

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JULY 19, 2017 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD

CALL TO ORDER.

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: John Abrams, Sherry Abraham, Rita Loy Simmons and Linda Holle (telephonically).

Also Present: Clerk/Treasurer Juan Torres, and Deputy Clerk Carla Salazar.

PLEDGE OF ALLEGIANCE.

1. APPROVAL OF AGENDA.

The Mayor stated he needed to add an item to hear from Judge William White and also to hear the Judge's report for the month of June. These would be inserted prior to Item 4 on the Agenda. Everything else would be moved down accordingly.

MOTION: Councilor Abrams made a motion to approve the Agenda with the addition of Judge William White's report for the month of June 2017 as Item 4
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. APPROVAL OF MINUTES.

- a. Approval of the Draft Regular Council Meeting Minutes of June 7, 2017
- b. Approval of the Draft Special Council Meeting Minutes of July 8, 2017

MOTION: Councilor Abrams made a motion to approve both the Draft Regular Council Meeting Minutes of June 7, 2017 and the Draft Special Council Meeting Minutes of July 8, 2017

Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

3. APPROVAL OF CONSENT AGENDA

- a. Acknowledge Receipt of the Draft Parks & Recreation Committee Meeting Minutes for the month of April 2017

MOTION: Councilor Abrams made a motion to acknowledge receipt of the Draft Parks and Recreation Meeting Minutes for the month of April 2017
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

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4. MUNICIPAL COURT JUDGE WILLIAM WHITE/JUDGE'S REPORT FOR THE MONTH OF JUNE 2017 – Judge William White

Judge White stated that if it was okay with the Governing Body, he did not intend to address the Judge's Report for the month of June at this meeting. He wanted to bring forth some items from the Judges' Conference that he had just attended as there were some important issues discussed. They covered new information regarding bail bond schedules and pre-trial release of defendants and some background of how the changes came about.

Judge White then addressed the Police Chief directly, about dash cams/lapel cams/smart phone videos and the standard by which those can be submitted into evidence in court. Judge White stated that it is up to the Judge/factfinder to determine whether to accept this type of evidence based on whether it can be authenticated. It is then up to the Judge/factfinder to determine what weight to give it. The Judge also stated that when it came to security videos regarding shoplifting it is not sufficient for the officer or person testifying to say they saw something on a security video. If a witness is going to testify about what they saw on a video they must bring the video to court.

Judge White then stated that while not much has changed with Direct Contempt, it is Indirect Contempt that has changed. To that end, the Judge will be coming to Council with sample ordinances for Failure to Pay, Failure to Appear and Failure to Comply. He has asked Court Clerk Kathy Smith to look for model ordinances he can edit and bring to the Governing Body for approval.

Judge White pointed out a few more items to the Police Chief including that citations that are not signed must be dismissed without prejudice. He also stated that when Police Officers run license plates for insurance they need to be aware that if they get an unknown report on insurance that is not reason to stop someone. Finally, for Animal Control Officers, he stated that seizure orders must read "for all animals, alive, dead or unborn".

Judge White stated he came away from the Judges' Conference believing that the rules that are being implemented are principled. He then stood for questions.


Mayor Bassett asked how soon the Judge would have ordinances for the Governing Body to look at. Judge White answered that he would like to bring those forward soon.

Councilor Abrams stated that since the Judge's Report for the month of June is not an item on the Agenda he recommends it be taken up for action at the next meeting. The rest of the members of the Governing Body agreed.

5. MATTERS FROM THE MAYOR.

a. Facilities Update

The Mayor stated the Town has the quit claim deed to the fire station; however, NMFA has a problem with the language in our lease for the former Edgewood Elementary School that must be

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changed. That is, the language stating the Town is able to terminate with a two year notice cannot stay in the contract. There can be no termination of the lease until the loan has been satisfied. Councilor Abraham asked if that would be a problem with MESD. The Mayor answered that MESD has the contract with the new language now and they will have to approve it. Councilor Simmons asked if the school had to sign off on the new lease. The Mayor answered in the affirmative.

