

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – AUGUST 2<sup>ND</sup>, 2017 @ 6:00 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: Linda Holle, Rita Loy Simmons, & John Abrams.

Councilors Not Present: Sherry Abraham.

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

**PLEDGE OF ALLEGIANCE.**

**1. APPROVAL OF AGENDA.**

Mayor Bassett asked for some clarification on items listed on the agenda. Deputy Clerk Carla Salazar indicated that the Judge would not be present tonight and that neither would Mr. Tom Sullivan, Superintendent of the Moriarty Edgewood School District.

Councilor Holle had a question on how items are identified on the Agenda. Specifically, how action items should be identified and the wording “discussion, consideration and action” need to be placed on action items. Mayor Bassett, Councilor Abrams, Councilor Simmons, Mr. Autio, Mr. Torres & Ms. Salazar all participated in the discussion. A conclusion was reached that the appropriate and necessary wording on action items was “discussion, consideration and action”. Ms. Salazar also indicated she would look at changing the outline of future agendas so that action items could be grouped together.

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

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

**2. APPROVAL OF MINUTES.**

a. Approval of the Draft Regular Council Meeting Minutes of June 21, 2017.

Councilor Holle requested that the Draft Regular Council Meeting Minutes of June 21<sup>st</sup>, 2017 be withdrawn so that corrections could be made. She also offered her services as a proof reader for future minutes and indicated she would be willing to proof read them prior to them being placed in the packet for approval.

**MOTION:** Councilor Abrams made a motion to withdraw the Draft Regular Council Meeting Minutes of June 21, 2017.  
Councilor Simmons seconded the motion.

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

 Initials

**3. MATTERS FROM THE MUNICIPAL JUDGE. – Judge William White**

a. Judge White's Report for the month of June 2017

Judge White was not present; however, his report was presented for approval.

**MOTION:** Councilor Abrams made a motion to approve Judge White's report for the month of June 2017.  
Councilor Holle seconded the motion.

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

**4. MATTERS FROM THE MORIARTY EDGEWOOD SCHOOL DISTRICT – Mr. Tom Sullivan, Superintendent**

Mr. Tom Sullivan was not present.

**5. MATTERS FROM THE MAYOR.**

a. Facilities Update

Mayor Bassett indicated he had some late news and shared with the Council an email from the New Mexico Finance Authority which said we had the go ahead to begin work on converting the old fire station into the Police Department and the Police Department building into Municipal Court offices. He read the full email to the Council.

Mayor Bassett then passed out an invitation to a Ribbon Cutting/Grand Opening of the Career and Technical Education Center on August 15<sup>th</sup> at 4:00 p.m. at Moriarty High School.

b. Update on EMWT Annual Meeting Update

Mayor Bassett indicated he and Councilors Holle and Simmons had attended the meeting on July 25<sup>th</sup> and gave a brief review of that meeting.

c. Update on Mill Levy meeting with New Mexico Tax & Rev.

Mayor Bassett showed the Council a picture of a meeting he and Mr. Torres had attended the previous week with representatives from Santa Fe County, Bernalillo County, Sandoval County, Department of Finance Authority and the New Mexico Tax and Revenue Department. The Mayor stated the mill levy the Town imposed has to be applied in three different counties and this meeting was to bring everyone together to understand how the levy needs to be imposed this year. The Mayor indicated he believed all issues were sorted out by the end of the meeting.

d. Conflicts of Interest

Mayor Bassett had a number of handouts that were passed out. He started out by saying that we have a number of Public Hearings tonight both legislative and quasi-judicial and specifically referenced the Public Hearing on the Subdivision Ordinance, since there was some concerns raised in the past that he had conflicts of interest when it came to his involvement in the Subdivision Ordinance rewrite/revision.

The first handout was an Albuquerque Journal Article on Bernalillo County Commissioner Art De La Cruz and his support of the Santolina development. It spoke directly to the differences between quasi-judicial and legislative hearings. Mayor Bassett then read part of the article to the Council.

He then indicated the Town, about three years ago, had a similar situation to what is going on now with the Subdivision Ordinance. He remembered that he had asked back then if then Mayor Brad Hill should recuse himself from the Public Hearing because he had a conflict of interest in that he had a pending land use application being heard by the Planning and Zoning Department of the Town of Edgewood at the same time the Subdivision Ordinance was being rewritten. Council members at that time had voted to allow Mayor Hill to continue to chair and participate in that Public Hearing. The Mayor stated, in reviewing all the information he presented, that he believes that legislative procedures allow bodies hearing legislative matters more flexibility in communication and in advocating for or against certain positions or policies.

