

Regular Meeting-February 18, 2009

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, February 18, 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, Trustee Gloria Sainz, Village Attorney Jeff Rhodes as well as Purchasing Agent Monica Voorbach, Grants Coordinator Rick Gutierrez and Village Clerk Dianna Brusuelas.

**Absent:** Valarie Delgado Finance Officer.

Mayor Ray S. 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 with the following changes, deleting Items 3, 12 (1) and 12 (2). Trustee McKean also asked a question on the village bills page 9 a \$3,000.00 payment to Ernie Byers. Village Clerk Dianna Brusuelas stated she had placed the agreement with Mr. Byers on everyone's desk. The question was if the amount paid to Mr. Byers went over 1/2 of the agreement amount. The Village Clerk responded that it did. It was stated that no further payment from the contract money would be paid until the contract is fulfilled. Trustee Fred Tyler seconded the motion to consider the agenda and consent agenda .

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

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

Ms. Jean Kiler-Dan made a presentation on a conference being held May 8, 9, and 10th in Tularosa called the 2009 Tularosa Basin Conference together with the Historical Society and Four Corners Research. Ms. Kiler-Dan was reminded that the St. Francis Fiesta would be the same weekend and she felt since the Fiesta has to do with the history of Tularosa it would be perfect.

Trustee Patrick Garcia asked about the Rose Festival Committee getting with the Highway Department referencing the parade. Mr. Rick Gutierrez stated that he was working on that with Mr. Argall.

Mayor Ray Cordova mentioned that the Tularosa Police Department received a total of \$4,500.00 from the VFW, Elks and the Eagles.

Mayor Ray Cordova also read a letter written to Dianna Brusuelas from the International Institute of Municipal Clerks President Elect congratulating her for her accomplishment of re certifying as a Certified Municipal Clerk. A round of applause ensued.

Village Clerk Dianna Brusuelas told the Board that a non profit Christian station wanted to use a room to hold a Town Hall Meeting on the 27th of the month. The Board agreed to waive the fee and have them talk to Ralph Otero so that he can accommodate them at the Community Center.

Trustee Patrick Garcia mentioned that he had gone by the Baseball Field and noted that work was started on it.

Trustee Fred Tyler wondered if the Monterrey addition could be designated in the Colonias to try to get funding for streets. Mayor Cordova advised that the village was already part of the Colonias but the benefit ratio was not good in that area.

Trustee Thomas McKean asked about watering La Luz Road because of the dust. Lance Giest a local contractor stated he would lend the village a water truck to water those streets.

Trustee Thomas McKean mentioned bringing in dumpsters for the Spring Clean Up and to coordinate it with Spring Break.

**Item 2A Consideration of Adoption of Ordinance 233 adopting a new Section 131.06 of the Tularosa Code of Ordinances prohibiting certain activities at the Veteran's Memorial Park and providing for penalties**

Attorney Jefferson Rhodes commented on the changes the Board wanted for Ordinance 233 and explained his reservations. After much discussion Trustee Fred Tyler moved to consider the Adoption of Ordinance 233 as it was previously written and published, Trustee Thomas McKean seconded the motion.

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

Attorney Jeff Rhodes also asked the Board to move to Publish by Title and General Subject Matter. Trustee Thomas McKean so moved and was seconded by Trustee Fred Tyler.

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

**Item 3. (Deleted) Valarie Delgado-Set up Budget Hearings in March with Department Heads**

**Item 4. Rick Gutierrez-Approve Resolution 2008-09-15 submitting Fiscal Year 2009-2010 Road Fund Application**

Trustee Patrick Garcia moved to approve Resolution 2008-09-15 submitting Fiscal Year 2009-2010 Road Fund Application. Motion was seconded by Trustee Thomas McKean. Trustee Thomas McKean asked what the amount would be. Mr. Rick Gutierrez responded that it would be between \$60,000.00 and \$80,000.00

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

**Item 5. Mayor Cordova-Approve appointment of Janie Portillo to the Planning and Zoning Commission**

Trustee Thomas McKean moved to appoint Ms. Portillo to the Planning and Zoning Commission. Motion was seconded by Trustee Gloria Sainz.

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

**Item 6. Jason Bennett-Plateau Telecommunications, approve Lease Addendum**

Village Clerk Dianna Brusuelas advised the Board that Mr. Bennett would not be able to attend and that she told him the Village Attorney would have to review the addendum. No action was taken

**Item 7. Sonya Gililland/Freddy Leal-Possibly finding funds for a Gym building**

Fred Leal made a plea to the Board of Trustees for a gym for the kids. Mr. Leal stated that he has been a volunteer to the Tularosa Little League Basketball for the last 15 years and can see that a gym would be worthwhile, basketball and volleyball tournaments could be held to make a little money. Trustee Patrick Garcia felt the need for a gym

**Item 8. Klad Zimmerle-Presentation of draft of City Limit Survey Plat**

Village Clerk Dianna Brusuelas advised that Mr. Zimmerle left some maps but was sick and would not be present. Item was postponed until Mr. Zimmerle could be present

**Item 9. LanCon/Lance Giest-Variance request at 714 3rd Street, lot size is under 6,000 Sq. Ft.**

Mr. Lance Giest requested a variance to build a home on lot that is under the 6,000 sq. ft requirement. The lot measurer's 5,734 sq. ft. and will build a 2 bedroom house on that lot. After some discussion Trustee Fred Tyler moved to grant the variance as long as all the set back requirements are met that are in the Code of Ordinances Planning & Zoning section. Mr. Giest said he would bring plans with the building permit application. Trustee Patrick Garcia seconded the motion.

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

**Item 10. Trustee Fred Tyler-Request public disclosure and supporting documentation on all items of memorandum dated January 12, 2009 from Terry Nelson SWB which have been accomplished by consultant Ernie Byers**

Mr. Ernie Byers presented to the Mayor and Board a Solid Waste Management Report stating that the loan application went before the NMFA Board and got tentative approval for \$450,000 give or take \$50,000. Bids have been advertised and they will be reviewed once they are sent to the village. Mr. Byers said Dr. Rose request have been complied with and Terry Nelson's requests would be done by Friday. Mr. Byers advised the Board that once the funding is in place, possibly by March 14th, the carts would take about a month to get and a new truck would take about 45 days. Trustee Thomas McKean asked what the rates would be. Mr. Byers said residential would be \$13.00 and commercial would be \$30.00 to \$35.00. Questions were asked on hiring employees, it was stated that the village would probably hire two people with CDL's and during the training process would be paid out of the loan proceeds. During the transition a new container would be delivered simultaneously as the old container is being picked up. Trustee Fred Tyler has no more questions and was satisfied with answers.

#### **Item 11. Dianna Brusuelas-Review Open Meetings Act Resolution**

The Attorney was asked if he would be able to make Wednesday night meetings. Attorney Jeff Rhodes responded that Wednesday's would be ok. Village Clerk Dianna Brusuelas stated that the changes to the Open Meetings Act would be that the Workshops would be held on Tuesday's at 6:00 P.M.; the Regular Meetings on Wednesday's at 7:00 P. M. and she would include that the Request to be included on the Agenda would be due the Wednesday before the meeting.

Ms. Brusuelas will prepare the resolution for the March meeting.

**Item 12 (1) (Deleted) Request proposed ordinance be published by Title & Subject Matter - Under paragraph 51.13 Extension Policy, add paragraph (H) That all water & sewer lines shall have magnetic tape placed about two feet above water & sewer lines that belong to village**

**Item 12 (2) (Deleted) Make a motion to approve Ordinance \_\_\_\_\_, be Published by Title & Subject Matter - That no skating, skate boarding and riding bicycles at Veteran's Memorial Park will not be tolerated. No graffiti and defacing or destruction village property at Veterans Memorial Park**

**Item 12 (3) Make a motion to contract hauler to provide solid waste collection transportation and collection services**

Discussion on whether to make this motion ensued because of the Village going into the solid waste collection business for themselves and the pending loan at New Mexico Finance Authority. The Board decided to move on the action and be prepared. Trustee Thomas McKean moved to go out to bid for a contract hauler to provide solid waste collection transportation and collection services. Motion was seconded by Trustee Fred Tyler.

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

#### **Item 13. Old Business**

Attorney Jeff Rhodes noted some old business referencing Ms. Stephanie DuBois' complaint to Attorney Generals Office on the Open Meetings Act complaint she filed. Mr. Rhodes received a response from the AG's office and they found no violations.

Trustee Thomas McKean asked about roadwork near United Country and Casa de Suenos. It was responded that Mr. Rick Gutierrez was taking care of that.

Trustee Thomas also asked about the Bob Scott property and the property by the Water plant. Mayor Cordova stated that he wanted to move forward with those purchases.

Trustee Thomas McKean asked about the welcome center. Mayor Cordova responded that a possible start date would be October.

Mayor Ray Cordova also announced that Bob Kurtz from the Highway Department said they would be starting work on the medians called pedestrian refuge islands, though it would eliminate parking on the highway.

Trustee Patrick Garcia asked about the property near the sedimentation pond. Mayor Cordova stated he received a letter from Ms. Wimberly and would send a copy to Village Attorney Jeff Rhodes. Ms. Wimberly will sell for the price offered and 5 water taps.

#### **Item 14. New Business**

None

#### **Item 15. Adjourn**

There being no further business to come before the board Trustee Patrick Garcia moved to adjourn and was seconded by Trustee Thomas McKean.

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.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of March 17, 2009.