



VILLAGE OF MAGDALENA
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AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, SEPTEMBER 25, 2017
VILLAGE HALL 108 N. MAIN STREET 6:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - a. REGULAR MEETING – SEPTEMBER 11, 2017
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF APPOINTMENT OF MAYOR PRO TEM
11. DISCUSSION & POSSIBLE DECISION REGARDING RESCHEDULING OCTOBER 9, 2017, BOARD MEETING
12. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO AUTHORIZE CDBG PUBLIC HEARING
13. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF BID FOR STREET REPAIRS
14. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PUT SINKS AT DORMS UP TO BID
15. FIRST CONSIDERATION -- DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PUBLISH ORDINANCE NO. 2017-04, REGISTRATION OF BUSINESS ACTIVITIES
16. FIRST CONSIDERATION -- DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PUBLISH ORDINANCE NO. 2017-05, IMPOSING MUNICIPAL LICENSE TAX UPON HOLDERS OF LIQUOR LICENSES
17. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
18. EXECUTIVE SESSION
 - a. 10-15-1(H)(7), POTENTIAL LITIGATION
 - I. SETTLEMENT CONCERNING CLAIMED DEBT TO CONTRACTOR STERICYCLE
 - II. SETTLEMENT CONCERNING CLAIMED DEBT TO FIRST DATA GLOBAL LEASING
19. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 8725. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

**Minutes of the Regular Meeting of the Village of Magdalena
Board of Trustees
Held Monday, September 11, 2017 at 6:00 p.m.**

DRAFT

Mayor Richard Rumpf called the meeting to order at 6:00 p.m.

Present: Mayor Richard Rumpf, Lynda Middleton, Donna Dawson,
Jose "Artie" Castanon, Stephanie Finch - Clerk/Treasurer

Absent: Attorney Kathy Riley

Guests: Abiel Carrillo, Lisa Baca, Georgia Jannuzzi, Philip
Dooley, Kayla Scartaccini, Jim Nelson, John Larson, Anthony J.
Brookins, Larry Cearley, Carleen Gomez - Deputy Clerk

Mayor Richard Rumpf requested that Mr. John Larson lead the
gallery in reciting the Pledge of Allegiance.

Approval of Agenda: Ms. Dawson motioned to amend the agenda to
add a moment of silence for the victims of the September 11,
2001 terrorist attacks, seconded by Mrs. Middleton. The motion
carried unanimously.

Ms. Dawson motioned to approve the agenda as amended, seconded
by Mr. Castanon. The motion carried unanimously.

Approval of Minutes: Ms. Dawson motioned to approve the minutes
of the Regular Meeting of August 28, 2017, as presented,
seconded by Mr. Castanon. The motion carried unanimously.

Approval of Cash Balance Report: Mrs. Middleton motioned to
approve the cash balance report as presented, seconded by Ms.
Dawson. The motion carried unanimously.

Approval of Bills: Mr. Castanon motioned to approve the bills,
as presented, seconded by Ms. Dawson. The motion carried
unanimously.

Albuquerque Publishing	\$50.57	Book Systems, Inc.	\$995.00
Eagle Wholesale	27.45	El Defensor Chieftain	48.64
Leseberg's Auto	105.81	Merchants Automotive	384.09
Nance, Pato & Stout	636.00	NMLLPS-Labor Laws	79.50
O'Reilly Auto	144.98	Overhead Door	1,850.91
Pitney Bowes	214.86	Printing Systems	85.03

Quill	\$501.65	Rak's Building Supply	\$116.18
Romero's Tires	26.78	Route 60 Trading Post	100.00
Serna's Locksmith	117.95	Sierra Propane	253.61
Toter, LLC	30,785.96	UPS	27.82
Verizon Wireless	839.51	Wex Bank	2,286.61
WNM Communications	1,225.78		

Mayor's Report

Mayor Rumpf stated that he had attended the Mayor's conference last week in Albuquerque. He stated that birdwatching is being encouraged in New Mexico. He reported that there was a round table discussion concerning the return to work for Fire and Police employees after retirement. He stated that Gross Receipts Taxes were discussed concerning municipalities being shorted what they are entitled to and the pressure being put on Taxation & Revenue to comply and get that money to the municipalities. Mayor Rumpf also spoke about how engineering costs take up so much of Grants that are given.

