

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – SEPTEMBER 20, 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, Linda Holle, and Sherry Abraham.

Councilor(s) Present Via Telephone: Rita Loy Simmons

Also, Present: Clerk/Treasurer Juan Torres, Chief Ron Crow, Deputy Clerk Carla Salazar, and Staff Rebecca Sanchez

PLEDGE OF ALLEGIANCE.

A. APPROVAL OF AGENDA.

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

VOTE: Councilors Abrams, Simmons and Holle voted aye. Councilor Abraham abstained.

B. ADJOURN FOR SITE VISIT TO WOODLINE DRIVE. (PROPERTY OF JONATHAN PILLARS)

Councilor Abraham stated that she was not going to go on the site visit as she had already been to that site and she did not think it was appropriate to make this site visit.

MOTION: Councilor Abrams made a motion to adjourn for the site visit to Woodline Drive.
Councilor Holle seconded the motion.

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

The Mayor then read a statement into the record that said the purpose of the site visit is to allow members of the Governing Body an opportunity to see the area in question and perform due diligence. Members of the public may attend however no public testimony, substantive discussion of conditions or exchange of evidence will be allowed. In addition, ex-parte communication with members of the Governing Body is prohibited. Members of the Governing Body will travel to the site in their own vehicles. Once at the site, members of the Governing Body may leave their vehicles, view the area in question and remain together as a group. At no time will the group discuss the issues of the case. Members of the Governing Body shall depart the area promptly after completing the site visit and return to the Community Center. On reconvening the meeting, the members of the Governing Body will each affirm that no discussion of the matter was made during the site visit and no action was taken. The site visit may not be discussed among members of the Governing Body, with the applicant or members of the public until the Hearing on this matter is reconvened on October 4, 2017.

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The Governing Body Adjourned at 6:33 pm

C. RECONVENE OPEN SESSION

MOTION: Councilor Abrams made a motion to reconvene into Open Session.
Councilor Holle seconded the motion.

Councilor Abrams affirmed that no discussion was had during travel nor at the site and no decisions were made. He also affirmed that he had no ex-parte communication with any persons.

Councilor Holle affirmed that no discussion was had during travel nor at the site and no decisions were made. She also affirmed that she had no ex-parte communication with any persons.

Mayor Bassett affirmed that no discussion was had during travel nor at the site and no decisions were made. He also affirmed that he had no ex-parte communication with any persons.

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

The Governing Body reconvened at 6:49 pm

D. APPROVAL OF MINUTES.

1. Town Council Meeting Minutes for September 6, 2017

MOTION: Councilor Holle made a motion to approve the Minutes for September 6, 2017
Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

E. CONSENT AGENDA

1. Planning and Zoning Commission Meeting Minutes for August 7, 2017
2. Planning and Zoning Commission Meeting Minutes for August 21, 2017

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

VOTE: All Councilors voted aye. The motion carried.

F. ACTION ITEMS: Staff Reports.

1. Town of Edgewood Planning and Zoning Report for the month of August 2017 – Information provided in Agenda Packet
2. Town of Edgewood Police Report for the month of August 2017 – Police Chief Ron Crow

MOTION: Councilor Abrams made a motion to approve the Action Items.
Councilor Abraham seconded the motion. Councilor Simmons requested discussion.

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Councilor Simmons stated that she would like to see full names of the Commissioners on the Planning & Zoning Reports.

VOTE: All Councilors voted aye. The motion carried.

G. DISCUSSION ITEMS:

1. Public Comment on General Matters

Linda Burke, Executive Director, Edgewood Chamber of Commerce

Ms. Burke announced the following upcoming events:

September 21: The Annual Chamber Autumn Mixer at Sierra Blanca Brewery in Moriarty

September 23: Woofstock will be at the Soccer Field Park

October 21: Bustin' Clays Event at Founders Ranch. For this event, she very much encouraged the Town of Edgewood to enter a team.

November 25: Small Business Saturday. This event, she said, encourages everyone to kick off the holiday shopping season by visiting local small businesses.

October 7: Brews on Bachelor at the Soccer Field Park

Chuck Ring, Former Councilor, Town of Edgewood

Former Councilor Ring spoke about what he heard in listening to the audio and reading the minutes of the last meeting. Among the topics he chose to speak about was leadership, which he illustrated with a quote about good leaders. He then spoke about the weeds in town, specifically those that are so tall they are blocking signs. He believes that there is a serious weed and trash issue in Edgewood and he is encouraged that Staff is trying to do something about the weeds. He encouraged the Governing Body to support their efforts.

Mr. Robert Johanson

Mr. Johanson referenced an article in the Independent about the Zoning Ordinance and stated he was under the impression there would be a vote tonight. He also wanted to address whether all previous uses would be grandfathered in. He made note that there was a difference between an old car and a valuable old car in that some of it was junk and some of it was not. He encouraged the Governing Body to take a closer look at any changes they make to the Zoning Ordinance.

Ms. Janelle Turner

Ms. Turner agrees with former Councilor Ring that there is a problem with weeds in Town. She was disappointed to hear the scaremongering during the discussion of the Zoning Ordinance in the last meeting. She stated that because all Town ordinances either restrain or compel people to do something they might not otherwise want to do, there are due process clauses in place in the ordinances that protect people from unreasonable government intrusion. She is also tired of seeing the Town's Planning and Zoning employees being used as political footballs and would like that to stop.

Mr. Tappan Mahoney

Mr. Mahoney addressed the Governing Body and stated he was here tonight for the same purpose he was at the last meeting; that is to ask the Governing Body about the status of sewer service to the property on State Rte. 333 that has a paid sewer service application on file with the Town. Mayor Bassett asked him to come in and talk to the Deputy Clerk Carla Salazar about that application. Mr. Mahoney asked how that could not be answered here tonight. The Mayor stated he should come speak to Staff. Mr. Mahoney then commented that one

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of the things he wanted to add was that the conclusions in the minutes for the last meeting, which were approved here tonight, are inaccurate. He stated in reviewing the audio he responded to the comment that Staff wanted him to come in by saying he had communicated and responded by letter already. Mr. Mahoney also wanted to know why he could not receive a response in writing.

Mr. Mahoney then stated that since the last meeting he had done a public records request with the Town, since he could not get an answer at the meeting, as well as a public records request with the State of New Mexico and received differing information. However, he stated, they both do show that the Town does have plans or designs for sewer service. He commented to Mayor Bassett that the design plan addresses his personal property in Phase 1. He then wanted to address a question the Mayor had asked him about whether he would anticipate his application being first in the queue. His answer was that, if his paperwork is the first in the queue, then absolutely and our ordinance stipulates that. So, if it is not first in line Mr. Mahoney is asking again why it is not. He then asked if there were any other sewer service applications ahead of his. The Mayor responded that there may be requests for sewer services in other forms predating his application. Mr. Mahoney then once again referenced the ordinance indicating a service was paid for yet the service has not been provided.

In the end, Mr. Mahoney asked again if the Governing Body had a schedule of when that service he had applied for would be installed.

Ms. Tanya Magnum

Ms. Magnum stated her concern was weeds. She indicated that as taxpayers we pay to have those weeds taken care of and they are not. Specifically, she indicated weeds in the park saying they are a hazard to people who walk in the park. She also wants the Town to take care of their weeds before asking residents to take care of their weeds.

Mr. Carl Calamia

Mr. Calamia stated his concern is the chassis of old mobile homes and weeds that grow around them and nothing has been done about it. He then stated that he mows Williams Ranch Rd of his own accord. He believes people need to take care of their own weeds before pointing fingers at others.

2. Wastewater Sewer Line Extension Project

Cody Sipes, P.E., Civil Engineer / Project Manager for Smith Engineering Company

Mr. Sipes introduced himself to the Mayor and Council. He gave a brief history and timeline of the project award process.

He then outlined what Smith Engineering was contracted to do which included:

- A design for wastewater sewer expansion to the area identified in the PER and to expand that service area to include Edgewood 7
- Doing a Phase 1 Design including Bid Documents, Construction and Construction Phase Services.
 - Phase one was identified as having three priorities:
 - Church Street East of Quail, which is in design and to be paved.
 - The Main Street area which includes Dairy Queen, the Community Center and dennis ENGINEERING and along Cactus Rd.

