

MINUTES
FINAL AGENDA - TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – SEPTEMBER 6, 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, Rita Loy Simmons, Sherry Abraham, and Linda Holle.

Also, Present: Clerk/Treasurer Juan Torres, Attorney Randy Autio, Deputy Clerk Carla Salazar, and Staff Rebecca Sanchez

PLEDGE OF ALLEGIANCE.

1. APPROVAL OF AGENDA.

MOTION: Councilor Abrams made a motion to approve the Agenda.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. APPROVAL OF MINUTES.

a. Town Council Meeting Minutes for August 16, 2017

MOTION: Councilor Simmons made a motion to approve the Town Council Meeting Minutes for August 16, 2017.
Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

3. CONSENT AGENDA

a. Planning and Zoning Commission Meeting Minutes for July 24, 2017

MOTION: Councilor Abraham made a motion to approve the Consent Agenda.
Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

4. ACTION ITEMS: Staff Reports.

a. Matters from the Municipal Judge – Judge William White

- Discussion, Consideration and Action on the Judge's Report for the month of August, 2017

Judge William White started by referencing the last meeting he attended before the Governing Body during which he gave them information about new bail bond rules and regulations. He said that the Governing Body should forget everything he told them except that there are still no more orders to show cause. He then stated that all the guidance about bail bond issues has changed. Specifically, he spoke about having to have designees at different jails where people are taken after being arrested. The designees are then authorized to release people arrested on a municipal ordinance violation on their recognizance subject to some conditions imposed on standard forms of release. He stated that this will be true for all except those arrested for battery, negligent use of a deadly weapon or DUI.

Judge White then stated his report for the month of August was in the Agenda packets and stood for questions.

MOTION: Councilor Abrams made a motion to approve the Judge's Report for the month of August, 2017.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

b. Ratify hire of Road Department Heavy Equipment Operator Manuel Madrid

Mr. Norton Henninger, Roads Supervisor, introduced Mr. Manuel Madrid who gave the Governing Body a brief overview of his history.

MOTION: Councilor Simmons made a motion to accept the hiring of Manuel Madrid for the Road Department Heavy Equipment Operator.
Councilor Abrams seconded the motion.

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

c. Ratify hire of Road Department Heavy Equipment Operator Matthew Valencia

Mr. Norton Henninger, Roads Supervisor, introduced Mr. Matthew Madrid who gave the Governing Body a brief overview of his history.

MOTION: Councilor Abrams made a motion to accept the hiring of Matthew Valencia for the Road Department Heavy Equipment Operator.
Councilor Holle seconded the motion.

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

5. DISCUSSION ITEMS:

a. Public Comment on General Matters

Ms. Julia Wood spoke and thanked Animal Control for their sale on Barn Cats, stating she had purchased a very smart one. She also thanked the Road Department for their work.

Mr. Tappan Mahoney stood to ask when the sewer line would be installed on the part of NM 333 that serves a property he owns. He stated he had paid the sewer connection fee in 2015 and had been waiting since then. He asked why it was taking so long and when it would be done.

Members of Staff responded and asked for him to come in and speak to them and perhaps provide more information.

He then asked when the Sewer Design Project would be complete and if the piece of property on NM 333 was in the design and when it would be built.

Councilor Abraham stated she had asked for that information as well.

Councilor Abrams stated this was just a design and not a construction plan and it would be made available when it was ready.

Ms. Catalina Parker spoke about the barking dog nuisance in Edgewood and stated she had neighboring dogs that kept her awake at all hours of the night. She wanted to advocate for some sort of Ordinance that would address this.

Mayor Bassett told her the Governing Body would soon be hearing changes to the Animal Control Ordinance and asked her to attend that meeting to have her issue addressed.

b. Matters from the Moriarty Edgewood School District – Mr. Tom Sullivan, Superintendent
Mr. Sullivan gave a quick update on the start of the school year and stated it had gone smoothly. He then updated the Governing Body on the lease between the Town of Edgewood and the Moriarty Edgewood School District for the Edgewood Elementary School Building. He stated the proposed change to the lease, concerning the lease termination, had to be made in order for the Town of Edgewood to get approval from the New Mexico Finance Authority. That change, however, effectively amended the lease and now the Board of Finance has to approve the amended language. This matter will be heard by the Board of Finance on September 19th. Mr. Sullivan's communication with the Board of Finance staff is that the amended lease language is okay with them and the item will be placed on the Consent Agenda for approval at their meeting on September 19th. Mr. Sullivan plans to place the item on the agenda for the Moriarty Edgewood School District Board Meeting on the night of September 19th to expedite the approval process.

c. Matters from the Mayor

1. Potential schedule for quarterly staff reports

Mayor Bassett presented to the Council a proposed schedule for them to hear and receive staff reports from the Police, Planning & Zoning, Library, Parks, and Road Departments. The Governing Body accepted the schedule as presented. Councilor Abraham asked that a report also be added for Wastewater, so the Council could be kept abreast of what was happening at the Wastewater Treatment Plant.

2. Facilities Update

Mayor Bassett spoke about the Grand Opening of the new Urgent Care facility in Edgewood. He then updated the Council on the prison closing in Estancia. He also spoke about the Town's financial commitment to Santa Fe County for the infrastructure needs of the new First Choice Clinic that will be built in Edgewood. Additionally, Mayor Bassett reiterated some of what Mr. Sullivan had spoken about earlier concerning the lease for Edgewood Elementary.

3. Update on the Campbell appeal

Mayor Bassett stated the applicants had withdrawn their application for a conditional use permit and as such the case, which had been remanded back to the Planning and Zoning Commission, would not be heard and was considered closed.

4. Upcoming Fall Agendas (re: Election, Zone Map Amendment, etc...)

Mayor Bassett reminded the Council they would be very busy in the upcoming months. He mentioned that future agendas would include work on the upcoming election and hearings on Zone Map Amendments. He stated that Council should start thinking about what needed to be put on the ballots, mentioning specifically

Sunday liquor sales. He also mentioned the Town would be working on a Blasting/Mining Ordinance since Edgewood had inherited a quarry that does blasting, due to the recent annexation. Mayor Bassett then addressed Mr. Autio and asked specifically if there had to be two hearings on land use ordinances. Mr. Autio responded that while that had been the history of how ordinances were heard in Edgewood and we could continue to do so, the Town did not legally have to have two hearings for land use ordinances.

5. Fire Impact Fee Committee

Mayor Bassett presented a history of the Town of Edgewood Fire Impact Fee Committee and how it worked in the past. He also presented his findings, which included New Mexico State Statutes, on what would constitute the makeup of the Fire Impact Fee Committee. After a brief discussion, the final consensus was that members of the Planning and Zoning Commission could not serve as members of the Fire Impact Fee Committee and that the Governing Body would have to clarify and amend the current Fire Impact Fee Ordinance, which will be done in the upcoming months.

Mayor Bassett had two additional items to discuss and asked if any of the Council members knew how the speed limit on Route 66 got dropped to 35 mph through Town, close to the intersection of NM 333 and 344. Councilor Abraham indicated it had something to do with the number of curb cuts close to that intersection.

The final item the Mayor addressed was a letter from DFA (Department of Finance Authority) about the Town's 2018 fiscal year budget. It did not include a warning that had been there the previous two years, concerning the depletion of the General Fund cash balance. He thanked Council for making tough decisions and thanked and congratulated Mr. Torres for his efforts in balancing the budget.

d. Matters from the Councilors


Councilor Holle reminded everyone about the upcoming Santa Fe County Election on September 19, 2017 and encouraged everyone to vote. She stated there is only one question on the ballot, which is the imposition of an additional one-sixteenth of County Gross Receipts Tax for Public Safety and Behavioral Health Services. Early voting has already started. Voting hours are Tuesday through Friday from 12 noon to 8 pm and Saturdays from 10 am to 6 pm at the Edgewood Fire Station. On Election Day polls will be open at South Mountain Elementary School and Edgewood Elementary School from 7 am to 7 pm. Councilor Holle also reminded everyone that Constitution Day is September 17th.

Councilor Abraham stated the Town is in negotiation with the artists who participated in the Art in Public Places TIME (Temporary Installations Made for the Environment) Project and it appears the Town will be able to keep most of the art pieces that were installed in Edgewood. She also invited everyone to attend White Wings over America; the 9/11 Commemoration Event at Wildlife West on September 11th, 2017.

Councilor Simmons asked how the election would impact our taxes in Edgewood. Mr. Torres stated it would increase our tax rate. Councilor Simmons remarked she really enjoyed the ribbon cutting ceremony at the new Urgent Care facility.

e. Matters from the Clerk/Treasurer – Mr. Juan Torres

Mr. Torres updated the Council on the Social Security/Police Issue and simply stated he had not heard back from the Social Security Administration yet.