At this time, there was a moment of silence for the victims of the terrorist attacks on September 11th, 2001. Mayor Rumpf thanked everyone.

Clerk's Report

Clerk Finch stated that in 2018 the Village would be celebrating the Centennial of the Village's incorporation. Clerk Finch stated that the Village is one of the municipalities that has not been receiving it's full GRT, Gas Taxes or it's full food distribution. Clerk Finch stated that she had been working on this since 2016. Mayor Rumpf stated that there is \$72B owed to municipalities around the State. Mrs. Middleton suggested that the Village do a resolution in support of the issue. Mayor Rumpf stated that there will be a letter coming around the State for Mayor's to sign.

a. Discussion & Possible Decision Regarding Approval Of Budget Adjustment Resolution #2018-01

Clerk Finch explained that \$20,000.00 is for the new garbage bins to transfer in and \$5,000.00 is being used from the Environmental Gross Receipts.

Mrs. Middleton motioned to approve Budget Adjustment Resolution #2018-01, seconded by Ms. Dawson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton	AYE
Ms. Dawson	AYE

Mr. Castanon AYE
The motion carried unanimously.

Department Reports

EMS

A report was submitted by Fire Chief Michael Bisbee and reviewed by Mayor Rumpf and the Board. Mayor Rumpf reported that that there was a burn day on August 12th and a house fire in Alamo that they responded to also on August 12, 2017.

FIRE

A report was submitted by Fire Chief Michael Bisbee and reviewed by Mayor Rumpf and the Board. Mayor Rumpf reported that that there were five calls for service that EMS responded to.

MARSHAL

A report was submitted and reviewed by Marshal Cearley and the Board. Marshal Cearley reported that there was a meeting in Socorro during the day concerning the E911 mapping in the subdivisions west and north of Magdalena.

JUDGE

A report was submitted and reviewed by Judge Kayla Scartaccini and the Board. Judge Scartaccini reported that there were 4 cases in the month of August 2017 with \$317.00 in fines and Court fees.

PUBLIC WORKS

A report was submitted by Utility Supervisor Jake Finch and reviewed by the Board. Ms. Dawson asked if the Utility Department would be moving and fixing the fire hydrant at the Fire Department. Mayor Rumpf stated that they are looking to do so.

LIBRARY

A report was submitted by Librarian Yvonne Magener and reviewed by the Board.

Discussion & Possible Decision Regarding Approval Of Appointment Of Trustee To Fill Vacant Position

Mayor Rumpf brought forward the name of Mr. James Nelson. Mayor Rumpf asked Mr. Nelson to speak as to his reasoning for wanting to be a Trustee for the Village of Magdalena. Mr. Nelson introduced himself and stated that he has lived in the Village for the last five years. He stated that he is retired from the University of Kansas. He stated that he is big on the sustainability of resources. He contributes to EMS currently as

the only EMT. He stated that he is also working with the school on their greenhouse.

Mayor Rumpf entertained a motion to appoint Mr. James Nelson to fill the vacant Trustee position.

Mrs. Middleton motioned to appoint Mr. James Nelson to fill the vacant Trustee position, seconded by Mr. Castanon.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton AYE

Ms. Dawson NAY

Mr. Castanon AYE

The motion carried by majority.

Mrs. Middleton stated that she believes that Mr. Nelson brings expertise that the Board needs.

Mr. Nelson was then sworn in by Clerk Finch and took his chair at the table.

Discussion & Possible Decision Regarding Approval Of Appointment Of Mayor Pro-Tem

Mrs. Middleton stated that she would like to consider this at the next meeting.

Abiel Carrillo - KSA Engineers

Mr. Abiel Carrillo of KSA Engineers introduced himself. He stated that he just wanted to sit in on a Village meeting and see if anyone had any questions for him. Clerk Finch asked what Mr. Carrillo specialized in. Mr. Carrillo stated that he specializes in Water & Sewer, drainage, roadways and aviation services.

