

**TOWN OF EDGEWOOD  
ORDINANCE NO. 2007-15**

**AN ORDINANCE GRANTING THE PETITION TO ANNEX  
APPROXIMATELY 10 ACRES OF TERRITORY CONTIGUOUS TO THE  
INCORPORATED LANDS ON THE EAST SIDE OF WILDWOOD DRIVE IN SECTION  
20 T10N, R7E, OF THE TOWN OF EDGEWOOD, NEW MEXICO.**

**WHEREAS:** the owners of a majority of approximately 10 acres of territory contiguous to the current border of incorporated lands east of Wildwood Drive of the Town of Edgewood, and the majority of the owners of said lands, have petitioned the Town to annex the territory; and

**WHEREAS:** the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, SS3-7-17 and SS3-57-5 (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 a map, known as Exhibit 'A', showing the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

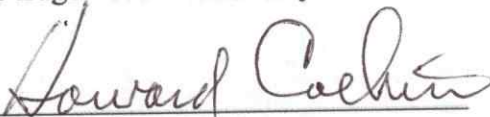
**WHEREAS:** a public hearing, or hearings, regarding this ordinance have been published and held in conformance with the requirements of State law; and

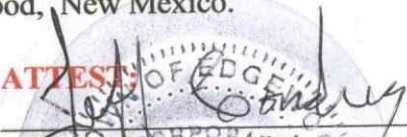
**WHEREAS:** the Town Council, the Governing Body of the Town of Edgewood, has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole;

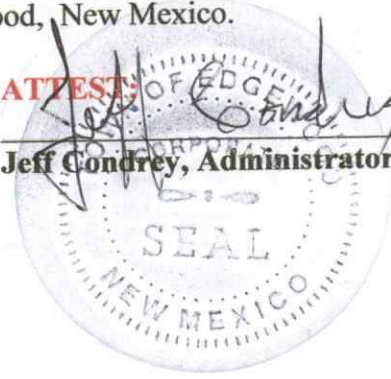
**THEREFORE:** BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

The territory described and defined in Exhibit '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 maps 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 May 2<sup>nd</sup>, 2007 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

  
Howard Calkins, Mayor

**ATTEST:**  
  
Jeff Condrey, Administrator





PETITION FOR ANNEXATION

PETITIONER(S): Steve + Debra Kirk TELEPHONE: 897 5971
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: PO Box 10356 Albuquerque NM 87184

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
9.95 acres unplatted land, The Best Joint Revocable Trust
Located in the NW 1/4 of Section 20, T. 10N, R. 7E, NMPM Santa Fe County, NM
TOTAL ACREAGE OF PROPERTY: 10 Acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: R-1
(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.

Pursuant to NMSA 1978, §3-7-17 the undersigned petitioners request that the Town of Edgewood, by ordinance, grant this petition and annex approximately 10 acres of territory contiguous to its current east boundary Attached to this Petition as Exhibit "A", is a map showing the external boundaries of the territory proposed to be annexed and the relationship of this area to the existing Town boundaries and the second being a map showing the boundaries of the territory proposed to be annexed The undersigned petitioner owns a majority of the number of acres in the area proposed for annexation.

Signature: [Handwritten Signature] Print Name: Steve Kirk Date: 3-6-07

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s) of approximately \_\_\_\_\_ acres in the area proposed for annexation.

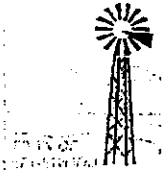
Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

[Handwritten Signature] Clerk/Treasurer Town of Edgewood, New Mexico Dated: 5/11/07

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.





# PETITION FOR ANNEXATION

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*(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)*

MAILING ADDRESS: PO Box 10356 Albuquerque NM 87184

LEGAL DESCRIPTION OF PROPERTY: *(Attach additional sheets as necessary.)*

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*(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.

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<u>[Signature]</u> Signature	<u>Steve Kirk</u> Print Name	<u>3-6-07</u> Date
<u>[Signature]</u> Signature	<u>Debra Kirk</u> Print Name	<u>3-6-07</u> Date

Owner(s) of approximately \_\_\_\_\_ acres in the area proposed for annexation.

Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

<u>[Signature]</u> Clerk/Treasurer Town of Edgewood, New Mexico	<u>5/11/07</u> Dated
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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.

MAR-16-2007 FRI 04:15 PM

FAX NO.

P. 02

After recording return to:  
Rio Grande Title Company, Inc.