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6. ACTION ITEMS:

a. PUBLIC HEARING – ZONING ORDINANCE - Legislative Procedure

A Public Hearing on the adoption of an amendment to Zoning Ordinance 2014-02 providing for code enforcement regulations, requirements and procedures.

- Certification that Public Notice of this Meeting has been posted as required

The Mayor asked Ms. Schmidt for certification that Public Notice of this Meeting had been posted as required.

Ms. Schmidt so affirmed.

The Mayor then sought from the Governing Body, confirmation of no pending land use applications.

Mayor John Bassett stated he had no pending land use applications.

Councilor Holle stated she had no pending land use applications.

Councilor Abraham stated she had no pending land use applications.

Councilor Simmons stated she had no pending land use applications.

Councilor Abrams stated he had no pending land use applications.

Mayor Bassett asked Ms. Schmidt to present to Council the changes the Planning and Zoning Department proposed be made to the Zoning Ordinance.

Ms. Schmidt gave a brief history of how these changes had been presented to the Planning and Zoning Commission. She stated the Commission had recommended she bring them forward to the Governing Body with a request to amend the Zoning Ordinance to include the changes.

Ms. Schmidt stated the intent of these changes is to give the Staff responsible for Code Enforcement the policies and procedures necessary to enforce the Ordinance. She then presented the proposed changes. The “Prohibited Uses” Section that is currently repeated in each Zoning Designation in the Ordinance would be moved under a new Section entitled, “Prohibited Uses and Conditions within All Zones”. This would streamline the Ordinance and avoid duplication. This Section would also address new topics of “Nuisances” and “Clean Fill Material”. A proposed addition to Section 38. Administration would include “Enforcement, Powers and Duties”.

Ms. Schmidt then reviewed some of the changes in more detail and read them out to the Governing Body.

Councilor Abraham stated that under “Nuisances” she would like to see “unmaintained plants and/or weeds” deleted because of the difficulty in defining an “unmaintained” plant. She remarked there are huge fields in the middle of Town, which would indicate we are okay with unmaintained plants. Discussion between the Governing Body, Ms. Schmidt and Mr. Autio ensued about how nuisances would be defined, how complaints would be handled, how people would be ticketed and what the consequences would be, what clean fill was and how many inoperable automobiles were too many. A concern was raised that the appeal process included giving notice of appeal directly to the Mayor and not the Council. It was also noted that the pages were mis-numbered. Ms. Schmidt acknowledged the numbering needed to be reformatted. There was further discussion between the members of the Governing Body on “Section 38. Alternative Remedy for the Most Serious Nuisances”; concerning the costs of boarding up and demolishing property condemned by the Town, how that would be budgeted, and how quotes would be received and approved.

Mayor Bassett then opened the Public Hearing to Public Comment and asked if any members of the Public had questions for Ms. Schmidt.

Mr. Ray Seagers addressed Ms. Schmidt and stated he thought the weed problem is a problem but his main concern is the term “outdoor storage”, which includes everything you store outside not just weeds and litter or trash but everything. He wanted clarification on whether he had to cover everything he had outside. He also wanted a definition of clean fill material which Ms. Schmidt and Mr. Tom Torres, a member of the audience, provided. Finally, Mr. Seagers addressed getting competitive bids for boarding up or demolishing nuisance properties.

Ms. Janelle Turner addressed Ms. Schmidt about the WECS (Wind Energy Conversion Systems) Section of the Zoning Ordinance and the removal of the Administrative and Enforcement parts of that Section. She specifically wanted to confirm the abandonment language would stay in place. Ms. Schmidt confirmed that it would remain in place and that Administration and Enforcement would just be referenced in its own standalone Section.

Mr. Tom Torres stated in cleaning up properties the Town needed to make sure it paid attention to potential dangers to our employees.

Mayor Bassett asked the Governing Body for their input on changes or deletions.

Councilor Abraham asked if the wording “on or about” could be changed to “on” on page 64. Staff responded the change could be made in the next iteration.

MOTION: Councilor Abrams made a motion to continue the Public Hearing on the adoption of an amendment to Zoning Ordinance 2014-02 providing for code enforcement regulations, requirements and procedures until September 20, 2017.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

Councilor Simmons requested a break.