Discussion & Possible Decision Regarding Approval Of Resolution #2017-23, Authorizing The Sale Of Solid Waste Punch Cards

Mr. Castanon asked what would happen with the ashes and oil at the transfer station. Mayor Rumpf stated that he will work with the County Manager during the week. He stated that he would also check into the issue with the cardboard. Ms. Dawson asked why there would be a \$5.00 fee. Clerk Finch stated that the Senior Center is also selling the punch cards but is not always open so the Village is providing a convenience by selling the cards. Clerk Finch stated that it also causes work for the employees in the office for reporting and receipting. She stated that a fee is also charged at other places where the cards are sold. Mr. Castanon suggested a smaller fee like \$3.00

instead of \$5.00. Mrs. Middleton explained the purpose for convenience fees to be charged. Ms. Dawson stated that there is going to be more of a problem with illegal dumping. Mrs. Middleton asked Marshal Cearley if he and his Deputies could keep an eye out for this type of dumping. Marshal Cearley stated that no one wants to charge when this happens on their property and he cannot charge if there is no complainant. Mrs. Middleton stated that she would like to discuss illegal dumping on the Village newsletter as a public relations issue to the community.

Mrs. Middleton motioned to approve Resolution #2017-23, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch take a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson NAY

Mr. Castanon NAY

Mayor Rumpf exercised his vote to break the tie by voting AYE. The motion carried by majority.

Discussion & Possible Decision Regarding Approval Of Agreement For Engineering Services Between The Village Of Magdalena And Molzen Corbin

Clerk Finch stated that this was needed as part of the Sewer Preliminary Engineering Report (PER). Clerk Finch stated that the Village has been awarded a grant in the amount of \$37,500 to go toward the PER and the remainder of what is due would need to be paid from the Sewer Fund. She stated that an entity gets more points when applying for funding when they can show proof that planning has been completed. She pointed out that the Village has aging sewer lines and the PER will lay out issues that need to be taken care of. Mrs. Middleton stated that it is a good investment in the Village's future. She stated that the Village will be able to get more Grants if they are "shovel ready". Clerk Finch stated that Attorney Kathy Riley had already reviewed the agreement and says it is standard and looks good. Clerk Finch stated that NMED will also have to approve the agreement. Mrs. Middleton stated that the balance due after the amount of the grant would need to come out of the General Fund, transferred to the Sewer Fund and be paid between August and December of 2018.

Mrs. Middleton motioned to approve the proposed Agreement, seconded by Ms. Dawson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Castanon AYE

The motion carried unanimously.

First Consideration - Discussion & Possible Decision Regarding Approval To Publish Ordinance #2017-04, An Ordinance Adopting The New Mexico Uniform Traffic Ordinance By Reference

Mrs. Middleton asked Marshal Cearley if he had any issues with what was presented. Marshal Cearley stated that he did not.

Ms. Dawson motioned to publish Ordinance #2017-04, seconded by Mr. Castanon. The motion carried unanimously.

Public Input - 1 Topic Per Person - 3 Minute Limit

No public input was given.

Executive Session

Ms. Dawson motioned to go into Executive Session at 6:48 p.m. to discuss the items on the agenda, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Castanon AYE

The motion carried unanimously.

a. 10-15-1(H) (7) - Potential Litigation

1. Settlement Concerning Claimed Debt To Contractor Stericycle

b. 10-15-1(H) (2) - Limited Personnel Matter

1. Deputy Marshal

Ms. Dawson motion to go back into regular session at 7:04 p.m. and certified that only Potential Litigation and Limited Personnel Matters were discussed and no decisions were made, seconded by Mr. Castanon.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Castanon AYE
The motion carried unanimously.

