

Minutes 12/19/2006

The Board of Trustee of the Village of Tularosa met in a Regular Meeting on Tuesday, December 19, 2006 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, NM.

Present: Mayor Ray S. Cordova, Trustee Patrick Garcia, Trustee Margaret Trujillo, Trustee Thomas McKean, Trustee Gloria Sainz, Village Attorney Jefferson Rhodes, Village Clerk Dianna Brusuelas as well as Finance Officer Valarie Delgado.

Mayor Ray S. Cordova called the meeting to order asking all to rise and leading the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Thomas McKean asked to change Item 16 to Item 3A and then moved to approve the Agenda and the Consent Agenda with the changes. Trustee Patrick Garcia seconded the motion.

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

The items on the consent agenda consisted of minutes of November 20, 2006 Workshop, minutes of the November 21, 2006 Regular Meeting, village bills, business registrations, site & sign permits and announcement of the next workshop for January 15, 2007 and the next regular meeting for January 16, 2007.

Item 2. Unscheduled Correspondence and Public Comments

A citizen expressed concern about a fire hydrant that was reported in April and needed to be replaced. Mayor Cordova stated that at the first of the year these problems would be addressed. Fire Chief Robert Chavez stated that they were aware of the hydrant not being there but that the fire department would accommodate.

Trustee Thomas McKean announced that Alamo Disposal would be picking up the Monday garbage on the Saturday's before because of the holidays. Village Clerk Dianna Brusuelas also stated that a notice would be on the water bills and posters were distributed throughout the town. Discussion on sub-dividers not complying with village ordinance ensued and Trustee Thomas McKean suggested that writing a letter to the Prairie Sub-division owner asking him to comply. Trustee Thomas McKean asked the Fire Chief what time Santa Clause would be handing out candy on Christmas Eve. Fire Chief Robert Chavez announced that it would start around 5:30 P.M. and it will be held in the Fire Station since the weather has been cold.

Trustee Patrick Garcia showed concern over a hole on Higuera and St. Francis Drive, though it has orange tape it is still dangerous. Mayor Cordova instructed Village Clerk Dianna Brusuelas to make a note so he could check with the Code Enforcer.

Item 3. *Information:* Orange Broadband will be migrating Deutsche Wells from the expanded basis level of service on channel 40 to channel 501.

Mayor Cordova announced that this was for information only.

Item 3A (previously 16) Old Business:

Item 1. Decals for Vehicles (Mar. 16, 2006) Trustee Thomas McKean asked to pass on to item 2 since item 1 had already been discussed.

Item 2. Inspection list from Fire Chief (Mar. 16, 2006) Trustee Thomas McKean asked if the list should be read and Mayor Cordova said he would give the list to the Field Supervisor and as soon as the village would get him some help it would be taken care of.

Item 3. Status of Mia Estates water rights (Feb. 2006) Trustee Thomas McKean asked Attorney Jeff Rhodes for the status and Mr. Rhodes stated that he did not have the information with him but if the village would fax him a copy of the agenda when it's ready he would know what to bring to the meetings.

Item 4. Fire hydrant status on Rose and S. Bookout (April 2006) Already answered.

Item 5. Bids for Village Limit survey (July 2006) Village Clerk Dianna Brusuelas stated that Klad Zimmerle from Alamotero Land Survey would be at the January 15, 2007 workshop.

Item 6. Update on sound system for conference room (October 17, 2006)

Trustee Thomas McKean announced that this would be on the agenda.

Item 7. Monster valve at sewer plant (October 17, 2006) Mayor Cordova told Attorney Jeff Rhodes that he would have Gil Gallegos from Gannett Fleming I get a hold of him so they could work out the particulars since Mr. Gallegos was also trying to resolve the problem.

Item 8. SOP for Police Department. Trustee Thomas McKean asked if Jeff had seen a copy of the Standard Operating Procedure Manual so that it could be passed by the Board. Mayor Cordova said he would get a copy to him.

Item 9. Review contract with county of Railroad Avenue and Bookout. Trustee Thomas McKean stated that the agreement with the county was signed in 1989

and should be reviewed maybe at the next meeting.

Item 10. Status of two ordinances passed by governing body. Trustee Thomas McKean ask Attorney Rhodes. Mr. Rhodes responded that the one he had in mind was the water rate increase. Trustee Thomas McKean said the other one was the increase in Planning & Zoning Board Members. Trustee McKean agreed to download it and take it to the attorneys office.

Item 4. Chris Provencio-Presentation of Real Turf & Putting Greens

Mr. Provencio made his presentation on Real Turf for the village parks. Mayor Ray Cordova thanked them for their presentation. No action was taken.

Item 5. Employment Agreement for Attorney Jeff Rhodes

Trustee Margaret Trujillo moved to approve the contract of Attorney Jeff Rhodes and was seconded by Trustee Patrick Garcia.

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

Item 6. Approval of Adoption of Resolution 2006-07-07, increase in County contribution funds

Trustee Thomas McKean moved to approve Resolution 2006-07-07 increasing the county contribution for the Older American Center and was seconded by Trustee Patrick Garcia.

