MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JUNE 17, 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 Simmons. Also present was Ms. Karen Mahalick, Community Planning & Development Manager, Ms. Estefanie Muller Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF THE AGENDA.

Mayor Stearley requested Item 21Z be moved after the Public Comments.
Councilor Abrams requested to add a Resolution to the Agenda for this evening.
Mr. Rael stated that they Council could discuss the Resolution but that no action could be taken on it because it was not advertised on the Final Agenda.
Councilor Hill requested that Item 5E be changed to a policy discussion regarding Town Administrator as he was not comfortable with the job description for the position.
Mr. Real stated that a discussion could take place when the Item comes up on the Agenda and the Council could decide to table an appointment at that time.

MOTION: Councilor Abrams made a motion to amend the Agenda adding a discussion of Resolution No. 2009-29 and to move Item 21Z to after Public Comments Item 9. Councilor Hill seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton 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)(2) the following will be discussed in Closed Session.

A. Limited Personnel Matters.

MOTION: Councilor Felton made a motion to enter into Closed Session to discuss limited personnel matters. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

At this time Councilor Simmons was present.

MOTION: Councilor Felton made a motion to enter back into Open Session. Councilor Hill seconded the motion.

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

Councilor Felton attested no action was taken and only discussed the item listed.
Councilor Abrams attested no action was taken and only discussed the item listed.
Councilor Hill attested no action was taken and only discussed the item listed.
Councilor Simmons attested no action taken and only discussed the item listed.
Mayor Stearley attested no action taken and only discussed the item listed.

5. MATTERS FROM THE MAYOR.

B. Presentation to the Town of Edgewood for Employer Support of the National Guard and Reserve - Mr. Steve Stevens.

Mayor Stearley presented this item for the Council he also read a Statement of Support.
Mr. Stevens explained the program for the Council and presented plaques.

C. Appointment of Ms. Celia Cook and Ms. Linda Hill to the Parks and Recreation Advisory Committee.

Mayor Stearley presented this Item for the Council and discussed some background on the Committee of both Ms. Celia Cook and Ms. Linda Hill and asked for Councils approval.

MOTION: Councilor Felton made a motion to approve the appointment of Ms. Linda Hill and Ms. Celia Cook to the Parks and Recreation Advisory Committee. Councilor Hill seconded the motion.

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

D. Appointment of Mr. Reed Jackson as Alternate to the Planning & Zoning Commission.

Mayor Stearley introduced Mr. Reed Jackson and described some of the duties of a Planning and Zoning Commissioner Alternate.

MOTION: Councilor Felton made a motion to approve the appointment of Mr. Reed Jackson as an Alternate to the Planning & Zoning Commission. Councilor Hill seconded for discussion.

Councilor Hill stated that he was disappointed once again because there was still not representation from the Development Community on the Commission.
Mayor Stearley stated that he had asked the Council and the Public at every meeting to please provide the names of possible candidates for the position.

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

E. Appointment of Ms. Karen Mahalick as Town Administrator.

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Mayor Stearley appointed Ms. Karen Mahalick as the Interim Town Administrator.
Mr. Rael stated that the Mayor has the power to appoint employees as required for the proper administration of Municipal affairs in an interim capacity and then he could bring his recommendations before the Council to make them a permanent employee when ever the time is right.
Councilor Felton asked if it would be appropriate to have some discussion on this item and if so what is next.
Mayor Stearley stated that he felt it was a benefit to the Town to have an Administrator for negotiation purposes as well as other duties. He added that the Council had approved the job description and the pay plan so there is a precedence for having an Administrator and that at some point in the future he planned to come forward with the recommendation of Ms. Mahalick for the permanent position.
Councilor Abrams stated that at some time in the past the Mayor had stated that it was the Councils job to approve the Towns employees and he would appreciate the ability to do that. He added that not having a Resolution to change the form of Government is a bit disturbing and he would be more comfortable if the Mayor would withhold this appointment until the Council has had an opportunity to discuss the position.
Mayor Stearley responded stating that this appointment does not change the form of Government.
Mr. Real clarified that there is a form Mayor/Manager Government in which the Manager would have essentially the same power as the Mayor but this is not what the Mayor is proposing at this time.
Councilor Hill stated that a policy discussion needs to take place regarding the position of Town Administrator and that his concerns have nothing to do with Ms. Mahalick or the Mayor but they have to do with the Council. He added that he would like to challenge the Council to step up and do our job a little bit better.
Councilor Simmons stated that the Council has changed the policy of what an Administrator is and that a policy discussion is very much needed for clarification of the position.
Mayor Stearley stated that back in July the Council did approve an Organization Chart.
Councilor Abrams asked to clarify the chain of events that took place back in July 2008. He stated that the Council rescinded the Resolution that created the position of Administrator-Clerk-Treasurer which did away completely with that position. Then the Council appointed Ms. Muller to the position of Clerk-Treasurer and interim Administrator and that is reflected in an organizational chart. He added that this was then changed once again and there is no Administrator and it is his understanding that at this time there is not an Administrator position. Ms. Muller was then assigned the title of Clerk-Treasurer and this is where the Council left it.
Mayor Stearley stated that the Council had approved the Organizational Chart.
Councilor Hill stated that he did not feel that an organizational chart establishes policy for the Town but there is a lot of confusion here that needs to be clarified. He added that he would like to see documentation of the chain of events regarding this position or we need to start over and then move forward.
Mayor Stearley stated that he had taken action tonight and Ms. Mahalick will be serving in the position of Interim Administrator.

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Councilor Simmons stated that she had taken a look at one of their Administrator outlines as well and it shows that the Administrator is in charge of voting.
Councilor Abrams asked Mr. Rael if it was legal for the Mayor to appoint someone to a position which the Council does not think exists.
Mayor Stearley stated that the Council has approved the pay plan and it has a job description of a Town Administrator and he has the authority to appoint someone into this position and he has done so.
Mr. Rael stated that there is a Statute which grants the Mayor the authority to appoint employees as required for the proper administration of municipal affairs and if it is your position as Mayor that you need to appoint someone into the position of Administrator then, you can do so. However, it is not a permanent appointment until such time as the Council makes it so. He added that this is the balance from the Council but that the Mayor does have the authority to appoint someone for the proper administration of municipal affairs and the Council can balance it out by either canceling it out or by not making it a permanent position.
Councilor Hill stated that the unfortunate thing is that Ms. Mahalick is caught in the middle.
Ms. Mahalick stated that she did not like to see the Council divided and that the purpose of this appointment was so that she would have administrative duties. The Mayor would like her to be able to enter into negotiations and instead of feeling like she may be overstepping her position when dealing with contractors and so that everyone involved is aware of her ability and authority especially when it comes to all of the upcoming projects that need to be moved on quickly.
Councilor Hill stated that the issue here was strictly about proper process and the Council understanding what it happening with a key staff person that the Town has and whom the Council would expect certain things from. He added that the Council needed to make sure that those expectations are clear. He asked the other Council members how could they step up and do their job now.
Councilor Felton stated that he was involved in the creation of the position and he feels that they need to carefully evaluate the staff they have now and consider where they would like to go with staffing. He added that a policy discussion may be the best way to do that.
Ms. Mahalick stated that she agreed that there are a lot of issues that need to be clarified in many of the job descriptions.
Councilor Simmons asked if the Administrator is an appointed position.
Mayor Stearley stated that he had appointed Ms. Mahalick and the rest was debatable.
Mayor Stearley asked the Council when they would like this discussion to take place.
Council agreed that it should be placed on the Agenda for the July 1, 2009 Regular Council Meeting.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Approval for Energy Committee to proceed with Grant Submittals – Councilor Abrams.
Councilor Simmons stated that she appreciated going to Santa Fe to visit with Commissioner Anaya. She feels that the Council needs to give a lot more thought to the JPA with Santa Fe County.
Mayor Stearley stated that it was on the Agenda for approval this evening.
Councilor Hill discussed an article that was in one of the local papers and stated

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that he had received a lot of comments and would like to respond. He added that he is beginning his fourth year on the Council and he asked to apologize to the Town as he had not stepped up as much as he would have liked. He challenged the Council to step up as these are difficult times and each of them has a duty as a citizen to step up and work a little bit harder and do a little bit more.
Councilor Felton stated that he was continuing his work with EVEDA and that he was honored to spend another Saturday with the Chief of Police interviewing police officers. He added that he was glad to see that there were officers here tonight for appointment.
Councilor Abrams stated that he would encourage the Council, staff, and the Police Department to do something about the school crossing at Edgewood Elementary at Dinkle Road as there are not any flashing lights or warnings about the school crossing.
Chief Swanberg stated that this is not a matter that he is unaware of and he is already working towards making that school zone safer. The issue is that he has to work with other agencies because the roads do not belong to the Town. He added that he has asked for signs as well as a restructuring of the school zone area on 344.
Councilor Abrams asked Chief Swanberg to please let the Council know if he needed any assistance in dealing with the other agencies.
Ms. Mahalick stated that it was her understanding that the signs had been ordered as well as the required stripping but as far as Dinkle Road was concerned, lights had not been considered.
Councilor Abrams stated that he would like to see warning lights there because the hill obscures the view.
Councilor Abrams stated that he also felt that the Council had not made a great deal of progress in the last decade and that this is the opportune time to change this. He added that the community is losing citizens, business and enrollment in the schools due to the status of the economy.
Councilor Abrams apologized for not having brought forth the Energy Committee Meeting Minutes. He stated that the Committee has been busy reviewing Grant applications and is asking the Council for approval to move forward in submitting these applications.
Mr. Jim Edmiston presented the Grant Proposals for the Council and the Public. He reviewed the due dates, grading procedures, deadlines and the amounts that are available for these grants. He described the wind towers that could be placed at the wastewater treatment plant as an alternative means to power the plant as well as the street lights on 344. He also discussed the placement of a wind turbine and a photovoltaic cell on or near the Town offices that could potentially take care of the power needs for both Town meters.
Mr. Edmiston asked the Council for approval to move forward in submitting these grant applications.
Councilor Felton asked about the reporting for these grants as it can be quite onerous.
Ms. Mahalick stated they had discussed this issue and that she would prefer that the reporting be delegated to the Contract Engineers since they are familiar with that type of reporting.
Mr. Edmiston stated that there are two pools of money that these funds would come from, one being a State Energy Program and the other being the Energy Efficiency and Conservation Block Grant and they do require different reporting

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and this has been considered.
Ms. Mahalick stated that Council could delegate staff the administrative right to move forward and submit the grant applications for the Energy Committee.
Councilor Abrams expressed his gratitude to the members of the Energy Committee and commended them on what they had been able to accomplish in the last five weeks.
Mayor Stearley stated that he had met with Mr. Edmiston today and that he was satisfied that the Town can put together a good Grant Proposal.

MOTION: Councilor Abrams made a motion to approve staff and the Energy Committee to proceed with Grant Proposals for renewable energy development. Councilor Hill seconded the motion.

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

7. MATTERS FROM THE ATTORNEY.

F. Stone Mountain Zoning Update.
Mr. Rael reviewed this item for the Council. He stated that in his research he was able to find that the Council voted to approve R-2 Zoning for Stone Mountain Estates subject to several conditions. He added that at this point they had not met the conditions and now the Town was in the position to decide if they would like to grant an extension to meet the conditions or Zone them some other way but they do need to be zoned as they have been annexed into the Town.
Ms. Mahalick stated that the R-2 Zoning contained conditions of deed restrictions, the rural residential contains design and development restrictions but allows them the latitude of creating basically what an R-2 with the deed restrictions would allow. It was not available at the time of zoning. She added that this would need to be advertised for a public hearing and the Council needed to decide which category. She stated that she believed that the rural residential category allows them greater design latitude and feels that is what the Town would like to see. This in turn would lower their infrastructure expenses.
Councilor Hill stated that he would recommend Rural Residential.
Mr. Rael stated that this is not a rezoning but is simply a statement of zoning.
Councilor Hill stated that this brings up a policy issue that he feels needs attention. He does not think an annexation should take place with out zoning.
Ms. Mahalick stated that it would be to the benefit of the Town to publicly advertise for Rural Residential and would only ask Council if they want to impose all of the rezoning standards and do they want her to ask the applicant or do they want her to bring them back forward as they have been through the process to date.
Councilor Hill stated that the applicant has already been through a difficult situation and feels that this needs to be expedited this.
Mr. Rael stated that it needed to be zoned not re-zoned.
Mayor Stearley stated that they would not require any additional information.
Councilor Simmons asked for clarification on this issue.
Ms. Mahalick responded explaining the time line that lead to this situation.
Mayor Stearley asked when the Public Hearing could be placed on an Agenda.
Ms. Mahalick stated it could be placed on the July 15, 2009 Agenda.

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 topic.

Mr. Chuck Ring thanked the Council and the Energy Committee for moving forward. He also commented about the Town Administrator as well as after school programs.
Councilor Hill stated that he felt the Town has not bowed out of negotiations of after school programs.
Mayor Stearley stated that he had informed the School Board that the Town did not have the funds at this time to assist with after school programs.
Councilor Felton stated that Council was very supportive of after school programs and has made numerous recommendations on how to make it work and acquire funding.
Mr. Art Cravens stated that he agreed with Councilor Abrams that there was a need for improvement at the school crossing on Dinkle Road as well as more police activity because people drive way to fast. He also addressed the wind turbines and noise issues.
Councilor Abrams stated that noise has been a part of their wind energy discussions.
Mayor Stearley stated that tonight all they have discussed are the grants and a demonstration system at the Town office but that they have not considered anything tonight regarding an Ordinance.
Mr. Cravens stated that it seemed like a back door way to get money for these turbines.
Mayor Stearley stated that it was not back door at all but was a way to reduce costs at the wastewater treatment facility and feasibility at the Town Offices.
Mr. Mc Duffy stated that he had attended several of the Energy Committee Meetings and felt that they were headed in the right direction. He also discussed the article in the Independent and that a lot has been accomplished but citizens need to remain diligent.
Ms. Carla Martin stated that she is the Administrative Director for Shining Stars which is an after school program. She provided information about the program and its history. She added that if the Town added an after school program, it would compete with the private programs.
Councilor Felton asked about the ages of the kids in the program.
Ms. Martin responded stating that the majority were K-3 with fewer in fourth grade and even fewer in 5th and 6th.
Ms. Cherrie Smylie discussed the EASY Program and the need for something like this in the community.
Ms. Sue West she commented on the after school programs working together and also the Energy Committees achievements. She also asked about the Education Committee and requested an update regarding this committee. She added that she had been a part of a very successful after school program and knows that they can be done.

9. APPROVAL OF JOINT POWERS AGREEMENT WITH SANTA FE COUNTY FOR FUNDING OF THE SEWER.

Mayor Stearley presented a draft for the Councils review and stated that this JPA

has been rewritten for the purpose if acquiring funding for the portion that is being built right now.
Ms Mahalick added that they are asking for approval of the draft to be worked on and moved forward to bring back to Council after Santa Fe County has made any revisions and the Town Attorney has then reviewed it.
Councilor Hill asked how much time the Town has before they have to have made an agreement.
The Mayor stated that it is not time sensitive because the first payment is not due until the completion of the project.
Councilor Abrams asked if the current JPA was still standing.
Ms. Mahalick stated that the current JPA is not valid and they can not collect the money allocated because the project does not exist. She added that she cannot give them a construction plan for those lines.
Councilor Abrams asked if the Mayor or Ms. Mahalick had a sense about how the County was receiving this modification.
Mayor Stearley stated that Commissioner Anaya was committed to trying to retain the $400,000.00 and there was some discussion and they seemed open to the amendments.
Ms. Mahalick stated that they did seem open to it but that they did want a presentation to their Commission from the Town.
Mayor Stearley stated that when they did make the presentation he would like them to be a united body with as many Councilors there as possible. He added that in the meantime they were asking for the Councils approval to negotiate along these lines.
Councilor Simmons stated that after the meeting they went right into their budget meeting and that the County is already upside down because of the Buckman project but that the Town should still ask.
Mayor Stearley stated that the Buckman project would be wrapped up in he next two years and this could dovetail right in after that because the Town is not asking for the two million dollars right now but that he was encouraged by their discussions and they seemed open to it.

MOTION: Councilor Hill made a motion to authorize the Mayor and Staff to move forward on this JPA. Councilor Abrams seconded for discussion.

Councilor Abrams asked if it was the Mayors intent to leave about $70,000.00 in the Counties coffers.
Councilor Hill responded stating that it was actually leaving something in our coffers because we are residents of the County as well.
Mayor Stearley stated that he had discussed wastewater collection lines on Section 16 with Commissioner Anaya and Fire Chief Stan Holden. He added that he had asked Ms. Mahalick to get an estimate from Dennis Engineering for a couple of options for providing sewer services to Section 16.

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

10. MATTERS FROM THE MUNICIPAL JUDGE.

G. Judge White will present his report for the month of May, 2009.
Judge White was not present.

MOTION: Councilor Abrams made a motion to accept the Judges report for the month of May, 2009. Councilor Hill seconded the motion.

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

11. REQUEST FOR AN APPEAL OF PLANNING & ZONING COMMISSION DENIAL OF THE REQUESTED EXTENSION OF THE PRELIMINARY P PLAT FOR CAMPBELL PROPERTIES.
(THIS ITEM TO BE ADVERTISED FOR PUBLIC HEARING FOR THE AUGUST 5, 2009 COUNCIL MEETING.

No action taken.

12. CHAMBER OF COMMERCE PRESENTATION – WORLD'S LONGEST BREAKFAST BURRITO.
Ms. Robyn Foshee, Executive Director of the Edgewood Chamber of Commerce, discussed the Breakfast Burrito events, volunteers and the businesses that have made donations.
Councilor Hill stated that is seemed only right that the longest Town be responsible for the Worlds Longest Breakfast Burrito.

13. REQUEST FOR COUNCIL PARTICIPATION FOR THE 10TH ANNUAL RUN, RALLY, ROCK PARADE.
Ms. Mahalick requested that the Council ride on a float during the parade and she described the procession, the vehicles to be utilized, and the decoration of the float.
Councilor Simmons offered the use of her 6 cow trailer.

14. POLICE DEPARTMENT REPORT – Chief Swanberg.
H. Approval and Introduction of Officer Juan Griego and Officer Dave Brown.
Chief Swanberg stated that he had been tasked by the Mayor to bring the department up to full staffing and that they had run two hiring cycles and with the assistance of Councilor Felton, they had succeeded in finding the best people available to fill the positions.
Chief Swanberg introduced Officer Juan Griego and Officer David Brown to the Council and Public and described their experience and background in Law Enforcement.
Mayor Stearley asked if Mr. Juan Griego had served as a Mayor somewhere.
Chief Swanberg responded that he had served as the Mayor of Tijeras.
Mayor Stearley welcomed both Officers and appointed them both to the Police Department and asked for the approval of the Council.

MOTION: Councilor Felton made a motion to approve Officers Juan Griego and David Brown. Councilor Simmons seconded the motion.

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

I. Chief Swanberg will present his report for the month of May, 2009.
Chief Swanberg presented his report for the month of May, 2009 including statistics and call dispositions. He also discussed the volunteer program and stated that he now had two volunteers working on a part time basis.
Chief Swanberg stated that several of the new vehicles were now at Rich Ford in Albuquerque and the rest will arrive by the end of the this month but still require equipment and decals. He added that he had begun the process for ordering the dual band radios for the vehicles as well.
Chief Swanberg discussed the Reserve Officer Program that Ms. Edmiston has been working as well as the Firearms Training Certification for the Town Officers.
He also discussed the Municipal League Chiefs of Police Association Event on May 22, 2009 as well as the Regional Emergency Call Center Board of Directors meeting last week. He added that the department was now on board with the Bullet Proof Vest Partnership for Fiscal Year 2010 and that he already had funds in the Bullet Proof Vest account.
Mr. Rael stated that the Council would need to go back to the approval of the Appointment of the Officers as it needs to be stated that they are being hired under the terms and conditions listed in their letters of employment.

MOTION: Councilor Felton made a motion to approve Officer Juan Griego and Officer David Brown as appointed by the Mayor subject to the terms and conditions found in their letters of offer. Councilor Abrams seconded the motion.

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

Mr. Rael asked the Chief if the both of the Officers had been administered their Oath of Office.
Chief Swanberg stated they had take their Oath of Office on June 15, 2009.

15. APPROVAL TO ADVERTISE FOR A CHIEF OF POLICE.
Chief Swanberg discussed his replacement and stated that he had been hired as an interim Chief and this process needs to be started early and he encouraged the Council to approve this item and move forward.

MOTION: Councilor Felton made a motion to approve the staff to begin advertising for a Chief of Police. Councilor Abrams seconded the motion.

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

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Councilor Felton asked if perhaps Mr. Steiner would consider curtailing his opinion while he is volunteering for the Police Department.
Chief Swanberg stated that this would be his management responsibility in the office.
Ms. Mahalick stated that Mr. Steiner had signed a confidentiality agreement and that he is honorable and takes this very seriously.
Mayor Stearley asked Ms. Mahalick to explain the difference between a Commissioner and a volunteer in an office.
Ms. Mahalick stated that the Commissioners take an Oath of Office much like a Police Officer or Code Enforcement Officer and are asked to behave ethically.
Mayor Stearley stated that they forfeit the opportunity to be an activist in their own opinion.
Ms. Mahalick responded stating that they have a higher profile that would make it difficult.

16. ANIMAL CONTROL REPORT – Officer Victoria Murphy.

J. Officer Murphy will present her report for the month of May, 2009.
Officer Victoria Murphy presented her report for the month of May, 2009 to the Council. She also cautioned the public and the Council on the dangers of the plague and how it is spread.
She discussed a Conference that they attended regarding the link between domestic violence and animal abuse. She added that they participated in transporting animals to Santa Fe for low cost spay and neuter at a total of 40 dogs and 30 cats.
Officer Murphy discussed the free pet food program that the Town is offering for qualified individuals. The food is donated by Wal-Mart and citizens and due to the high interest in the food they have had to limit the amount distributed and only offer to the same person every other week.

17. PARKS & RECREATION DEPARTMENT – Mr. Roger Holden.

K. Mr. Holden will present his report for the month of May, 2009.
Mr. Roger Holden presented his report for the Council. He discussed Western Heritage Days coming up as well of the Star Party that was a great success.
He also discussed the banners that are going to be placed on the light poles around Town that businesses can purchase.
Mr. Holden stated that he attended a Recycling Coalition Workshop with Ms. Celia Cook. He added that she will chair a Recycling Committee and they will be bringing a plan to Council that starts off at small scale to get a feel for what the demand will be.
Ms. Mahalick stated that she had been contacted by Torrance County and the Town has entered into a letter of intent to participate in a Tire Recycling Grant that they are filing. She added that there was no commitment from the Town and if they intend to participate the County would place a roll off container at the Town Offices.
Mr. Holden discussed Run, Rally, & Rock including a 5K run and the parade.
Councilor Hill stated that the Valley View Car Show was scheduled for this Sunday and was one on the larger events in Town.

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L. Parks & Recreation Meeting Minutes for May 23, 2009.

MOTION: Councilor Hill made a motion to acknowledge receipt of the Parks & Recreation Meeting Minutes of May 23, 2009. Councilor Abrams seconded the motion.

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

18. LIBRARY REPORT – Ms. Peggy Martinez.

M. Ms. Martinez will present her report for the month of May, 2009.
Ms. Martinez presented her report for the month of May, 2009 including book donations, sales, intra-library loans, the summer reading program, as well as statistics.

N. Library Advisory Board Minutes for May 13, 2009.
Ms. Peggy Martinez presented the Library Advisory Board Minutes from May 13, 2009 and asked if there were any questions.
Councilor Felton asked about the overdue notices and patron that they were not able to locate.
Ms. Martinez responded stating that she sent notices based on a list from the later part of last year and was unaware of the last time notices were sent before this but that there were quite a few that were returned undeliverable and that she would be keeping up on the list from now on.

19. COMMUNITY DEVELOPMENT REPORT – Ms. Karen Mahalick.

O. Approval to go out to Bid for Construction of the Soccer Fields.
Ms. Mahalick reviewed this item for the Council including the Contract Amendment from the Engineers as the Highway Department is requiring either an expansion of the road or turning lanes. She described the costs of these improvements and deadlines.
Councilor Simmons asked if there was an opportunity to talk to the State Land Department to get temporary road easement off of Dinkle Road until the Town can afford the turning lane.
Ms. Mahalick stated that she had asked the School Board for joint use and they declined. She added that generally speaking they prefer that you pay for an easement and that she would provide the costs for the improvements to both roads but eventually they will need to be made.
Mayor Stearley asked if the fields could be utilized before the road improvements take place.
Ms. Mahalick stated that the Town would have to put some money towards drainage at the entrance.
Councilor Abrams asked what the time frame was from bid to build-out of the fields.
Ms. Mahalick stated that the Engineers said it would be 6-8 weeks once they start to turn dirt and then the grass needs to grow a little bit before it is ready to be played on.

Ms. Mahalick stated that she would bring this issue back at the next meeting with a cost for Council to consider.

MOTION: Councilor Abrams made a motion for the Town to go out for bids to construct the Soccer Fields. Councilor Simmons seconded the motion.

Council and staff discussed the issues of water, access and weather or not to move forward on this now.

VOTE: Councilor Abrams voted aye. Councilor Felton voted nay. Councilor Hill voted nay. Councilor Simmons voted aye. Mayor Stearley voted nay. The motion died.

Ms. Mahalick stated that she would also bring the costs for design as well as a finance plan to the next Council Meeting.

P. Sewer Rate Study.
Ms. Mahalick reviewed this item for the Council stating that this is the first step.

Q. Planning & Zoning Commission Report – Request for Council Direction

1. Wind Ordinance.
   Ms. Mahalick presented a draft Ordinance for the Council and outlined the items that the Commission was requesting feedback on.

2. Re-Zoning Policies.
   Ms. Mahalick reviewed this item for the Council and asked them for comments and feedback.

R. Update on Wastewater Bid.
Ms. Mahalick updated the Council on this Item and stated that they were proceeding cautiously and would be opening the bids next week and present the results at the first Council meeting in July. She added that once a contractor is chosen and underway then she will come back to Council and ask for the qualifications of the operator position.

S. Road Department Update.
Ms. Mahalick updated the Council on this item including the issues with the recycled material that had been used. She also discussed a draft of the STIP Plan and stated there are not any District Five Projects at this time. She added that during a Meeting with Santa Fe County she was informed that the Commission had approved $20,000.00 for the Library.

20. FINANCE & ADMINISTRATION.

T. Approval of Town Bills.

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

Councilor Simmons asked it the electric bill for the wastewater facility was really

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already that high.
Ms. Mahalick stated that it was.

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

U. Approval of the Financial Statement for the month of May, 2009.
Ms. Mahalick introduced this item for the Council stating that this is a draft and she asked them to decide which report they would like to see before the meetings. Councilor Hill stated that he would prefer the consolidated report but would like the Council to discuss a quarterly budget meeting.
Ms. Mahalick stated that Council would have the quarterly numbers very soon and that these reports were generated from the new software. She also described the details of this report for the Council and all it includes

MOTION: Councilor Hill made a motion to approve the Financial Report as presented in the summary form for the month of May, 2009. Councilor Simmons seconded the motion.

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

21. RESOLUTIONS.

V. Budget Resolution No. 2009-25 – Line Item Transfers to Capital Projects Fund.
Ms. Mahalick reviewed this item for the Council stating that this was necessary to fund projects that were under-funded last year. She also stated that there would be a correction to the wording.

MOTION: Councilor Felton made a motion to approve Budget Resolution No. 2009-25 with an amendment to the language as stated by Ms. Mahalick. Councilor Hill seconded the motion.

Councilor Hill stated that he would like the Town to be more proactive on items of this nature.

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

W. Resolution No. 2009-26 – Approval of Advisory Committee for Grading & Drainage Ordinance.
Ms. Mahalick stated that this was a recommendation of the Engineers in the Planning Commission because they saw a need to amend the Grading & Drainage Ordinance. She added that there were environmental factors that would better served if they were incorporated into an Ordinance as there are more sensitive ways of creating drain areas for subdivisions instead of creating one large pond

and she would like to see the committee explore them.
Ms. Mahalick read the Resolution for Council and the Public.

MOTION: Councilor Hill made a motion to adopt Resolution No. 2009-26. Councilor Simmons seconded the motion for discussion.

Councilor Simmons asked about the disbanding of this committee at the conclusion of their work.
Ms. Mahalick responded stating that the professional engineers would not want to keep meeting for free after they are finished.
Councilor Simmons stated that she would like it to read a bit more definitively.

MOTION: Councilor Hill made a motion to approve Resolution No. 2009-26 with the stated amendment. Councilor Simmons seconded the motion.

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

X. Resolution No. 2009-14 Amending the S.O.P's to include:
- Motor Vehicle Pursuit Policy
- Towing Policy & Procedures
- Handling of Evidence.

Mr. Rael requested that the Council table this item to allow him time to review these policies.

MOTION: Councilor Abrams made a motion to table this item to allow time for the Town Attorney to review the amendments. Councilor Felton seconded the motion.

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

Y. Resolution No. 2009-27 - A Resolution to bring Bond Issues before the Voters.

Councilor Felton suggested that Council table this item so that they may give it the time that it deserves.
Mr. Rael stated that he would like an opportunity to review the Resolution as well.

MOTION: Councilor Abrams made a motion to table this item until the July 1, 2009 meeting. Councilor Hill seconded the motion.

Councilor Hill asked that this item be placed earlier on the next Agenda. He also suggested a review of the Agenda format as a whole by the Council.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.

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Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Z. Resolution No. 2009-28 - A Resolution Concerning Recreational/Educational Programs.

Councilor Simmons read the Resolution for the Council and Public. She also thanked Ms. Jaramillo for efforts of behalf of these programs.

Ms. Audrey Jaramillo stated that she was happy to serve and has been hopeful from the beginning to make this a joint effort. Ms Jaramillo gave a presentation and illustrated for the Council and the public what has taken place thus far and stated that at this time there is great division. She asked for clear direction from the Council.

Mayor Stearley responded stating that the Town was pledging their effort but that the Town could not force other entities to engage with them. He added that based on the School board meeting last night it was his understanding that they have specific rules and regulations regarding the use of their facilities.

Ms. Jaramillo used the programs in Rio Rancho to illustrate the joint effort between the City and the School district. She added that she had been informed that it was just common for the parties to work together and this is all she is asking for.

Councilor Hill stated that this Resolution states that this Council will make requests of these other entities to work with us. He added that with the passing of this Resolution it then becomes the Mayors responsibility to reach out to these entities to develop educational and recreational programs for this community.

Mayor Stearley stated that it was not specific to the EASY program.

Councilor Hill stated that it was not specific to anything other then education and recreational programs for the community children. He added that he would like to delete a portion of the wording from the Resolution to become more clear.

Councilor Felton asked who drafted the Resolution or who wrote it and it unusual for the Council to consider passing a Resolution generated by a citizen or a member of a sub-committee who has no standing before this body except through the Recreation Director.

Councilor Simmons stated that once a Councilor owns the Resolution then it does have standing and that she owned that Resolution now.

Councilor Felton asked if anyone would answer the question.

Councilor Simmons responded that it was a collaborative effort.

Councilor Felton asked when it was written and has it vetted through the Recreation Department as it comes forward as a province of the Recreation Department.

Councilor Simmons stated that the Recreation Director is not available to anyone with regard to the EASY program without permission from the Mayor.

Mayor Stearley clarified that this was not specific to the EASY program.

Councilor Hill stated that he like the fact that the Resolution was non specific.

Councilor Felton stated that he felt the Resolution is premature.

Councilor Hill stated that this body is going to govern by Resolution.

Councilor Felton stated that his concern was that the Resolutions come from the subcommittees.

Councilor Hill stated that it was his understanding that this Resolution came from a Council Member.

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Councilor Abrams stated that if a citizen has the audacity to pen a Resolution and then lobby this body, they have the right to request a Member of this body to bring it forward. He added that he would like the Council to make some changes to the wording of the Resolution for clarification before they make a motion. Councilor Abrams stated that he was in support of a collaborative effort towards educational and recreational programs for this community and that they are badly needed.
A statement was made from the audience that was inaudible.
Councilor Abrams outlined some of the changes to the wording that he would request.
Councilor Felton stated that this is why he feels this is premature and that sometimes a Resolution is not the way to go and that there are softer ways to accomplish what we are after. He added that he would rather have seen more collaborative work between existing programs and he would still like to know who the funding agents are that offer grants.
Councilor Hill stated that some times these debates even the heated debates have a place and can be good. He added that he hopes that the citizens are ok with this as well. He also stated that he would like to see this rewritten and then look at it again.
Councilor Simmons stated that she appreciated Councilor Abrams comment about doing things ourselves and there is a certain aspect of needing to it ourselves. She added that she got a very strong signal that the School Board is not interested in having a program like the one outlined in this Resolution. That this was not one of their priorities nor did they have the funding to support it. She stated that now is the time to look at alternatives.
At this time Councilor Simmons read a letter drafted by Mr. Ernest DeLora regarding the EASY Program.

MOTION: Councilor Hill made a motion to table Resolution 2009-28 until the next Council meeting of July 1, 2009. Councilor Felton seconded the motion.

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

At this time Mayor Stearley invited the School Board Members to make comments.
Mr. Todd McCarty gave a statement from the audience that the School Board has voted 3-1 against the EASY Program for the 2009-10 School year for a variety of reasons mainly a lack of funding. He added that he felt it was important that the School Board state their position as early on as possible.
Councilor Felton asked if and when the funds become available would the school district be willing to manage or be the fiscal agent for the program.
Mr. McCarty stated that is not something he could answer on the spot but could look into it.
Councilor Simmons stated that they had heard some discussion regarding the APS Program
Mayor Stearley thanked the School Board Members for attending this evening.

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22. APPROVAL OF PREVIOUS MINUTES.

AA. Regular Council Meeting Minutes of May 20, 2009.

MOTION: Councilor Felton made a motion to approve the Regular Council Meeting Minutes of May 20, 2009. Councilor Hill seconded the motion.

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

23. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

BB. Planning & Zoning Commission Meeting Minutes of May 18, 2009.

MOTION: Councilor Simmons made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes of May 18, 2009. Councilor Felton seconded the motion.

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

24. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

CC. Regular Council Meeting – July 1, 2009.
DD. Regular Council Meeting – July 15, 2009.

Note: The Town Offices will be closed on Friday, July 3, 2009 in observance of 4th of July holiday.
Councilor Hill requested that the Council review the Agenda format as he feels that Resolutions should be at the beginning so that the public is more inclined to be present.
Councilor Abrams requested that the department reports be listed as Consent Agenda Items.
Mr. Rael stated that this was allowable and that Consent Agenda Items can be removed from the list for further discussion and the remaining items be acted. upon.
Council agreed that a Consent Agenda would be used for the Staff reports on the next Agenda.
Councilor Felton requested that a detailed discussion of the Parks & Recreation Sub-Committees be placed on an Agenda.
Ms. Mahalick stated that staff was working on a policy regarding committees reporting to department heads. She also requested that Council take a look at the Resolution regarding the creation of the sub committees and see what the Council has empowered them to do.
Councilor Felton stated that the Council should revisit that Resolution.

25. ADJOURN.

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

VOTE: All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 11:14 P.M.

PASSED, APPROVED and ADOPTED this 1st day of JULY, 2009.

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Honorable Robert Stearley, Mayor

ATTEST:

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Estefanie B. Muller, Clerk-Treasurer