

## Village of Tularosa-Regular (rescheduled) Meeting-October 3, 2006

The Board of Trustee of the Village of Tularosa met in a Regular Meeting on Tuesday, October 3, 2006 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 809 St Francis Drive, Tularosa, New Mexico.

### **Present:**

Mayor Ray S. Cordova, Trustee Patrick Garcia, Trustee Margaret Trujillo, Trustee Gloria Sainz, Attorney Jefferson Rhodes as well as Dianna Brusuelas Village Clerk, Valarie Delgado Finance Officer and Police Chief Frank Sackman.

### **Absent:**

Trustee Thomas McKean

Mayor Cordova welcomed everyone, called the meeting to order and asked that all rise and join in the Pledge of Allegiance.

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

Trustee Margaret Trujillo asked to move Item 12 and making it Item 4A and remove Item 20. Village Clerk Dianna Brusuelas advised the Board that Mr. Rick Gutierrez wanted to have Item's 6 and 8 removed. Trustee Margaret Trujillo also requested to removed Item 19 and proceeded to move to approve the Agenda and the Consent Agenda. Trustee Patrick Garcia seconded the motion.

### **Roll Call Vote:**

Trustee Garcia, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with three members of the Board voting aye and one member absent.

### **2. Unscheduled Correspondence & Public Comments**

Cynthia Riedlinger informed the Board that the Friends of Historic Tularosa were working on a critique on a sub development by Round mountain which will give the possible ramifications of the Green Creek subdivision and will bring a copy to the Board of Trustees for their review.

Trustee Patrick Garcia wanted to give a big Thank You stating that there was a stopped sewer main on Sierra Blanca on Sunday and he called Mr. Reynaldo Guilez and within 20 minutes Tim Duran and Gregorio Rocha had the problem taken care of and that the constituents of the block were very happy.

### **3. Mayor-Approve Appointment of Fred Tyler to the Planning & Zoning Commission**

Trustee Patrick Garcia moved to approve the Mayor's appointment and was seconded by both Trustee's Trujillo and Sainz.

#### **Roll Call Vote:**

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

### **4. Mayor-Approve Appointment of Francis & Robert Eggers to the Library Board**

Trustee Margaret Trujillo moved to approve and was seconded by Trustee Gloria Sainz.

Village of Tularosa-Regular (rescheduled) Meeting-October 3, 2006  
Page 2

#### **Roll Call Vote:**

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

### **Item 4A (previously Item 12) Buckey Johnson-Tulie Cantina-Request approval to close Granado Street from 1<sup>st</sup> Street to St. Francis for car show**

Mr. Johnson appeared before the Board requesting to close Granado Street to host the first annual car show at Tulie Cantina on October 21, 2006 from 8:00 A.M. to 6:00 P.M. and offered to the Mayor and the

Village Trustees an invitation to help with the judging. Mayor Ray Cordova asked what time the judging would take place and if there would be instruction on what to judge on. The response was 2 o'clock on Granado Street and that he would have paper work for the judges and that there would be seven classes of cars. Trustee Patrick Garcia asked if there was any state law which would impact this and the response was no because it would be on a city street. Trustee Margaret Trujillo moved to approve and was seconded by Trustee Patrick Garcia.

□

**Roll Call Vote:**

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

Trustee Margaret Trujillo then asked to be excused and left at 7:17 P. M.

**Item 5. Approve Temporary Employment Agreement with Lois Atchison as per Chapter II, Section 20.01, paragraph E of the Tularosa Employee Personnel Policy from September 21, 2006 to March 21, 2007 at \$7.00 per hour**

Trustee Gloria Sainz moved to continue the employment of Lois Atchison and was seconded by Trustee Patrick Garcia.

**Roll Call Vote:**

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

**Item 6. Rick Gutierrez-Approval of Adoption of Resolution 2006-07-02 to enter into a Grant Agreement with the State of New Mexico Environment Department (Agreement SAP 06-1165-GF)**

Item Removed.

**Item 7. Rick Gutierrez-Approval of Adoption of Resolution 2006-07-03 Infrastructure Capital Improvement Plan (ICIP)**

Trustee Patrick Garcia moved to approve the adoption of Resolution 2006-07-03 and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:**

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

Village of Tularosa-Regular (Rescheduled) Meeting-October 3, 2006  
Page 3

□

**Item 8.**

**Rick Gutierrez-Approval of Adoption of Resolution 2006-07-04 to enter into a Grant Agreement with the State of New Mexico Environment Department (Agreement SAP 06-1171-GF)**

Item Removed.

**Item 9. Approve Policy changes as per July 31, 2006 Workshop**

Village Clerk Dianna Brusuelas read the changes the Board agreed upon at the Workshop of July 31<sup>st</sup>. Trustee Patrick Garcia moved to accept the changes and Trustee Gloria Sainz seconded the motion.