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- Church Street from Cactus Rd. to Quail Trail
- After a conceptual design of the whole system is completed all the way through 60% then a Phase II Design with Bid Documents would be completed that would take the plans to a 95% level and would give the Town contract documents that could be used to obtain funding.

After reviewing what the Town had contracted with Smith Engineering for, Mr. Spies then provided a report of what had been done to date including the 30% design for the whole area, which had been divided into eight different areas.

Councilor Abraham asked what the population was along the routes identified.

Mr. Sipes did not know the answer to that. He stated his firm looked at service connections and not population. He went on to say, in the detailed breakdowns, opinions of costs, the total service connections for each area are in there.

Councilor Abraham then asked about the condition of the Wastewater Treatment Plant and if it could accept all the new connections planned.

Mr. Sipes stated that providing an answer about the capacity of the Wastewater Treatment Plant was not in his scope of work.

Mr. Torres stated we would hear from HDR who has been contracted to do a Technical Analysis Memorandum on the Wastewater Treatment Plant would be presenting to the Governing Body next week. Councilor Abraham asked if we were making any decisions on this tonight.

Mr. Torres stated the presentation was informational only.

Councilor Simmons commented she would like some kind of analysis of who our customers are now and who they will be at full build-out. She indicated that she agreed with Councilor Abraham that we do have a “chicken or an egg” situation in that we do have an undersized plant but we also need more connections.

Mr. Sipes continued with a summary of where to go from here.

He stated there are two alternatives in the 30% drawings and then described those alternatives including their benefits and cost differences.

Mr. Sipes then stood for questions.

Councilor Simmons stated she always appreciates hearing there are plans to use gravity flow.

Mayor Bassett asked if Mr. Sipes needed an answer right away on the alternatives.

Mr. Sipes indicated he did not and it would be up to the Town when to get back to him.

Councilor Holle stated she would like to review the documentation on file in the Office and asked Mr. Sipes if he would be receiving the comments from NMED (New Mexico Environment Department), as she would like to see those as well.

Mr. Sipes stated the Town would be receiving NMED's comments and a copy would be sent to him by the Town.

Councilor Abraham asked if all the lines she sees on the map will be designed for sewer service.

Mr. Sipes answered that they would get the whole area indicated to 60% design.

The Mayor asked the public if they had any questions.

A member of the public asked if she would be required to get sewer service.

The answer from Councilor Abraham was yes. Mayor Bassett expanded on Councilor Abraham's answer by saying that the Sewer Ordinance states that if you are within so many feet of the sewer line, yes, you would be required to connect.

The resident then asked for a copy of the Sewer Ordinance.

Mayor Bassett asked her to come into the office and Staff would provide her with a copy.

Another audience member talked about the EPA (Environmental Protection Agency) and leaks and where stuff is going when it fails.

Councilor Abraham asked if we knew how many properties, along these lines, were on community co-op water and how many were using private wells.

Mr. Torres stated we did not.

Councilor Abraham asked Staff to do some research into that. Councilor Abraham then referenced something Mr. Mahoney had said earlier and asked the Mayor to clarify in the plans, which lines crossed Bassett property.

Mayor Bassett did so.

3. Matters from the Mayor

a. Facilities Update

Mayor Bassett gave an update on the lease agreement with the Moriarty-Edgewood School District for the old Edgewood Elementary School.

b. Joint Meeting with the Planning & Zoning Commission Meeting on October 4th, 2017

Mayor Bassett asked the Council to attend a joint meeting with the Planning and Zoning Commission to discuss how they would like to see the new Subdivision Ordinance implemented.

Mayor Bassett then read aloud yesterday's Santa Fe County Election Results.

Finally, Mayor Bassett invited everyone to the cornerstone laying at the future home of the Municipal Courthouse (the current Police Station) on Friday morning (September 22).

4. Matters from the Councilors

Councilor Simmons gave an update on her injury and recovery and also indicated she thought the number of people who voted in the Santa Fe County Election showed a complete disengagement in our form of government and is saddened by that.

Councilor Abraham spoke about a workshop at the Tijeras Senior Center focused on protecting seniors against fraud and encouraged people to attend.

Councilor Holle mentioned she attended the last board meeting of the Edgewood Chamber of Commerce to meet the current board members.

