

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – SEPTEMBER 16, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Hill. Also present was Ms. Karen Mahalick, A.I.C.P., Administrator, and Ms. Estefanie B. Muller, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Simmons made a motion to approve the Agenda as presented. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**4. APPROVAL OF CONSENT AGENDA.**

A. Special Council Meeting Minutes of August 26, 2009.

B. Regular Council Meeting Minutes of September 2, 2009.

C. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of September 8, 2009.

D. Animal Control Report for the month of August, 2009.

E. Acknowledge Receipt of the Parks & Recreation Report for the month of August, 2009.

F. Acknowledge Receipt of the Library Report & Board Minutes for August, 2009.

G. Acknowledge Receipt of the Police Department Report for the month of August, 2009.

**MOTION:** Councilor Felton made a motion to approve the Consent Agenda with the removal of Item C. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**5. MATTERS FROM THE MAYOR.**

H. Requesting Resumes for the position of Parks & Recreation Advisory Committee Alternate Member. Mayor Stearley reviewed this item requesting resumes for an alternate member to the Parks & Recreation Advisory Committee.

I. Re-appointment of Interim Police Chief Charles Swanberg.

Mayor Stearley stated the Chief had completed his six month interim and he appointed Chief Swanberg to another 6 months interim.

**MOTION:** Councilor Felton made a motion to appoint Chief Swanberg as Interim Chief . Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

J. Re-appointment of Ms. Rosemary Bersen to the Library Advisory Board.  
Mayor Stearley reviewed this item for the Council stating Ms. Bersen has been a faithful member of the Library Advisory Board and asked the Council to approve her re-appointment.

**MOTION:** Councilor Felton made a motion to approve the re-appointment of Ms. Bersen to the Library Advisory Board. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons discussed volunteerism in the Community and how much she appreciated it.

**7. MATTERS FROM THE ATTORNEY.**

None.

**8. MATTERS FROM THE ADMIN/PLANNER.**

K. Census Report.

Ms. Mahalick reviewed this item for the Council and stated the Town was current on the requirements.

L. Review of the Town of Edgewood Sub-Committees.

a) Coordination with Governing Body.

Ms. Mahalick reviewed this item for the Council and asked for their direction.

Councilor Felton discussed some of the issues he saw with the Sub-Committees He stated there was little regulation on the formation of the Committees but also that they may be some what biased and that attendance may be a challenge when the meetings are scheduled for different times.

Ms. Mahalick discussed the Parks & Recreation Ordinance in regards to the creation of Committees who they report to and the role of staff.

Mr. Holden explained the order of operations within the sub-committees, advisory committee and staff. He added that each sub committee has a member of the Advisory Committee on its board.

Councilor Felton stated that he was also concerned that on occasion these committee members may inadvertently obligate the Town in certain instances. He added that it may be good to eliminate the inactive committees, revisit the Ordinance and possibly impose a sunset clause.

M. Review of the Sewer Rate Ordinance.

Ms. Mahalick reviewed this item for the Council, asked for input and outlined the process up to the point of the Public Hearing. She also discussed mandatory and voluntary hook-up to the system.

Councilor Felton asked if the voluntary hook-up would jeopardize the grant.

Ms. Mahalick stated it would not and that they only thing that could create a situation of mandatory hook-ups would be if the economic circumstances prevented the Town from making the payments on the loan.

N. Approval for the Public Works Building.

Ms. Mahalick discussed the handout she presented to the Council that included the costs and the Engineers estimate at \$793,000.00. She also updated the Council on the expenditure of grant funds for this project.

Councilor Simmons discussed the issue of wind lock for the doors as well as solar gain for the building.

**MOTION:** Councilor Simmons made a motion to approve staff to move forward with the Public Works Building. Councilor Abrams seconded the motion for discussion.

Councilor Abrams suggested rotating the orientation of the building to take advantage of lighting as well as solar gain.

Mayor and Council also discussed access to the facility.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

O. Evaluation of Acquisition of Wastewater Plant at Wal-Mart.

Ms. Mahalick reviewed this item for the Council including the cost if the Council decides to move the plant as well as the equipment and supply issues involved. She added that it was the Engineers opinion that acquiring and moving the plant was a temporary solution at best and that Wal-Mart would find another party to take the plant once they were hooked up to the Towns system.

Mayor Stearley discussed Santa Fe County's desire to have sewer service on Section 16 and stated he would accompany Ms. Mahalick to Santa Fe to discuss a JPA for funding for this as well as the current system.