He then gave Councilor Holle a collection of minutes from when former Mayor Brad Hill had attended Planning & Zoning Commission meetings. Mayor Bassett stated that some current Councilors have had an issue with him attending the Planning & Zoning Commission meetings and speaking and Councilor Holle can see that this has happened before with previous Mayors who have gone to Planning & Zoning Commission meetings and spoken about legislative issues. Mayor Bassett then referenced the Planning and Zoning Meeting minutes of a specific date to which Councilor Simmons objected asking the Mayor where she could see what he was referring to. The Mayor stated he was referencing the Planning and Zoning Meeting minutes he had given Councilor Holle and that he had already shared them in a past meeting with other members of the Governing Body. The Mayor was showing them to Councilor Holle tonight because she was new to the Governing Body. He then read from the minutes of that Planning & Zoning Meeting an excerpt that had former Mayor Brad Hill addressing the Planning and Zoning Commission about the Subdivision Ordinance. Mayor Bassett concluded that this is the same thing he has done.

Mayor Bassett then passed out a handout, which consisted of two sets of Council Meeting Minutes from 2016, the first from March 9<sup>th</sup> and the second from April 20<sup>th</sup>. He then read excerpts which showed that he, as Mayor, had recused himself from two Public Hearings held on those dates. His conclusion was that in quasi-judicial procedures he knows when to recuse himself and in these upcoming legislative matters, specifically the Subdivision Ordinance, he does not believe he has a conflict.

Mayor Bassett then wrapped up with a few more examples of quasi-judicial vs. legislative matters and conflicts of interest.

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

Councilor Holle announced she attended the EMWT Annual Meeting to familiarize herself with the organization and their goals. She also stated she was looking forward to the Run, Rally & Rock celebration this upcoming weekend.

Councilor Simmons stated she too had gone to the EMWT Annual Meeting. She then spoke about the 5-year plan EMWT had presented and went into a little more detail about irrigated use vs. domestic use.

Councilor Simmons then stated she appreciated what the Mayor was doing and the spirit he was doing it with, she just didn't always agree with it.

Councilor Abrams said that he has noticed on his bicycle trips around Town a major uptick in the number of people walking, biking, horseback riding, etc....down the middle of the road. He stated that he hoped we could have some trails designed and put in soon so we can resolve that issue.

He then talked about work he was doing, unrelated to his work on the Council, and specifically a joint graduate/undergraduate program with NMSU and the UNM Valencia Campus to use automation and a new device called Farmbot. He encouraged people to look up Farmbot online and read about it. He is working on the project to scale it to farm size as he stated right now it is relatively small.

**7. MATTERS FROM THE TOWN ATTORNEY – Mr. Randy Autio, Attorney, Robles, Rael & Anaya**

**a. Differences between Quasi-Judicial and Legislative Hearings**

Mr. Randy Autio stated the Government Conduct Act is required during Quasi-Judicial and Legislative Hearings. This Government Conduct Act is a disclosure of Conflicts of Interest and Ex-Parte Communications prior to the Hearings. Mr. Autio stated disclosure is key to reassure there are no biased opinions. He added the basic difference between the two categories is that legislative decisions establish policies for future application, while quasi-judicial or administrative decisions are the application of those policies. To conclude, Mr. Autio offered his services if anyone needed further discussion, now or in the future.

**8. FINDINGS OF FACT AND CONCLUSIONS OF LAW on: Request for Zone Change from Residential (R-1) to Commercial (C-2) for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21, NMPM, in the Town of Edgewood, Santa Fe County, New Mexico. The applicant is Chanslor Revocable Trust, Mr. Ron Chanslor is the Trustee. – Ms. Tawnya Mortenson, Planning Administrator**

Ms. Tawnya Mortensen stated this matter came before the Edgewood Town Council on July 19, 2017 for a Zone Change from R-1 Residential to C-2 Commercial, application /case # ZC-2017-06. The Governing Body has duly considered the evidence presented by the applicant and Town Staff. This evidence has taken the form of documents and testimony presented at a hearing before the Town Council held July 19, 2017. She included the property that is the subject of the requested Zone Change is located within the Municipal Boundaries of the Town of Edgewood, as they currently exist. The jurisdiction of the Town over the requested zone change is not contested and the Planning & Zoning Commission made a motion to approve the requested Zone Change on June 5, 2017. She stated the grant of the request is consistent with the public interest and welfare of the citizens of the Town of Edgewood. She added the request of the applicant should be granted as it agrees with the Comprehensive Land Use Plan, the Town of Edgewood Zoning Ordinance and lies within a commercially populated area. To conclude, if approved the date would need to be August 2, 2017.

**MOTION:** Councilor Simmons made a motion to approve the FINDINGS OF FACT AND CONCLUSIONS OF LAW on: Request for Zone Change from Residential (R-1) to Commercial (C-2) for 5 acres, located at 73 NM 344, TR A Woods End Ranch, T10N,

 Initials

R7E, SEC 21, NMPM, in the Town of Edgewood, Santa Fe County, New Mexico. The applicant is Chanslor Revocable Trust, Mr. Ron Chanslor is the Trustee. Councilor Abrams seconded the motion.

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

**9. PUBLIC MEETING – Infrastructure Capital improvement Plan (ICIP) – Mr. Juan Torres, Clerk/Treasurer, Town of Edgewood**

a. Presentation

Mr. Juan Torres, Clerk/Treasurer, began by giving a quick update on the date and stated that the ICIP would have to be approved by Council at the next regular Council Meeting of August 16<sup>th</sup>. He then presented last year's ICIP and encouraged the general public, Staff and members of the Governing Body to come forward with their ideas. Mayor Bassett then asked the Council if they had any questions, concerns or changes to last year's ICIP.

b. Public/Staff/Governing Body - Comment and Discussion

Councilor Simmons stated she thought Church Street was a heavily travelled road that had to be a priority. Mr. Torres stated that design for Church Street was underway and that while the Town had applied for NMDOT MAP Funding for the construction project this year, Edgewood had not been awarded any money.

Mayor Bassett said he thought that for Roger Holden, Parks and Recreation Director for the Town of Edgewood, the biggest project next year would be the trestle bridge.

The Mayor then opened the meeting to public comment.

Ms. Crystal Cook requested that Mustang Rd. be paved.

Ms. Lynn Myers had a petition signed by 24 of her neighbors requesting that something be done about Pinto Rd. She acknowledged that it does get graded but it is in terrible condition and is a washboard and is tearing up their vehicles.

Mr. Jeremiah Turner presented a petition signed by property owners north of I-40, requesting sewer service extension to their area. He stated this has been an on-going request for about the last ten years.

Mayor Bassett asked Mr. Torres to address Mr. Turner's request. Mr. Torres stated that the design for sewer service extension was almost complete, that some construction would be undertaken and funding would be sought for additional construction.

Ms. Janelle Turner stated the Town has paved some of the roads on their paving priority list and maybe they should have the Planning and Zoning Commission add some more roads to that list. She wanted to remind the Governing Body that there are some roads still on that list that have been

 Initials

waiting for improvements for quite some time. She also stated she supported anything the Town could do to extend sewer service to commercial areas of Town. Finally, Ms. Turner would like to see if in working with the Subdivision and Zoning Ordinances there was some way the Town could facilitate adding trails or at least trail easements into future developments.

The Mayor then closed the Public Meeting on the ICIP.

**10. RESOLUTION NO. 2017-14 – A resolution declaring a property nuisance exists at a property located in Edgewood and that it is a menace to the public and that it is condemned and that the nuisance must be abated in accordance with Town of Edgewood Zoning Ordinance 2014-02 – Ms. Michelle Schmidt, Code Enforcement Officer, Town of Edgewood**

Ms. Michelle Schmidt, Code Enforcement Officer for the Town of Edgewood, presented and referenced a power point presentation on the conditions of a home in Edgewood for which she was requesting the Governing Body pass Resolution 2017-14, allowing her to condemn the home and ask the owner to abate the nuisance in accordance with Town Ordinance.

Ms. Schmidt gave a history as to how the complaint first came to her (from a neighbor), her visits to the home, the condition in which she found it (backed up by pictures) and the subsequent visits made to the same home by Renee Nix, Santa Fe County Fire Inspector, Mike Lentz, State of New Mexico General Building Inspector, and a private Mold Removal Company.

The conclusion Ms. Schmidt came to was that the home was not suitable to live in even though a renter was currently living in the home. She stated there was no electricity, no gas, no trash service, no working septic system and only a trickle of cold water. There was also black mold found in the home. Windows were broken and doors to the outside did not exist or did not work.

Ms. Schmidt then asked Mr. Mike Lentz to give a report on the conditions he observed. He gave the Council some administrative code references as they coincided with the pictures. He stated there were numerous code violations and the structure was not suited for occupancy. Mr. Lentz then addressed the home just behind the home being discussed tonight, which is owned by the same person and said it also was not suitable to live in and the same situation existed in both homes.

Ms. Renee Nix, Santa Fe County Fire Inspector, then addressed the Council and gave some fire code references which would indicate the home has to be vacated.

Ms. Schmidt then wrapped up with a request for a vote to pass the Resolution. She spoke about the next steps to be taken, including: serving the owner, giving him a deadline to vacate the property and moving forward if he does not.

Mayor Bassett asked if she had spoken to the owner.

Ms. Schmidt stated she had spoken with the owner three times. The last time she spoke to him he indicated he might be at the Meeting tonight; however, he is not present.

**MOTION:** Councilor Simmons made a motion to approve Resolution No. 2017-14 – A resolution declaring a property nuisance exists at a property located at 336 Dinkle Rd. in Edgewood, NM and that it is a menace to the public and that it is condemned and that the nuisance must be abated in accordance with Town of Edgewood Zoning Ordinance 2014-02. Councilor Abrams seconded the motion.

The Mayor asked for some discussion and asked for Mr. Autio's take on the matter.

Mr. Autio stated the Ordinance was in compliance with State Statute and although this is one of the toughest actions a Governing Body can undertake, he thought it was appropriate that this action be taken on this property.

The Mayor asked Mr. Autio if the property owner could seek an Appeal Hearing before the Governing Body.

Mr. Autio answered in the affirmative. He also stated it would be ideal if the owner took care of his own property.

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

**11. RESOLUTION NO. 2017-15 – A resolution adopting FY 2017 budget adjustments**

Mr. Juan Torres introduced Resolution No. 2017-15, adopting the budget adjustments for Fiscal Year 2017. He stated these budget adjustments are based upon the fourth quarter financials.

**MOTION:** Councilor Abrams made a motion to approve RESOLUTION NO. 2017-15 – A resolution adopting FY 2017 budget adjustments. Councilor Simmons seconded the motion.

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

**12. RESOLUTION NO. 2017-16 – A resolution approving the June 30<sup>th</sup>, 2017 (4<sup>th</sup> Quarter) Financial Report for the Town of Edgewood**

Mr. Juan Torres introduced Resolution No. 2017-16, approving the 4<sup>th</sup> Quarter Financial Report for the Town of Edgewood.

**MOTION:** Councilor Abrams made a motion to approve RESOLUTION NO. 2017-16 – A resolution approving the June 30<sup>th</sup>, 2017 (4<sup>th</sup> Quarter) Financial Report for the Town of Edgewood. Councilor Holle seconded the motion.

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

**13. RESOLUTION NO. 2017-17 – A resolution adopting the FY 2018 Operating Budget**

Mr. Juan Torres introduced Resolution No. 2017-17- A resolution adopting the FY 2018 Operating Budget. He stated the only change is the numbers are no longer from the Preliminary Budget, and reflect the ending numbers from the 4<sup>th</sup> Quarter Budget.

**MOTION:** Councilor Abrams made a motion to approve RESOLUTION NO. 2017-17 – A resolution adopting the FY 2018 Operating Budget.  
Councilor Simmons seconded the motion.

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

**14. PUBLIC HEARING. CONTINUED. Quasi-Judicial Procedure:**

- Certification that Public Notice of this Meeting has 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.
- a. A continuation of a Quasi-Judicial Hearing that was heard at the Regular Council Meeting on Wednesday, December 21, 2016 at 6:30 PM and was continued to this meeting; the **Regular Council Meeting of Wednesday, August 2<sup>nd</sup> 2017 at 6:30 PM** 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.

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

Ms. Mortensen so affirmed.

The Mayor then stated that this case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties to the proceeding. Requirements include the identification 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.

The Mayor then sought from the Governing Body, confirmation of no conflict of interest or ex-parte communication.

Mayor Bassett began by saying two letters addressed for him from the applicant, Mr. Pillars, had been received at Town Hall but he had read neither and he certified that he had no conflict of interest and no ex-parte communication.

Councilor Holle said she also saw a letter from the applicant addressed to her but did not read it and certified she had no conflict of interest and no ex-parte communication.



Councilor Simmons stated she had seen no such letter and certified she had no conflict of interest and no ex-parte communication.

Councilor Abrams certified he had no conflict of interest and no ex-parte communication nor had he received a letter.

Mr. Torres then stated that once Town Staff realized what the letter was, they were pulled from the boxes; however, Ms. Mortensen had them with her tonight.

Mayor Bassett stated his concern that this proceeding be fair in form and process as well as appearance and asked if anyone objected to the participation of any member of the Governing Body in these proceedings.

There were no objections.

He then asked that all persons giving testimony in these proceedings rise and be sworn-in.

Ms. Mortensen was sworn-in by Mr. Torres.

Mayor Bassett asked Ms. Mortensen to give the Council an overview.

Ms. Mortensen stated this was a continuation of a Quasi-Judicial Hearing that was heard by Town Council at its Regular Council Meeting on Wednesday, December 21, 2016 to confirm that the conditions put upon the applicant concerning the road have been met. The Edgewood Town Council had requested a 6" or equivalent compacted base with all-weather surface. This included a cul-de-sac or hammerhead be put in place at the end of a 20' wide road. Because Mr. Pillars would be away for the winter it was decided he would be given until the first meeting in August 2017 to comply. Compliance would be determined by Santa Fe County Fire Inspector, Renee Nix and Town of Edgewood Road Department Supervisor, Norton Henninger.

Mayor Bassett asked if the status of the application was ready to go tonight. Ms. Mortensen answered in the affirmative.

Mayor Bassett asked if there was anyone present representing the applicant. Ms. Mortensen answered in the negative and stated Governing Body members had received a letter from the applicant stating he had no intention of continuing. She then read the contents of the letter.

Mayor Bassett then asked Mr. Autio what his best advice would be on how to proceed, since the applicant was not present.

Mr. Autio stated the Governing Body had a few options but the simplest and the one he would recommend would be to table the matter for now and reach out to Mr. Pillars again and give him a date certain and tell him his application is still an open item and the Council will take final action on it on a date of their choosing, which he recommends they pick tonight. He stated if the applicant decides to not come again the Council has the ability to deny the application. He then stated that Ms. Mortensen could probably tell the Council tonight if he has complied with the Governing Body's original requests and conditions.

Ms. Mortensen stated that reports from Renee Nix and Norton Henninger are in the Council packets and they both show that conditions requested by the Council have not been met.

Councilor Simmons asked Mr. Autio if the letters from the applicant to members of the Governing Body could be given to them now. Mr. Autio answered that they could. Ms. Mortensen passed them out.

Councilor Simmons then stated that the troubling comment in the letter was an opinion attributed to Ms. Mortensen, which stated she would have never approved this minor subdivision. Ms. Mortensen clarified to say that what she did tell the applicant was that she would not have heard this as a minor subdivision because there was no road.

Councilor Simmons then said it was good the Town was trying to bring this to an equitable solution and bring this to a good conclusion. She was glad the Town was going to give the applicant one more opportunity.

The Mayor then asked the Council if they preferred to give the applicant 30 or 60 days. The conclusion is that they would give him 60 days.

Mayor Bassett then gaveled shut the public portion of the meeting and asked for a motion.

**MOTION:** Councilor Abrams made a motion to table the re-hearing of the 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 until the second meeting in September which would be September 20<sup>th</sup>, 2017. He also moved that the Town of Edgewood contact the applicant, Mr. Pillars, with the information that the Governing Body has continued this hearing pending his attendance for a final decision. Councilor Simmons seconded the motion.

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

## 15. PUBLIC HEARING. Legislative Procedure:

- Certification that Public Notice of this Meeting has been posted as required.
- a. A Public Hearing on an ordinance adopting revised subdivision regulations, requirements and procedures for the Town of Edgewood, New Mexico, providing for penalties for any violation thereof, and repealing ordinance No. 2014-03.

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

Ms. Mortensen so affirmed.

 Initials

Mayor Bassett read the requirements for a legislative procedure, and asked the Governing Body if they have any pending Land Use Application(s) that could benefit themselves with the new changes to the ordinance.

Councilor Abrams verified he has no pending Land Use Applications with the Town of Edgewood.

Councilor Simmons stated EMW Gas is negotiating placing a gas line through her property at Section 6, Township 10 North, Range 7 East NMPM. She does not believe this would affect her decisions made with the new Subdivision Ordinance. She also included she has no pending applications with the Town of Edgewood.

Councilor Holle verified she has no pending Land Use Applications with the Town of Edgewood.

Mayor Bassett verified he has no pending Land Use Applications with the Town of Edgewood, nor do any of his relatives.

Ms. Tawnya Mortensen introduced the Subdivision Ordinance. She stated the process to revise the ordinance had begun before her employment. She added the Town had received input from MRCOG and the Town's Attorney, Mr. Randy Autio. She stated the biggest controversy was the Minor Subdivision, along with unclear guidelines. She pointed out that there is a flowchart that coincides with the new ordinance, making the process more clear. The new ordinance has removed the Minor Subdivision and calls everything a subdivision. It does allow for an expedited process that will allow for a preliminary and final approval in one meeting. The new ordinance also improved upon the definitions. Ms. Mortensen mentioned that both the Planning and Zoning Commission and MRCOG are happy with the proposed ordinance.

Councilor Simmons asked for clarification on the expedited process. She asked if it would do what they intended with the Minor Subdivision.

Councilor Abrams answered that there is nothing in the proposed ordinance that would exclude or prohibit a subdivision if the necessary improvements were constructed. He stated that there would be no need for a preliminary process.

Councilor Simmons asked if a subdivider could come in and speak with Staff before an application was submitted. Ms. Tawnya Mortensen and Mayor Bassett both answered absolutely.

Councilor Simmons requested that the word "negotiated" be changed or taken out of Page three (3) Section five (5) Number two (2) last line. She stated that a true subdivider will negotiate in order to subdivide and sell a lot if and when a subdivision is approved. Mr. Randy Autio requested that the language stay in the ordinance. Councilor Abrams stated this does not preclude an investor from investing in the subdivision. He added that the language pertains to a sale or a lease. Mayor Bassett stated that he encouraged any subdivider to come in and speak with Staff and the Planning and Zoning Commission before they file an application in order to find out what is required before they file a final plat and sell or lease the property. Mr. Autio requested including language stating every person may reach out to Staff in order to seek clarification. Councilor Abrams stated the Council is in a legislative

hearing to create law and that there are other avenues besides the law to promote better information and dialogue. Councilor Holle mentioned that Staff was working on a FAQ sheet to explain the process.

Councilor Simmons questioned the word minimum in Section four (4). Councilor Abrams stated that the word means this is the least you would be required to do, but you might have to do more.

Councilor Simmons discussed the wording in Section three (3). She requested that the wording include sewer or septic facilities if available. She commented on the phrase “safety and suitability” of land. On page 4, she referenced “maintenance of town character and atmosphere”, stating that was up to interpretation and that rural needs should be included to remind people of the farming and ranching history within the community.

Councilor Simmons remarked that the Clerk-Treasurer position serves as the Chief Operating Officer of the Town and requested adding the phrase, “or as amended” to the end of that statement.

Councilor Simmons and Mayor Bassett discussed the Town’s Comprehensive Plan commenting that it was not law, but to be used as guidance.

Councilor Simmons mentioned that the grading and drainage permit, Definition 32, should make exceptions for people that might be testing their wells. Mayor Bassett stated that it was very similar to Definition 16 and that one of them should go. Councilor Simmons stated that some well tests could last for over 24 hours. There was a discussion about which ordinance this should be covered by. Randy Autio stated that it probably did not need to go into the Subdivision Ordinance.

Councilor Simmons stated that she was confused by Definition 35, Sentence two. Mayor Bassett stated it has been in every Subdivision Ordinance and is based on an occurrence from 1950. Randy Autio stated that it was State Law and is standard in Subdivision Law.

Councilor Simmons inquired about the Vested Rights Definition. Tawnya Mortensen stated it would be removed. Randy Autio stated it was too hard to define.

Councilor Simmons brought up the Note in Section Seven, Paragraph Two. Ms. Mortensen stated it would be removed also.

Councilor Simmons commented on the wording in “Re-subdivision” that states the submittal of an application of a two-lot subdivision within a twenty-four-month period on a tract of land will be considered a subterfuge to defeat the purpose of these regulations. Commissioner Huppertz stated she had requested that language be removed, as it is contradictory. Tawnya Mortensen stated there have been discussions about that language and it is being considered for removal.

Councilor Simmons had a comment on Page 21 Section 20. She requested the State Law reference be listed in every Section. Mayor Bassett, Tawnya Mortensen, and Randy Autio stated they were going to make that change and did not have a chance to do so before the meeting.