

**MINUTES  
TOWN OF EDGEWOOD  
JANUARY 21, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Pro-Tem Felton called the meeting to order at 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, Planning and Zoning Manager, and Ms. Estefanie B. Muller, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

Mayor Pro-Tem Felton asked that Item 5A be removed from the Agenda for this meeting.

**MOTION:** Councilor Hill made a motion to approve the Agenda with a change to table Item 5A. Councilor Abrams seconded the motion Councilor Hill amended his motion to also table items 6B and 18T. Councilor Abrams seconded the motion.

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

**4. CLOSED SESSION.**

**As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(8) the following will be discussed in Closed Session.**

- Property Acquisition.

**MOTION:** Councilor Hill made a motion to enter into Closed Session. Councilor Abrams seconded the motion.

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

**MOTION:** Councilor Hill made a motion to enter into open session. Councilor Abrams seconded the motion.

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

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Initials

**MOTION:** Councilor Hill made a motion to attest that only the item listed was discussed and no action was taken. Councilor Abrams attested. Councilor Simmons attested. Mayor Pro-Tem Felton attested.

**5. MATTERS FROM THE MAYOR.**

A. Appointment of Parks & Recreation Advisory Committee Member and 2 Alternates.

**This item was tabled.**

Mayor Pro-Tem Felton reminded everyone of the upcoming election for the Mill Levy on February 3, to support the school district and encouraged everyone to vote. Councilor Hill also reminded the public that there are also school board elections at that time and also encouraged everyone to vote.

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

B. Energy Committee – Letter to N.M. State Representatives on Energy – Councilor John Abrams.

**This item was tabled.**

Councilor Simmons read a letter from Mr. Fulginiti of the New Mexico Municipal League on behalf of Mr. Chuck Ring.

Councilor Hill discussed the fact that the Attorney was not present and it was his understanding that the Attorney would be present once a month and he would like to take formal steps to be sure that the Attorney would be present.

Ms. Mahalick suggested changing the language to the Open Meetings Act Resolution to state that the Public Hearings could be held at the beginning of the month with the Attorney present.

Councilor Abrams discussed the Energy Committee members attending the reconstituted meetings of the New Mexico Wind Working Group.

Councilor Simmons asked if this was the only source of energy that the Committee was looking at.

Councilor Abrams stated that renewable energy was the focus and he feels that it will be educational for everyone.

**7. MATTERS FROM THE ATTORNEY.**

None.

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

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

Mr. Chuck Ring commended Councilor Abrams for his work on the Committee and asked if any of the members were a consultant in renewable energy.

Councilor Abrams stated that at this time there was not and that they had lost one member already.

Mr. Ring asked to make a suggestion to try and get some money appropriated to hire an outside consultant to work this through. He also discussed the Police department asking if the Officers were receiving their raises and training as promised.

Mayor Pro-Tem Felton stated that Mr. Ring's comments were taken to heart and that he had noticed in the Town Bills that money was being spent on additional training for the Officers.

Ms. Shirley Cisneros discussed some concerns regarding the Police Department in safety policies in light of the death of an Officer the previous day especially when it comes to power outages. She was also concerned with the wages for Officers as well as creating an awareness of drug issues in the schools, and if there were programs to this affect.

Ms. Julia Wood was not present.

Ms. Audrey Jaramillo discussed education and the importance of funding and being in touch with our legislators. She also discussed the CNM classes that will be taking place at the Edgewood Middle School as well as the purchase of the land on Section 16 for the Regional Animal Shelter and related issues.

Mr. Ross Morgan asked about the closed session and property acquisition and why it is a closed session and not open to the public.

Councilor Hill responded defining the theory of closed session and its importance.

Mayor Pro-Tem Felton clarified that once the property has been acquired that any question as to the development would be made available to the public. He also stated that if anyone else would like to speak that now was the time.

## 9. RESOLUTIONS.

C. Resolution No. 2009-08 Open Meetings Act.

Ms. Muller reviewed the changes to this item identifying the new schedule for the Community Library Board meetings as well as the Public Hearings with the presence of the Town Attorney.

Councilor Hill stated that he did not feel that this met the need for having the Attorney available for other issues and could this be accomplished by a separate Resolution.

Ms. Muller reviewed the policies for the availability of the Agendas both preliminary as well as the Final.

**MOTION:** Councilor Abrams made a motion to adopt Resolution No. 2009-08 as amended to include the said changes to the Library Board Schedule. Councilor Hill seconded the motion for discussion.

Councilor Hill requested an amendment to the motion to include the word "final".

**MOTION:** Councilor Abrams amended his motion to add the word "Final" to page 1, Item #2, Sentence 3, and to include Section 11 & 11 A in regards to the Library Meeting Schedule. Councilor Hill seconded the motion

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

D. Budget Resolution No. 2009-09 Budget Increase for the Municipal Arterial Programs (MAP) Funds Received.

Mayor Pro-Tem Felton reviewed this item for the Council.

**MOTION:** Councilor Simmons made a motion to adopt Resolution No. 2009-09. Councilor Abrams seconded the motion.

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

E. Budget Resolution No. 2009-10 Frost Road Reconstruction & Drainage Improvements.

Mayor Pro-Tem Felton reviewed this item for the Council.

**MOTION:** Councilor Hill made a motion to adopt Resolution No. 2009-10. Councilor Simmons seconded the motion.

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

**10. PUBLIC HEARINGS.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required: Continued from the Council Meeting of January 7, 2009.**

F. Request to Amend the Zoning Ordinance allowing Wind Turbines throughout all Residential Areas.

Councilor Hill and Ms. Mahalick reviewed the process for permitting.

Mayor Pro-Tem Felton stated that public comment would be heard including two written statements from citizens he reviewed the height restrictions from the Covenants.

Ms. Mahalick responded stating that no conditional use permit shall be issued that conflict with the covenants.

Mayor Pro-Tem Felton reviewed a letter from Mr. John Weckerle regarding wildlife and environmental concerns and that the Town consider an environmental impact study as well as visual resources.

Ms. Mahalick stated that she understands the impact was on the larger birds including the Sand hill Cranes, and Bald Eagles. She also discussed the noise level stating that 60 decibels was not going to be a problem and that she would provide information regarding the sound levels.

Mr. Chuck Ring asked if a decibel meter could be available at the next meeting as well as what the wind turbines would look like.

Ms. Debra Blechinger asked about the difference whether it be on the roof or freestanding.

Ms. Mahalick stated it could be either, but she would like to remand this back to the Planning & Zoning Commission with instructions based on what the Council has stated this evening and to send forth a recommendation.

**MOTION:** Councilor Simmons made a motion to approve the request to remand this item back to the Planning & Zoning Commission. Councilor Abrams seconded the motion for discussion.

Councilor Abrams stated that the process was still up in the air, but that there were larger advantages on the commercial level.

Councilor Hill asked that the Committee look at sustainability as a part of Green Energy.

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

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:** Ms. Mahalick certified that public notice had been posted as required.

G. Zone Change from Residential One Acre R-1 to Commercial; for Property Located on the South Side of Highway 333 approximately ½ mile east of the Intersection off Highway 333 and 344. (SW ¼ of Section 27, T10N, R7E-NMPM, Edgewood, N.M.

**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.**

Councilor Abrams confirmed no conflict of interest or ex-parte communication.

Councilor Hill confirmed no conflict of interest or ex-parte communication.

Councilor Simmons confirmed no conflict of interest or ex-parte communication.

Mayor Pro-Tem Felton confirmed no conflict of interest or ex-parte communication.

At this time all parties were sworn in.

Ms. Mahalick reviewed the existing and surrounding land use and its regulations. She also stated that the Planning and Zoning Commission recommended that Council request a signed agreement for a grant of easement of 30' along tracts A, B, & C.

Ms. Mahalick stated that Staff recommends that the Council approve the zone change as per the Planning & Zoning recommendations as well a condition that their attorneys draw up the agreement for easement.

Ms. Kay Wilks made a statement from the audience in agreement with Ms. Mahalick.

Councilor Hill asked if there had been any objections.

Ms Mahalick stated that she had not received any as the general opinion was that this was already zoned Commercial and therefore no opposition.

**MOTION:** Councilor Hill made a motion to approve the Zone Change based on the recommendations of staff and the Planning & Zoning Commission condition of the 30' easement agreement. Councilor Abrams seconded the motion.

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

H. Zone Map Amendment.

**MOTION:** Councilor Hill made a motion to approve the amendment to the Zoning Map based on the previous change. Councilor Simmons seconded the motion.

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

**11. CHIEF STAN HOLDEN – SANTA FE COUNTY FIRE DEPARTMENT.**

Mr. Chief Holden presented a report to the Council regarding the Impact Fees as well as the status of the Edgewood Fire Department including the introduction of the paid fire fighters, volunteers, and their schedules for the area. He also described the areas and the precincts involved.

Chief Holden also read a letter regarding Impact Fees describing the process and the means under which it was applied and the resources that are in effect. At this time Chief Holden provided copies of the letter that includes the payment amounts as well as a history of the amounts collected.

Chief Holden asked for questions at this time.

Ms. Mahalick asked about joint use with the Police department.

Chief Holden responded discussing the funds that would be required and the availability on Section 16 as well as the idea of sharing equipment.

Councilor Hill stated that he would like to thank the Chief for his efforts in this matter and that this information should be more readily available to the public as to avoid liability.

Chief Holden also discussed new facilities, equipment and that they would be happy to share with the Police Department.

The Council and Chief Holden discussed the funds and accounting.

Councilor Hill stated that he felt it would be a good idea if a report was made available annually for review.

Chief Holden agreed and asked that Council and Staff feel free to contact him with any questions and also reviewed the upcoming request for bids on a new facility and bonds that would be utilized. He also discussed a new trend that has resulted in fewer volunteers and the requirements for their training that they are only minimally compensated for.

**12. DISCUSSION OF POSSIBLE MORATORIUM ON IMPACT FEES TO SANTA FE COUNTY – Councilor Brad Hill.**

Councilor Hill stated that without the presence of the Attorney and this being a legal issue he would request no further discussion on this item but thanks Chief Holden and his constituents for being present.

**13. CHAMBER OF COMMERCE QUARTERLY REPORT – Ms. Myra Oden.**

Ms. Myra Oden presented her Quarterly Report for the Council. She also discussed home based businesses and the option of offering a 40% discount on business licenses and the upcoming Calender for 2009 including a Mixer that will take place tomorrow from 5:30-8:30 P.M.

Ms. Oden discussed working with Mr. Holden on the C.O.W. Awards as well as Run, Rally, Rock in which there will be some changes.

**14. EDGEWOOD COMMUNITY LIBRARY REPORT – Ms. Peggy Martinez.**

Ms. Peggy Martinez reviewed her report for Council including some patron user information as well as some of the new books and equipment that are going to be donated and purchased.

**15. EDGEWOOD POLICE DEPARTMENT – Chief Paul Welch.**

I. Report for the month of December.

Chief Welch reviewed his report for Council. He also discussed sending 2 of his officers to an Instructor Development course and described the requirements regarding this training.

Chief Welch stated that Officer Brittian was currently working on his re-certification. He also discussed the need for a policy on personnel development and stated that he was looking at some on-line programs.

Chief Welch updated the Council on the status of the vehicles and the in-car cameras, safety equipment, and first aid kits. He also discussed writing a safety policy for the department.

Chief Welch explained to Council that none of the officers were up for raises at this time but that they would all be evaluated at the end of their probationary periods. He also updated the Council on the schedule for the officers stating that at this time there were enough to cover the shifts.

Councilor Simmons asked how often the Chief held Department meetings.

Chief Welch responded stating that there had been one full department meeting and that there would be another one after the new policy was adopted. He also reminded everyone that the Department was only 6 months old and that it takes time to get some of the programs going.