Councilor Abrams stated it seemed logical to decline the purchase of the plant from Wal-Mart as it is inadequate for the Towns needs and to pursue a JPA with Santa Fe County for funding of the current system as well as Phase Two that would include Section 16.

**MOTION:** Councilor Abrams made a motion to pursue a JPA with Santa Fe County to extend the sewer system to Section 16 and also to send a thank you to Wal-Mart for their offer. Councilor Simmons seconded for discussion.

Councilor Simmons stated she would like to join the Mayor and Ms. Mahalick on their trip to Santa Fe to discuss the JPA.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

P. Update on Animal Shelter Land.

Ms. Mahalick updated the Council on the status of this land acquisition and asked for approval to proceed with engineering and design.

**MOTION:** Councilor Abrams made a motion to approve staff to proceed. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

Q. Update on School Crossing.

Ms. Mahalick reviewed this item for the Council.

Council discussed the options for signage as well as a police presence for this school zone.

At this time the Council heard discussion from members of the PTO regarding school zone signs.

Ms. Robin Prudencio stated that the PTO was well aware of the dangers on Dinkle Road and that some of the comments had been that there was not a school zone present.

Ms. Audrey Jaramillo added that the School Board had requested a flashing light on Dinkle Road to notify drivers of the school zone.

**MOTION:** Councilor Abrams made a motion to install flashing lights in the school zone on Dinkle Road West of 344. Councilor Simmons seconded for discussion.

Councilor Felton stated he felt that it would be good to increase police activity but wait on the flashing signs.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted nay. Councilor Simmons voted aye. The motion carried.

**9. PUBLIC COMMENTS. (Limit to 2 minutes per person).**

**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**

Mr. Mike Turner discussed a prima facie issue near his residence in Edgewood and his neighbor's horses. Ms. Mahalick responded she had requested Animal Control look into the problem and they found no violations to the Town Ordinances and no citations were issued.

Ms. Audrey Jaramillo discussed the issue of Sub-Committees and stated her motive was simply to find things for children in the community to do.

Ms. Robin Prudencio discussed the donation of funds from Smith's Grocery to go towards the purchase of a digital sign to be placed in front of the school.

Ms. Linda Hill discussed the COLTPAC Committee and stated it was a state organization and not a sub-committee.

**10. RESOLUTIONS.**

R. Resolution No. 2009-35 – Residential Anti-Displacement & Relocation Assistance Plan.

Ms. Mahalick stated this Resolution was required for the closing out of the CDBG Grant and is a requirement of the Federal Government.

**MOTION:** Councilor Felton made a motion to adopt Resolution 2009-35 as presented. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**11. PUBLIC HEARING.**

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: This was table at the meeting of September 2, 2009.**

Ms. Mahalick certified that public notice had been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights 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.**

**Confirmation of no conflict of interest or ex-parte communication.  
(ROLL CALL VOTE)**

Councilor Abrams certified no ex-parte communication or conflict of interest.  
Councilor Felton certified no ex-parte communication or conflicts of interest.  
Mayor Stearley certified no ex-parte communication or conflicts of interest.  
Councilor Simmons certified no ex-parte communication or conflicts of interest.

At this time all parties to give testimony were sworn in.

S. Zone Change due to Erroneous Zoning of 92B East Church Street and Zone Map Amendment to Record Correct Zoning.

Ms. Mahalick reviewed this item for the Council describing the status of the zoning, the position of the land owner as well as the recommendation of the Planning Commission for (R-S) Residential and Services Zoning.

Councilor Felton asked for a description of the Residential and Services Zoning restrictions and requirements.

Ms. Mahalick described the zoning of adjacent properties and listed the sizes of shopping areas for the various zoning levels.

**MOTION:** Councilor Felton made a motion to approve Residential and Services Zoning for 92B East Church Street. Councilor Abrams seconded for discussion.

Council discussed the zoning of surrounding properties as well as the whether it was erroneous zoning to begin with.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**Legislative Procedure: Certification that Public Notice of these Meetings has been posted as required:**

Ms. Mahalick certified that public notice had been posted as required.

T. Resolution No. 2009-36 – Adoption of the 2011 – 2015 Infrastructure Capital Improvement Plan (I.C.I.P.)

Ms. Mahalick reviewed this item for the Council and presented the priority list for the I.C.I.P. Council entered into discussions about the priority list and the likelihood of receiving funding.

**MOTION:** Councilor Felton made a motion to adopt Resolution 2009-36, 2011 – 2015 I.C.I.P. listing the top four projects as:

1. Public Works Facility
2. Municipal Arterial Program
3. Municipal Facility/ Library/ Public Safety Building
4. Regional Animal Shelter

Councilor Abrams seconded the motion.