Discussion & Possible Decision Regarding Approval To Hire Deputy Marshal

Mayor Rumpf gave to name of Mr. Anthony Brookins to be hired as Deputy Marshal. Mr. Brookins introduced himself and stated that he is from Belen New Mexico and he recently graduated from Western New Mexico University as a certified Law Enforcement Officer with a Bachelor's Degree in Criminal Justice. He stated that he believes in getting bad people off the streets and doing the right thing. He stated that he plans on getting his Master's in Criminal Justice. He stated that he looks forward to working with the people of the Village.

Ms. Dawson motioned to hire Mr. Anthony Brookins and Deputy Marshal, seconded by Mr. Castanon.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Ms. Dawson AYE

Mr. Castanon AYE

The motion carried unanimously.

At this time, Judge Kayla Scartaccini swore in Mr. Brookins.

Ms. Dawson motioned to adjourn the meeting at 7:08 p.m., seconded by Mr. Castanon. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Minutes Taken By:

Carleen Gomez, CMC
Deputy Clerk

Stephanie Finch

From: Lisa Baca <lbaca@sccog-nm.com>
Sent: Thursday, September 14, 2017 2:02 PM
To: Stephanie Finch
Subject: CDBG

Hi Stephanie,

I have talked to my co-worker. The first step to starting a CDBG project is to hold a public hearing. We would need to get input from the public first about what projects they would like to see. And the trustees should not be at the public hearing. After the public hearing is held (on a different night and time than the regular meetings), then the trustees can talk about potential CDBG projects at their meeting. The public hearing has to come first. Otherwise, if they (trustees) talk about a potential project before the public hearing, that project will be considered "predetermined" and that project will be ineligible for CDBG funding. So, the public hearing is ONLY for the public to give their ideas, we write them down, and adjourn the meeting. Then we would need to put the CDBG on the next agenda to let the trustees know what projects the public has suggested, and at that time we can discuss the potential projects.

Please give me a call if this does not make sense. Also, I can be there to help answer any questions the public may have if you would like, and record the public's suggestions in an input log. Please let me know if you need a copy of the CDBG public hearing notice as well. This is something that must be posted in both English and Spanish and will be included in your CDBG application.

Have a great day! ☺

Thank you,
Lisa Baca
SCCOG/Grant Administrator
P.O. Box 267
Elephant Butte, NM 87935
(575)744-4857 (w)

**VILLAGE OF MAGDALENA
ORDINANCE 2017-04**

REGISTRATION OF BUSINESS ACTIVITIES

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-38-3 provides that municipalities have the authority to charge a business registration fee on each place of business conducted within a municipality.

NOW THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Magdalena adopts the following Ordinance establishing registration requirements for business conducted within the Village.

Section 1. APPLICABILITY and PRESUMPTIONS

Each business within the Village, whether or not the same person, firm, corporation, or association conducts more than one business, must be registered with the Village unless otherwise exempted by state law. Specifically exempted are part-time artists whose income from sales of artwork in the prior taxable year did not exceed one thousand dollars (\$1,000) and registered athletic officials who officiate for any association or organization that regulates any public school activity and whose rules and regulations are approved by the state board of education. Otherwise, it is presumed that all businesses and occupations conducted in the Village are subject to the registration fee.

A “business” is a person or organization engaged in the sale or lease of goods or services, including those businesses that do not have a fixed and regular location.

Section 2. SCOPE

No action taken under the provisions of this chapter shall be construed as authorizing either the conduct or continuance of any business in an unlawful manner or in an unlawful location.

Section 3. REPEALER

Ordinance No. 2015-01 is repealed, and any other ordinance, resolution, or rule directly in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 4. REGISTRATION OF BUSINESS ACTIVITY

- A. Prior to engaging in any business, any person or entity proposing to engage in a business shall register its business on a form provided by the Village Clerk.
- B. Each calendar year, between January 1 and April 1, any business within the Village shall apply for the renewal of its business registration with the Village Clerk.
 - i. Any person or entity engaged in, or proposed to be engaged in the provision of commercial lodging accommodations shall comply with the Lodgers Tax Ordinance, Licensing 6-1-5.
- C. Any application or renewal of a business registration shall include the current revenue division taxpayer identification number or evidence of application for a current revenue division taxpayer identification number. The Village shall not issue or renew business registration to a person or entity that has not furnished this information.
- D. Prior to the issuance or renewal of registration: the registration fee must be paid; and, information requested by the Clerk and the data required by Section 3(C) be provided.
- E. Upon completion of registration requirements, the Clerk shall issue or renew business registration in the form of a certificate within ten (10) working days or the matter placed on the next Regular or Special Meeting Agenda for review pursuant to Section 5 of this Ordinance.

Section 5. FEES

- A. The registration fee for both issued and renewed registrations shall be set at thirty-five dollars (\$35.00) per year.
- B. The fees shall not be prorated.
- C. Only those businesses exempted by State Law are exempt from the payment of fees.

Section 6. ENFORCEMENT

- A. Pursuant to NMSA 1978, Section 3-17-1(C)(1), a fine of up to five hundred dollars (\$500).
- B. In addition to penalties provided under Subsection A, the Village may institute, at any time up to four (4) years after the violation, any appropriate judicial action or proceeding to:
 - i. prevent the conduct of the business;
 - ii. prevent the occupancy of the building, structure or land on which the business is located;
 - iii. collect fees by suit in court; or,
 - iv. charge a late fee of ten dollars (\$10.00) per year.
- C. Unpaid fees constitute a lien in favor of the Village upon the personal property of the business. The lien may be enforced as provided in NMSA 1978, Sections 3-36-1 through 3-26-7.

Section 7. SEVERABILITY

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, word or phrase thereof be held unconstitutional or otherwise invalid.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2017.

Approved:

Richard Rumpf, Mayor

Katherine Riley, General Counsel as to
legal sufficiency

Attested:

Stephanie Finch
Village Clerk/Treasurer

**VILLAGE OF MAGDALENA
ORDINANCE 2017-05**

IMPOSING MUNICIPAL LICENSE TAX UPON HOLDERS OF LIQUOR LICENSES

WHEREAS, NMSA 1978, Section 7-24-1 provides that municipalities within local option districts may, by ordinance, impose an annual, non-prohibitive municipal license tax upon the privilege of persons holding state licenses under the provisions of the Liquor Control Act.

NOW THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Magdalena adopts the following Ordinance imposing the tax permitted by NMSA 1978, Section 7-24-1, et. seq.

Section 1. APPLICABILITY

Persons holding state licenses under the provisions of the Liquor Control Act, Section 60-3A-1 to 60-8A-19 who operate within the Village of Magdalena as retailers, dispensers, canopy licensees, restaurant licensees and club licensees.

Section 2. LICENSE TAX PERIOD and REMITTANCE

1. The amount of two hundred fifty dollars (\$250.00) is payable in full to the Village of Magdalena by May 31, 2018 and by that date each year thereafter.
2. The license tax period is July 1 – June 30 of each year.

Section 3. ENFORCEMENT and REMEDIES

1. No retailer, dispenser, or club is permitted to operate within the Village without having paid the license tax pursuant to this Ordinance.
2. Upon duly entered written order of the Board of Trustees, the Magdalena Marshal and Deputies shall close the place of business of any retailer, dispenser or club who has not paid or tendered the license tax pursuant to the terms of this Ordinance, and until the license tax is paid.

Section 4. EFFECT OF REVOCATION, SUSPENSION, ASSIGNMENT OR TRANSFER OF LICENSE

1. The revocation or suspension of any retail, dispensary, or club license shall not entitle the licensee to the refund of any portion of the tax paid.
2. No refund to the original licensee for the unexpired portion of such license will be made in the event of transfer or assignment of the license.
3. In the event of transfer or assignment of the license, the right will vest in the assignee or transferee to operate under the license tax paid by the original owner for the period covered under the paid license tax.

Section 5. SEVERABILITY

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, word or phrase thereof be held unconstitutional or otherwise invalid.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2017.

Approved:

Richard Rumpf, Mayor

Katherine Riley, General Counsel as to
legal sufficiency

Attested:

Stephanie Finch
Village Clerk/Treasurer