File No. 02607213 Brenda Drake

**WARRANTY DEED (Joint Tenants)**

Roger Browning Bost and Kathryn King Bost and Rebecca Bost Tucker, as Trustees of the Bost Joint Revocable Trust dated January 2, 2004 and Cynthia L. Bost, as Trustee of the Howard L. and Helen L. Bost Testamentary Trust dated October 2, 1990, for consideration paid, grant to Steve Kirk and Debra Kirk, husband and wife, whose address is PO Box 10356, Albuquerque, NM 87184, as joint tenants of the following described real estate in SANTA FE County, New Mexico:

Tract lettered "A" of the Boundary Survey Plat of LANDS OF THE BOST JOINT REVOCABLE TRUST, located in the NW 1/4 OF SECTION 20, T.10N., R.7E., N.M.P.M., as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Santa Fe County, New Mexico, on February 15, 2007, in Map Book 647, Folio 1415, as Document No. 1471115, and being more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 20 BEARS N 44°53'47" W, A DISTANCE OF 1859.74 FEET;

THENCE, N 89°51'25" E, A DISTANCE OF 327.93 FEET;  
THENCE, S 00°01'54" E, A DISTANCE OF 398.14 FEET;  
THENCE, S 00°04'33" E, A DISTANCE OF 485.16 FEET;  
THENCE, S 00°01'44" E, A DISTANCE OF 437.85 FEET;  
THENCE, S 89°52'24" W, A DISTANCE OF 328.26 FEET;  
THENCE, N 00°01'57" W, A DISTANCE OF 1321.06 FEET TO THE POINT OF BEGINNING.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year Year and subsequent years, with warranty covenants.

WITNESS our hands and seals this 2nd day of March, 2007.

*Roger Browning Bost*  
Roger Browning Bost, Trustee of the Bost Joint Revocable dated January 2, 2004

*Kathryn King Bost*  
Kathryn King Bost, as Trustee of the Bost Joint Revocable dated January 2, 2004

*Rebecca Bost Tucker*  
Rebecca Bost Tucker, Trustee of the Bost Joint Revocable dated January 2, 2004

*Cynthia L. Bost*  
Cynthia L. Bost, Trustee of the Howard L. Bost and Helen L. Bost Testamentary Trust dated October 2, 1990

**ACKNOWLEDGMENT FOR NATURAL PERSONS**

STATE OF Arkansas  
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 21 day of March, 2007, by Roger Browning Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:

04-04-14

*Lisa Ann Spann*  
Notary Public

OFFICIAL SEAL  
LISA ANN SPANN  
NOTARY PUBLIC-ARKANSAS  
GRANT COUNTY  
MY COMMISSION EXPIRES: 04-04-14

e certify the foregoing is a true and correct copy of the original.  
RIO GRANDE TITLE COMPANY, INC.

By: *[Signature]*

MAR-16-2007 FRI 04:15 PM

FAX NO.

P. 03

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Arkansas  
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 19<sup>th</sup> day of March, 2007,  
by Kathryn King Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:

04-04-14

Lisa Ann Spann  
Notary Public



ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Arkansas  
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 19<sup>th</sup> day of March, 2007,  
by Rebecca Bost Tucker, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:

04-04-14

Lisa Ann Spann  
Notary Public



ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Washington  
COUNTY OF Skagit } SS

This instrument was acknowledged before me this 19<sup>th</sup> day of March, 2007,  
by Cynthia L. Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:

03-04-2008

D. Sowell  
Notary Public



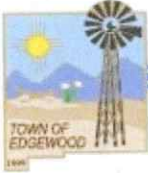
COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

ORDINANCE  
PAGES: 5

Hereby Certify That This Instrument Was Filed for  
Record On The 11TH Day Of May, A.D., 2007 at 14:56  
and Was Duly Recorded as Instrument # 1482713  
The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM





## **TOWN OF EDGEWOOD**

*Where the Mountains Meet the Plains*

### **COMMUNITY PLANNING & DEVELOPMENT**

P.O. Box 3610  
Edgewood, NM 87015-03610  
Phone: 505-286-4518 ext. 3  
Fax: 505-286-4519

April 18, 2007

Dear Landowner,

Our records indicate that you are an adjoining landowner to the following applicant:

Request for annexation of 10 acres located adjacent to the eastern side of Woodline Drive in the Town.

The public hearing will be held on Wednesday May 2, 2007, in the Edgewood Community Center (27 E. Frontage Road) during the Town Council Meeting. The meeting will begin at 6:30 pm.

If you cannot be present and wish to have your comments heard, you can reach me by phone or fax at the numbers above.

Sincerely,

***Karen Mahalick***

Community Planning & Development

**Howard Calkins**  
*Mayor*

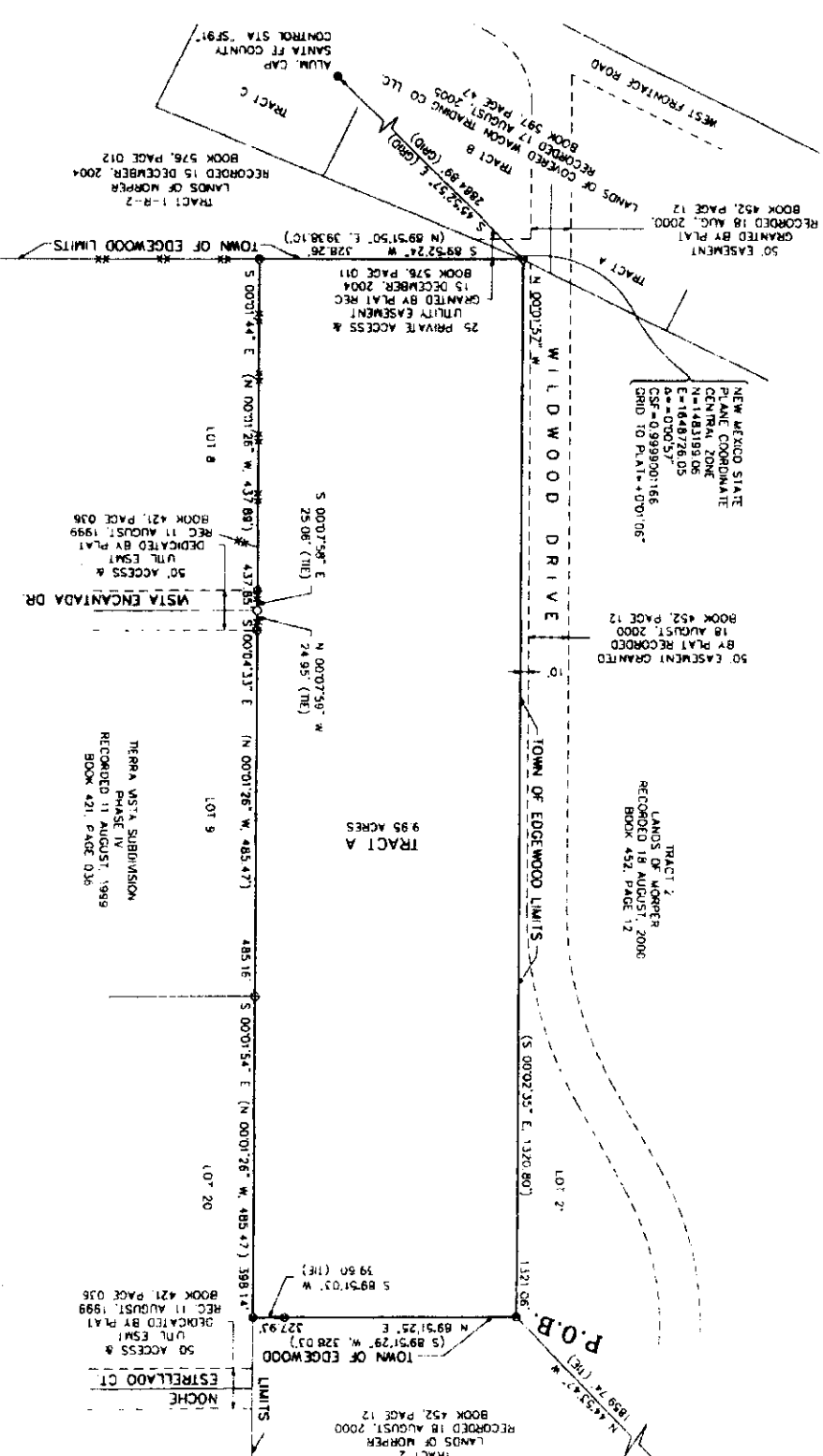
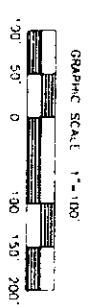
**Glenn Felton**  
**Brad Hill**  
**Chuck Ring**  
**Rita Loy Simmons**  
*Town Councilors*

**Jeff Condrey**  
*Town Administrator*

**Wm. H. White**  
*Municipal Judge*

**Karen Mahalick**  
*Community Planning &  
Development Manager*

**BOUNDARY SURVEY PLAT OF LANDS OF  
THE BOSTI JOINT REVOCABLE TRUST**  
LOCATED IN THE NW 1/4 OF SECTION 20, T10N, R7E, NMPM  
SANTA FE COUNTY, NEW MEXICO  
FEBRUARY, 2007



- SET 5/8" x 1/16" REBAR AND YELLOW ID CAP STAMPED "QA PS 14405"
- FOUND 5/8" REBAR WITH ID CAP STAMPED "TROTH 8667"
- ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"
- FOUND 1/2" REBAR WITH ID CAP STAMPED "S 6259"
- ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"
- FOUND 1/2" REBAR WITH CAP NO ID STAMP
- ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"

**LEGEND**

- FOUND SANTA FE COUNTY CONTROL STATION ALUMINUM CAP
- BOUNDARY LINE
- EASEMENT LINE
- BOUNDARY LINE
- EASEMENT LINE
- FASTENING LINE

**INDEXING INFORMATION FOR THE COUNTY CLERK**

OWNER: BOSTI, ROGER B., ALIYUN, X. & REBECCA BOSTI-TUPPER  
SECTION: 20  
T10N, R7E, NMPM  
SANTA FE COUNTY, NEW MEXICO

**Oden & Associates**  
2000 1/2 N. 1st St. N. #100  
Albuquerque, NM 87102  
505-263-1111  
www.odensurvey.com

Drawn: J. B. Oden  
Checked: J. B. Oden  
Date: 1/6/07  
Scale: As Shown  
Job No: 57002-015  
Sheet: 2 of 2



April 6, 2007

Town of Edgewood  
Community Planning & Development  
P.O. Box 3610  
Edgewood, NM 87015

Re: Petition for Annexation & Establishment of Zoning to R-1, Unplatted Lands of The Bost Joint Revocable Trust, Zone Atlas Page K-38-Z, Containing ± 9.95 Acres

Dear Town of Edgewood:

I, Steve Kirk, am requesting a Petition for Annexation and Establishment of Zoning to R-1 for the above referenced site. The site is located in the NW 1/4 of Section 20 in the Town of Edgewood, Santa Fe County and contains 9.95 acres. This site abuts in three sides to the Town of Edgewood city limits.

