

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING - OCTOBER 4, 2017 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD**

CALL TO ORDER.

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: John Abrams, Rita Loy Simmons, Sherry Abraham and Linda Holle.

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

PLEDGE OF ALLEGIANCE.

I. APPROVAL OF AGENDA.

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

VOTE: All Councilors voted aye. The motion carried.

II. CONSENT AGENDA.

- A. Town Council Meeting Minutes for September 20, 2017
- B. Planning and Zoning Commission Meeting Minutes for September 11, 2017
- C. Quarterly Road Department Report
- D. Town of Edgewood Financial Report for the Month of August 2017

Councilor Abraham indicated she had some questions about the Town of Edgewood Financial Report for the month of August.

MOTION: Councilor Abrams made a motion to approve the Consent Agenda withholding Item D; Town of Edgewood Financial Report for the Month of August 2017.
Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

D. Town of Edgewood Financial Report for the Month of August.

Councilor Abraham stated she saw in the financial report that we had paid EVEDA (Estancia Valley Economic Development Association) their membership fee, but did not see that we had paid the Town of Edgewood Chamber of Commerce their membership fee.

Mr. Torres answered that he believed the check to the Chamber of Commerce was issued in September.

Councilor Simmons asked for what amount the check was written?

Mr. Torres answered \$1,200.00

Councilors Abraham and Simmons made mention that the amount paid to them was not the amount budgeted. Councilor Simmons asked how much was budgeted?

Mr. Torres answered \$2,500.00

Councilor Abraham then asked about quarterly website fees for ReVize and asked if we were no longer with CivicPlus or if we were paying both?

Mr. Torres answered that we were still paying both and still transitioning from one website to the other.

Councilor Abraham then asked about a payment to WEX Bank.

Mr. Torres explained that was for our fuel card usage.

Councilor Abraham stated she wanted to revisit the Edgewood Chamber payment next month.

Councilor Holle asked a question about items on Page 2 of the Financial Report specifically why there are over limit fees on the credit cards

Mr. Torres explained that our Credit Card Processing through Wells Fargo Specialty Markets charged us over limit fees. He stated Staff had called and questioned why if the card was over limit they are authorizing and okaying purchases and then charging us the over limit fee to which there was no answer. He also stated Staff was still in the process of negotiating with the Bank over those fees.

Councilor Abrams suggested we move our accounts from Wells Fargo.

MOTION: Councilor Abrams made a motion to approve the Financial Report for the Month of August 2017.
Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

III. JUDGES REPORT FOR THE MONTH OF SEPTEMBER 2017 – Judge William White

Judge White stated he wanted to start by talking about something in the report that you don't see very much. He stated that Kathy Smith, the Court Clerk, goes through the citations every day and she found a citation where an individual had been over-charged by \$30.00 in a Penalty Assessment given at a Police traffic stop where people sign the ticket and agree to pay and the Town of Edgewood cuts a check to that individual. He wanted to commend Kathy for catching that error and processing the refund.

He then spoke briefly about the Cornerstone Dedication Ceremony at what will soon become the

new courthouse. He appreciated the good turnout.

Judge White then spoke about future Judge's Reports to the Governing Body and asked if the Governing Body wanted the report from him on paper or if he needed to present it in person. He did state he is required to make a report to the Governing Body every month but it does not have to be done in person and he will do as the Governing Body wishes. Finally, Judge White stated that if he feels as if he needs to report something to the Governing Body in person he will do so.

MOTION: Councilor Abrams made a motion to approve the Judge's Report for the Month of September 2017.
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

IV. DISCUSSION ITEMS:

A. Public Comment on General Matters

Ms. Linda Burke, Executive Director of the Edgewood Chamber of Commerce spoke about the following upcoming events:

The Grand Opening for Comfort Suites will be within the next couple of weeks and the ribbon cutting will be sometime in November

