

SFC CLERK RECORDED 02/13/2007

**TOWN OF EDGEWOOD
ORDINANCE NO. 2007-7**

AN ORDINANCE GRANTING THE PETITION BY OWNERS OF A MAJORITY OF 77.00 ACRES OF TERRITORY CONTIGUOUS TO THE SOUTHERN INFILL BOUNDARY OF THE MUNICIPAL LIMITS IN SECTION 28 OF THE TOWN OF EDGEWOOD, NEW MEXICO TO ANNEX THE TERRITORY.

WHEREAS; THE TOWN OF EDGEWOOD granting the owners of a majority of 77.00 acres of territory contiguous to the eastern boundary of the municipal limits in Section 28 of the Town of Edgewood petition the Town to annex the territory; and

WHEREAS, the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 (Repl. Pamp 1987) and was, prior to signature by petitioners, duly approved by the Town Clerk, pursuant to NMSA 1978, S3-1-5 (Repl. Pamp. 1987) and

WHEREAS, in particular, the annexation petition is accompanied by one map labeled Exhibits "A" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

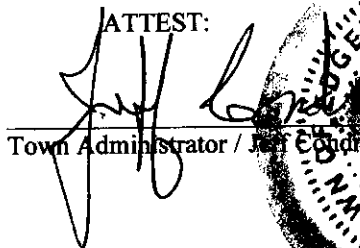
WHEREAS, the Governing Body of the Town of Edgewood has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole.

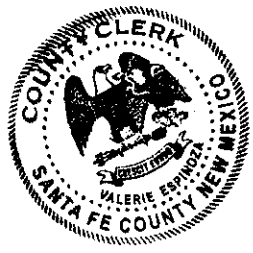
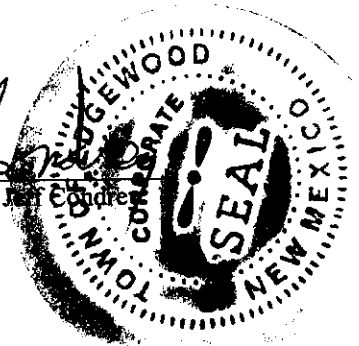
BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

The territory described and defined in the map attached hereto as Exhibits "A" is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances, which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the map of the annexed territory in the office of the Clerk of Santa Fe County and of any other County in the event the annexed territory extends into another County and to send copies of the ordinance and of the maps of the territory so annexed to the Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

APPROVED, PASSED AND ADOPTED this 7th day of February 2007 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.


Mayor/Howard Calkins

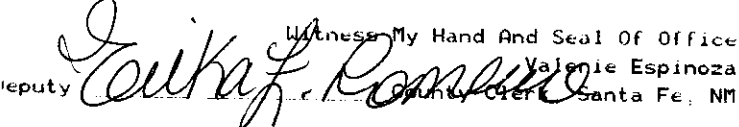
ATTEST:

Town Administrator / Jeff Ender

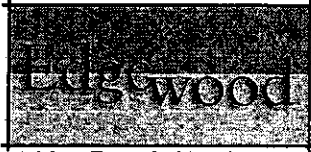


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

EDGEWOOD ORDINANCE
PAGES: 3

Hereby Certify That This Instrument Was Filed for record On The 13TH Day Of February, A.D., 2007 at 09:46 and Was Duly Recorded as Instrument # 1470772 of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Valerie Espinoza
County Clerk Santa Fe, NM



PETITION FOR ANNEXATION

Pursuant to NMSA 1978, 3-7-17, the undersigned petitioner(s) requests that the Town of Edgewood, by ordinance, grant this petition for annexation of land(s) contiguous to the municipal limits.

Petitioner(s): FINITE CORPORATION Telephone: 281-3155
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)
Mailing Address: P.O. Box 100
Edgewood, New Mexico 87015-0100

Signature: Josephine Bassett V.P. Date: January 22, 2007
Signature: Date:

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
A portion of the Northeast Quarter (NE 1/4) of Section Twenty Eight (28), T10N, R7E, N.M.P.M. (see attached survey plat).

TOTAL ACREAGE OF PROPERTY: 75 acres +/-

REQUESTED ZONING DESIGNATION FOR PROPERTY: Agricultural
(Please note that the final zoning designation by City Council may differ from the requested designation.)

INSTRUCTIONS: Type or print clearly on this form and attach a map showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation must be contiguous to the existing limits of the TOWN.

NOTE: Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.