If you require additional information, please contact our office at your convenience.

Sincerely,

 Manager  
Steve Kirk, Owner  Deal On The Hill

Enclosures  
JN: 200704





## TOWN OF EDGEWOOD

*Where the Mountains Meet the plains*

### COMMUNITY PLANNING & DEVELOPMENT

P.O. Box 3610  
Edgewood, NM 87015-03610  
505-286-4518 ext. 3

April 17, 2007

Rachel Brown  
Assistant County Attorney  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
FAX 505-986-6362  
Dear Ms. Brown,

Pursuant to NMSA §3-7-17.1 the Town of Edgewood is requesting comment from Santa Fe County on an annexation petition from Steve & Debra Kirk as per the attached map.

If you need any further information please contact me at (505) 286-4518 ext. 3.

Sincerely,

*Karen Mahalick*

Community Planning & Development

**Howard Calkins**  
*Mayor*

**Glenn Felton**  
**Brad Hill**  
**Chuck Ring**  
**Rita Loy Simmons**  
*Town Councilors*

**Karen Alarid**  
*Clerk-Treasurer*

**Wm. H. White**  
*Municipal Judge*

**Karen Mahalick**  
*Community Planning &  
Development Manager*

**MINUTES**  
**REGULAR COUNCIL MEETING – MAY 2, 2007 @ 6:30 P.M.**  
**EDGEWOOD COMMUNITY CENTER**  
**Please Silence All Electronic Devices**  
**(Final Agenda available 24 hours prior to the Meeting)**

**CALL TO ORDER.**

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

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

**PLEDGE OF ALLEGIANCE.**

**APPROVAL OF AGENDA.**

Councilor Simmons made a motion to approve the Agenda as presented. 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 PREVIOUS MINUTES.**

1. Regular Council Meeting Minutes of April 18, 2007.

Councilor Ring made a motion to approve the Minutes as presented. Councilor Simmons seconded the motion.

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

**APPROVAL OF CONSENT AGENDA.**

2. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes April 16, 2007.
3. Acknowledge receipt of the Parks & Recreation Report.
4. Parks & Recreation Meeting of March 22, 2007. (No Minutes due to lack of a quorum)
5. Acknowledge receipt of the Animal Control Report for the month of April, 2007. **(Hand-out will be provided at the Meeting).**

  
\_\_\_\_\_  
Initials

6. 2007 State Appropriations Grant Agreement signature approval. Grant No. 07-L-G-5502 and Grant No. 07-L-G-5503

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

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

**MATTERS FROM THE MUNICIPAL JUDGE.**

7. Judge White's report for the month of April 2007.  
Reviewed.

Judge White reported on a case to which a gentleman was arraigned and then the gentleman has sent two letters to the Town offices with four issues commingled, one letter requesting inspection of public records with a discovery motion. The second letter deals with a personnel complaint against a Town employee and a complaint against the system where there is a shared court clerk that needs addressing as well. This has become complex and Judge White feels he has to recuse himself. He has discussed this issue with Mr. Henderson, Town Attorney. With one Judge in Edgewood the Town will need to appoint a temporary Judge. This will be the first time Judge White has had to recuse himself and feels this will not reflect on the Town. He stated this is a matter of law and of ethics. Judge White stated he has notified all parties of having to recuse himself. There is six months from the time of citations to a trial time. He has given information to Mr. Henderson and the Council.

**PUBLIC HEARINGS.**

Mr. Henderson asked that Ms. Mahalick be placed under oath for the record as one of the matters listed is a Quasi Judicial matter.

At this time Ms. Mahalick was sworn in.

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

**Noted:** Ms. Mahalick affirmed this certification.

**Confirmation of no conflicts of interest/ex-parte contacts:**

Councilor Ring stated he had no ex-parte or conflicts of interest. Councilor

  
Initials

Felton stated he had no conflict of interest or ex-parte communication. Councilor

Hill stated he had no conflict or no communication. Councilor Simmons stated she had no conflict or communication.

**These cases are 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 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.**

8. Zoning Ordinance – Removal of the definition of “family”, change to Section 29 Supplementary Use regulations to require trash receptacle to be architecturally integrated.

Ms. Mahalick reviewed the language and stated the change will be to add “architecturally integrated” in front of the trash receptacles in Section 29. Also included in changes would be to remove the definition of “family” due to State Law that does not allow this definition.

