

Regular Meeting-January 20, 2009

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, January 20, 2009 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Ray S. Cordova, Trustee Fred Tyler, Trustee Patrick Garcia, Trustee Thomas McKean, Village Attorney Jeff Rhodes as well as Finance Officer Valarie Delgado, Grants Coordinator Rick Gutierrez and Village Clerk Dianna Brusuelas.

Absent: Trustee Gloria Sainz

Mayor Cordova called the meeting to order asking that all rise and join in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Thomas McKean moved to consider the Agenda and the Consent Agenda changing item 18 to 2A. Motion was seconded by Trustee Patrick Garcia. Trustee Patrick Garcia then proceeded to ask for the removal of Item 12 and placing it on the agenda for the next meeting until itemized bills could be brought in.

Trustee Fred Tyler asked a question on the chip sealing at Brittney Lane stating the agreement with the state was for \$65,330.00 and the total paid is \$68,448.00 where was the overage paid from. Trustee Tyler was informed that the excess amount of \$3,118.00 came from the street fund.

Trustee Fred Tyler also asked about payments to Mr. Ernie Byers and wondered how much of the \$22,000.00 grant did the village intend to pay Mr. Byers to get the village into a solid waste contract. Mayor Cordova explained that the maximum grant was \$22,500.00 and would not go beyond that.

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

Item 2. Unscheduled Correspondence & Public Comment

A member of the public asked about business licenses for the pinon stands along the side of the road. The Mayor informed that if it was a New Mexico product a license was not required and was advised that a list of business licenses is kept at the village office. Ms. Riedlinger wondered what could be done to move the Zia Trans bench in front of her place of business, she was advised to talk to the Rotary Club.

Trustee Thomas McKean asked if the meeting date for the February meeting was being changed because of the the holiday. Mayor Cordova announced that the Workshop will be held on Tuesday the 17th and the Regular Meeting will be held on Wednesday, February 18th.

Item 2A (previously Item 18) Walter Argall-Approve Tularosa Basin White Sands Shrine Club running Rose Parade and Festival

Walt Argall made a presentation to the Members of the Board regarding the White Sands Shrine Club starting up the Rose Parade and Festival which has not been active for several years. The Mayor and members of the board were quite pleased that someone was willing to restart the Rose Festival.

Trustee Patrick Garcia moved to approve and was seconded by Trustee Fred Tyler.

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

Item 3. Approval of Resolution 2008-09-12 Identity Theft "Red Flag" Prevention Policy

Village Clerk Dianna Brusuelas explained that the FTC Regulation requires that all municipalities adopt an Identity Theft Red Flag Prevention Policy no later than May 1, 2009.

Trustee Thomas McKean moved to approve Resolution 2008-09-12 Identity Theft "Red Flag" Prevention Policy. Motion was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Tyler, aye. Motion carried with all members present voting in the affirmative.

Item 4. Approval of Resolution 2008-09-14 Authorizing and approving submission of application for Financial Assistance and project approval to the New Mexico Finance Authority for Tularosa's Solid Waste Collection Services

Trustee Thomas McKean moved to approve Resolution 2008-09-14 and was seconded by Trustee Fred Tyler.

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

Item 5. Approve appointment of Jefferson Rhodes as per Employment Agreement effective January 1, 2009

Trustee Fred Tyler moved to approve appointment of Jefferson Rhodes as per Employment Agreement effective January 1, 2009. Trustee Patrick Garcia seconded the motion.

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

Item 6. Rick Gutierrez-Approve Gannett Fleming West, Engineering Services for the Wastewater Plant

Mr. Rick Gutierrez explained that the village acquired 1.6 million dollars to improve the Wastewater Plant but had to go out to bid for new engineering services; six companies showed interest but the village only received one bid which was from Gannett Fleming West. The engineer would review the problems at the Wastewater Plant, get permits from the Ground Water Bureau to use the old plant temporarily until a decision is made on what to do with the new plant. The question arose as to what the \$74,000.00 already paid to Gannett Fleming was for. Mr. Gutierrez explained that it was for additional services for when Gil Gallegos was talking to Dr. Hernandez and Dr. White from New Mexico State University.

Trustee Thomas McKean stated that 1.6 million was going towards the Wastewater Plant to find out if we redo the old plant or build a new one, the if the village finds out plant cannot be done we go after the bond. Mr. Gutierrez stated that the village gets a paper every month referencing the bond. Mr. Jeff Rhodes explained that a performance bond is in effect until the project is accepted and completed. Trustee Patrick Garcia clarified that some of this money would go to resurrect the old plant so that in the event the new plant does not operate.

Trustee Patrick Garcia moved to approve Gannett Fleming West, Engineering Services for the Wastewater Plant, motion was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye. Motion carried with all members present voting aye.

Item 7. Mayor Cordova-Increase salary for Eusebio (Tim) Duran to \$15.53 and make him Utility Service Supervisor

Trustee Thomas McKean moved to approve the increase for Eusebio Duran. Motion was seconded by Trustee Fred Tyler contingent that as long as Mr. Duran's position was kept vacant as long as possible.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye.
Motion carried with all members present voting aye.

Item 8. Dianna Brusuelas-Approve change in Section 80.01 of the Village Personnel Policy to comply with the State Minimum Wage of \$7.50

Trustee Thomas McKean moved to approve the change to Section 80.01 of the Village Personnel Policy and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye.
Motion carried with all members present voting aye.

Item 9. Dianna Brusuelas-Does the Village want to continue with the Summer Food Program for 2009

Trustee Patrick Garcia moved to continue with the Summer Food Program for 2009.
Motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye.
Motion carried with all members present voting aye.

Item 10. Mayor Cordova-Approve appointment of Susan Flores as per Temporary Employment Agreement

Trustee Fred Tyler asked how many hour per week Ms. Flores worked. Response was 20 hours per week.

Trustee Patrick Garcia moved to approve the appointment of Susan Flores.

After calling for a second several times. Motion dies for lack of a second.

Item 11. Mayor Cordova-Request to add the words Lt/Detective to line item 101-1900-41024

Trustee Fred Tyler moved to approve the Mayor's request and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye.
Motion carried with all members present voting aye.

Item 12. (deleted) Alamo Disposal-Approve settlement amount for fuel costs between January 2007-November 2008

Item 13. Cynthia Prelo-Riedlinger-Tularosa Veterans Memorial Park-Place signs at park that no skate boards or bikes are not allowed. Remove the ramp behind the memorial, Village do their part to curb vandalism

Applause to the members of the American Legion Post 108 and an introduction of First Vice Commander Milton Chestnut. Mr. Chestnut requested to have the skate board ramp moved and stated that Post 108 was willing to help move the ramp. Mayor Ray Cordova had no objections as long as it is done carefully and wondered if there were dollys large enough to move the ramp as one unit.

Trustee Thomas McKean moved to approve the moving of the skate board ramp in the area of the first basketball court area and the first basketball goal be removed and that Post 108 is volunteering their time and the village waive any liability was seconded by Trustee Fred Tyler.

Mr. Chestnut informed the Mayor and Board that Tularosa has a full fledged American Legion Program-the American Legion, the American Legion Auxilliary, Sons of American Legion and the American Legion Riders.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye. Motion carried with all members present voting aye.

Trustee Fred Tyler asked about the sign and Trustee Thomas McKean informed him that he had the sign and Ralph Otero would put it up soon.

Item 14. Cynthia Prelo-Riedlinger-Tularosa Veterans Memorial and Park-Establish the base for the creation of an ordinance to be in conjunction with the existing Village ordinance 59.99; that allows specific penalties for violations at the Tularosa Veterans Memorial and park; as per existing ordinance

After much discussion Attorney Jeff Rhodes stated an ordinance would have to prohibit certain activities in a specific parameter.