Commission Hearing Date: 2-5-07
Commission Recommendation: APPROVED

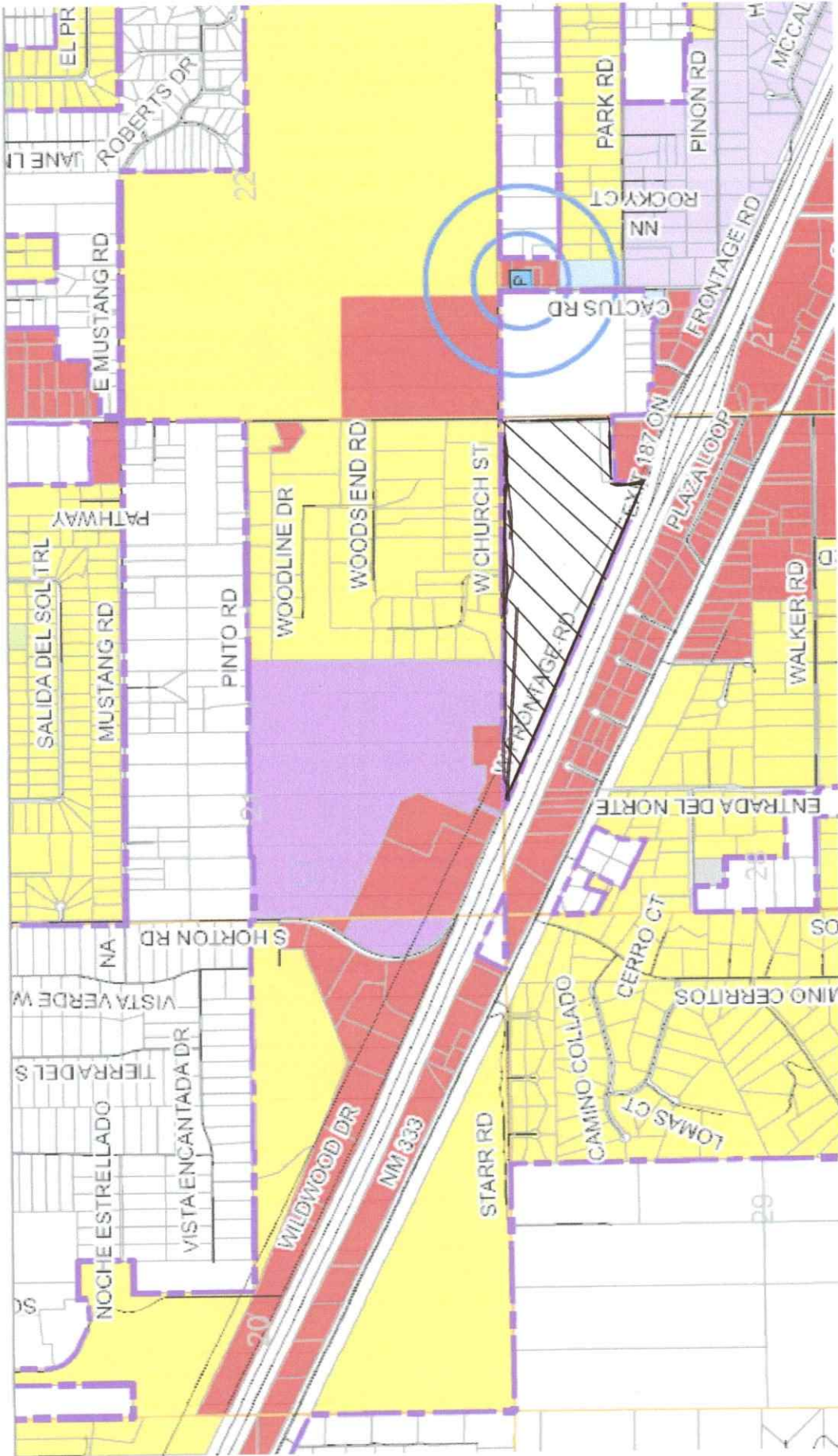
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AREA TO BE ANNEXED



1-039-056- 350-465 = 75.00 Acres
490-500 = 2.00 Acres



AGENDA
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – FEBRUARY 7, 2007 @ 6:30 P.M.
Please Silence All Electronic Devices

WORK SESSION: 6:00 P.M. – No Action – Open to the Public and Media to be held at the Community Center.

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA.

APPROVAL OF THE MINUTES.

1. Regular Council Meeting Minutes of January 17, 2007.
2. Special Council Meeting Minutes of January 24, 2007.

APPROVAL OF THE CONSENT AGENDA.

3. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of January 22, 2007.
4. Acknowledge receipt of the Parks & Recreation Report.
5. Parks and Recreation Meeting Minutes for the month of December 2006. (Meeting cancelled due to inclement weather).
6. Parks and Recreation Meeting Minutes for the month of January 2007. (Meeting cancelled due to lack of quorum).
7. Acknowledgement of the Animal Control Report for the month of January, 2007.
8. Approval for Grant Agreement for Project 06-L-G-525.

MATTERS FROM THE MUNICIPAL JUDGE.

None.

PUBLIC HEARINGS – LEGISLATIVE PROCEDURE.

Certification that Public Notice of this Meeting has been posted as required:

Noted: _____

Confirmation of no conflicts of interest/ex parte.

Noted: _____

9. Rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store.
10. Annexation and Zoning request for approximately 1,624 acres adjacent to the eastern boundary areas of the Town of Edgewood.
11. Annexation & Zoning for 40 acres located in section 29 south of Las Lomitas, requesting Residential-1 (R-1).
12. Zoning clarification for property on the western side of Highway 344 and southern portion of Frost Road.

13. Annexation & Zoning request for approximately 1280 acres adjacent to the Municipal Boundary in Sections 2, 10, and 11 T10N, R7E and Section 35 T11N, R7E N.M.P.M. in Santa Fe County.
14. Annexation & Zoning Requests for approximately 75 acres adjacent to the Municipal Boundary in Section 28, T10N, R7E, N.M.P.M. Santa Fe County.
15. Annexation & Zoning for 410 acres located in Section 26 T10N, R7E, N.M.P.M. in Santa Fe County.
16. Annexation & Zoning for 46 acres located adjacent to the Municipal Boundary in Section 27, T10N, R7E, and Lots 3-R, 4-5, 6, and 8 in Block 2 of Carl's Subdivision.
17. Rescind the Ordinance creating the Parks and Recreation Advisory Commission to replace with a Recreation Advisory Committee.

MATTERS FROM THE MAYOR.

MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

MATTERS FROM THE ATTORNEY.

MATTERS FROM THE TOWN ADMINISTRATOR.

Finance and Administration.

Community Planning & Development.

RESOLUTIONS.

18. Resolution No. 2007-04 – Support for E.M.W. Gas Association

ANNOUNCEMENTS AND CALENDAR REVIEW.

19. New Mexico Municipal Day Update.

PUBLIC COMMENTS. (7:30 P.M. – Limit to 2 minutes per person).

CLOSED SESSION. As per motion and roll call vote, pursuant to 10-15-1(H)(8), the following matter will be discussed in Closed Session.

20. Property Acquisition for Real Estate Lease Negotiations.

ADJOURN.

P.S. Mayor's Quote for this meeting:

You increase your joy by increasing the pure joy of others.

- Torkim Saraydarian – Scholar and sacred music composer

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – FEBRUARY 7, 2007 @ 6:30 P.M.
Please Silence All Electronic Devices**

**WORK SESSION: 6:00 P.M. – No Action – Open to the Public and Media to be held at the
Community Center.**

Mr. Condrey distributed the “Draft” Agenda for the Council Meeting of February 21, 2007. Mayor Calkins requested the Council to review their meeting packets prior to each meeting which are available Monday afternoon prior to the scheduled meeting and to please call if there are any questions.

CALL TO ORDER.

Mayor Calkins called the Meeting to order at 6:30 P.M. All Councilors were present.


Also present were Mr. David Henderson, Town Attorney, Mr. Jeff Condrey, Town Administrator, Ms. Karen Mahalick, Community Planning & Development Manager and Estefanie Muller, Deputy Clerk.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA.

Councilor Simmons made a motion to approve the Agenda as presented. Councilor Ring seconded the motion. Councilor Felton requested discussion and asked Mr. Henderson for advise and stated in the last meeting the Council considered a call to rescind the Ordinance creating the Parks and Recreation Advisory Commission, (Item #17) no action was taken, no motion was made to send this to Public Hearing and no vote was taken, the Meeting was adjourned with no action taken which would carry the motion at that point. Councilor Felton is surprised to see this item on tonight’s Agenda as a Public Hearing, without the Council moving to do this. Mayor Calkins stated Mr. Henderson was not at the previous meeting and wasn’t sure if he could comment on this. Mr. Henderson stated the item is on the Agenda and the crux of the objection goes to whether or not the Council is ready to consider it, they (Council) have the option to move to table something if the Council feels it is not ready for Public Hearing then it is up to Council to discuss and vote on that motion. Councilor Felton stated the item is not listed as an item to consider but is listed for Public Hearing and again suggested there has not been adequate discussion and there hasn’t been a motion or a vote that the Council in fact should have a Public Hearing on this matter. Councilor Simmons stated tonight’s Agenda is packed and that the item be tabled in any event to another date such as the next Council Meeting, as this would be ill timing to consider this item tonight.

Councilor Felton asked this be postponed and seen on the Agenda for discussion and then a proper motion on a decision by the Council whether or not to go to a Public Hearing. Mayor Calkins asked if Councilor Felton would like to see this on for the next Meeting. Councilor



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Felton stated absolutely. Councilor Simmons made a motion to amend her motion to remove Item #17 from the Agenda. Councilor Ring seconded the motion.

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

APPROVAL OF THE MINUTES.

1. Regular Council Meeting Minutes of January 17, 2007.
2. Special Council Meeting Minutes of January 24, 2007

Councilor Ring made a motion to approve the Minutes of January 17, 2007 and the Minutes of January 24, 2007. Councilor Felton seconded the motion. Councilor Ring made a motion to amend his motion approving the Minutes of January 17, 2007 as additional language to Item 7 was requested by Councilor Felton. Councilor Simmons seconded the motion.

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

APPROVAL OF THE CONSENT AGENDA.

3. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of January 22, 2007.
4. Acknowledge receipt of the Parks & Recreation Report.
5. Parks and Recreation Meeting Minutes for the month of December 2006. (Meeting cancelled due to inclement weather).
6. Parks and Recreation Meeting Minutes for the month of January 2007. (Meeting cancelled due to lack of quorum).
7. Acknowledgement of the Animal Control Report for the month of January, 2007.
8. Approval for Grant Agreement for Project 06-L-G-525.

Councilor Simmons made a motion to approve the Consent Agenda, Items 3 - 8 as presented. Councilor Hill seconded the motion.

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

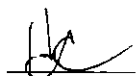
MATTERS FROM THE MUNICIPAL JUDGE.

None.

PUBLIC HEARINGS – LEGISLATIVE PROCEDURE.

Mr. David Henderson reviewed the Public Hearings and stated Items #9-16 listed will be Quasi Judicial Hearings and proceeded to inform the public of the process involved.

Mr. Henderson proceeded to swear in Ms. Karen Mahalick to which she certified that Public


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Notice of this Meeting has been posted as required.

All Councilors affirmed they did not have any conflict of interest or ex parte contacts.

Councilor Felton inquired from Mr. Henderson and stated he had heard from constituents in the process such as this, it is the understanding that Mayor Calkins take the oath, as he was the deciding vote regarding commercial annexation and will be a voting member of this Governing Body. Mayor Calkins stated he had no conflict of interest or ex parte contacts.

9. Rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store.

Ms. Mahalick stated the Planning Commission reviewed the development plans and all plans submitted and recommends Zoning for the Special Use. The applicant will bring access roads up to code and up to fire code and have complied with all regulations.

Mr. Larry Jameson inquired if this would impact his fence line to which Ms. Mahalick stated no.

Ms. Cheryl Huston was sworn in. She stated she could answer any questions Mayor Calkins or the Council had. Councilor Simmons asked how on many storage units? Ms. Huston stated Phase I will have 100 storage units and upon completion there will be 235, which will consist of 5x10, 10x10, 10x15, 10x20 and 10x30. Ms. Mahalick added storage units are limited to a 2-acre site.

Councilor Simmons made a motion to accept the rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store. Councilor Ring seconded the motion.

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

10. Annexation and Zoning request for approximately 1,624 acres adjacent to the eastern boundary areas of the Town of Edgewood.

Ms. Mahalick stated she would defer this item to Mr. Tim Oden as he has a presentation for Mayor Calkins and the Council. This application has been on-going since in September 2006. An early notification meeting was held at the Edgewood Community Center where approximately 20 people attended to discuss the proposed annexation. The Planning Commission met February 5th and approved the recommended zoning as presented. A modification was received Monday on Mr. Walker's property. Mr. Henderson inquired if all the property owners consented to the annexation, to which Ms. Mahalick stated no. Some owners signed the petition which was 54% and the percentage increased when the Walker property signed also. Other properties came in as in-fill. Mr. Henderson viewed the map of the proposed annexation. The properties are contiguous with the Town of Edgewood boundaries. The requested zoning is mixed with Residential-1, Residential-2, and Commercial. The Planning Commission approved the proposed zoning. Ms. Mahalick stated the Walker property


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mentioned earlier are reviewing the commercial zoning. A letter was received from Santa Fe Assistant County Attorney asking the Town to delay action on this item until their Commission could review. Mayor Calkins stated Mr. Condrey and he had met with the Commissioner and Attorney to which the Commissioner voiced his concerns and after discussion the Attorney stated they have no problem go ahead. Mr. Henderson asked if any delays are needed. Councilor Felton asked if Ms. Mahalick was aware of the conversation to which she stated no and he also asked if this would be received in writing. Councilor Simmons stated she had also had a conversation with the Commissioner on this issue and the Commissioner said there was no reason to delay. Mayor Calkins stated the Commissioner inquired about the roads and if the Town would take care of the roads, to which he said yes, the ones in the subdivision. Councilor Ring stated the roads the Town takes care of are the ones presently dedicated to the County that they maintains, if they are not public roads they would need to be dedicated to the Town and this could be discussed further. Councilor Ring also addressed the letter from the County Attorney. Mr. Henderson also commented on the letter received

Councilor Felton asked about the Town's ability to maintain these roads. Ms. Mahalick stated she had spoken to the Road Supervisor to which he had stated it would benefit to solidify this area, as they go down a road and have to stop although for some time the Town has taken care of Santa Fe County roads. Council discussed the map and the proposed areas. Mayor Calkins asked about the Planning Commission decision and the areas proposed.

At this time Mr. Tim Oden was sworn in. He proceeded to present his packet made available to the Council for review. Mr. Henderson asked if the owners of the small areas (4) highlighted signed the petition for annexation. Mr. Oden stated no, three areas signed and the smallest area of 1 ¼ acres did not sign the petition. Mr. Henderson stated this is not a tract of land that is outside the Town and not contiguous with the Town where a majority of the property owners have petitioned. Mr. Oden stated no. Mr. Oden continued to review the zoning of the areas.

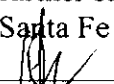
Ms. Tammy Cordell was sworn in. She pointed out property on the map and if this was a part of the annexation, to which Mr. Oden stated no. She was notified because of being within 500 feet of the petitioned areas. This area is Item #13 on the Agenda tonight.

Ms. Mahalick stated the Walker family petition is for 110 acres which brings the percentage to 61%. Councilor Felton asked on clarification of the 54% of owners who signed the petition or 54% of acreage. The acreage is 54% for petition. Mr. Oden referred to the Town's Comprehensive Plan for water, land use, trails and parks. He addressed Bassett Blvd's width with the trail.

At this time Public Comments were addressed.

Ron Bernier, President of the Chamber of Commerce stated Mr. Roger Holden's son died and a Sympathy Card is available for signature.

Mr. Gary Dodd asked about the annexation of Timberline Road and the Town to take over maintenance of it. Councilor Ring stated Southwood may or may not be in the Town limits. He further stated when the subdivision was platted, if the road was dedicated and maintained by Santa Fe County, upon annexation the Town would maintain the road. If the road was not


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maintained by the County, and is in the Town limits, in order to have the Town maintain, all property owners (100%) would need to participate in dedicating the road.

Ms. Sue West discussed the Community on the Way (COW) Awards and nomination forms available. On March 19th a banquet will be held to announce the winners at the Masonic Lodge. This is sponsored by the Town of Edgewood, Chamber of Commerce, and the Mountain View Telegraph.

At this time the Public Hearing was continued.


Councilor Ring thanked Mr. Oden for the presentation and asked about the home sites and if this would be for all income levels for size, multi-family, town homes. Mr. Oden stated they tried to conceptualize with 1.3, 1.5 acre lots that would fit with infrastructure for utilities and this concept is open to the Town to discuss affordable aspects. Councilor Ring inquired on road maintenance and the roads would be paved within the sub-divisions and if this includes Workforce Housing and Retirement Homes for Senior Citizens. He also inquired on the project beginning to which Mr. Oden stated if annexed a portion of the development would begin within the next 2 to 3 years. Councilor Felton asked if there would be zone change requests, Mr. Oden stated he does not feel there would not be the need for zone changes requests as this is working with any group in any type of housing market.

Councilor Hill asked if a variety of housing and price ranges be allowed. Mr. Oden stated yes. Councilor Simmons asked on the projected lots anticipated. Mr. Oden stated approximately 700 to 750 single family dwellings. There are 210 acre feet of water rights converted but were unsure of American Water Co. requirements. The Town will not be required to provide water; this will be between the Sub-division and the water company.

Mr. Charles Price was sworn in. He is the Attorney representing the Walker family who owns the 110 acres. The Walkers joined the petition to annex and they are requesting R-1 zoning and they do not want R-2 zoning. Surrounding properties are R-1 zone. Mr. Price also addressed the Bassett Road 50 foot dedication and the commercial zoning.

Mr. Henderson asked Ms. Mahalick if the Planning & Zoning would need to consider zoning request for R-1. Ms. Mahalick stated in her opinion of the Walker's request for R-1, it is contiguous and of the same character. No plan from the Walker family has been received.

Councilor Hill asked Ms. Mahalick if the Planning & Zoning Commission had a concern for C-2 with no site plan. Ms. Mahalick stated because of no infrastructure coming in the Commission conceded. Councilor Felton discussed the water treatment temporary evaporation system. Ms. Mahalick stated this would be beneficial to the plant to have the wide road with landscape and median be a plus. Councilor Simmons if water would be provided to any parks and if applicant be requested for additional land or would applicant return later. Ms. Mahalick stated all this is conceptual at this time. Councilor Felton asked Ms. Mahalick if this proposed development would be tying into the wastewater treatment system to which she stated this is a concept not a Master Plan.


Initials

Ms. Marilyn Hardy was sworn in. She stated she did not want to be annexed into the Town. She owns property on the corner of Venus Lane and Laura Lane and owns 40 acres that was divided into 10 acre lots. She did not receive notification of the Planning & Zoning meeting or the Council Meeting. Mr. Henderson stated there was sworn testimony by Staff of notice in the newspaper and in various locations as well as mailed notices. Laura Lane is not a dedicated road. Ms. Hardy asked about being annexed other than R-2 zone. Mr. Henderson reviewed the procedure for annexation; she would need to present a plan and zone request. She also asked if Venus Road would be paved to which Ms. Mahalick stated someday.

Mr. Phil Anaya was sworn in. He asked the Council to look hard at the annexations as they are beneficial to the Town and the school system. Families coming in do not have many children as they did in the past. Bassett Blvd. is a reality, and as a school bus route having it paved is beneficial. The Town can still be rural type and still have city amenities. The Legislature is working to keep the schools open at this time. The school reports show a drop in enrollment.

Mr. Henderson asked the Council to remove the small parcel of land of approximately 1 ½ acres not petitioned by Mosley and Venus Road. Councilor Ring referred to the State law on notification sent, not law they are noticed.

Councilor Simmons made a motion to accept the annexation presented with the exception of 1 ½ acres by Mosley and Venus Road. Councilor Hill seconded the motion.

Mr. Patrick Dotson was sworn in. He stated the area he lives in is against the annexation. Upon review, his area is a part of Item #13. Councilor Ring noted the 110 acres by the Walker family is a part of this 1600 acre presentation and it was part of the 61%.

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

Councilor Hill made a motion to approve the zoning as presented with an exception of the Walker's 110 acres to be R-1. Councilor Simmons seconded the motion.

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

11. Annexation & Zoning for 40 acres located in section 29 south of Las Lomitas, requesting Residential-1 (R-1).

Ms. Mahalick stated she has requested further information from the applicant and has received no response to the development or the infrastructure has been given to the Town. The property is landlocked.

Councilor Ring made a motion to table this item. Councilor Hill seconded the motion.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor


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Simmons voted aye. The motion carried.

12. Zoning clarification for property on the western side of Highway 344 and southern portion of Frost Road.

Ms. Mahalick stated the applicant is requesting Commercial zoning on the large parcel and also adjoining parcel they want C-1. Lot 4-A3-C is requesting C-2 and Lot 4A-3D is requesting C-1 and both are adjacent to the residential areas. Councilor Simmons asked if the applicant has considered splitting the zoning. Ms. Mahalick will discuss with the applicant.

Councilor Felton stated for the record he had received a letter in the mail from 12 residents representing 6 households of their objection to the annexation. Mr. Henderson stated as this letter was sent to Mayor Calkins and the Council, it would be part of the record and distribution. The discussion of notification was discussed with the 500 feet adjacent to requested proposal being noticed.

Ms. Fran Proce was sworn in. She is adjacent to the Commercial zone request. She was not notified and asked for clarification. She stated the Council made a decision without notifying her and she opposes the decision made and the tie vote being broken by Mayor Calkins.


Ms. Ellen Curley-Roam was sworn in. She stated the C-2 zone abuts her property and stated she moved here to be in the country and not a part of the Town. She does not want the value of her land to change. Councilor Hill stated the testimony was based on fact and the decision was made. Ms. Roam stated after the meeting last month Mr. Tipton was very friendly with one of the employees and the Mayor. Councilor Ring interrupted and stated this was alluding to improper association. Mr. Henderson commented on the relationship between Mayor Calkins and Mr. Tipton and her basis for the fact that there were conversations outside the meeting. Ms. Roam proceeded to point out the gentleman she felt was a Town employee to which the gentleman stated he was not employed by the Town.

Mr. Tim Fleming was sworn in. He asked Ms. Mahalick if the commercial zoning is a part of the Comprehensive Plan to which she answered no that was why the Planning & Zoning did not recommend zoning for this. Mr. Henderson then stated this property was annexed in December and the Comprehensive Plan is consistent or be consistent with adjacent properties to which Ms. Mahalick stated there is adjacent property that is consistent.

At this time Mr. Jeff Tipton was sworn in. He pointed out this property is directly between where they are tonight and the largest annexation the Town has ever done. It also surrounds the water tank at Entramosa, not rural, natural gas utilities, identified with Santa Fe County. He has applied with another government body and this parcel was looked at as commercial.

Councilor Hill commented on part of C-1 and part of C-2 zone. Would the owners consider lesser zoning along the residential properties? Mr. Tipton stated the owners would like the requested zone.

Mr. Ralph Hill was sworn in. He asked if Santa Fe County had this property zoned commercial


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in 1999 to which Mr. Tipton stated they did not ask about the zoning.

Mr. Henderson asked Ms. Mahalick if proper notice was mailed to the property owners. She stated yes as per law, he proceeded to ask her if she had acknowledged to one of the witnesses that proper notice was not sent, to which she stated she did not remember acknowledging proper notice was not made. Proper notice means being sent.

Mr. Stuart Seagers was sworn in. He stated he not employed by the Town as Ms. Roam stated earlier in her statement. He represents the future buyers and referred to covenants that stated property use. Councilor Simmons stated covenants are usually received as a disclosure during the closing of land. Mr. Seagers stated the owners would like to work with the Town.

Ms. Lynette Curley-Roam was sworn in. She stated she would like to go back to the beginning of this application. She was not notified to be annexed and understood tonight's decision has a great impact and asked for explanation for notification as others had been notified. She had received notice for tonight's meeting, feels tonight's meeting was being slipped in, this is not fair and wrong and in New Mexico people's opinion matters. Mr. Henderson stated Staff swore under oath that notice was sent and posted.

Ms. Janelle Turner was sworn in. She asked for clarification on zoning matters and quasi judicial matters. She pointed out the demeanor of the Governing Body and stated over the years she has observed how informal the Council runs a meeting. She stated the Town is no longer a small town and suggested procedures be tighten up. People are not being noticed and are treated improperly. The Town has gotten careless. The Mayor walks around shaking hands and introducing himself and being informal. Mr. Tipton addressed Councilor Simmons as "Rita" earlier tonight. Councilor Simmons responded that for the record she does not know Mr. Jeff Tipton personally, but she is well known in the community.

Mr. Tipton stated this item has been tabled before so that proper notification is given which has been met. He would like to see this go forward.

Councilor Ring clarified that notices were sent, procedure used and apologized if she did not receive her notice. This property has already been annexed; he stated they should move forward with the zoning.

Councilor Felton made a motion to grant the Commercial -2 zoning for the 18.39 acres. Councilor Hill seconded the motion.

Councilor Simmons stated she did not agree with the zoning presented of C-2 for all the property, some of the property should be C-1.

Councilor Simmons voted nay. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

13. Annexation & Zoning request for approximately 1280 acres adjacent to the Municipal Boundary in Sections 2, 10, and 11 T10N, R7E and Section 35


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T11N, R7E N.M.P.M. in Santa Fe County.

Ms. Mahalick stated 960 residents signed the petition. The roads are privately maintained. A portion of Hill Ranch Road will be taken in. The zone recommendation is agricultural. For the sub-division of El Cielo Azul is recommended R-2 as this is over 2 acre parcels.

Councilor Hill stated for the record he would like to disclose he is an adjoining property owner to El Cielo Azul and has no conflict of interest or ex parte. Mr. Henderson stated it would be up to the Council if they felt there would be a conflict. Councilor Simmons stated she did not see any conflict concerning Councilor Hill.

Mr. Anthony Perlinski was sworn in. He is representing El Cielo Azul and submitted a petition of over 90% of the owners who did not want to annex into the Town. They do not feel the Town at this time does not offer any benefits. They have their own Homeowners Association and being annexed would be detrimental to them. Mr. Henderson stated the Town is annexing to do in-fill and stated this area does not need to be annexed.

Ms. Karen Lovette was sworn in. She stated she would not like to be annexed into the Town. She feels being annexed would bring restrictions they do not want with livestock and animal control.

Councilor Ring stated the Town has liberal rules with livestock, look at Town's Ordinances.

Councilor Felton made a motion to approve the annexation request exclusive of El Cielo Azul and the properties along Hill Ranch Road that are adjacent to El Cielo Azul and minus the Lovette property. Councilor Simmons seconded the motion.

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

Councilor Hill made a motion to zone the annexed property as agricultural. Councilor Simmons seconded the motion.

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

14. Annexation & Zoning Requests for approximately 75 acres adjacent to the Municipal Boundary in Section 28, T10N, R7E, N.M.P.M. Santa Fe County.

Ms. Mahalick stated the Planning & Zoning Commission recommends agricultural.

Councilor Ring made a motion to approve the annexation of 75 acres. Councilor Hill seconded the motion.

No one had comments on the annexation request.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor


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Simmons voted aye. The motion carried.

Councilor Hill made a motion to zone this property agricultural per the applicant's request. Councilor Felton seconded the motion.

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

15. Annexation & Zoning for 410 acres located in Section 26 T10N, R7E, N.M.P.M. in Santa Fe County.

Ms. Mahalick stated the annexation request is for agricultural and the adjoining properties would be R-1. No information has been received from these property owners for the R-1 other than property owners along the Church area and their request is that a Non-Conformance Certificate be issued so that they may continue to do business out of their home as they presently are, who is Agnes Campbell.

Councilor Ring made a motion to annex the 410 acres as presented. Councilor Simmons seconded the motion.

No one was present to comment on this application.

Councilor Hill made a motion to approve the zone request of agricultural with the conditional use of R-1 and the Certificate of Non-Conformance. Councilor Felton seconded the motion.

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

16. Annexation & Zoning for 46 acres located adjacent to the Municipal Boundary in Section 27, T10N, R7E, and Lots 3-R, 4-5, 6, and 8 in Block 2 of Carl's Subdivision.

Ms. Mahalick stated the applicant is requesting agricultural for the 40 acre tract and south of it, they are requesting commercial for lots CR-1 through CR-6. R-1 is for lot 7 and R-4 on Lot 8. The Planning & Zoning approved the requested zoning. They did not hear the request for R-1 on Lot 7 that was omitted at the time.

Councilor Felton asked for clarification on the R-1 for Lot 7 not being heard by the Planning & Zoning.

Councilor Simmons made a motion to approve the annexation as presented. Councilor Hill seconded the motion.

No one was present to comment on this application.

Councilor Hill made a motion to zone the annexation as presented. Councilor Simmons


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seconded the motion.

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

17. Rescind the Ordinance creating the Parks and Recreation Advisory Commission to replace with a Recreation Advisory Committee.

This item was tabled.

MATTERS FROM THE MAYOR.

None.

MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

None.

MATTERS FROM THE ATTORNEY.

None.

MATTERS FROM THE TOWN ADMINISTRATOR.

None.

Finance and Administration.

None.

Community Planning & Development.

None.

RESOLUTIONS.

18. Resolution No. 2007-04 – Support for E.M.W. Gas Association

Councilor Ring made a motion to approve Resolution No. 2007-04. Councilor Simmons seconded the motion

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

ANNOUNCEMENTS AND CALENDAR REVIEW.

19. New Mexico Municipal Day Update.

Mr. Condrey stated those attending Municipal Day, hotel reservations have been made and if anything else is needed, please see Estefanie, Deputy Clerk.

Congressman Udall will at the Community Center on Monday, February 19, 2007 at 9:30 A.M.

PUBLIC COMMENTS. (7:30 P.M. – Limit to 2 minutes per person).


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