Councilor Ring made a motion to approve the changes to the Zoning Ordinance as specified by Ms. Mahalick. Councilor Simmons seconded the motion.

No one was present to discuss this issue.

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

9. Annexation request 10 acres adjacent to the eastern boundary of Wild Wood Drive with requested R-1 residential Zoning.

Ms. Mahalick stated this property is priority in-fill annexation area. The Planning & Zoning Commission has given him preliminary plat on his subdivision in this area. Mr. Kirk would like to add this property to his subdivision. Planning & Zoning recommended this be taken in as R-1 because it conforms to his subdivision area. The properties to the east are larger lots and are 2.5. The owner is willing to do some solid fence buffering so that there he will not be such an impact on the neighbors in that area.

  
Initials

Councilor Ring made a motion to approve this for discussion for annexation. Councilor Hill seconded.

Ms. Dawn Fawn lives adjacent to the property with a 2 acre parcel and asked Ms. Mahalick if the Council would strongly consider keeping this 10 acre parcel in 2 acre lots. Ms. Mahalick stated the Council has this authority.

Mr. Ernie LaBreck stated he lives in this area and asked what type of homes would be built here wanting to keep as a nice area. Ms. Mahalick stated the concept is for site built custom homes.

Mr. Steve Kirk was sworn in at this time. He stated he is the owner of this proposed property which is Wild Wood Drive and not Woodline Drive as stated on the Agenda. Councilor Simmons asked Mr. Kirk if he would be amenable to two acre lots to which Mr. Kirk stated he would like to keep as R-1 lots as his preliminary approval had one acre lots that are east of Wild Wood that were preliminary approved. Mr. Henderson asked for clarification on there being two parts to this project which is the ten acres being discussed now and also a planned subdivision adjacent to this and this ten acre parcel is not in the Town. Mr. Kirk stated this is correct.

Mr. Wayne Fawn stated he lives adjacent to this proposal and asked on the type of solid fence buffer to be put up, and if this would be block fencing. Mr. Kirk stated he had not considered this, he has agreed to solid fencing but had not stipulated on the type until after being annexed and will then proceed forward. Mr. Henderson stated as a point of information in what he is describing is conceptual, questions can be asked, but he also has other permit processes to go through when he develops.

Ms. Gail Nissen stated she also lives in this area. She asked on the availability of going two acre lots and what kind of restrictions on livestock to which Mr. Kirk stated there would be restrictions on livestock. He stated there are four lots they are considering to allow having up to two horses on them. They would minimize the number of dogs also. These lots are bigger on the end. Two lots back up to Dinkle Road which there would be a road going through and the other two lots would be a cul-de-sac that backs up to open space. Ms. Nissen stated if these are to be custom homes would there be restrictions on size. Mr. Kirk stated these homes will not be less than 1800 sq. feet and some homes will have 2000 sq. ft.

  
Initials

the schedule of development be provided as per the ordinance, that Horton road adjacent to the property be brought up the subdivision regulation standards and that a minimum of 4 test holes for soil samples for septic be provided in random locations throughout the subdivision; the motion was seconded and passed unanimously.

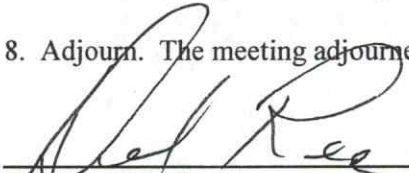
#### **OUT OF PUBLIC HEARING**

6. Annexation Petition request for 10 acres located in Section 20, T10N R7E adjacent to Wildwood drive, requesting R-1 zoning. This property is in the priority infill annexation area with Town boundary areas on three different sides. Adjacent properties are zoned residential one acre and to be developed by the same owner. There are no new streets being taken in or extra travel time for town services to be assumed. Commissioner Chemistruck moved to approve the annexation request for residential R-1; the motion was seconded and passed unanimously.

7. Comprehensive Plan Update. Joe Quintana from Mid-Region Council of Governments was available to answer any questions on the Action Plan Recommendations for updating the Comprehensive Plan. He explained that the bulleted items would be wordsmithed once approved to be more of a suggestive narrative. How the Town chooses to create ordinances and actions would be guided by these suggestions. Commissioners Vogel and Chemistruck had presented comments by email and there was not any further discussion. No action was necessary, none was taken.

Staff confirmed planned attendance at the Commissioners training on May 3<sup>rd</sup> with Commissioners Chemistruck, Fulwiler and Rea and requested if the Commissioners would be available for a short work session on April 30<sup>th</sup>. All present were available and the session will be scheduled.

8. Adjourn. The meeting adjourned at 7:30 p.m.



Del Rea, Chairman



**Planning & Zoning Commission**  
**6:00 pm. April 16, 2007**  
**Edgewood Community Center-27 east Frontage**  
**MINUTES**

1. Call to order. The meeting was called to order at 6:00 p.m. Commissioners present were: Chemistruck, Fulwiler, and Rea. Staff member Ms. Mahalick was also present. Commissioners Lowry and Vogel were absent.
2. Approve agenda. Commissioner Chemistruck moved to approve the agenda; the motion was seconded and passed unanimously.
3. Approve minutes of 4-02-07. Commissioner Chemistruck moved to approve the minutes of 4/2/07. Commissioner Fulwiler questioned the wording of the motion for the right-of-way on Church road that it read the easement be granted fee simple to the Town of Edgewood. Ms. Mahalick stated the motion was written as stated, this item can be placed on the next agenda to clarify the motion. The motion was seconded and passed unanimously.
4. Extraterritorial request subdivide, San Pedro Overlook Phase III, Sandoval County; 331 acres subdivided into 68 lots. This property is located on the western side of Highway 14 and is similar in design to San Pedro Overlook Phases I and II. Campbell representative Jim Lenderman explained that the lots will be on a community well system, approximately 5 lots per well, with the water quality monitored by the homeowner's association. This is the same as the previous phases. Commissioner Fulwiler moved to approve this extraterritorial request with the condition that NMDOT be advised of the pending subdivision points of ingress and egress, (NMDOT's requested procedure); the motion was seconded and passed unanimously.

**PUBLIC HEARING-QUASI JUDICIAL PROCEDURE**

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

Noted: **So noted**

Statement of Proceedings:

These cases are 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 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.

Noted: **So noted**

Confirmation of no conflicts of interest/ex parte contacts

Noted: **So noted**

5. Reconvene Public Hearing on preliminary request to subdivide 70.53 acres into 58 lots; Residential R-1 one acre minimums located at Rory Road & Horton Rd. Commissioners had tabled the discussion during the April 2<sup>nd</sup> meeting to allow the property owners to answer questions raised and bring forward requested information. John Jacquez the representative handed out information on the impact to the schools, clarification and corrections to the disclosure statement and stated the phone service was still undetermined. Resident of Rory road, Ms. Conger, asked about the configuration of the newly proposed cul-de-sac; resident Wayne Smith expressed concern about the ability of the soil geology to sustain septic systems as residents in the subdivision immediately north have experienced failures on 5 acre parcels; resident Justin Raper asked that the commission consider requiring architectural integrity with neighboring homes. There was further discussion of the drainage on Horton and whether the road would further deteriorate. Residents were reassured that the drainage would be thoroughly reviewed by the Town's engineers for compliance with the ordinance. Commissioner Fulwiler requested that staff review the right of way of Horton to Hill Ranch road for consistency of width. Commissioner Fulwiler moved to approve the subdivision of Pueblo Artesanos with the condition that the plat be updated to show the cul-de-sac at the end, that

Councilor Hill asked Mr. Kirk if the Town zoned this as R-2, would he withdraw his annexation request to which Mr. Kirk stated yes.

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

Councilor Ring made a motion of granting the zoning to R-1 residential on this annexation. No second was made. This motion dies for lack of a second.

Councilor Simmons made a motion to designate this as R-2 zoning. Councilor Hill seconded the motion.

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

#### **MATTERS FROM THE MAYOR.**


10. Planning & Zoning Commissioner appointment - Mr. Doyce Wilhite. Mayor Calkins stated he would recommend to the Council to appoint Mr. Wilhite that will replace Commissioner Eldy Gilmore. The Council asked Mr. Wilhite to tell them about himself. Mr. Wilhite stated he has been a resident of Edgewood for 14 years. He stated he is known as Kingdom Homes that build custom homes.

Councilor Ring made a motion to accept the appointment. Councilor Simmons seconded the motion.

Councilor Hill stated this is an excellent appointment and feels he will be a great addition to the Planning & Zoning.

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

11. Confirmation of Employment: Dora Garcia, Accounting Assistant. Mr. Condrey stated the position for Accounting Assistant was re-advertised. Three interviews were conducted out of approximately 20 applications received and three of these had governmental experience. The Interview Committee consisted of Mayor Calkins, Ms. Karen Mahalick and himself. Ms. Dora Garcia was selected; who is presently the Clerk for the Village of Tijeras but historically was the Bookkeeper for the Village for a number of years and has expressed her



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desire to go back to bookkeeping role and the Town would be fortunate to have her. Mayor Calkins stated Ms. Garcia has lived in the area all her life and she is very interested in this position. During the Interview she answered the questions asked and she is well suited for the job.

Councilor Felton made a motion to approve hiring Dora Garcia as the Town's Accounting Assistant. Councilor Simmons seconded the motion.

Councilor Felton thanked the committee and the documentation received on this.

Ms. Garcia thanked the Mayor and Councilors. Mayor Calkins stated he appreciated the work three ladies in the office have done since this resignation of the former employee and was sure their own work has been neglected. Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Calkins stated Councilor Ring and he had attended the Volunteer Animal Control graduation. He stated the Moriarty ROTC presented the colors and this was very impressive. He also stated he had attended the Mayor Caucus in Albuquerque at the Albuquerque Studios that is very large and very nice. There was a tour of the facility and hope to start production this month. Discussion included possibly building a movie town in Edgewood as Santa Fe is crowded out with homes. He invited them to come to Edgewood and look around. The Mayor from Mountainaire stated they too have areas available to build. Mayor Calkins will be hosting the Mayor's Caucus in June at Wild Life West.

