

**TOWN OF COCHITI LAKE  
MINUTES OF ASSEMBLY MEETING  
THURSDAY, JUNE 23, 2011**

**I. CALL TO ORDER**

Mayor Kiesling called the meeting to order at 7:08pm.

Assembly members in attendance were Ken Kiesling, Mac Poling, Linda Bradshaw, Freda Donica, Sue Kinzie.

**APPROVAL OF AGENDA**

Mac Poling moved for the approval of the agenda as presented.

**It was seconded by Linda Bradshaw and passed with a 5 to 0 vote.**

**APPROVAL OF MINUTES**

Freda Donica moved for the approval of minutes of May 26, 2011.

**It was seconded by Mac Poling and passed with a 5 to 0 vote.**

**II. OLD BUSINESS**

There was no old business to report.

**III. NEW BUSINESS**

**I. Anniversary Date for Library Director**

Freda Donica reported that June was the anniversary date for Dr Badarak, Library Director and she thought that it was the appropriate time to talk about some of her accomplishments and changes to the Library. Mary came to be Library Director in 2005 and since that time there have been a lot of changes. There was letters and a petition with 130 signatures in support of the Library Director. Freda stated that she was giving the letters and petition to the Library President Cindy Eakin to archive. Freda reported on the statistics of fiscal years from 2004-2005 to present. The number of visitors in 2005 was 4,560 and in 2010 there were 8,531. The number of hours the Library was open to the public in 2005 was 1,300 and in 2010 it was 1,508. Items in circulation for 2005 were 5,892 and in 2010 were 10,689. Computer use in 2005 was 438 and in 2010 it was 2,798. For 2005 State grants received totaled \$4,962 and 2010 it was \$6,682. Freda read the annual report from 2009-2010 on promoting Library services. The biggest and most successful promotion for the year was the Memorial Day Book Fair with more than 150 people in attendance. Some of the major successes and challenges for the last year were the new high speed DSL and WIFI Internet for public access and Library services computers. With the help of State Grant in Aid, New Mexico State GO Bonds and Sandoval County Bonds the library purchased a new Dell Power Edge Server and six new Dell Optiplex 360 computers, 4 computers for the public access computer center, 1 for the circulation desk and 1 for the Library Administrator and installed a new library management and catalog system called Follett Destiny. The new Destiny Catalog allows online access from any computer through web pages. There was also new bar coded durable plastic library cards for all patrons. Public response to the improved internet services and new library catalog and new library cards has been resoundingly positive. Visits to the library have increased by 10% and registered borrowers have increased by

8% from last year. The Library offers a reading program for school aged children with 6 weekly sessions held using curricular material provided by the State Library. Next will be improvements to the children's center to develop a more inviting space. Included will be a variety of media, books and games, art material and puzzles, videos and learning software. The space will be rearranged to include a table for four new kid's computers, 2 computers for young children ages 3 to 7 which will be loaded with games, stories and learning programs but without internet access, 2 computers for children ages 8 to 13 with filtered internet access and video and music capabilities. There are two book groups, a day group and an evening group who recently read a book called The Pale Light of Sunset by local author Lee Maynard. People use the public access computers to look for jobs, make reservations, and check emails or to communicate with government agencies such as the DMV, SSA or just to read the news paper. Children go from the school bus to the library to start on home work and to wait for their parents to get home from work. Visitors to the Town stop by the library for directions or maybe seeking information about the Town. Freda stated that the Library is truly the center of the community and believes that Mary is probably the only PHD in Town and is a treasure and thanked Mary for her service. Administrator Mary Wheeler stated that Mary Badarak has been Library Director for seven years and feels very grateful and very lucky to have her as an employee. She gets all of her reports in, addresses the financials as soon as she receives them, responds to all her emails and represents the Town beautifully in all dealings with the State Library. She is a person who gives respect to everybody and in return earns respect. Administrator Mary Wheeler thanked Mary Badarak for her service. Mayor Kiesling congratulated Mary on her anniversary and thanked her for her service to the Town. He also stated that as a result of the budget discussions, primarily at the last meeting, there was some misinformation with regard to any aspersions toward performance. He spoke for all the Assembly that they know Mary does a wonderful job and that she is appreciated. When the Assembly looks at ways to save money they are not talking about individuals but are talking about positions and cost. He asked that he not be misunderstood. Mayor Kiesling thanked Mary for her service. Citizens of the Town were concerned over budget cuts and some suggested that they would pick up the tab for employee cuts. Mayor Kiesling responded to the comments stating that he thinks that the actions taken by the Assembly will be in conjunction with their thoughts.

## **2. May Financials**

Linda Bradshaw opened the item by turning it over to Town Treasurer Gloria Halama. Gloria reported that in Admin. legal fees paid were \$125.19 relating to the Chester Mattocks audit. Payment of audit fees for 90% of services completed to date was \$6,371.85. Admin was over year to date by approximately \$2,474.00. Library was below budget in revenue by \$4,120 and below in expenses year to date by \$1,615. Due to reduced LCAA funds PW was below budget in revenue by \$2,286 and \$1,234 below budget in expenses. Excluding the revenue received for a new ambulance EMS was over budget by \$20,514 and over in expenses year to date by \$2,601 due to fire hall improvements. VFD was below budget in revenue by \$2,058 and below budget in expenses by \$28,233.69 year to date. Community Fund earned interest of \$34.40 and had no activity for the month. Linda Bradshaw asked why under section 360.05 contributions were restricted. Administrator Mary Wheeler responded that the restricted contributions

were for the West Side Project. Linda also asked why VFD was below by \$28,233.69. Mary responded that VFD receives more money than is spent.

**Linda Bradshaw moved to approve the May Financials as presented.**

**It was seconded by Mac Poling and passed with a 5 to 0 vote.**

### **3. Adoption of 2011-2012 Final Budget, Resolution 2011-4**

Freda Donica opened the item by stating that the budget that was being voted on was the original Preliminary Budget that was discussed at budget hearings. It was the original budget without employee income cuts.

**Freda read the resolution aloud and moved for approval.**

**It was seconded by Linda Bradshaw and passed with a 5 to 0 vote.**

### **4. Employee Issues and Unintended Consequences**

Freda Donica opened item #4 by addressing a letter from Hans Schoenhofen that needed to be rebutted. Contained in the letter were accusations about the Town Administrator making policies and writing Ordinances and Town taxes. Freda reported that the Town Administrator does not make policies, write Ordinances or impose the Town tax. The Administrator is under the direction of the Assembly. The letter contained an issue about Pueblo Ordinance 2003-01 that the Town of Cochiti Lake cannot impose a tax because it is a political sub-division of the Pueblo de Cochiti. Freda reported that the residents are not political sub-divisions of the Pueblo but that they are residents of the Town of Cochiti Lake. The Town Charter has very clear language which allows a tax to residents. Liens were Duly Passed in a Resolution and were enacted and are the law of the Town. Also contained in the letter from Hans was that the Town was not growing. Freda reported that there have been 12 homes built since 2003 and that there are at least 51 more lots available. On a more serious issue Freda reported that Hans sent a letter to Mac Poling telling him to investigate Calvin's use of the VFD's truck in order to avoid a mishap with the IRS. Freda reported that Mac was to investigate and that the use of the VFD's truck for personal use was unfounded. On June 9<sup>th</sup> the Town Administrator sent an email to the Assembly stating that she would hope the Assembly would defend its employees against such spurious attacks. A response from Mayor Kiesling stated that all residents questions which are presented rationally, because of concern for the Town and other residents would be accepted and respected and that the obligation of the Assembly was to find truthful answers and to present them in a response and that her conclusion that they were spurious attacks on employees was that they were out of order. Freda responded that Mary was not out of order and that they were spurious attacks on employees. She reported that Hans Schoenhofen and David Craig have over the years starting in 2005 have sent emails and called the State Fire Marshalls Office complaining that the Fire Chief had been writing checks on Town bank accounts and that the Town had paid for Calvin's personal truck and gas. She stated that that was spurious attacks on employees. She also stated that if they wanted to know the truth that they could have looked through Town records, they could have asked someone on the Assembly or office personnel. Hans replies to Mayor Kiesling on June 9 thanking him and stating that he was not making spurious attacks on employees. Freda reported that Calvin was not a Volunteer FF but that he is a Professional with extensive training. She continued with Hans's email that read that Mary Wheeler should be grateful, instead that he gives her a chance to