**Roll Call Vote:**

Trustee Garcia, aye. Trustee Sainz, aye.

Village Clerk Dianna Brusuelas brought up to Attorney Jeff Rhodes that she thought that it was stated in the policy that any change would have to be approved by three members of the board and asked if the Mayor counted as a board member. Attorney Jeff Rhodes said that it depended on how it was worded and if it was worded that it had to be a majority of the governing

Body.

Trustee Gloria Sainz moved to table until a policy manual could be looked at and was seconded by Trustee Patrick Garcia.

**Roll Call Vote:**

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

**Item 10. Rick Gutierrez-Approve \$8,557.97 for complete valve and manhole and an additional \$5,000.00 to complete 1 manhole and 8 valves**

Mayor Cordova explained that after the street paving the village has to go rework the manholes and the valves. Trustee Sainz stated that half would come from the water fund and half would come from the sewer fund. Trustee Garcia reminded the board that \$10,000.00 that is held back would be coming to the village at a later date.

Trustee Gloria Sainz moved to approve and was seconded by Trustee Patrick Garcia.

**Roll Call Vote:**

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

**Item 11. Cynthia Riedlinger-Resolution for Veterans Park**

Ms. Riedlinger passed to the members of the board a justification and asked the Village to make a proclamation and asked for small ones to insert in the program. Ms. Riedlinger also asked for chairs and advised that Senator Duran would be the keynote speaker. Ms. Riedlinger showed concern about the skateboard park and asked all to join them at the dedication November 11, 2006 at 11:00 A. M. Mayor Cordova asked Village Clerk Dianna Brusuelas to prepare the proclamation, and have Ms. Riedlinger review it.

Village of Tularosa-Regular (rescheduled) Meeting-October 3, 2006

Chief Sackman brought in a policy manual. After reading the section in the policy Attorney Jeff Rhodes stated that literally two trustees and the mayor could change the policy however; he suggested to wait until the entire board members could look at it because the way it is written (three out of the four board members) in the policy it implies that the mayor is not a member of the board of trustees and felt there was a typographical error, that it should read three out of five board members or a majority of all the members of the governing body and suggested postponing. Mayor Cordova felt that was good advice and felt that putting it on the agenda for the next regular meeting would be good.

Trustee Patrick Garcia then moved to postpone and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:**

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

**Item 12. (made item 4A)**

□

**Item 13. Dianna Brusuelas-Requesting partial refund of garbage fees**

Village Clerk Dianna Brusuelas explained that during the change from Southwest Disposal to Alamo Disposal the customer was asked to return two polycarts she told the driver she only had one. Upon checking with the office it was determined that she had paid for two. Since the village nor the customer have any records of the request for the second cart the customer and the office came to an agreement of splitting the amount in half.

Trustee Gloria Sainz moved to refund half of the charge and was seconded by Trustee Patrick Garcia. Mayor Cordova stated the refund would be \$99.94.

**Roll Call Vote:**

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

**Item 14. Mayor Cordova-*Information Only*-Receipt of \$10,000.00 grant from R. D. and Joan Hubbard Foundation for the Tularosa Public Library**

Mayor Cordova mentioned the Krutzenkamp family taking an interest in our village who donated substantial money for our library and now R. D and Joan Hubbard donated \$10,000.00 stating that he would get a Thank You card out to them.

**Item 15. J. D. & Pat Patterson-Request water line to Lot 14 Pie de la Loma**

A request from the Patterson's for a water line to their property. The six inch water line would be about 500 ft to the property line. Mayor Cordova suggested finding out the cost, an improvement district was also discussed to do the whole area at once but the village does not currently have the money. Mayor Cordova then asked Mr. Rick Gutierrez to look into this and

Village of Tularosa-Regular (rescheduled) Meeting-October 3, 2006  
Page 5

then get back in front of the Board and the Patterson's.

**Item 16. Approve appointment of Darrell Chavez as Police Officer at \$8.00 per hour with confirmation after completion of certification by the Law Enforcement Academy (Section 20.01 (c))**

Chief Sackman brought up the appointment of Darrell Chavez. Mr. Chavez introduced himself. Chief Sackman stated that he had been with the Village since September 9, 2006 and would possibly be attending the academy in January of 2007.

Trustee Patrick Garcia moved to approve the appointment and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:**

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

**Item 17. Chief Frank Sackman-Raise Officer Kyle Metzgar from \$12.50 to \$13.50 per hour**

Chief Sackman said that Officer Metzgar has already been with the Village over a year and was a certified Tazer instructor. Mayor Cordova explained that even though the budget was there, the actual cash is not in the bank because instead of paying the village insurances quarterly they were all paid in one payment. Chief Sackman proposed waiting for the Small Cities Assistance funding but making the effective date of the raise retroactive. Attorney Jeff Rhodes stated that you cannot retroactively approve something after the services have been rendered you can't agree to pay more for it.

Trustee Patrick Garcia moved to approve with the contingency that the Small Cities Assistance money come in. Trustee Gloria Sainz seconded the motion.

**Roll Call Vote:**

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

**Item 18. Chief Frank Sackman-Approval to purchase 3 Tazers with funds from Grants**

Chief Frank Sackman asked to amend his request from 3 to 2 Tazers. Mayor Cordova asked if the money was available. The response was yes. Chief Sackman assured the Board of complying with the requirement and stated he had a certified instructor. Chief Sackman said the officers have to be certified to carry the tazers. Trustee Gloria Sainz requested to see the demonstration.

Trustee Patrick Garcia moved to approve the purchase of two Tazers with grant funds and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:**

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

**Item 19. Trustee Margaret Trujillo-For discussion Highway 54/70-For**

**discussion Police Department incident - Posey Road/Sierra**

Village of Tularosa-Regular Meeting (rescheduled) October 3, 2006

Page 6

□

**Blanca pavement**

Item Removed.

**Item 20. Trustee Margaret Trujillo-Resolution 1994-95-10 and**

**Discuss Las Rosas Apartments**

Item's Removed.

**Item 21. Trustee Thomas McKean**

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

**2. Need to approve this Parliamentary Procedure in Local Government Handbook also have this added to our Open Meetings Resolution 2005-06-20 Paragraph 8 (e)**

Trustee Thomas McKean not being present items were postponed.

**Item 22. Old Business**

1. 16 March 2006 passed by Board, being done about decals for Village vehicles.

Mayor Cordova stated that the he would not buy new decals for old vehicles; but would consider using a stencil and painting village of Tularosa on them.

2. 16 March 2006 Have you received from Fire Chief list status of all fire hydrants.

Mayor Cordova spoke with Fire Chief Chavez and was informed that he was shorthanded because some of his people were in California fighting fires.

3. February 2006 subdivision was approved, what is the status of our water right from Mia Estates?

Mayor Cordova asked Attorney Jeff Rhodes is he knew the status and Mr. Rhodes said he would make a note and have an answer at the next meeting.

Village Clerk Dianna Brusuelas stated that she spoke to Klad Zimmerle of Alamotero Land Survey and he said since the village had not put in the water lines he was going to ask the owners of Mia Estates if they would like to negotiate with the village and them putting the lines and not give the water rights. Mayor Cordova asked Attorney Rhodes what he thought. Mr. Rhodes stated it has been done but the ordinance might have to be amended.

4. Since April 2006 Have been on the agenda what is status of fire hydrant Rose and S. Bookout intersection.

Mayor Cordova stated that he did not know what the status was at this point. Mr. Gutierrez advised that the yard was going to purchase 4 hydrants and Mayor Cordova stated that he would find out if one of those could be installed on Rose and S. Bookout.

Village of Tularosa-Regular (rescheduled) Meeting-October 3, 2006  
Page 7

5. July 2006 approved to go out for bid to have the Village limits surveyed has that been done yet?

Village Clerk Dianna Brusuelas informed the Board that she and Rick

Gutierrez had visited with Mr. Zimmerle and he could make a map showing the village limits for less than \$100.00 but questioned properties which had their land \_ in the village limits and \_ out and thought that should be taken care of first, either annex the whole

property. Trustee Patrick Garcia asked about Dale Palke (County Assessor) Ms. Brusuelas informed the board that she and Mr. Gutierrez also met with Mr. Palke right before meeting with Mr. Zimmerle and he provided a map his office made going off the annexation Ordinances the village has and highly recommended Mr. Zimmerle.

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

Mayor Cordova informed the Board that Mr. Lance Giest has a well and that last week Mr. Giest brought in a pump, hooked it up and he and Reynaldo Guilez went to see it pump, took a sample of water and sent it off for testing. Mr. Jeff Rhodes stated that if wells are being drilled but the water has high TDS then the village needs to look at other alternatives. What needs to be looked at is some sort of desalinization process or reverse osmosis, something that could treat the water that you have available if your talking about ground water. Mr. Rhodes stated that he could not imagine that there would be a great deal of difference in the quality of the water in the immediate area; the TDS to look for is 900 to 1,000. Mr. Rhodes suggested looking at what Cloudcroft is doing.

□

#### **Item 23. New Business**

1. Talk about Gross Receipts Tax for water & sewer repairs 1/8 of 1% for workshop discussion

No discussion.

#### **Item 24. Adjourn**

Trustee Sainz moved to adjourn and was seconded by Trustee Garcia. Motion carried by all members present voting aye. Meeting adjourned at 8:30 P.M.

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.

---

Ray S. Cordova, Mayor

ATTEST:

---

Dianna R. Brusuelas, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of  
October 17, 2006