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

Councilor Hill discussed Legislative and Quasi Judicial hearings and possibly adopting a schedule along with the Agenda to help presentations. Councilor Simmons asked for a sheet to be placed in their packets for guidelines. Mr. Henderson stated the Town has n Ordinance that governs the conduct of meetings and Quasi-Judicial meetings and recommended in addition to Councilor Hill's request refer to this. Councilor Hill also requested separating zoning from annexations matters and Quasi-Judicial matters from Legislative matters.

#### **12. Department of Public Safety Time Line. (Glenn Felton)**

Councilor Felton stated developing the police department for Edgewood has been starting since he has been Councilor and maybe even longer. He is not opposed to

  
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developing an RFP, for a consultant to work with the Town. He stated this does not have to prevent the Town from taking steps and developing a time line and having the consultant work with us in meeting the various milestones on the time line. He presented a time line to get the discussion started for this and included a job description. He also stated starting a selection committee to define the type of position needed, collecting descriptions from other locations, starting to determine minimums, develop preferences and have a consultant help with some of the tasks.

Mr. Condrey reviewed his time line and dates with the Council. He asked for any changes from the Council. Councilor Felton compared the two time lines presented and the need to get started and not wait for a consultant, waiting until the last minute would not be wise. Councilor Simmons stated Mr. John Walsh from the City of Albuquerque could possibly act as an advisor.

Councilor Ring stated he had no problem with starting the committee but not go so far to usurp the authority of the consultant. There are differences with chiefs in small towns. New Mexico has an accreditation program for departments and reviewed the qualifications with the Council. He stated the Town will not hire a complete department as there is not enough money at this time. Councilor Hill asked for clarification on moving forward with the time line plan. Councilor Ring explained his view on having a committee and the time frame involved. Mr. Condrey stated Mayor Calkins would like to bring a committee back to Council for confirmation that would be liaison with the consultant and the study process kind of a cross section, with this consisting of Sgt. Bruno, Councilor Ring to include the Mayor Calkins and Mr. Condrey.

Councilor Ring stated any Councilor, any member of the staff, or anyone else from the Town Government receives an honor it should be mentioned in public. Councilor Hill was selected as the Home Building Foundation Director, it is quite an honor, the foundation was created nine years ago, that helps obtain and establish work force housing and affordable housing. Congratulations.

At this time Public Comments were heard.

Ms. Anne House, member of the Chamber of Commerce and has a business here. She saw an article on business incentives and asked for more information, which was written by Kevin Bean. She also announced the Clean & Beautiful and the Kid's Fair coming up on May 12<sup>th</sup> at Rich Ford and invited everyone to attend. A

  
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lot of activity is planned.

Mr. Tim Fleming expressed his gratitude on establishing the Police Department with Wal-Mart coming in and the Town moving forward. He understands there are some issues with the JPA on the State Police. Members of the community are very glad this is moving on.

Mr. John Bassett asked about the spot light at the Community Center and how it has ruined the night skies. The light glares to his home. Mr. Condrey stated the light was put up due to the vandalism going on, but he will look into putting a shield on the light.


Ms. Audrey Jaramillo thanked everyone for the phone calls, sending letters, and their support in keeping the Elementary School open another year. There will be a celebration on May 23, 2007 from 4:00P.M.to 8:00 P.M. at the school.

Mr. Bob Sloan stated he has been a resident for 15 years and is a general contractor. He addressed the vandalism, theft, and trespassing going on at least twice a week and recently his cluster mail boxes were hit and graffiti going on. He has been to Mayor's office and to the State Police to see what can be done. He feels the community has a false sense of security as the State Police has a large area to patrol although they mean well but something has to be done. He stated the Town will not be able to bring businesses or residents in if they think we are lawless. He asked about funds the Town has of \$900,000 allocated towards a Police Department to which Mayor Calkins stated the Town has approximately \$200,000. Councilor Felton stated the Gross Receipt Tax adopted was for Public Safety only and not for non-recurring expenses to which Councilor Ring verified. This money cannot be spent for anything else.

#### **MATTERS FROM THE ATTORNEY.**

13. Ordinance No. 1999-B Nepotism vs. Personnel Ordinance 2003-5.

Mr. Henderson commented on Judge White and stated the Judge has a very high ethical standard, and deserves the confidence of the Town and he could have heard the case fairly that he referred to and not recuse himself. The Town does not have an Ordinance that designates alternate Judges, so the next step is to send a letter to the District Court in Santa Fe to appoint a qualified elector of the Town, a temporary Judge to hear this case. He suggested a list of names be given to him and he will include them in a letter to the Chief Judge. At this time it would not be appropriate for Judge White to be involved with a selection of a temporary

  
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Judge as he had recused himself. Within the next month he would like to write the letter to the District Court so someone could be appointed and also within that time frame come up with an Ordinance to avoid this extra trip to District Court should this come up in the future again. Councilor Ring asked if a Magistrate Judge could be used to which Mr. Henderson stated no as the rules are quite clear on this. Councilor Hill asked about the qualified elector to which Mr. Henderson stated this could be anyone within in the Town who is a registered voter. Councilor Hill asked if it would be improper for a staff person from the Town to which Mr. Henderson stated this would just perpetuate the problem.