Councilor Simmons asked if the Town has insured the Fire Station now that we own it. Mr. Torres said the paperwork is on the way to the Self Insurers Fund but it was insured and is still insured under the lease.

The Mayor then told the Council that First Choice and the Town requested funds from Torrance County for the new First Choice Clinic. There is no news yet on whether Torrance County will help fund it.

The Mayor then asked if any other members of the Governing Body wanted to go to the EMWT Annual Meeting. Both Councilor Simmons and Councilor Holle expressed an interest in attending. The Mayor asked Ms. Salazar to put out a notice of quorum.

b. Events: Water Fun Day & Movie Nights

The Mayor acknowledged how well attended the Water Fun Day was and thanked Staff for putting it on.

Additionally, the Mayor then gave an update on the remaining bond money for roads. He explained that the Town's attorneys were working on a language change to allow the Town to use the funds on Horton, south of Dinkle.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.


Councilor Abraham expressed that the Town needs to talk about Run, Rally & Rock and get the word out to the community that it is happening on August 5th. She asked if the Town had created and distributed flyers and just in general asked that the Town do more to get the word out. Ms. Salazar gave an update on what the Town was doing to get the word out on Run, Rally & Rock.

Councilor Simmons went to the 100th birthday party of the Lions Club and had a great time. She also thanked Animal Control for rounding up an animal at her request.

**7. PLANNING AND ZONING REPORT FOR THE MONTH OF JUNE 2017 –
Ms. Tawnya Mortensen**

Ms. Mortensen presented her report for the month of June 2017. She stated it was a busy month and then stood for questions.

Councilor Abraham questioned the impact fees and stated once again her desire that when the Impact Fee Committee is formed there be a member from the development community on it. She

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asked how the Town could keep collecting the Fire Impact Fee if we do not have a representative from the development community on the Planning and Zoning Commission, whose members make up the Fire Impact Fee Committee.

Thereby ensued a discussion between the Councilors, Mayor Bassett and Ms. Mortensen on the formation and makeup of the Fire Impact Committee. There was some history given as to how the Fire Impact Committee had been formed, the two reports that have been done, and how to proceed. No consensus was reached except that some research needed to be done to find out how the Fire Impact Committee should be formed and what their duties and responsibilities are. The Mayor assured the Councilors that it would be done and he would get them the information.

8. TOWN OF EDGEWOOD POLICE REPORT – Chief Ron Crow

Chief Crow presented his report for the month of May 2017. He then stood for questions from the Governing Body.

Councilor Simmons asked how much of the Police Report was generated for the Governing Body and how much had to be done for reporting requirements. She asked if there was a way to streamline this report for the Governing Body so not so much paper was generated.

Councilor Abraham asked when the Animal Control Ordinance would be ready for the Governing Body to vote on. Chief Crow answered that Animal Control was waiting on Planning & Zoning to make changes to the Zoning Ordinance.


Chief Crow then introduced Mr. Armando Campos the newest Town of Edgewood Police Officer. Mr. Campos introduced himself to the Governing Body and gave a brief overview of his background.

MOTION: Councilor Abrams made a motion to accept the Town of Edgewood Police Report for the month of May.
Councilor Holle seconded the motion.
VOTE: All Councilors voted aye. The motion carried.

Councilor Abrams then also requested that a motion be made to accept the Planning and Zoning report for the month of June 2017.

MOTION: Councilor Abrams made a motion to approve the Town of Edgewood Planning and Zoning Report for the month of June.
Councilor Simmons seconded the motion.
VOTE: All Councilors voted aye. The motion carried.