correct the issue before the IRS gets after her and the past Assembly for letting her and Calvin get away with it for two or so years. Freda had no comment on the particular issue. She asked the other Assembly members if they thought it plausible that Fire Chief Calvin Miller be dishonest, he has been an employee for many years and has served the community above and beyond. A former Administrator of the Town mentioned that there are systems in place that are monitored and that the same issue has been going on for eight years. Freda spoke up for the employees and gave her support. A resident was concerned about the Administrator receiving back lash from a check submitted to contractors for the road project and that she was only partially to blame because she was directed by the former Assembly. Freda agreed and responded that the past Assembly was just as responsible as the Administrator was. Mayor Kiesling stated that he had spoken to the matter of negligence on the part of the Assembly in terms of making sure that proper procedures were followed. Mac Poling responded that with regard to Hans's concerns about Calvin's truck being owned by the Town was that it was not owned by the Town and that Hans admitted he was wrong. On the financial part of his concern was that gas being used by EMS was being charged to the Fire Department. Mac Poling reported that he would look further into the financial issues. A resident mentioned that too many people hear only what they want to hear and suggested to consider the source of the information and asked the Assembly to act on first hand information.

#### **5. Appointments to the Election Board**

Mayor Kiesling reported that interviews were held and nominated the appointment of Robert Guy, Charles Reading and Judith Reading to the Election Board and asked for a second. **It was seconded by Mac Poling.** Freda Donica objected to the procedures used for the interviews. A former Assembly member asked if there was only one member of the Assembly conducting the interviews. Mayor Kiesling responded that there was one Assembly member conducting the interviews and that an Assembly member and a resident were also present and that the Assembly has the ability as he told all the candidates in their interviews that the other Assembly members have the ability to request interviews with them as well. **The motion passed with a 5 to 0 vote to appoint Robert Guy, Charles Reading and Judith Reading to the Election Board.** Mayor Kiesling stated that what he would like to do in the future would improve communication with staff to make sure meetings are posted and to have as many Assembly members as possible present for interviews. Linda Bradshaw stated that she would have liked to pursue the issue further as she did not feel that interviews should be conducted in public. Mayor Kiesling responded that there cannot be a closed session with a quorum.

#### **6. Appointment to the Zoning Board**

Sue Kinzie opened the item by stating that the Zoning Board unanimously voted to approve David Craig's application to join the Zoning Board. Sue Kinzie moved to appoint David Craig to the Zoning Board. **It was seconded by Mac Poling.** Mayor Kiesling asked if there were questions or comments from the Assembly. Freda Donica stated that she met David Craig in 2005 when he contacted her in regards to a hearing that was to take place on his removal from the Fire Department and asked her if she would attend the meeting, which she did. She later learned that the issue was David's vendetta against another member of the Fire Department. She stated that the report from

Hap Paull, Zoning Board member read that David Craig met all the requirements of the Zoning Board Bylaws. Freda stated that when someone is appointed to a Board or a Commission their character, integrity and their propensity for truthfulness and veracity. Freda had a list of slanderous emails sent to the State Fire Marshall from David Craig, Hans and a former resident. Freda suggested that David Craig let go of the past and would like for him to become a contributing positive vital resident of the Town instead of what he has done in the past was try to destroy the Town. Mayor Kiesling asked David Craig if he would like to respond to the comments. David responded that he thought that Freda was mistaken on some of the issues and didn't know all the details and that it was a waste of time on both parts. There were residents concerned about the appointment of David Craig to the Zoning Board. Mac Poling stated that the Assembly received a lot of comments about the appointment of David Craig and that he intended on supporting the appointment. A former Assembly member reminded the current Assembly that David was aware of the problems with dogs that had attacked another dog and that the owner of those dogs had promised that those dogs would not be walked in Town and yet they continued to do so. Hap Paull Zoning Board member commented that the interview held with David Craig was open to the public and that he stands by his decision to appoint David Craig. **Freda Donica moved to table the motion. The motion failed 3 to 2 with Freda Donica and Linda Bradshaw dissenting.** Mayor Kiesling continued with the discussion and called on Sue Kinzie. Assembly member Sue Kinzie stated that it was a very tragic situation when her dogs attacked another dog that was on her own driveway. She stated that she felt horrible and went to her trainer and asked in detail on how to manage her dogs so that it would not happen again. A suggestion from the trainer was to never walk the two dogs at the same time. A resident was concerned over controlling dogs that are 130lbs. Sue Kinzie stated do not persecute David for walking her dogs as he is doing a service to her as a personal friend and had nothing to do with his position on the Zoning Board. **The motion to appoint David Craig to the Zoning Board passed with a 3 to 2 vote. Freda Donica and Linda Bradshaw cast the dissenting votes.** Mayor Kiesling congratulated David Craig for his appointment and that he looks forward to his honorable work on the Zoning Board. David Craig thanked the Assembly for appointing him to the Board and promised that he would follow all the rules.

#### **7. Recycling Committee to Paint Recycling Depot**

Sue Kinzie read a letter she received from Sharon Jordan of the Recycling Committee wanting to paint the Depot. Maybe have local artists and/or the children of the Town come up with a theme for the Recycling Depot. Sue stated that maybe there could be donations of left over paint or paint that nobody wants anymore. Freda Donica stated that it was a good idea and wondered if permission was needed from Architecture. Administrator Mary Wheeler stated that a letter, sketch and plans to Architecture are needed for any exterior change. Sue will pass the information on to the Recycling Committee.

#### **IV. ANNOUNCEMENTS**

Next Assembly Meeting, July 28, 2011

**V. FOR THE GOOD OF THE ORDER**

Connie Reynolds asked about the progress on the repair of the sewer lines. Mary Wheeler asked David Craig if he had heard back from the DFA after he had questioned the LCAA Grant. He responded that he had not. Freda Donica asked David if he had corrected with them his assertion that \$35,000 was property tax when in fact it was utility fees. David responded that he would make all the necessary corrections. Helen Kennedy stated that Mary Wheeler deserved an apology for all the unnecessary attacks and disrespect and that she has always been very helpful. Hans read a letter he composed to the Assembly suggesting the termination of Mary Wheeler. He quoted an email sent by Mary Wheeler to the Assembly about receiving a call from Vernon Muller, Deputy State Fire Marshall about Hans complaining that there was a cover up of spending of State Fire funds. Cindy Eakin, former Administrator asked how Hans received a confidential email sent to the Assembly. Tony Da Silva, former Assembly member stated that Hans had just attacked Mary and that he had sent a suggestive letter to her about four years ago. The State Police & Sheriff's Department was called and spoke with the Assembly and subsequently to Hans. They explained to him that continued action of that kind could result in legal action against him. Dieter Vogt thanked the Assembly and stated that it was not the Town but members of the Fire Department who donated out of their own pockets \$200 to the Jeannette Wallace Memorial Scholarship Fund. Residents were concerned with the relationships between the Assembly and the employees. Mary Wheeler stated that there are procedures for open documents and that she stands by everything that was in the email sent to the Assembly and would like their support. Mike Whyte, Fire Department Member invited everyone to the business meetings of the Fire Department to know what they do and where the money comes from and what they decide to do with it. Mac Poling asked if the Fire Department meetings were posted. Mike Whyte announced that the meetings are every first Thursday of every month at 7pm at the Fire Hall. A resident stated that Hans is not in good standing in the community and hoped that those who pay their Town Tax would not listen to Hans who doesn't have a voice in the community. Mayor Kiesling responded that first of all Hans does have a voice and the need to consider where information is received and how that information is backed up and be up front in terms of information, and the issue about employees and emails the Assembly will be getting advice on. Hap Paull asked that when the Assembly has their conversation with the Lawyers to get an opinion if that would be open. Freda responded that it would not be because it is Attorney/Client Privilege. Mayor Kiesling responded that also in the opinion they would try to determine whether the conversation with them would need to be made public.

**VI. ADJOURNMENT**

Linda Bradshaw moved to adjourn the meeting.

**It was seconded by Mac Poling and passed with a 5 to 0 vote.**

The meeting adjourned at 9:07pm.

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Kenneth Kiesling, Mayor

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Annette Narvaiz, Town Clerk