**MOTION:** Councilor Felton amended his motion to include funding amounts and phasing. Councilor Abrams seconded the amendment.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

U. Amendment to Ordinance No. 2006-10 to include Section 30-31-23 – Controlled Substances; possession prohibited.  
Ms. Mahalick reviewed this item for the Council stating this would allow the Edgewood Municipal Court to hear these cases.

**MOTION:** Councilor Abrams made a motion to adopt the amendment to Ordinance No. 2006-10 to include 30-31-23, Controlled Substances; possession prohibited. Councilor Felton seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**12. BUY A BRICK PRESENTATION for the DISCOVERY PARK PRESENTATION**

**Mr. Roger Holden.**

Mr. Holden presented this item to the Council including the cost per brick at \$100.00 for a 4 x 8 and \$200.00 for an 8 x 8 brick. He added that the bricks would be used to create a path from the pavilion to Discovery Park and asked for Councils approval to move forward.

**MOTION:** Councilor Simmons made a motion to approve staff to move forward with this project. Councilor Felton seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**13. COUNCIL APPROVAL OF PRE-BMX BICYCLE COURSE – Mr. Roger Holden.**

Mr. Holden described this course and its location for the Council and asked for their approval. Ms. Mahalick outlined some of the logistical issues that the Council needed to be aware of. She stated they Town would have to file an amended SWIP to the present plans as this would be temporary. She added that the concern is that it will be an open field with construction equipment and irrigation lines and the Town may need to fence the area to protect it from the bicycles.

**MOTION:** Councilor Abrams made a motion to table this item. Councilor Felton seconded for discussion.

Council discussed liability issues as well as preventing motorized vehicles from using the course.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**14. REQUEST FOR PROPOSAL – Wind Energy Project – Design & Installation of a Municipal Wind Turbine Generator.**

Mayor Stearley requested that the RFP include two sites as well as wind maps. He stated that one site would be the Town offices and the other at the Towns Sewer plant. He added that if the bidders did not want to provide wind maps they could state that in their bids.

Mayor Stearley presented a slide show illustrating the location of the proposed Wind Turbines. He also discussed some of the different wind levels found in the Edgewood area that led him to believe that the Sewer Plant may be a more desirable location. He stated he would like to get some prices for anemometers with different tower heights to measure the wind speeds.

Councilor Abrams stated it would be nice if the anemometers were portable so the Town could conduct studies more efficiently.

Ms. Mahalick stated they should have more information regarding the status of the Grant by the end of September.

Councilor Abrams reviewed the Grant requirements for the Council including the time frame that will not allow for a years worth of anemometer studies but that part of the Grant proposal included a monitoring station. He added that 2 fifty watt towers were included in the grant proposal for the Sewer plant.

**MOTION:** Councilor Simmons made a motion to go to RFP for two sites to include anemometers. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**15. CALL FOR PUBLIC HEARING – Amendment to Ordinance No. 2008-01 Traffic Uniform Code - Article 7 and Article 12.**

**MOTION:** Councilor Simmons made a motion to hold a Public Hearing on October 21<sup>st</sup>, 2009 for amendment to Ordinance No. 2008-01 Traffic Uniform Code – Article 7 and Article 12. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**16. FINANCE & ADMINISTRATION.**

V. Approval of Town Bills for the month of August 2009.

**MOTION:** Councilor Simmons made a motion to approve the Town Bills for the month of August, 2009. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

W. Approval of the Financial Report for the month of August, 2009.

**MOTION:** Councilor Abrams made a motion to approve the Financial Statement for the month of August, 2009. Councilor Felton seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**17. ANNOUNCEMENTS & CALENDAR REVIEW.**

X. Regular Council Meeting October 7, 2009 @ 6:30 P.M.

Y. Regular Council Meeting October 21, 2009 @ 6:30 P.M.

Z. Ground Breaking Ceremony for the Athletic Fields at Section 16 on Tuesday, September 22, 2009 @ 9:00 A.M.

**18. FUTURE AGENDA ITEMS (10-07-09)**

- Public Hearing – Wind Turbine Ordinance.
- Review of Agreement between the Town of Edgewood/Santa Fe County on Sewer Funding.

**19. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting. All Councilors voted aye.

Mayor Stearley adjourned the meeting at 9:40 P.M.

**PASSED, APPROVED and ADOPTED this 7th day of OCTOBER, 2009**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer