

Minutes 2/22/2007

The Village of Tularosa Board of Trustees met in a Regular Meeting on Thursday, February 22, 2007 at 7:00 P.M. at the Tularosa Community Center located at 1050 Bookout., Tularosa, New Mexico.

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

Mayor Ray S. Cordova called the meeting to order at 7:15 P. M. in order to allow the public travel time between the Conference/Court Room and the Tularosa Community Center. Mayor Cordova asked all to rise and led the Pledge of Allegiance.

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 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 aye.

Items on the Consent Agenda consisted of the minutes of January 16, 2007, minutes of January 29, 2007, village bills, business registrations and site and sign permits.

Item 2. Unscheduled Correspondence & Public Comments

A member of the audience thanked the Village for fixing Sierra Blanca Street. A member of the audience representing the PTA asked to have the village prioritize the building of a swimming pool. A concerned citizen informed the village of a non-working fire hydrant on N. Bookout. Mayor Cordova stated that he hoped that by the end of the summer all fire hydrants would be working.

Trustee Thomas reminded everyone about a ditch meeting on Tuesday, at 6:30 February 27, 2007 at the Court/Conference Room of the Public Safety Facility.

Item 3. Approval of Resolution 2006-07-11 Museum/Welcome Center Improvements

Mr. Richard Gutierrez, Grants Coordinator, informed the Board that there would be a 25% cash match from the village but also noted that this was just approval for the submission of the application.

Trustee Thomas McKean moved approve Resolution 2006-07-11. Motion 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 4. Approval of Resolution 2006-07-12 Budget Increase for Library

Village Clerk Dianna Brusuelas explained that the increase was due to the donations received for the library reception and was increasing the budget by

that amount. Trustee Margaret Trujillo moved to approve Resolution 2006-07-12 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 5. Information: Imposition of Tax on Liquor Licenses

The information presented stated that any city with the population under 5,000 does not have the taxing authority to impose a tax on Liquor License.

Item 6. Lance Giest - Letter to tentatively approve purchase of Giest Well

Mr. Lance Giest resubmitted the proposal of the sale of Well T-6. After much discussion and suggestions that the Board try to buy the water rights from the additional water right owners the Mayor announced that the Board agreed not to take any action on the matter.

Item 7. Francis Vigil - Tularosa Little League (1) Renew contract for usage of Vicente Gallegos Park (2) Ask Board to be the Fiscal Agent (3) Removal of old crow's nest at the concession stand

Ms. Vigil asked the Board for renewal of the Contract for the Little League Baseball program, she also stated that she was asking the Village to be the Fiscal Agent should Senator Dianna Duran get any money for the improvements to the Little League Baseball Field and wondered if the village could remove a crows nest that is in the concession stand.

Trustee Margaret Trujillo moved to renew the contract with the Tularosa Little League and that the village become the fiscal agent.

Mayor Cordova advised that they had been to Santa Fe twice and a package has been prepared to try to get funding to include lighting, bleachers, scoreboards and sprinklers that comply with safety and hopefully they would get more than the \$50,000.00 requested.

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. 8. Kimberly Skaggs D/B/A Tulie Cantina-Request for Sign Variance

Trustee Thomas McKean recommended to Ms. Skaggs to follow procedure and make her presentation to the Planning & Zoning first then if a variance is necessary she should come before the Board. All were in agreement.

Item 9. David Baca D/B/A Country Boy RV Park - Request for 7 additional RV Spaces

Mr. David Baca's plea was to request addition RV Spaces in the now existing RV

Park for a total of 12. Trustee Margaret Trujillo's concern was that Mr. Baca was using more than the 5 allowed. Mr. Baca responded that since the construction are in the area more than 5 were used and that is why he was requesting the additional spaces.

Trustee Thomas McKean feels that it is more of a zoning issue and that a variance should not be granted without a hearing. Trustee McKean felt that the conditional variance would expire in March of 2007. Trustee Margaret Trujillo said that she did not recall the conditional variance having an expiration date. Village Clerk Dianna Brusuelas was asked what she recalled. Ms. Brusuelas said to her recollection the conditional variance was granted until and unless Mr. Baca sold his property. Mayor Cordova directed the Village Clerk, Dianna Brusuelas to set up a hearing for a variance for the additional RV spaces.

Trustee Thomas McKean moved to hold a public hearing on the variance request and was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, nay. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, no. Mayor Cordova voted aye.

Motion carried with three ayes and two nays.

Item 10. Dan Abercrombie, Tularosa Community Ditch Corporation - Approval of RFP for Feasibility Study of Pipe and Reservoir

Mr. Abercrombie explained that this study started about two years ago. The RFP was completed and Hydrosphere was the only bidder for the project. The study

is to see if it is feasible to continue with the project, the last study was done in 1957.

Trustee Thomas McKean moved to approve the Request for Proposal for a Feasibility Study of Pipe and Reservoir 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 11. W. Kirk Crawford - Request to hook up to the Sewer System at 8 Calle de la Rosa

Trustee Thomas McKean asked when he was building the house. Mr. Crawford explained that the house was already there. Trustee Thomas McKean explained to Mr. Crawford that Ordinance 220 that would be voted on tonight and it would allow residents who are within 150 feet of the village limits to hook up to water and sewer, once and if the ordinance is passed there would be no reason to come before the board, all he has to do is make application with the water department. Mr. Crawford agreed to withdraw his request until the ordinance is in effect.

12. Emma Hill - Petition for Relocation of New Tularosa Senior Center

Ms. Emma Hill presented a petition to the Village Board of Trustees requesting that the new Senior Center be located South of the current Community Center instead of on Radio Road. After discussion Mayor Cordova said he would take it under advisement and no action was taken.

Item 13. Mayor Cordova - Easement on the Gililand Property

The request was for an easement across city property. Mr. Gililand is trying to sell to Mr. and Mrs. Ferguson, the property in question is currently landlocked. Attorney Jeff Rhodes stated that the village could sell them a piece of property but could not give them the property as it is against the Anti-Donation Clause. The process would be to have the property appraised and if the appraisal comes in at less than \$25,000.00 then it can be sold if it's over \$25,000.00 then it goes into public sale. Trustee Thomas McKean felt that Mia Estates took 50 feet of the villages property. Mayor Ray Cordova said that it needed to be looked at because that is where the proposed Senior Center and or Recreation Center was going to be at. It has to be a dedicated street, even though the parking lot is public they cannot use it as a street.

No action was taken on item 13.

Item 14. Don Ogden - submission of Mobile Home / RV Park Ordinance for approval

Mr. Don Ogden explained the changes but felt the decision of 155.13 could be explained by Attorney Jefferson Rhodes. Mr. Rhodes explained that he made some modifications to the RV Ordinance that Mr. Ogden proposed. Trustee Margaret Trujillo stated that she wanted to grandfather existing Mobile Home and RV Park owners but that the Board decided that they should come into compliance within a two year period. Attorney Jeff Rhodes felt there was a problem with requiring an already existent business, who has already made expenses, to comply with new ordinances or have the business comply within two years. Mr. Rhodes advised the Board to put in the ordinance " it shall be required to conform to the terms of this chapter at the time of any expansions, with minimum acreage provision applying to the total area of the expanded mobile home park or recreational vehicle park". The bottom line being if an existing business is going to change something then they comply but if not they are left alone. Mr. Rhodes asked if they would go through his document and make the changes on what he sent and just work off one document.

Trustee Thomas McKean moved to publish the Notice of Proposed Ordinance by Title and Subject Matter for Mobile Home Parks and RV Parks and was seconded by Trustee Margaret Trujillo.

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.

Mr. Ogden (P & Z) then passed out a handout which relates to a closure of an alley making reference to Plat 417-502 which used to be called the Lackey Trailer Park. Mr. Ogden informed the board that the Baldwin Subdivision was platted out in 1952 which included alleys behind each of the rows of homes and "C" Street, the alley on the west end of Baldwin Subdivision has been blocked three ways, the owner of the property wants to put a fence and close access. Attorney Jeff Rhodes stated that the village was not involved in it since it was never maintained as a public street.

Item 15. Award for Sound System in Court/Conference Room

Village Clerk Dianna Brusuelas recommended HB Electronics after taking advise from Mike Mullikan from Otero County. Trustee Margaret Trujillo moved to go with HB Electronics 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 aye.

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Item 16. Consideration of Approval of Ordinance 220 - Providing for an increase in water rates and adopting a new Section 51.04

Trustee Thomas McKean stated that he would abstain from voting because he felt he had a conflict of interest in the matter.

Trustee Margaret Trujillo asked if a trailer park was different from an RV Park because a trailer park is permanent and an RV is temporary. Attorney Jeff Rhodes explained that if there was one meter for the entire park or separate meters for each space it would be like a residence.

Trustee Margaret Trujillo moved to approve Ordinance 220 and was seconded by Trustee Gloria Sainz and Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean abstained. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with three members of the Board voting aye and one abstention.

Trustee Patrick Garcia then moved to approve the publication by Title and General Subject Matter and was seconded by Trustee Margaret Trujillo.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean abstained. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with three members of the Board voting aye and one abstention.

Item 17. Consideration of Approval of Ordinance 221 - Amending Section 52.99

Trustee Thomas McKean moved to approve and to publish by Title and General Subject Matter Ordinance 221 and was seconded by Trustee Margaret Trujillo.

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 18. Ralph Otero - Award bid on Community Center Roof

Mr. Ralph Otero stated that he had requested bids from Trinkle Construction, Commercial Roofing Services and Ruiz Roofing and only Commercial Roofing and Ruiz Roofing made submissions. Ruiz came in at \$57,915.00 and Commercial at \$29,650.00. Mr. Otero explained that Commercial Roofing had partially repaired the Community Center before.

Trustee Thomas McKean moved to approve CRS in the amount of \$29,650.00 and was seconded by Trustee Patrick Garcia.

Mr. Otero asked where the money would be coming from. Mayor Ray Cordova stated that there were \$145,000.00 for improvements to the building which includes the roof and was asked to get together with Richard Gutierrez about the withdraw. Trustee Margaret Trujillo suggested making sure the money is available first.

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 19. Patrick Garcia (1) Who exactly is our Code Enforcement Officer? (2) Who is paid as our current Code Enforcer?

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Trustee Patrick Garcia showed pictures of alleys on Apple and Cherry Avenue where people have encroached on utility alleys and felt there have been issues that have been asked to be addressed before and have never been taken care of. Trustee Thomas McKean asked if it was on the Plat as an alley.

Mayor Ray Cordova answered the question about the Code Enforcer stating that it was Lt. Rupp. It was suggested to issue warning citations or writing a letter giving a certain amount of days to cure the violation and then be cited into court. Trustee Patrick Garcia asked if he could meet with Lt. Rupp on these issues, Mayor Cordova stated he would also like to be there and that all officers should be able to cite.

Item 20. Old Business

(1) 16 Mar 2006 Passed by Board. What is being done about decals for Village Vehicles?

Mayor Cordova explained that he had been in Santa Fe recently and there is a bill before the legislature for yard equipment and new vehicles and would like to wait to see if the bill passes and new vehicles are purchased then decals will be put on.

(2) 19 Dec 2006 Received a list of fire hydrants inspection, what is being done in repairing these hydrants?

Trustee McKean said the village needed to get on top of this.

(3) April 2006 Have been on the agenda, what is the status of fire hydrant on Rose and S. Bookout? Has it been replaced yet?

Trustee McKean informed that this hydrant had not been replaced.

(4) July 2006 Approved to go out for bid to have the Village limits surveyed, has this been done yet?

Village Clerk Dianna Brusuelas explained that Klad Zimmerle was scheduled for a workshop and then the village canceled, she also informed them that another person named Stewart Whittier out of Las Cruces stopped by to offer his services. It was decided to schedule a meeting with Mr. Zimmerle.

(5) 17 Oct 2006 What is the update on the Sound System for the meeting room?

Trustee Thomas McKean said he would scratch the Sound System off his list.

(6) 17 Oct 2006 Need update, what is being done about monster valve at sewer plant. Lawyer was supposed to review contract?

Attorney Jeff Rhodes stated that Mr. Gil Gallegos of Gannett Fleming had not gotten in touch with him.

(7) Nov 2006 What is the status of the sign ordinance passed by the governing body for publication?

The sign ordinance is still being worked on by the P & Z Board.

(8) Jan 2007 Letter was written to Prairie Subdivision for violations has Village received a reply yet?

Village Clerk Dianna Brusuelas stated that there had not been a reply yet.

Attorney Jeff Rhodes stated that he received a call from a Ruidoso Attorney who represents Mr. Scott and they are apparently looking for some sort of subsidized housing program.

Letter was written to David Baca for violations has Village received a reply yet?

Trustee Thomas McKean stated this was already taken care of.

What is the status of our FY 2004 and FY 2005 Audit? What should be the next step?

Village Clerk Dianna Brusuelas informed the Board that the Contract for FY 2004 and FY 2005 has been signed by DeAun Willoughby an auditor from Melrose, NM and the Village and was now at the state level for approval

What did report say about 2003 audit?

Trustee McKean asked if there was anything to say. Trustee Margaret Trujillo stated that the Village Clerk has addressed and are attached to the report. Trustee Thomas McKean said he felt not many things were found in the 2003 Audit.

Item 21. New Business - Trustee Thomas McKean

(1) Status of Highway Department lowering the speed limits South of Town

Mayor Ray Cordova said he talked to Bob Kurtz of the State Highway Department and Mr. Kurtz said they would lower the speed limit and they would do another study and if necessary would put a washboard.

(2) What is the next step with the Ditch Corporation on paying expenses and paying the Ditch Boss' Salary by Decree.

Trustee Thomas McKean said the Board should get together and decide what course of action should be taken. He informed the Board that he sat with the Ditch Corporation's secretary and the 1972 Decree says the Village has 71/2 voting rights, total voting rights for the next meeting is 14.66.

Item 22. Adjourn

Trustee Margaret Trujillo moved to adjourn and was seconded by Trustee Patrick Garcia. Motion carried with aye voice vote by all. There being no further business the meeting adjourned at 10:20 P. M.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

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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 March 20, 2007.