Councilor Simmons asked about equipment for the cars and if the radios were working properly.

Chief Welch responded that the radios could be better and that it does present a safety issue if officers respond alone.

Councilor Simmons asked what could be done to fix the radio issues.

Chief Welch responded stating that they were going to experiment with a repeater to see if that can help the service. He also discussed the use of Tazers stating that officers would have to be trained and that the only classes are in Scottsdale, Arizona but that some of his officers are trained. The department is well equipped.

**16. PARKS AND RECREATION REPORT – Mr. Roger Holden**

J. Report for the month of December, 2008.

Mr. Holden reviewed his report for the Council and asked if there were any questions.

K. Things for kids/teens to do report.

Ms. Audrey Jaramillo provided some statistics and information from the survey that went out to three different schools about the number of kids that would be interested in participating in an after school program. She also discussed the cost that families reported feeling was reasonable for participation and listed some of the programs and activities that parents would request.

Councilor Simmons asked about staff.

Ms. Jaramillo responded stating that one director would be needed and the number of staff would depend on the demand.

Mayor Pro-Tem Felton suggested that she take a look at the numbers and determine what the deficit would be compared to any revenue that could be generated.

Councilor Hill agreed that this should move forward however a proposal would be necessary although that may require more of Staff and perhaps a consultant could be contacted.

Ms. Jaramillo stated that legal issues and funding need to be worked out first and then program development can occur later.

L. Acknowledgement of Ms. Beth Orelle and Mr. Roger Alink for services to the Advisory Committee.

Mayor Pre-Tem Felton commended both Ms. Beth Orelle and Mr. Roger Alink for their services to the Advisory Committee.

M. Approval to proceed with application for COLTPAC membership.

Mr. Holden requested approval to apply for the COLTPAC membership and received a consensus from the Council.

N. C.O.W. Awards Update.

Mr. Holden discussed the C.O.W. Awards process for the Council stating that the nominations were due on or before February 3, 2009

O. Green Energy and Kite Festival Update.

Mr. Holden updated the Council on the Green Energy and Kite Festival coming up as well as some of the items and exhibits that will be available to provide information.

**17. COMMUNITY DEVELOPMENT REPORT.**

P. Approval of Winter Operations Policy.

Ms. Mahalick reviewed this item and asked for comments from the Council.

Q. Community Development Assistant.

Ms. Mahalick reviewed this item for Council stating that the Court was in more demand of Ms. Smith and that this could be considered in the next budget assessment.

**18. FINANCE & ADMINISTRATION.**

R. Approval of Town Bills.

**MOTION:** Councilor Simmons made a motion to approve the Town Bills. Councilor Hill seconded the motion.

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

S. Approval of Financial Report.

**MOTION:** Councilor Abrams made a motion to approve the Financial Report. Councilor Simmons seconded the motion.

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

T. Approval to Purchase Shirts for Mayor, Council & Staff.

**This item was tabled.**

**19. APPROVAL OF PREVIOUS MINUTES.**

U. Regular Council Meeting Minutes of January 7, 2009.

**MOTION:** Councilor Hill made a motion to approve the Minutes of January 7, 2009. Councilor Simmons seconded the motion.

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

**20. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.**

V. Regular Planning & Zoning Meeting of December 1, 2008.

Mayor Pro-Tem Felton asked if Council had a chance to review both sets of Minutes and stated that these are draft copies.

W. Regular Planning & Zoning Meeting of January 12, 2009.

**MOTION:** Councilor Hill made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes from December 1, 2008 and January 12, 2009. Councilor Abrams seconded the motion.

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

**21. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.**

X. Regular Council Meeting – February 4, 2009.

Y. Regular Council Meeting – February 18, 2009.

Z. Section 16 Planning Meeting to be scheduled for February 21, 2009.

**22. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Pro-Tem Felton adjourned the meeting at 9:40 P.M.

**PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of February, 2009.**

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Honorable Glenn Felton, Mayor Pro-Tem

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer