

**MINUTES - TOWN OF EDGEWOOD  
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD  
REGULAR COUNCIL MEETING - NOVEMBER 1, 2017 @ 6:30 P.M.**

**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, Deputy Clerk Carla Salazar, Police Chief Ron Crow and Planning and Zoning Administrator Tawnya Mortensen.

**PLEDGE OF ALLEGIANCE.**

**I. APPROVAL OF AGENDA.**

The following changes were made to the agenda:

- Item II. Consent Agenda. Letter C: The Municipal Court Report for the month of October 2017 was removed.
- Item IV. Action Items: Letter B: The Hearing notice was changed to reflect a Legislative Procedure rather than a Quasi-judicial Procedure.

There was discussion among members of the Governing Body and Staff about removing, postponing or tabling Item IV. Action Items, Letter A: Sewer System Collection Line Design Decision.

**MOTION:** Councilor Abrams made a motion to approve the Agenda as amended.  
Councilor Holle seconded the motion.

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

**II. CONSENT AGENDA.**

- A. Town Council Meeting Minutes for October 18, 2017
- B. Joint Town Council and Planning & Zoning Workshop Meeting Minutes for October 4, 2017
- C. ~~Municipal Court Report for the month of October 2017~~
- D. Financial Report for the month of September 2017

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

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

Councilor Abraham asked for discussion on the financial report, specifically why the amount paid the Edgewood Chamber of Commerce was changed from the amount budgeted.

Councilor Abrams stated that since the financial report had already been voted on and approved his suggestion was that this specific discussion be placed on a future agenda.

Councilor Abraham asked for it to be placed on the next agenda.

**III. DISCUSSION ITEMS:**

- A. Santa Fe County Treasurer's Office Property Tax Outreach Program – Mr. Pat Varela, Santa Fe County Treasurer

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Mr. Pat Varela, Santa Fe County Treasurer spoke about his offices Property Tax Outreach Program which will be held on November 6<sup>th</sup>, November 13<sup>th</sup> and November 27<sup>th</sup> at the Town of Edgewood Senior Center at 114 Quail Trail Rd. in Edgewood, NM. The hours will be from 10:30 am to 1:00 pm. He distributed flyers about the Outreach Program that could be posted around town.

#### B. Public Comment on General Matters

Mr. Tappan Mahoney, Member, New Mexico Development, LLC discussed and exchanged questions and answers with members of the Governing Body on topics which ranged from the approval of the financial report in tonight's meeting, to providing comment on the minutes which were just approved for October 18<sup>th</sup>.

The three major topics and comments that he asked be recorded in the minutes of this meeting, as they were not represented in the just approved minutes of the last meeting, include the following:

Mr. Mahoney's statement that we were comparing apples to bricks by comparing the technical memorandum to the PER. They are not comparable. He specifically noted that the current plant is not adequate in size to provide wastewater service for the service area that's being designed at this time by Smith Engineering.

Mr. Mahoney also stated that the minutes of October 18<sup>th</sup> did not show that he specifically made note that the technical memorandum presentation did not address water hardness.

Additionally, he stated that the minutes of October 18<sup>th</sup> did not note that he stated that the line extension should be within the commercial corridor of State Rd. 333 and State Rd. 344 because of the fact that the Town was funded for the Wastewater System to serve that area due to high contamination of nitrates and other chemicals in the ground water.

Mr. Mahoney also commented on and referenced comments that others had made in past approved minutes. In his questions and in discussion with members of the Governing Body the following were discussed: the current sewer service design project being done by Smith Engineering, the termination or non-termination of an engineering contract for wastewater service by dennis ENGINEERING Company, the Walker Rd. Sewer Line Extension Project, the Technical Analysis Memorandum, and the PER.

#### C. Matters from the Mayor

Mayor Bassett gave an update on the remodeling of the old fire station. Councilor Abraham asked for the floor plan and then asked that it be sent to her.

Mayor Bassett announced that he and other members of the Governing Body had attended the Grand Opening of the new hotel in Town and wished them well. He also noted that the groundbreaking for the new First Choice Clinic would be Friday at noon.

#### D. Matters from the Councilors

**Councilor Holle** thanked everyone who worked on the Trunk or Treat event and mentioned again how great the Citizens Police Academy is that our Police Department is putting on. She also mentioned she had received a thank you card from the Boy Scouts that she, the Mayor, and Councilor Abraham had met with prior to the last Council meeting.

**Councilor Abraham** apologized for not making it to the hotel ribbon cutting.

**Councilor Simmons** was impressed with the ribbon cutting for the hotel but was concerned that she

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heard that the Fire Department required additional work be done at the hotel, after already approving the plans.

**Councilor Abrams** apologized for not being at the last meeting but did mention he had attended the grand opening of the hotel and was glad to see it open.

E. Matters from the Clerk/Treasurer

Mr. Torres mentioned that he and Deputy Clerk Salazar were currently attending Election School and discussed some of what they had learned. He thanked Maintenance Supervisor, James Solomon, for all his help at the Wastewater Treatment Plant (WWTP) as the pond was close to full and Mr. Solomon spent a lot of time building berms to keep the discharged water on Town property. Mr. Torres also stated the Police Department would be getting a new vehicle soon.

**IV. ACTION ITEMS:**

A. Sewer System Collection Line Design Decision

Councilor Simmons asked that Mayor Bassett recuse himself from voting on this issue because of the Bassett family properties that may be affected. There was some discussion about value of easements that would be necessary if one of the proposed options was chosen.

Mayor Bassett distributed informational sheets Smith Engineering had provided that afternoon that included updated opinion of costs for the different areas and alternatives. The Mayor described the handouts as having a line item in each one, under mobilization for easement acquisition (as needed). For the purposes of the costs at this point in the design, it was estimated that a 40' wide easement would be obtained however many easements may not need to be purchased or may be found to be in place already. Also, the width of the easement may be decreased. A unit cost of \$10,000 per acre for easement was used for cost purposes.

Councilor Abraham asked to table this issue, pending additional information and research, perhaps until the end of the year. There was discussion that if the capital outlay funds were not obligated, they might be clawed back when the State Legislature goes back into session.

The discussion then continued about the sewer line design extension project with a change in focus from choosing which alternative to select to which service area should be selected. The discussion included looking at designing out the Route 66 area, designing commercial areas vs. residential areas, dilution of wastewater effluent strength, recycling of water at the wastewater treatment plant, the Technical Analysis Memorandum, enforcing the Sewer Use Ordinance along the commercial corridor, the size of our sewer lines, adding customers, and the continuing subsidization of the sewer system.

*(NOTE: Multiple motions were made and a vote was taken on this item. Portions of the discussion are written as close to verbatim as possible in order to accurately reflect the record of what transpired. The discussion in-between is summarized.)*

**MOTION:** Councilor Abraham made a motion that we encumber the funds to design along the commercial corridor on Route 66.  
Councilor Simmons seconded the motion.

Mr. Torres states the design is for the entire service area.

Councilor Abraham states that she knows that but would like to start with that area.

Mayor Bassett reminds Councilor Abraham that we have talked about paving East Church; the homes it is talking about there are connected to the line that is already there.

Councilor Abraham responds, so connect them.

Mayor Bassett asks, but you are saying to move everything over to Route 66?

Councilor Abraham responds no, she is saying the design phase we should proceed with next is along the Route 66 corridor, the commercial area that our plant was designed for, that we have customers currently seeking service.

There is some additional discussion about the campground request for sewer service and where the customers for the sewer line are located.

Councilor Abrams asks for a restatement of the motion.

**MOTION:** Councilor Abraham clarifies her motion is that we go ahead and encumber this money to design a collection system, however she would like the priority moved from Alternative 1-A and 1-B, the choices we had before us, to reflect the commercial corridor along Route 66 be where we began our collection line design.

Councilor Abrams, Councilor Abraham and Councilor Simmons have a discussion of what it is they are deciding tonight. Councilor Abrams requests that Councilor Abraham once again clarify her motion.

**MOTION:** Councilor Abraham restates her motion saying her motion is to start with the Route 66 Commercial Corridor instead of alternatives 1-A, 1-B, 2-A or 2-B.

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

B. PUBLIC HEARING - Zoning Designations – Quasi-Judicial ~~Legislative~~ Procedure. Zoning Designations for the Infill Annexation Area South of I-40 and the Infill Annexation Area North of I-40 & West of 344. This will be the first of several Hearings on Zoning Designations for the Infill Annexation Area.

Mayor Bassett asked Ms. Mortensen if Public Notice of this Hearing has been posted as required. She answered that it had.

Mayor Bassett then stated this case was being heard under provisions 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 that are witnesses and the swearing-in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony. He then asked for confirmation of no conflicts of interest or ex-parte contact from each member of the Governing Body.

Mayor Bassett stated he was related to one of the property owners affected by the zoning designations but said he does not participate in any way, shape or form with the business located on the property and he does not think his relationship to the property owner impacts his ability to act on the matter at hand.

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

Councilor Abraham affirmed that she had no conflict of interest and had no ex-parte communication.  
Councilor Simmons affirmed that she had no conflict of interest and had no ex-parte communication.  
Councilor Abrams affirmed that he had no conflict of interest and had no ex-parte communication.

Mayor Bassett continued by saying that the concern is that this Hearing be fair in form and substance as well as appearance, therefore he wanted to ask if there was anyone present who objects to the participation of any member of the Governing Body in this Hearing.

There were no objections.

Mayor Bassett then asked all persons wishing to give testimony in this Hearing to rise and be sworn-in.

Ms. Tawnya Mortensen was sworn in by Mr. Juan Torres.

The Mayor asked Ms. Mortensen to give the Governing Body a brief overview of the matter. Ms. Mortensen pointed out on the map the properties that were being discussed tonight and also referenced the maps and information included in the Agenda Packet. She made reference to the process and consideration she and the Planning and Zoning Commission had been through as they assigned zoning designations, including sending out notices to all affected property owners, guarding against spot zoning, checking new designations against other zoning designations in the same area, checking lot sizes, and meeting with property owners who had concerns.

Mayor Bassett then asked if the Council had any questions for Ms. Mortensen.

Councilor Simmons wanted a way to cross reference the pages to a map and suggested a zone atlas might be necessary for ease of understanding. She suggested that perhaps a good place to start would be with the Southern Santa Fe County Area Atlas prepared a few years ago by Mr. Tim Oden. She also suggested that Santa Fe County might have a Zone Atlas we could use.

Councilor Simmons then asked about properties that are less than one acre.

Ms. Mortensen stated those properties that are less than one acre are grandfathered in and they are non-conforming. She stated that we do not have anything in our Ordinance that deals with properties under one acre so future issues on those properties are going to have to be dealt with on a case by case basis.

Councilor Simmons restated that the fact that we do not have anything in our ordinances that deals with properties under an acre is her concern.

Councilor Abrams asked if "grandfathered in" lasted only until a change in property ownership?

Ms. Mortensen answered that in the case of property that is under an acre that would always be grandfathered in and the grandfathering would stay with the property. However, if the grandfathering was for an issue that could be corrected when the property was sold or other changes took place on the property, then the grandfathering would end at that point.

There was continued discussion about "grandfathering". In the end Councilor Simmons asked for a better definition of "grandfathering".

Councilor Abraham asked Ms. Mortensen if she met with all the property owners.

Ms. Mortensen said she did not, but they had all been notified by letter and invited to the Planning and Zoning Meeting.

The Mayor asked if anyone from the audience had questions for Ms. Mortensen.

Mr. Steven Toledo gave his address and asked what his zoning designation would be. Ms. Mortensen answered his question.

Mayor Bassett then closed the public portion of the Hearing.

**MOTION:** Councilor Abrams made a motion to approve the Zoning designations for the annexation area for the Infill Annexation Area South of I-40 and the Infill Annexation Area North of I-40 & West of 344.  
Councilor Holle seconded the motion.

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

C. Discussion and consideration of Town of Edgewood Ordinance 2017-04 making an amendment to the Town of Edgewood Zone Map.

Mayor Bassett introduced Ordinance 2017-04 which would formalize the zoning designations that were just approved by the Council.

**MOTION:** Councilor Abrams made a motion to approve the Ordinance 2017-04 making an amendment to the Town of Edgewood Zone Map.

Councilor Abraham seconded the motion.

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

D. PUBLIC HEARING – Legislative Procedure - Master Plan Amendment – An amendment to the Zoning Ordinance of the Town of Edgewood concerning Master Plans.

Mayor Bassett asked Ms. Mortensen if Public Notice of this Hearing has been posted as required. She answered that it had.

Mayor Bassett read through the procedures for a Legislative Hearing. He then asked for confirmation from members of the Governing Body that they had no pending Land Use Applications with the Town that could benefit themselves with the new changes to the Ordinance.

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

Mayor Bassett continued reading through the procedures for a Legislative Hearing. He then asked Ms. Mortensen for a quick overview of the proposed changes.

Ms. Mortensen identified the following proposed changes to Section 24. MP – Master Plan Zone:

Letter B does not call out R-2 in the permissive uses. She added that in.

Letter E. Number 2. Deleted...County or other utility.

Letter E. Number 7. Added....Such a document showing true ownership, or legal verification.

Letter F. Numbers 3 and 4. Added...Planning and Zoning in front of Commission.

Letter F. Number 12. Letter B. Changed “increase” to “change” and added “requires an amendment and approval”.

She stated the changes served to clarify the Ordinance.

Councilor Abraham stated, as she has in the past, that she would like the proposed changes to be redlined for ease of reading.

Mayor Bassett asked if anyone from the public had any questions. No one did.

Mayor Bassett closed the Public Hearing and asked for a motion.

**MOTION:** Councilor Simmons made a motion to approve the amendment to the Zoning Ordinance of the Town of Edgewood regarding Master Plans.

Councilor Holle seconded the motion.

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

A. FINDINGS OF FACT AND CONCLUSIONS OF LAW in the matter of an appeal of a decision made by the Planning and Zoning Commission of the Town of Edgewood of an application for a Minor Subdivision by Jonathan Pillars

Mayor Bassett distributed a letter written to members of the Governing Body from a constituent concerning a Councilor which questioned their ability to vote on this issue tonight.

There was then a handout and discussion concerning site visits and an operating resolution. Mayor Bassett stated he thought an individual could disagree with the decision made at the Public Hearing but if the Finding of Fact and Conclusions of Law accurately reflected the vote made at the Public Hearing, the Governing Body owed it to the applicant to get the Findings of Fact to them as quickly as possible, so they could proceed with whatever action they planned to take.

**MOTION:** Councilor Abrams made a motion to approve the Findings of Fact and Conclusions of Law in the matter of an appeal of a decision made by the Planning and Zoning Commission of the Town of Edgewood of an application for a Minor Subdivision by Jonathan Pillars.

Councilor Holle seconded the motion.

**VOTE:** Councilor Holle voted aye. Councilor Abraham voted nay. Councilor Simmons

voted nay. Councilor Abrams voted aye. Mayor Bassett voted aye.

The motion carried.

**V. ANNOUNCEMENTS and/or CALENDAR REVIEW.**

A. Next Regular Council Meeting – November 15, 2017 @ 6:30 p.m.

**VI. FUTURE AGENDA ITEMS**

**VII. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting of November 1, 2017.  
Councilor Abrams seconded the motion.

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

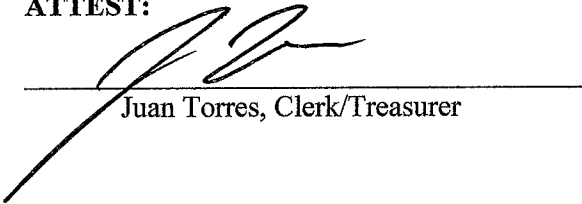
Mayor Bassett adjourned the meeting of November 1, 2017 at 8:30 p.m.

**PASSED, APPROVED AND ADOPTED THIS 15<sup>th</sup> day of NOVEMBER 2017**



John Bassett, Mayor

**ATTEST:**

  
Juan Torres, Clerk/Treasurer