Councilor Abrams spoke about the organizational structure of the agenda and wanted to include the use of the Consent Agenda to hear Staff reports and other items that could be approved all at once. He believes the time of the Governing Body is better spent on Public Hearings and hearing from members of the public.

5. Matters from the Clerk/Treasurer

Mr. Torres indicated State of New Mexico Construction Industries Division has approved the plans for the Police Department. He also commented that the Administrative Offices have a new copier as the last one finally died.

H. ACTION ITEMS:

1. Discussion, consideration and action on the approval of the Lease Agreement for Edgewood Elementary School Building between the Town of Edgewood and the Moriarty Edgewood School District.

Mayor Bassett stated the lease has now been approved by the Moriarty-Edgewood School District (MESD) with the language changes asked for by the New Mexico Finance Authority.

MOTION: Councilor Abrams made a motion to approve the MESD Elementary School Lease Agreement, pending corrections made final in "black ink".
Councilor Abraham seconded the motion.

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

2. Discussion, consideration and action on a Job Description and salary for a Maintenance Supervisor.

MOTION: Councilor Simmons made a motion to approve the Job Description and salary for a Maintenance Supervisor.
Councilor Holle seconded the motion.

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

Mayor Bassett gave a brief history of how Maintenance Department Personnel have functioned in the past. He indicated this would formalize that department.

Councilor Simmons asked who was fulfilling the work required at this point.

Mayor Bassett responded that was James Solomon and Joseph Finfrock.

Mr. Torres stated the salary compared with how the pay scale was for Road Supervisor.

Councilor Abraham asked if we would be hiring another employee.

Mr. Torres indicated no and that this would be an internal hire.

In response to a question from Councilor Abraham, Mr. Torres stated that once formalized, this department would take over the maintenance of town owned vehicles.

Councilor Abraham asked what would happen if no current employees applied for the job.

Mayor Bassett stated that we could post it publicly.

Mr. Torres indicated that we would first have to come in for a budget adjustment to authorize that position because the current budget only authorizes a promotion.

3. RESOLUTION 2017-19 – DISCUSSION, CONSIDERATION AND ACTION ON RESOLUTION 2017-19; A RESOLUTION GOVERNING PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

Mayor Bassett read in the resolution title.

MOTION: Councilor Abrams made a motion to approve Resolution 2017-19; a resolution governing participation in local government road fund program administered by the New Mexico Department of Transportation.
Councilor Holle seconded the motion. Councilor Abraham requested discussion.

Councilor Abraham stated that in the last paragraph of the resolution it reads “construction management of various local streets”. Councilor Abraham stated she would like a list of the streets staff is planning to use it on. Deputy Clerk Carla Salazar indicated one could be provided to her.

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

Councilor Simmons requested to leave the meeting telephonically. Mayor Bassett granted that request. Councilor Simmons left the meeting at 8:15 pm.

4. PUBLIC HEARING...CONTINUED FROM SEPTEMBER 6, 2017 – ZONING ORDINANCE - Legislative Procedure. Discussion, consideration and action 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

Mayor Bassett stated this was a Public Hearing continued from the last meeting for which the Governing Body had already checked themselves in. He then stated this was a Legislative Public Hearing called for the purpose of adopting changes to the Zoning Ordinance. Requirements for Legislative Procedures differ from Quasi-Judicial proceedings in several important respects. Members of the Governing Body may conduct their own research into the old ordinance, may consult with members of the public outside the meeting, may advocate for their own personal opinions or those of constituents. The concern is that this Hearing be fair in form and substance and to that end all public input and Governing Body deliberations will primarily consist of remarks about the proposed changes. Furthermore, all discussions both for and against the proposal will be offered in a positive manner which is consistent with the Town of Edgewood adopted resolution for conducting business.

Mayor Bassett read parts of a letter from Michelle Schmidt, Code Enforcement Officer for the Town of Edgewood, to the Council stating she was sorry to miss the meeting but she had to attend the New Mexico League of Zoning Officials Conference in Ruidoso. In the letter, she summarized all the changes and additions made to the Zoning Ordinance and asked the Council for their support of the proposed changes. Mayor Bassett then read more thoroughly through some of the proposed changes and new language that Ms. Schmidt had referred to in her letter to the Governing Body. The Mayor and Council discussed some of the proposed changes, specifically the grandfathering in of uses and non-conforming uses.

Mayor Bassett also indicated there were some additional formatting changes and clean-up that needed to take place before the amendments to the Ordinance would be ready to be voted on.

Mayor Bassett then opened the Hearing to public comment.

Mr. Carl Calamia asked if the 10 day period was from the initial complaint until the violator was contacted and there was then no more time given to the violator. **Mayor Bassett** clarified that once contacted, the owner or occupant who received the violation had 10 days to clear up the violation or contact the Code Enforcement Officer to enter into an action plan for clearing up the violation. **Mr. Calamia** then stated he had a neighbor who had filed a written complaint over two months ago and that complaint had not been acted on by Staff. The Mayor responded that he would follow up with Staff.

Ms. Tanya Mangum stated she thought it would be hard to impose the rules on DMV and Insurance in the section in the Ordinance dealing with inoperable vehicles. She indicated that some people may have vehicles on their property they do not use often or on public roads but are useable vehicles even though they are not registered or insured. **Police Chief Ron Crow** clarified that a vehicle only had to be insured when it was being operated on a public road.

Ms. Janelle Turner stated she likes the idea of an action plan and having the action plan somewhat open ended but she would like to see a clause put in the ordinance that if an action plan breaks down at some point a hard deadline be allowed to be put in place. Ms. Turner then asked Mayor Bassett if the Town was considering any other changes to the Zoning Ordinance. **Mayor Bassett** indicated there would be other changes coming referring specifically to Animal Control and Conditional Use changes but he stated they are being done one at a time. **Ms. Turner** commented she would like to see a change to Section 5 dealing with the Planning Commission because there is a section on compensation that is outdated. She would also like to see Staff and the Governing Body deal with Section 26 on Performance Based Setbacks. She thinks Performance Based Setbacks can be a good tool for the Town but the section dealing with it needs to be fleshed out.

Mayor Bassett then indicated some cleanup would have to be done with the proposed amendments to the Ordinance before it would be brought back to the Council for action. He recommended it be tabled until sometime in October.

MOTION: Councilor Abrams made a motion to continue Zoning Ordinance - Legislative Procedure. Discussion, consideration and action on the adoption of an amendment to Zoning Ordinance 2014-02 providing for code enforcement regulations, requirements and procedures, to the 2nd meeting in October. That meeting would be held October 18, 2017. Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

I. ANNOUNCEMENTS and/or CALENDAR REVIEW.

1. Next Regular Council Meeting – October 4, 2017 @ 6:30 p.m.

J. FUTURE AGENDA ITEMS.

1. PUBLIC HEARING. CONTINUED. Quasi-Judicial Procedure: A continuation of a Quasi-Judicial Hearing that was first heard at the **Regular Council Meeting on Wednesday, December 21, 2016 at 6:30 p.m.** and was continued to the **Regular Council Meeting of Wednesday, August 2nd, 2017 at 6:30 p.m.** which continued and will be heard on **Wednesday, October 4, 2017** to consider an appeal of a 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
2. PUBLIC HEARING. ORDINANCE 2017-03; ADOPTING 2017 CHANGES TO THE UNIFORM TRAFFIC CODE - October 4th, 2017
3. Joint Meeting with the Planning & Zoning Commission to discuss implementation of the new Subdivision Ordinance. Possible Time: October 4th @ 5:30 pm prior to the Regular Council Meeting
4. DISCUSSION ITEM: Wastewater Treatment Plant/Technical Analysis Memorandum.

K. ADJOURN.

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

VOTE: All Councilors voted aye. The motion carried.

 Initials

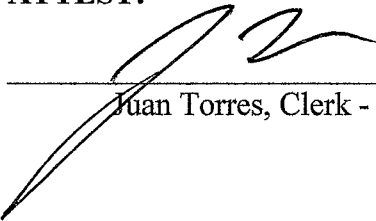
Mayor Bassett adjourned the meeting of September 6, 2017 at 8:57 p.m.

PASSED, APPROVED AND ADOPTED THIS 4th day of OCTOBER 2017



John Bassett, Mayor

ATTEST:



Juan Torres, Clerk - Treasurer