9. DISCUSSION AND ACTION ON RESOLUTION NO. 2017-13 RELATING TO THE \$2,696,483 LOAN AGREEMENT DATED DECEMBER 12, 2014 (THE “LOAN AGREEMENT”) BY AND BETWEEN THE TOWN OF EDGEWOOD, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (THE “FINANCE AUTHORITY”), ENTERED INTO FOR THE

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PURPOSE OF PERFORMING SITE WORK AND ACQUIRING AND CONSTRUCTING A FACILITY CONTAINING ADMINISTRATIVE OFFICES, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; FURTHER RELATING TO RESOLUTION NO. 2015-26 AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF AN ANIMAL SHELTER, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; AUTHORIZING A SECOND AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE PURPOSE OF PERFORMING SITE WORK AND ACQUIRING AND CONSTRUCTING A FACILITY CONTAINING ADMINISTRATIVE OFFICES AND FOR THE CONSTRUCTION OF AN ANIMAL SHELTER, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE AMENDMENT TO THE LOAN AGREEMENT

Mr. Torres explained the change of language was necessary as a second amendment for the NMFA loan because the last amendment in 2015 removed the administrative office language from the text of the document. In order to use the funds for the planned administrative offices the Town needed to add back to this resolution the language specifically naming administrative offices and rescind Resolution No. 2015-06.

Councilor Simmons asked for clarification on whether or not the Town would be able to use the money to renovate and not build. Mr. Torres answered that the Town would be able to use the funds for renovation.

Mayor Bassett asked if Councilor Holle had to be physically present to vote on the Resolution. Mr. Torres answered in the negative.

Councilor Simmons read the full text of the Resolution for the record and to be included in the minutes.

MOTION: Councilor Abrams made a motion to approve RESOLUTION NO. 2017-13 RELATING TO THE \$2,696,483 LOAN AGREEMENT DATED DECEMBER 12, 2014 (THE "LOAN AGREEMENT") BY AND BETWEEN THE TOWN OF EDGEWOOD, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), ENTERED INTO FOR THE PURPOSE OF PERFORMING SITE WORK AND ACQUIRING AND CONSTRUCTING A FACILITY CONTAINING ADMINISTRATIVE OFFICES, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE

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DEPARTMENT FOR THE GOVERNMENTAL UNIT; FURTHER RELATING TO RESOLUTION NO. 2015-26 AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF AN ANIMAL SHELTER, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; AUTHORIZING A SECOND AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE PURPOSE OF PERFORMING SITE WORK AND ACQUIRING AND CONSTRUCTING A FACILITY CONTAINING ADMINISTRATIVE OFFICES AND FOR THE CONSTRUCTION OF AN ANIMAL SHELTER, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE AMENDMENT TO THE LOAN AGREEMENT.

Councilor Abrams seconded the motion.

ROLL CALL

VOTE: Councilor Holle voted aye.
Councilor Abraham voted aye.
Councilor Simmons voted aye.
Councilor Abrams voted aye.
The motion carried.

10. **DISCUSSION AND ACTION ON RESCINDING RESOLUTION NO. 2015-26** RELATING TO THE \$2,696,483 LOAN AGREEMENT DATED DECEMBER 12, 2014 (THE "LOAN AGREEMENT") BY AND BETWEEN THE TOWN OF EDGEWOOD, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), ENTERED INTO FOR THE PURPOSE OF PERFORMING SITE WORK AND ACQUIRING AND CONSTRUCTING A FACILITY CONTAINING ADMINISTRATIVE OFFICES, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT TO PROVIDE FUNDING FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF AN ANIMAL SHELTER, A MUNICIPAL COURT, A LIBRARY, A MULTI-PURPOSE MEETING ROOM AND A SEPARATE POLICE DEPARTMENT FOR THE GOVERNMENTAL UNIT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH

THE EXECUTION AND DELIVERY OF THE AMENDMENT TO THE LOAN AGREEMENT.

MOTION: Councilor Abrams made a motion to rescind Resolution No. 2015-26.
Councilor Simmons seconded the motion.

ROLL CALL

VOTE: Councilor Abrams voted aye.
Councilor Simmons voted aye.
Councilor Abraham voted aye.
Councilor Holle voted aye.
The motion carried.

11. PUBLIC HEARINGS.

The Mayor announced that this would be a Quasi-Judicial Procedure concerning the application of Chanslor Revocable Trust for a Zone Change and asked Ms. Mortensen for certification that Public Notice of this meeting had been posted as required. She so affirmed.

The Mayor then stated that this case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties to the proceedings, which requirements include the identification of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

The Mayor then asked the Governing Body for confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams stated he had no conflict of interest or ex-parte communication.
Councilor Simmons stated she had no conflict of interest or ex-parte communication.
Councilor Abrams stated she had no conflict of interest or ex-parte communication.
Councilor Holle stated she had no conflict of interest or ex-parte communication.
The Mayor stated he had no conflict of interest or ex-parte communication.

The Mayor then stated his concern that this Hearing be fair in form and substance as well as appearance and asked if anyone present objected to the participation of any member of the Governing Body in these proceedings.

There were no objections.

He then asked that all persons wishing to give testimony stand and be sworn in.

Ms. Tawnya Mortensen and Mr. Ed Wray were sworn in.

The Mayor asked Ms. Mortensen for a quick overview/staff report.

- a. Request for Zone Change from Residential (R-1) to Commercial (C-2) for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21, NMPM, in the Town of Edgewood, Santa Fe County, New Mexico. The applicant is Chanslor Revocable Trust, Mr. Ron Chanslor is the Trustee.

Ms. Mortensen stated this was an application of Chanslor Revocable Trust of a request for Zone Change from Residential (R-1) to Commercial (C-2) for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21, NMPM, in the Town of Edgewood, Santa Fe County, New Mexico.

The Mayor then asked Ms. Mortensen for some history on the application.

Ms. Mortensen stated this application was brought forth by the Planning & Zoning Commission on June 5, 2017 for recommendation to send to the Town Council for action.

The Mayor then called forward the applicant's agent, Mr. Ed Wray, to talk about the request.

Mr. Wray described the property as a 5-acre lot directly across the street from Wal-Mart. He stated the applicant was requesting a zone change to Commercial, with the intent of opening a veterinary/equestrian facility on that land.

Councilor Simmons asked which property it was. The Mayor stated it was Bill Gilmore's old place.

The Mayor then asked for Ms. Mortensen's analysis and recommendation.

Ms. Mortensen gave her analysis and recommendation, which was that the proposed change agrees with the Comprehensive Land Use Plan. Additionally, she stated that it is adjacent to two already existing commercial properties, that is, Wal-Mart and Duran Sand and Gravel. She did caution however, that the Governing Body take into consideration the impact of further zone changes into the residential area west of the property.

Councilor Simmons stated that once the land is zoned C-2, it could be used for any purpose listed under C-2 Zoning. Ms. Mortensen said that was correct.

Councilor Abraham asked about egress and ingress. Ms. Mortensen and Mr. Ed Wray both stated that would be from Woods End Dr.

Mr. Ed Wray stated he appreciated the Council's consideration of this action.

The Mayor then closed the Public Hearing.

MOTION: Councilor Simmons made a motion to approve the Request for Zone Change from Residential (R-1) to Commercial (C-2) for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21, NMPM, in

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the Town of Edgewood, Santa Fe County, New Mexico for the applicant Chanslor Revocable Trust, Mr. Ron Chanslor, Trustee.
Councilor Abrams seconded the motion.

ROLL CALL

VOTE: Councilor Holle voted aye.
Councilor Abraham voted aye.
Councilor Simmons voted aye.
Councilor Abrams voted aye.
The motion carried.

- a. Town of Edgewood Ordinance No. 2017-01. Amendment to the Town of Edgewood Zone Map.

The Mayor stated that the next item would be to pass an ordinance to amend the Town of Edgewood Zone Map to reflect the Zone Change that was just approved.

MOTION: Councilor Abrams made a motion to approve Town of Edgewood Ordinance 2017-01, amending the Town of Edgewood Zone Map in accordance to granting the request for Zone Change from Residential (R-1) to Commercial C-2. To Chanslor Revocable Trust for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21, NMPM, in the Town of Edgewood, Santa Fe County, New Mexico.
Councilor Holle seconded the motion.