The Mayor called for a 10-minute break at 9:02 pm.

The Mayor called the meeting back in session at 9:11 pm.

b. PUBLIC HEARING – SUBDIVISION ORDINANCE – Legislative Procedure

A Public Hearing on the adoption of an amendment to Subdivision Ordinance 2017-02, Section 15, Penalties.

- Certification that Public Notice of this Meeting has been posted as required

The Mayor asked Ms. Mortensen for certification that Public Notice of this Meeting had been posted as required.

Ms. Mortensen so affirmed.

Ms. Mortensen stated she was simply asking to move monetary penalties referenced in the Ordinance back to what they were in the previous Subdivision Ordinance. She indicated that when the new Subdivision Ordinance was passed, the penalties had been overlooked and the monetary penalties had been drastically reduced. She also stated the proposed changes matched State Statute.

Councilor Abraham stated the penalties for missing a posted address number seemed high and wondered if it could be reduced.

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Mayor Bassett stated the penalty was an “up to” penalty and would be at the discretion of a Judge and also noted that the Governing Body had passed those penalties before.

Mayor Bassett then asked if there were any questions for Ms. Mortensen.

Mr. Ray Seagers stated his problem with Paragraph 4 is that any owner or agent of the owner, of any land located within the platting jurisdiction of the Town who transfers, sells, agrees to sell, or negotiates to sell the land by reference to or exhibition of or by other use of a plat or subdivision of the land before the plat has been approved would be guilty of a misdemeanor. He stated this is the way land has been sold in Edgewood for generations.

Ms. Mortensen responded that the language Mr. Seagers was concerned about had always been in the Ordinance. Mr. Autio stated that it had been taken directly from State Statute.

MOTION: Councilor Abrams made a motion to approve the changes for the amendment to Subdivision Ordinance 2017-02, Section 15, Penalties.
Councilor Simmons seconded the motion.

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

c. FINANCIAL REPORT FOR THE MONTH OF JULY 2017– Mr. Juan Torres

Mr. Torres presented the financial report for the month of July, 2017.

MOTION: Councilor Simmons made a motion to approve the Financial Report for July 2017.
Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

7. ANNOUNCEMENTS and/or CALENDAR REVIEW.

a. Next Regular Council Meeting – September 20, 2017 @ 6:30 p.m.

8. FUTURE AGENDA ITEMS.

9. CLOSED SESSION:

As per motion and roll call vote, pursuant to NMSA 1978; (H)(7) the following will be discussed in Closed Session: an update on threatened or pending litigation in which the Governing Body was, is or may become a participant (§ 10-15-1(H)(7)).

MOTION: Councilor Abrams made a motion to go into Closed Session at 9:36 p.m.
Councilor Abraham seconded the motion.

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

MOTION: Councilor Abrams made a motion to come back into Open Session at 9:49 p.m.
Councilor Simmons seconded the motion.

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

Councilor Abrams affirmed that only discussion pertaining to threatened or pending litigation in which the Governing Body is or may become a participant took place in the Closed Session and no decisions were made.

Councilor Simmons affirmed that only discussion pertaining to threatened or pending litigation in which the Governing Body is or may become a participant took place in the Closed Session and no decisions were made.

Councilor Abraham affirmed that only discussion pertaining to threatened or pending litigation in which the Governing Body is or may become a participant took place in the Closed Session and no decisions were made.

Councilor Holle affirmed that only discussion pertaining to threatened or pending litigation in which the Governing Body is or may become a participant took place in the Closed Session and no decisions were made.

Mayor Bassett affirmed that only discussion pertaining to threatened or pending litigation in which the Governing Body is or may become a participant took place in the Closed Session and no decisions were made.

10. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting of September 6, 2017.
Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

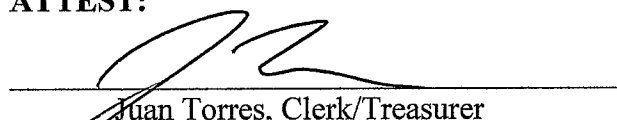
Mayor Bassett adjourned the meeting of September 6, 2017 at 9:50 p.m.

PASSED, APPROVED AND ADOPTED THIS 20th day of SEPTEMBER, 2017



John Bassett, Mayor

ATTEST:



Juan Torres, Clerk/Treasurer

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