October 19th will be the next monthly meeting for the Chamber

October 21st will be the Bustin' Clays and Pumpkins Event at Founders Ranch

Mr. Tappan Mahoney, Member, New Mexico Development LLC stated he was present to inquire about the status of wastewater service to 1906 Highway 333. He commented that at the last meeting the Mayor had made mention that there were other requests for service and he wanted to ask directly if the Town had received any other formal applications for wastewater service preceding that of New Mexico Development LLC. Mayor Bassett answered that he did not know and asked if he had met with Staff. Mr. Mahoney indicated he had received communication from Staff and responded that he was available to meet but had not received a response. He then commented that a question asked by Councilor Abraham of the Mayor at the last Council meeting about Mayor Bassett's specific ownership of the property along the planned sewer line extension project was not in the minutes that had been approved tonight. In reference to the sewer service line extension project update given at the last meeting, he asked again about the status of wastewater service to 1906 Highway 333. Mr. Mahoney then stated that previous comments as well as those made tonight made it seem as if the Town did not know anything but records provided to him from the Town show design update meetings happening on March 3rd as well as three progress meetings conducted since then and prior to him asking about the status of his application for wastewater service. He then asked why when he inquired about the status of wastewater service to 1906 Highway 333 the response was that we did not know. Mr. Torres answered that those meetings concerned design not construction of a wastewater service line to the address in question. Mr. Torres also stated the phases indicated in the progress report are proposed phasing and not actual and stated once again that they were design only. Mr. Mahoney indicated that that had been his inquiry. Mr. Torres stated we are not proposing anything other than design at this time. Mr. Mahoney once again stated his question, which is where does the

design stand for service to the property located at 1906 Highway 333. He wants to know why he was not informed when he made the initial inquiry that it was Phase 6 in the design documents. He then passed out the progress reports he had received from the Town. He stated that he is curious why he is not being informed of the status of his application when they have already paid for the service. He then passed out a Public Records request to Mr. Torres.

Ms. Janelle Turner addressed the Governing Body on Performance Based Setbacks and research she has done on them since the last meeting. She stated she would be taking that information to Ms. Tawnya Mortensen, Planning and Zoning Administrator of the Town of Edgewood. She stated what is in our current Zoning Ordinance does not really qualify as true Performance Based Setbacks. She then gave a brief history of Performance Based Setbacks in general and how they have worked in other communities. She did say the section that is in the Zoning Ordinance right now could be used for a zero-lot line incentive program. She thinks the section of the Zoning Ordinance dealing with Performance Based Setbacks with this could be tweaked to make it work correctly.

B. Wastewater Treatment Plant Technical Analysis Memorandum

Mayor Bassett called a five-minute break for technical issues at 6:59 pm.

Mayor Bassett called the meeting back in session at 7:02 pm.

Mr. Ed DuBois, Project Manager with HDR, presented an update on the Town of Edgewood's Wastewater Treatment Facility Technical Memorandum, which HDR has been contracted to complete. He gave a brief overview of HDR's corporate history and the Staff assigned to this project. He then gave an overview of the history of the Wastewater Treatment Facility and the existing conditions of the plant including influent data and effluent requirements. He then stated HDR was asked to evaluate 5 alternatives, which include:

- Alternative 1: Improvements to the existing Membrane Bioreactor (MBR)
- Alternative 2: Conventional Activated Sludge Technology
- Alternative 3: SBR (Sequencing Batch Reactor) Technology
- Alternative 4: Extended Aeration Technology (similar to Biolac)
- Alternative 5: IFAS (Integrated Fixed-Film Activated Sludge) Technology

He gave a brief overview of each alternative and stated that HDR's conclusion and proposed alternative would be to make improvements to the existing MBR. HDR's proposed improvements would include:

- Installation 6mm coarse screen, 2-2mm fine screens with no bypass; installation of grit removal; could be phased
- Implement a strict maintenance schedule for the membranes
- Installation of pump and reuse sprinkler system (hand-move or permanent) on the existing Town owned land east of the reuse pond at the WWTF
- Installation of an additional positive displacement blower
- Add a concrete composting pad
- MBR and miscellaneous modifications per the manufacturer

Finally, Mr. DuBois outlined the proposed costs and the next steps to be taken, which included an upcoming onsite meeting with the manufacturer's representative, finalizing the Technical

memo, having the Town enforce the Wastewater Ordinance and implementing phased improvements.

He then stood for questions from the Governing Body.

Councilor Abraham asked if HDR would help with locating funding and identifying funding sources.

Mr. DuBois answered affirmatively.

Councilor Simmons indicated this was a lot of information to absorb.

Councilor Abraham stated that at one time the Governing Body had looked at doing a reuse line all the way to the Soccer Field and asked if HDR had looked at that.

Mr. DuBois indicated they had not.

Councilor Abraham asked if on the land we have out near the WWTP if we could do Soccer Fields out there and irrigate out there.

Mr. DuBois stated we could.

Councilor Abraham asked if the Town could use the reuse water for crops.

Mr. DuBois indicated we could unless the water is exposed to the edible crop itself. He also described ways other communities use their reuse water.

Councilor Abraham had additional questions for the Mayor and Staff about the number of businesses connected and if businesses were required to connect. She also asked if businesses would be required to connect, since residents would be required to connect.