Trustee Thomas McKean moved to direct Attorney Jeff Rhodes to draft an ordinance that can be referred into municipal court and to install the necessary signs. Motion was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye. Motion carried with all members present voting aye.

Item 15. Chief Mayberry-Approval of Barbara Rupp from Probationary Employee to Regular Full-time with a \$1.00 per hour increase in pay

Trustee Patrick Garcia moved approve Barbara Rupp as a Regular Full Time employee with a 50¢ per hour raise. Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye. Motion carried with all members present voting aye.

Item 16. Joan Price-Tularosa Water Fair Update

Ms. Joan Price invited all the members of the village board to the Water Fair and asked if her press release was ok. Everyone stated that Ms. Price was doing a good job.

Item 17. Kathryn Gipson-Reconcile water bill at 1001 Monte Vista

After extensive discussion Trustee Fred Tyler moved to reconcile the water bill at 1001 Monte Vista by reducing the rate to Tier I Level during the period in question. Trustee Patrick Garcia seconded the motion.

Trustee Thomas McKean moved to amend the motion to include to come pay or set up payment arrangements.

Trustee Fred Tyler revised his motion to reconcile the water bill at 1001 Monte Vista by reducing the rate to Tier I Level during the period in question with the stipulation that Ms. Gipson come in by the close of business on the 21st of January to pay it off or make arrangements to pay it.

Trustee Thomas McKean then withdrew his amendment and Trustee Patrick Garcia seconded the revised motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Fred Tyler, aye. Motion carried with two members voting aye and one member voting nay.

Item 18. (made Item 2A)

Item 19. Trustee Thomas McKean-(1) Request proposed ordinance, published by title and subject matter under paragraph 51.13 Extension Policy add paragraph (H); that all water and sewer lines shall have this magnetic tape placed about two feet above water and sewer lines that belongs to the Village of Tularosa

Trustee Thomas McKean moved to direct Attorney Jeff Rhodes to prepare an ordinance and to publish by Title & Subject Matter. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Fred Tyler, aye. Motion carried with all members present voting aye.

(2) Request proposed ordinance, be published by title and subject matter; skate boarding and riding bicycles at Veteran's Memorial Park will not be tolerated. No graffiti and defacing or destruction village property at Veteran's Memorial Park or any park. Offenders in case of minors the parents of offenders will be subject to fines in accordance with village statutes. Penalty will be in accordance with 10.99 General Penalty

Item was already addressed.

Item 20. Old Business

Trustee Fred Tyler asked about the status of the Econ Sign on the highway. Chief Mayberry said he would look into it. Trustee Tyler also asked about Territorial Realty removing their sign since they are no longer in business.

Another question were the repairs to 1st Street. Mayor Ray Cordova stated that he received an estimate of \$10,900.00.

The question about the Fire Hydrants arose. Mayor Ray Cordova spoke about getting a contractor.

The question on the purchase of the property near the sedimentation pond. Mayor Cordova said the Attorney was going to write another letter to Ms. Wimberly.

The question on the repairs to the Community Center and it's start date. Mayor Cordova would check.

The question on the ground breaking for the Senior Center. Mayor Cordova advised that there was one small hurdle before the ground breaking.

The question on the Welcome Center. Mayor Cordova felt that it would not be until October of 2009.

The question on the Baseball fields. Mayor Cordova advised that it would be by April. Village Clerk Dianna Brusuelas advised that Alamotero Land Survey would be on the agenda for the February meeting.

Item 21. New Business

Trustee Thomas McKean gave an update on tire material for playgrounds.

Item 22. Adjourn

Trustee Thomas McKean moved to adjourn and was seconded by Trustee Patrick Garcia. There being no further business to come before the board the meeting adjourned at 9:15 P. M.

The written minutes are the official minutes of the meeting. The recorded Compact Flash 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 February 18, 2009.