ROLL CALL

VOTE: Councilor Abrams voted aye.
Councilor Simmons voted aye.
Councilor Abraham voted aye.
Councilor Holle voted aye.
The motion carried.

12. DISCUSSION & PUBLIC COMMENT – Infrastructure Capital Improvement Plan – Mr. Juan Torres

Mr. Torres handed out a copy of last year's ICIP and stated the Town would be taking comments from the public, Staff and members of the Governing Body about what projects to include. While no members of the public had comment, there was some discussion among members of the Governing Body about various projects including: the Wastewater Collections System, Roads, Police, the First Choice Expansion, and Parks Facilities.

13. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.

There were none.

14. MATTERS FROM THE CLERK/TREASURER.

Mr., Torres stated the multi-point servers are failing at the Library. The Town is considering going back to regular desktops. He also said that the Town is looking at applying for some grant funds for a white space project. Thereafter a discussion ensued about TV White Space and its applicability in rural towns.

Mr. Torres then gave an update on the mill levy and trying to work with Santa Fe County to pull in the annexed area; as well as trying to work out how the mill levy will appear on the tax rolls of Santa Fe, Bernalillo and Sandoval Counties.

15. APPROVAL OF THE FINANCIAL REPORT FOR THE MONTH OF MAY 2017.

MOTION: Councilor Simmons made a motion to accept the Financial Report for the month of May 2017.

Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

16. ANNOUNCEMENTS and/or CALENDAR REVIEW.

- a. Next Regular Council Meeting – August 2, 2017
- b. Run, Rally, Rock Parade – August 5, 2017
- c. Concert at Tractor Supply – August 11, 2017

Mayor Bassett announced the above listed Calendar Review.

17. FUTURE AGENDA ITEMS.

- a. Public Hearings:
 - August 2, 2017 & August 16, 2017: Discussion, Consideration and Action on an ordinance adopting revised subdivision regulations, requirements, and procedures for the Town of Edgewood, New Mexico, providing for penalties for any violation thereof, and repealing ordinance No. 2014-03.
 - August 2, 2017: Continuation of a Quasi-Judicial Hearing first heard at the Regular Council meeting of Wednesday, December 21, 2016, at Edgewood Community Center, No. 27 E. Frontage Road to consider an Appeal of Denial of a Minor Subdivision for property located at Woods End Ranch on Woodline Drive, being Tract P-1-R-1-B, Section 21, T10N, R7E, NMPM, Town of Edgewood, New Mexico. Mr. Jonathan Pillars is the Applicant/Appellant.
 - August 16, 2017: Appeal of an Approval by the Planning and Zoning Commission of the Town of Edgewood of a Conditional Use Permit for a property located on Tract A-1-B-1, in Section 13, T10N, R7E, NMPM, at 202 A. East Venus in the Town of Edgewood, Santa Fe County, New Mexico.
- b. September 6, 2017: Formally adopt the ICIP by Resolution.

Mayor Bassett announced the above listed Future Agenda Items.

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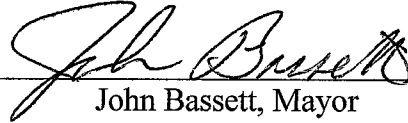
ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting of July 19, 2017.

Councilor Holle seconded the motion.

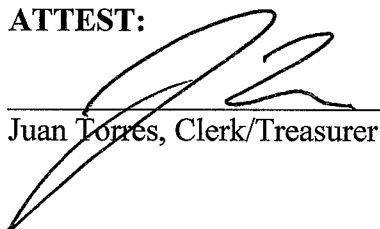
VOTE: All Councilors voted aye. The motion carried.

PASSED, APPROVED AND ADOPTED THIS 16th day of August 2017



John Bassett, Mayor

ATTEST:



Juan Torres, Clerk/Treasurer

