board went into executive session.

Attorney Jeff Rhodes wanted to make sure the record was straight that the motion to go into executive session was pertaining to item 16. Mayor Montoya announced that no decisions would be made in the session and would be strictly for discussion. At 9:17 P. M. the Members of the Board reconvened and Mayor Montoya announced that no decisions were made.

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Item 16. Approve or Disapprove recommended discharge of Yvonne Anderson

The Chair entertained a motion to approve the discharge of Yvonne Anderson. **Trustee Trujillo moved to disapprove the discharge. Motion died for lack of a second.** Attorney Jeff Rhodes was asked what happens next and he said that conditions stay as they are.

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Item 17. Temporary Employment Agreement-John Hernandez per Chapter II, Section 20-01; paragraph E of the Village of Tularosa Employee Personnel Policy from October 29, 2005 to January 31, 2006

Trustee Ray Cordova moved to approve. Trustee Thomas McKean asked about his pay being \$6.00 per hour, seconded the motion with an amendment to pay Mr. Hernandez \$8.00 per hour.

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

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Item 18. Mayor Montoya-Appointment of Cruz Voorbach, Animal Control Officer, Date of Hire 10/19/05 with 6 months probation

Trustee Margaret Trujillo moved to approve the appointment of Cruz Voorbach and was seconded by Trustee Ray Cordova. Trustee McKean asked if the salary was at \$7.00 per hour. Mayor Montoya responded yes.

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

Item 19. Chief Sackman-Approve Barbara Rupp, Telecommunicator, as a Regular Full Time Employee, Date of Hire 2/17/05 (Left off Agenda of October 18, 2005)

Trustee Thomas McKean moved to approve the appointment of Barbara Rupp to a Regular Full Time employee and was seconded by Trustee Ray Cordova. Trustee Margaret Trujillo asked about the salary increase. Village Clerk Dianna Brusuelas explained that the raise was given at the last meeting but she had left off the agenda the part of making Ms. Rupp a Regular Full Time

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employee.

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.

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Item 20. Mayor Montoya-Salary increase for Chris Rupp for Code Enforcement duties from \$12.50 to \$13.50

Trustee Margaret Trujillo moved to postpone until January. Trustee Ray Cordova moved to amend to give the \$1.00 increase on January 1st instead of bringing it up again, if there's any money. Trustee Thomas McKean moved to amend Trustee Cordova's motion to say .50 cents. Trustee Cordova amended that to say increase .50 cents today and in January an additional .50 cents per hour. Trustee Fred Utter seconded the motion.

Roll Call Vote: Trustee McKean, nay. Trustee Utter, aye. Trustee Trujillo, no. Trustee Cordova, aye. Mayor Montoya, aye. Motion carried with two nay votes and three aye votes.

Item 21. Chief Sackman-Approve Lance Ledford as Regular Full Time Employee-6 months probation completed-Date of Hire 5/3/05

Trustee Thomas McKean moved to approve Lance Ledford as a Regular Full Time employee and 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.

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Item 22. Trustee McKean-Personnel Policy Procedure Changes:

A. Title should be changed to: Causes for Discipline and may be means for

After discussion of 20.10 and 20.12 of the personnel policy Attorney Jeff Rhodes felt that 20.10 was broad enough to cover everything from an oral reprimand to recommended termination. And he did not feel there was any necessity to add that to the title because it is already covered.

Trustee Ray Cordova moved to change the title of 20.12 to read: Causes for Discipline may result in any discipline authorized by 20.10 or 20.11 up to and including termination. Motion was seconded by Trustee Thomas McKean.

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.

B. 40.02(B) Change: *Annual Leave*, will be accrued by Probationary employees but may not be used until probationary period has been completed *or* may take leave after two pay periods have been received during his/her probationary period *or* after 30 days in his/her probationary period with Department Head approval

Trustee Thomas McKean moved to change 40.02(B) to say may take leave after two pay periods have been received during his/her probationary period with the approval of the Department Head 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 of the Board voting aye.

C. 40.02(L)(A) Discussion of Vacation time

Trustee Thomas McKean wanted to bring up and remind everyone that vacation time has to be used by December or it will be lost.

D. 40.09 Stand By Time-When an employee is assigned on a formal basis to remain available for call back, on Saturdays and Sundays,

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and holidays, the employee shall be compensated by one working day of paid time off for every two days spent on stand-by duty. An employee who is assigned to stand-by duty and fails to report or to respond when called will not be paid overtime.

Trustee Thomas McKean moved to approve and was seconded by Trustee Margaret Trujillo. Attorney Jeff Rhodes was asked to check for the legalities under the FLSA.

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

E. Salary Changes: Should be tied to job descriptions. All Department Heads should write a job description for their employees and have this done within thirty days

Bring up the changes in minimum and maximum salaries

Salary descriptions need to be changed to correspond to salaries

Office Assistant: Trustee Thomas McKean moved to make the minimum salary \$7.00 and the maximum cap \$14.00, 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 Board Members voting aye.

Custodians: Trustee Thomas McKean moved to make the minimum for *Supervisor* \$10.00 and the maximum cap \$16.00, *Entry Level* \$6.00 and the maximum cap \$9.00, *Jr. Level* \$7.00 and the maximum cap \$10.00, *Sr. Level* \$9.00 and the maximum cap \$14.00. Trustee Margaret Trujillo moved to amend to take off the Sr. Level completely leaving only the Supervisor, Entry Level and Jr. Level. Trustee McKean seconded Trustee Trujillo's amended motion.

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

Trustee Thomas McKean move to make the *Double Level Water III and Wastewater III* minimum salary \$17.00 and the maximum cap \$22.00 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 Board Members voting aye.

Non-Certified Patrol: Trustee Thomas McKean moved to make the minimum and the maximum salary \$8.00, \$9.00, \$11.00 and \$12.50 going straight down the column. Trustee McKean then added *New Mexico*

Certified Patrolman the minimum and maximum should be \$9.00, Upon New Mexico Certification by Waiver the minimum and maximum should be \$12.50. Trustee McKean explained that on the second page Patrolmen could be between \$9.00 to \$14.30. **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 Board Members voting aye.

Non-Certified Dispatcher: Trustee Thomas McKean moved to make the minimum and maximums \$7.00, after 6 months \$8.00 and upon certification \$9.00. **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 Board Members voting aye.

Recreation Director: Trustee McKean stated that the Board suggested changing the name to Head of Recreation. No action was taken and the name was left the same.

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Librarian (P/T): Trustee McKean moved to make the Part-time Librarian salary minimum of \$7.00 and a maximum \$9.00 and 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.

Trustee Thomas McKean brought up Job Descriptions and thought job descriptions should correspond with the salary scales and that the Job Descriptions should be written by the Department Heads. There being intense discussion between a Village Supervisor and a Trustee, Trustee Margaret Trujillo moved question of Privilege stating she didn't feel that when a trustee is saying anything she didn't feel any derogatory statements should be made whether they are Department Heads or not. **Trustee Thomas McKean moved to have Department Heads write job descriptions and they be done within thirty days. Trustee Margaret Trujillo seconded the motion.**

Roll Call Vote: Trustee McKean, aye. Trustee Utter, nay. Trustee Trujillo, aye. Trustee Cordova stated that before he votes he wanted to make a note that this is a small town and we cannot have it said that a fellow is a Meter Reader and that's all he does, perhaps job descriptions can say primarily he works as Meter Reader and works the backhoe or whatever. Mayor Montoya reminded the Board that at one point and time we might end up with a union and if a job description is written that is all they're going to do and that is difficult in a small community. Trustee Cordova proceeded to vote nay. Mayor Montoya, nay. There being two aye votes and three nay votes, motion did not carry.

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Item 23. Trustee Trujillo-Clarify what "Abstain" means when voting. Abstain: to refrain deliberately and not meaning a negative vote

Trustee Trujillo wanted to clarify that when the Board abstains it is not taken as a negative vote. Mayor Montoya stated that to him 'abstain' means he doesn't vote either way. Attorney Jeff Rhodes said "however" court cases have said if it's two aye votes and a no and an abstention and the Mayor casts a vote it's treated as a no vote. **Trustee Margaret Trujillo moved to treat an "Abstention" just as not a yes vote nor a no vote. 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.

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Item 24. Trustee Trujillo-Mia Estates Annexation

Trustee Margaret Trujillo said she thought that the Mia Estates Annexation was approved but that Attorney Jeff Rhodes says it's not. Attorney Jeff Rhodes explained that the only way property can be annexed is by petition. Mayor Montoya stated that the Village owns the majority of the property. Mr. Rhodes explained that the Board would have to petition itself to annex a larger area that includes other property and then it's determined whether it's a majority vote, then we take the petition and create an ordinance to do it. Mayor Montoya asked how other cities do it when they extend the city limits without going to a vote. Mr. Rhodes stated that those were Boundary Commission. Mayor Montoya told Mr. Rhodes to start the procedure. Mr. Rhodes said that he would send the map to Klad Zimmerle to start the procedure.

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Item 6. Mike Mackechnie-(had been tabled until later)

Trustee Ray Cordova moved to allow Mr. Mackechnie to hook up to the water and sewer on lot 7 in the Gary Stallings subdivision. Trustee Fred Utter seconded the motion

Trustee Margaret Trujillo reminded that he was outside the Village limits and that there was a moratorium on the water. Trustee Thomas McKean asked Mr.

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Mackechnie if he was outside the Village limits. The response was yes.

Roll Call Vote: Trustee McKean, no. Trustee Utter, aye. Trustee Trujillo, no.

Trustee Cordova, aye. Mayor Montoya, aye. Motion carried with two no votes and three aye votes.

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Item 24A. Trustee Trujillo: Salary Increase for Kevin Moheit

Trustee Margaret Trujillo moved to increase Kevin Moheit's salary from \$7.00 to \$8.00. Mayor Montoya asked if there were any recommendations from his supervisor. Trustee Trujillo stated that she spoke to him but had told him it probably couldn't be done because there was not enough money in the General Fund. Trustee McKean asked who his supervisor was. Trustee Trujillo answered that it was Rick Gutierrez. Trustee McKean thought it was the Mayor. Mayor Montoya answered that he uses Rick because he is not there all the time. Mayor Montoya said Mr. Moheit does a good job but feels procedures should be followed and he was scheduled to be looked at in January and based on things that have happened he was going to get a letter of reprimand. **Trustee Trujillo proceeded to rescind her motion.**

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Item 24B. Trustee McKean-Proposed Ordinance Changes

Trustee Thomas McKean asked Mr. Rhodes how he was doing on the proposed ordinance changes. Mr. Rhodes responded that he was working on them.

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Item 25. New Business-None

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Item 26. Old Business-Mayor Montoya informed everyone that the paving has been set back to maybe March or April explaining that the state has cancelled the contract with Mesa Verde.

Trustee McKean asked Mayor Montoya if he had received anything on the Fire Hydrants. Mayor said no but that he was waiting for the list from Bob.

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Item 27. Unscheduled Correspondence & Public Comments

Field Supervisor Reynaldo Guilez brought up the moratorium reminding the Board that sometime back they gave water to a gentleman on North La Luz who was also outside the city limits.

Trustee McKean asked about the guy that sells pinon, does he have a Business License. Village Clerk Dianna Brusuelas responded no. Trustee McKean asked how come. Response was that he doesn't need one because the product is New Mexico grown. Trustee McKean stated that he doesn't have to get a Business License either. Ms. Brusuelas said that is correct.

Item 28. Adjourn

Trustee Thomas moved to adjourn and Trustee Margaret Trujillo seconded the motion. There being no further business to come before the Board the meeting adjourned at 10:27 P. M. Motion carried with all members voting aye.

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.