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

Item 7. Solid Waste Management Agreement between Village of Tularosa and Casa del Sol Enterprises D/B/A Alamo Disposal

Trustee Thomas McKean suggested tabling the Agreement until the Board can go over it. Trustee Margaret Trujillo moved to postpone until next month and was seconded by Trustee Thomas McKean. Trustee Margaret Trujillo asked for an explanation of a letter of credit and a performance bond.

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

Item 8. Reynaldo Guilez-Pay increase for Raymond Ramos per Village Salary Scale Section 80.01 and change job title.

Mr. Guilez requested a raise for Raymond Ramos noting that Mr. Ramos had obtained his Double Level III's in Water and Wastewater and that the minimum range in section 80.01 of the personnel policy was \$17.00 and that is what he was requesting. Mr. Guilez also requested a budget adjustment to cover the expense to the salary line item. Trustee Gloria Sainz asked if the adjustments were within his budget and not an increase to the budget. Mr. Guilez responded yes. Mr. Reynaldo Guilez was asked if he had the November or October figures and he answered November. Trustee Margaret Trujillo moved to postpone since the Board members only had the October figures. Trustee Thomas McKean felt that it should be postponed until Budget Hearings. Trustee Margaret Trujillo then restated her motion to move to postpone until Budget Hearings and motion was seconded by Trustee Thomas McKean. Mayor Ray Cordova asked Trustee Margaret Trujillo the reasoning for holding off until Budget Hearings. Trustee Trujillo's response was that the money was not available, the Board has nothing to work with and doesn't have the November budget. Trustee Thomas McKean asked about the Resolution. After much discussion, Trustee Patrick Garcia amended Trustee Margaret Trujillo's motion to postpone until next month.

Trustee Trujillo clarified that this meant only that the item would come up again next month not that the increase was approved. Trustee Gloria Sainz seconded the motion. Roll call vote was taken on the amended motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Trujillo, nay. Mayor Cordova voted aye, breaking the tie. Motion carried with three ayes and two nays.

Attorney Jeff Rhodes reminded the Board to vote on the main motion that the vote just taken was the postponement until when. The main motion is to postpone.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Trujillo, nay. Mayor Cordova voted aye. Motion carried with three ayes and two nays.

Item 9. Dianna Brusuelas-Discussion of Sound System for Conference /Court Room

Village Clerk Dianna Brusuelas told the Board that so far three quotes had been received but was requesting permission to ask Mike Mullikin who works for Otero County to review the bids since she did not understand anything about microphones etc. and did not feel she could make a sound recommendation without help. The Board agreed to have Mr. Mullikin look at the bids.

Item 10. Don Ogden

(1) Progress on Mobile Home Park Ordinance - Mr. Ogden said the Mobile Home RV Park Ordinance would be ready for the January workshop.

(2) New Members - Mr. Ogden's request is to increase the Planning & Zoning Committee from 5 to 7 members and is in the process of developing a candidate

list of interested persons and the ordinance to expand the committee is still being prepared.

(3) Set 90 day moratorium on new mobile home and RV Parks - Mr. Ogden is requesting a 90 day moratorium on the implementation of new or reactivation of old mobile home and RV parks. Attorney Jefferson Rhodes advised that it could not be done, that no one can suspend the law for 90 days. Mr. Ogden stated that the village had a problem in that a business registration had been issued. Attorney Jeff Rhodes responded that issuing a business registration is an administrative act and the fact that it has been issued does not constitute our condemnation on the activity, issuing the registration does not give them the authority. The business registration fee has nothing to do with whether you can do something in your property or not, all it means is that you are in business in this community.

Item 11. Trustee Margaret Trujillo-Discuss 152.52(B) Water Rights

Trustee Margaret Trujillo requested an explanation of ordinance 152.52(B). Attorney Jeff Rhodes stated that this part of the ordinance gives the subdivider an option to pay the village for water rights if he doesn't have any or the village can sell it's water rights to the subdivider and in turn the subdivider conveys them back to us, its just a matter of setting a fair price for them.

Item 12. Mayor Cordova, Day off December 26, 2006 - Employees will use annual leave

Mayor Cordova asked if all offices in the Village could be closed if the employees use their own annual leave and the village be closed on Tuesday, the day after Christmas. Trustee Patrick Garcia moved to approve and 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 of the Board voting aye.

Item 13. Rick Gutierrez - Request to reject all bids for the drilling wells and construction of water tanks

After some explanations from Mr. Gutierrez Trustee Thomas McKean asked if the village was not going to get the storage tanks now and if this money was now

going towards the wells. Mr. Gutierrez stated yes, that it would be to put in a backup system to the wells. Mayor Cordova informed the Board that the steel tanks were out but the Sedimentation Pond was still in. Mr. Gutierrez stated that as the paperwork comes in he will put a copy in the Trustees boxes.