Staff indicated that it was their intent to enforce the Ordinance.

There was then general and additional discussion between members of the Governing Body and staff on the Ordinance, connections, additional membranes in the basins, capacity of the current plant, pretreatment, budgeting for the WWTP and future build-out.

C. Matters from the Mayor

Mayor Bassett shared with the Council members a cost summary for remodeling the Fire Station into the new Police Station.

Mayor Bassett then stated that November 3 was a possible date for the groundbreaking for the new First Choice Clinic in Edgewood. He followed that up with a reminder that the Brews on Bachelor event would be this Saturday, October 7th from 4 pm to 10 pm at the Soccer Field Park.

Mayor Bassett reported on some recent surveys, one of which named Edgewood as the third safest place to live in New Mexico and the other survey named Edgewood as the fifth best place in New Mexico to raise a family. He gave kudos to Police Chief Crow.

Mayor Bassett called attention to a headline in the current Independent reporting the Town's spending no longer exceeds revenues. He stated that was good news and thanked everyone for their efforts to get there.

D. Matters from the Councilors

Councilor Holle announced she attended MOLI (Municipal Officials Leadership Institute) and gave an overview of the training. She specifically mentioning the Budgeting Session presented by Mr. James Jimenez, the former DFA Secretary. He informed participants the three most important issues officials have to deal with are; approving the budget, hiring a clerk and land use issues, which she thought was appropriate considering what was before Council tonight.

Councilor Holle is also participating in the ten weeklong Edgewood Police Citizens Academy. She highly recommends every one take advantage of the opportunity next time it is offered.

She then made mention of Councilor Simmons' remark at the last Council meeting about the lack of participation in our County election. Regarding the upcoming municipal election in March, Councilor Holle stated it was important to inform the residents about the election, especially those who had recently been annexed. She suggested election information be added to the Town's website as it became available, including a link to the Santa Fe County Clerk's Office for voter registration instructions.

Rebecca Sanchez answered that the Town had sent out voter and election information on the recently distributed infill annexation letter.

Councilor Simmons thanked everyone for the cards, flowers, and good wishes for her recovery.

E. Matters from the Clerk/Treasurer

Mr. Torres stated the annual audit would begin next week and thanked Ms. Dora Garcia for her hard work preparing for the audit.

V. ACTION ITEMS:

- A. PUBLIC HEARING. CONTINUED. Quasi-Judicial Procedure: A continuation of a quasi-judicial hearing that was first heard at the Regular Council Meeting on Wednesday, December 21, 2016 at 6:30 PM and was continued to the Regular Council Meeting of Wednesday, August 2, 2017 @ 6:30 p.m. which continued and will be heard tonight, Wednesday, October 4, 2017 to consider an appeal of a denial of a Minor Subdivision for property located at Woods End Ranch on Woodline Drive. being Tract P-1-R-I-B. Section 21, T10N. R7E, NMPM. Town of Edgewood, New Mexico. Mr. Jonathan Pillars is the Applicant/Appellant.

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

Ms. Mortensen so affirmed.

Mayor Bassett stated this case was being heard under the provision required by the New Mexico Court of Appeals intended to protect the rights of all parties to the proceedings. 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.

Mayor Bassett asked the Council for their confirmation of no conflict of interest of ex-parte contact

Councilor Abrams stated he had no conflict of interest and no ex-parte communication.

Councilor Simmons stated she had no conflict of interest and no ex-parte communication.

Councilor Abraham stated she had no conflict of interest and no ex-parte communication.

Mayor Bassett questioned Councilor Abraham on a site visit done on her own, and asked if she had met with the applicant or anyone else out there.

Councilor Abraham stated she had spoken to a neighbor who happened to be outside walking his dog when she was there.

Mayor Bassett asked if she had discussed the merits of the case with him.

Councilor Abraham answered that she had not.

Mayor Bassett then stated that this was one of the issues when individual site visits are taken and referenced an email from Councilor Abraham stating she had undertaken individual site visits before on other matters.

Councilor Abraham stated she had not taken them before on Planning and Zoning issues and gave an example of going to look at the gate on Futures Rd. when that was a discussion item before the Governing Body.

Mayor Bassett commented he thought the Governing Body would have to develop their own site visit policy.

Councilor Holle stated she had no conflict of interest and no ex-parte communication.

Mayor Bassett stated he had no conflict of interest and no ex-parte communication.

Mayor Bassett then stated the concern is that this Hearing be fair in form and substance as well as appearance and therefore asked if anyone present objected to the participation of any member of the Governing Body in these proceedings.

There were no objections.

Mayor Bassett then asked that all persons willing to give testimony in these proceedings rise and be sworn in.

Ms. Tawnya Mortensen was sworn in.

Mayor Bassett then asked Ms. Mortensen to give a brief overview of this Public Hearing.

Ms. Mortensen stated this is a continuation of the appeal by Jonathan Pillars heard on December 21, 2016 to confirm that the conditions the Town Council requested have been met. The Edgewood Town Council requested the road have a 6" compacted base (or equivalent) with all-weather surface. The road was to be 20' wide, ending in a cul-de-sac or hammerhead. Because Mr. Pillars would be away for the winter, it was decided that this would be reviewed for compliance by Santa Fe County Fire Inspector and Norton Henninger and revisited at the first August 2017 Town Council meeting. At the August 2, 2017 meeting, Mr. Pillars was not in attendance and had expressed that he would not be there nor did he want to go any further with the appeal. Town Council decided to continue the appeal until September 20, 2017 to give Mr. Pillars more time to bring the road up to Town of Edgewood Design Standards. Due to scheduling conflicts, this Hearing was scheduled for October 4, 2017.

Mayor Bassett asked if the appeal was ready to be heard.

Ms. Mortensen answered that it was.

Mayor Bassett made note that the applicant was not present and asked for Mr. Autio's opinion on how to proceed.

Mr. Autio answered that the appropriate action would be to receive any testimony into the record about whether the applicant has complied with the stipulations put in place by the Governing Body concerning the road and then take a vote on whether to deny the appeal.

Mayor Bassett then asked Ms. Mortensen for a final Staff Report.

Mayor asked the Governing Body if they had questions for Staff.

There were none.

Ms. Mortensen stated that due to the road still not meeting Town of Edgewood Design Standards or Santa Fe County Standards for fire apparatus access, Staff recommends denial of this appeal.

Mayor Bassett then closed the public portion of the Hearing and asked for a motion from the Council.

MOTION: Councilor Abrams made a motion to affirm the denial of the Planning & Zoning Commission and deny the appeal.
Councilor Holle seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted nay. Councilor Abraham voted nay. Councilor Holle voted aye.
Mayor Bassett voted to break the tie, voting aye.
The motion carried.

VI. ANNOUNCEMENTS and/or CALENDAR REVIEW.

A. Next Regular Council Meeting - October 18, 2017 @ 6:30 p.m.

Councilor Holle asked if the Town Offices would be closed on Monday, October 9th for the Columbus Day Holiday. Mayor Bassett indicated they would be.

VII. FUTURE AGENDA ITEMS

- A. October 18, 2017: PUBLIC HEARING - ZONING ORDINANCE - Legislative Procedure. A Public hearing on the adoption of an amendment to Zoning Ordinance 2014-02 providing for code enforcement regulations, requirements and procedures.
- B. October 18, 2017: PUBLIC HEARING - Legislative Procedure - Ordinance No. 2017-03. An Ordinance adopting the New Mexico Uniform Traffic Code by Reference.

VIII. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978. (H)(7) the following will be discussed in Closed Session: an update on threatened or pending litigation in which the Governing Body was, is or may become a participant (§ I 0-15 -1 (1-1) (7)).

MOTION: Councilor Abrams made a motion to go into Closed Session at 8:07 p.m.
Councilor Simmons seconded the motion.

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

MOTION: Councilor Abrams made a motion to come back into Open Session at 8:23 p.m.
Councilor Abraham seconded the motion.

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

Councilor Abrams affirmed that only discussion of pending litigation took place in the Closed Session and no decisions were made.

Councilor Simmons affirmed that only discussion of pending litigation took place in the Closed Session and no decisions were made.

Councilor Abraham affirmed that only discussion of pending litigation took place in the Closed Session and no decisions were made.

Councilor Holle affirmed that only discussion of pending litigation took place in the Closed Session and no decisions were made.

Mayor Bassett affirmed that only discussion of pending litigation took place in the Closed Session and no decisions were made.

IX.ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting of October 4, 2017.
Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

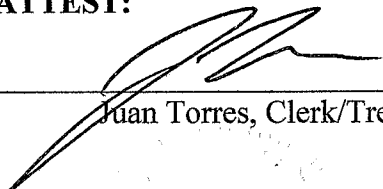
Mayor Bassett adjourned the meeting of October 4, 2017 at 8:24 p.m.

PASSED, APPROVED AND ADOPTED THIS 18th day of OCTOBER 2017



John Bassett, Mayor

ATTEST:



Juan Torres, Clerk/Treasurer