Mayor Cordova asked the Board if they recalled Mr. Lance Giest coming before the Board on a well purchase and asked Mr. Giest to come forward. Trustee Thomas McKean asked Mr. Giest if the village was purchasing the well without water rights. Mr. Lance Giest responded that the village was buying the well and he was giving the village the water rights in exchange for development. Trustee McKean again said if Mr. Giest, for example, was developing 40 lots Mr. Giest would still owe the village 20 acre feet of water anyway. Mr. Giest agreed but said he was giving the 20 acre feet of water in advance for future development. Mr. Giest stated he was selling the village the well which has water in it. Trustee Patrick Garcia stated that the concern was not getting the water rights. Trustee Thomas McKean explained that if Mr. Giest develops the village would still get the water rights without having to purchase the well. Attorney Jeff Rhodes mentioned that even a hole in the ground has value even without water rights especially if its a producing well the key question being the quality well. Attorney Jeff Rhodes also reminded the Board that the village has irrigation water right (Ambercrombie) that have never picked a hole in the ground to transfer them to. Attorney Jeff Rhodes recommended to the Board to make application to the State Engineer for a combined permit where the village takes the total underground diversion right and be able to switch them to either well. Mayor Cordova stated that the village has the money to buy the well and outfit the well and outfit the Stogden well and the Posey well ready for use including a chlorination packet. Mr. Rick Gutierrez stated providing that the appropriation are approved to be used for the purpose. Trustee Margaret Trujillo asked if the list of names from the State Engineer signified ownership of the well or water rights. Mr. Giest answered water rights and the attorney stated it was a separate item and explained that anyone with water rights has a point of diversion and that point of diversion is the well so who owns the dirt around the well casing is not all that important although if you want to control the dirt it's nice to own the

land. Trustee Trujillo said there were several people who have water rights out of the well. Attorney Rhodes stated that you might have several water right holders who have a right to take water out of the hole in the ground and if we're buying the hole in the ground we want to make reasonably sure that we are not going to have a lot of trouble with the other people that want to take water out of that hole in the ground, it's like they have an easement to use that hole in the ground. Trustee Margaret Trujillo just wants to make sure that if the well is purchased and comes with the 20 acre feet of water; that all of the people who have water rights to the same well don't give the village any problems. The Attorney stated that ordinarily when there are several people owning water rights to one well you have some kind of Well Agreement where everyone pays their proportions for maintenance, repairs etc. Mr. Rhodes asked if it was an irrigation well and they bought land where the irrigation occurred and it was never severed. Mr. Giest said that the land used to be an 80 acre parcel. Mr. Rhodes said sometimes they are built in headaches. Mr. Giest felt that it would not be an issue now because there is now where to move the water to since it is no longer a field, it is a subdivision. Trustee Thomas McKean asked if they could move the water to an acequia ditch and flood their land? Attorney Jeff Rhodes told Trustee Margaret Trujillo that if the rights have been transferred elsewhere then there is no problem. Mr. Giest said the village has a valid point thought he doesn't think it's an issue and thought he could get an answer for that.

Mayor Cordova asked Mr. Giest if he had a rough idea as to the cost of going into the Stogden well with a camera and Mr. Giest said approximately \$2,500.00 to pull the pump and get the video down to inspect the casing. Trustee Thomas McKean then moved to reject all bids and it was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion to reject all bids carried with all members voting aye.

Mayor Cordova then asked what should be done about sending a camera down the well and stated it could come out of this funding, that the Village would have to pay for it then get reimbursed if the state does not take it away. Trustee Margaret Trujillo said she thought the village had to wait until it was redone and felt nothing could be done until the Board finds out about the money. Mr. Gutierrez said he had to find out tomorrow. It was decided if the money got squared away to go ahead and send the camera down the well.

Item 14. Rick Gutierrez - Approval of bids for street repairs on Bosque, Fresno, Sierra Blanca and Posey

Mr. Rick Gutierrez said he got two bids and the third bidder called and said he did not have time. The two bids were from Alamo Earthwork & Paving and Del Norte Paving. Trustee Margaret Trujillo moved to go with Del Norte and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting in the affirmative.

Item 15. Tom McKean (1) Bring up increasing the hours of operation at the Library (2) Talk about Recreation program funds and program

Trustee Thomas McKean stated that he felt the Recreation Program is not properly funded and felt they should have her in charge of the Summer Food Program and felt the \$18,000.00 could be used in better areas. Trustee Margaret Trujillo felt that until the Mayor discusses the program with Sonya about the alternatives of closing the program down and her moving into another area the item should be postponed. Trustee Trujillo moved to postpone until the Mayor meets with Sonya. Ms. Eggers' a Library Board member inquired about putting the librarians job in jeopardy. Mayor Cordova stated that the only question in regard to Randi (librarian) was whether to increase the hours. Trustee Trujillo stated that she wanted to make sure that both programs are kept and both workers and does not want anyone displaced and since Sonya has been with the Village many years. Trustee Patrick Garcia seconded Trustee Trujillo's motion.

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

Trustee Thomas McKean moved to postpone the matters of increasing the hours

at the Library until next month. 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 of the Board voting aye.

Item 17. Adjourn

Trustee Gloria Sainz moved to adjourn the meeting at 9:17 and was seconded by Trustee Thomas McKean. There being no further business to come before the Board the meeting adjourned.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

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.

Minutes approved by the Board of Trustees at the Regular Meeting of January 16, 2007.