Mr. Henderson stated there were some developments in the rate case with New Mexico American Water, it is now before the PRC and they have requested additional information from the applicant about the Edgewood District, there is evidence in the record that water rights are in short supply and that while N. M. American Water has surplus water rights, it does not have unlimited water rights so the Town needs to think about putting in a rate structure that encourages conservation in the Edgewood area so and this is the additional information they have requested. Mr. Henderson will update at the next meeting on any concerns.

Mr. Henderson asked Ms. Mahalick if the Nepotism Ordinance has been properly advertised for Public Hearing to which Ms. Mahalick stated no, at the last meeting there would be a document for Council review and then a Public Hearing would be called for. Councilor Felton asked what happens to section two to which Mr. Henderson stated that section two still exists as the Ordinance. Ultimately that section can be incorporated into the Town's Code of Ethics. Mr. Henderson has not done this yet, as Councilor Ring has suggested that issues in that Ordinance need to be reviewed for campaign financing reporting requirements.

Councilor Ring made a motion to move Item 27 up to the present time. Councilor Hill seconded the motion.

**At this time Item No. 27 was addressed.**

Mr. Harlan Lawson stated the security in the Town has been introduced tonight and complimented the Council on the time line for the Public Safety RFP. He addressed the thefts and vandalism and how this is going up quickly. In two years, 20 businesses have been broken into up to Moriarty and although the State Police is short staffed, the police force will take 10-18 months to be in enforce and proceeded to discuss alternatives in the mean time. He discussed having a

  
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contracted bonded security person or persons that could patrol every night or hiring a policeman or marshal. He stated there are several agencies available or even a reserve police officers concept. The Council and Mr. Henderson discussed liability issues, responsibility of the contract and potential problems. Also discussed were neighborhood watch programs. Sgt. Kevin Bruno discussed the vandalism and theft issues and expressed his concern on citizens trying to take action should they come upon these vandals.

Mr. Henderson commented on a community watch being a good thing as there are extra set of eyes and they can call in. There is a lot the community can do.

Mr. Lawson stated the security agencies could be an alternative to the having a police chief. The Council thanked Mr. Lawson for his presentation.

#### **MATTERS FROM THE ADMINISTRATOR.**

##### **Finance and Administration. (Jeff Condrey)**

14. Approval of Town bills for the month of April, 2007.

Councilor Simmons made a motion to approve the payment of the Town bills. Councilor Felton seconded the motion.

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

15. Approval of the Financial Report for the month of April, 2007.

Councilor Ring made a motion to approve the Financial Report for the month of April, 2007. Councilor Felton seconded the motion.

Councilor Ring requested the updated Gross Receipt Tax information be available at the Strategic Planning Meeting.

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

16. Joint Powers Agreement between N.M. Department of Public Safety and the Town of Edgewood.

Mr. Condrey stated there was a meeting with the State Police concerning the timing of the when they would terminate community policing in New Mexico.

They agreed to extend the JPA through June 20, 2008. The time line for the

  
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Town's police department should be up by then also. Since this involved a substantial change, Mr. Henderson has made comments that need to be incorporated into the final document. These will be worked out with the State Police staff.

Councilor Ring asked if this item needs to hold until the changes are made. Mr. Condrey stated he would like to see this finalized as the Town needs to order the communications equipment for the building. The Town will continue to pay double rent for the new office and the office the State Police currently uses.

Councilor Ring made a motion to approve the new JPA and asked for the changes to be stated with this motion.

Mr. Henderson did not have the changes with him. Mr. Henderson stated the changes have to do with the lease and the JPA, one of the changes is to make sure that the lease language and the JPA language which overlap track each other, which is a technical change, there is a question in the lease on the State Police and the Town contracting, the original lease had the Town releasing the State Police from liability from certain circumstances as there are two government agencies in this lease and he suggested making them separable provisions. He also suggested waiting to approve this JPA until the next meeting and the changes are made and brought forward. Councilor Ring withdrew his motion. ~~Mr. Henderson stated~~ Mr. Condrey stated the counterpart with the State Police didn't have any strong objections to the changes suggested. Councilor Felton stated his preference in waiting for the changes to be brought to them. Mr. Condrey stated his concern that the Town releases the building at the urging of the State Police and then it has been very slow to work with them to get the paperwork done. Notice was given to the owner on vacating the space which runs about \$1300.00 per month and then the new space that the Town pays on that started on April 15, 2007. Negotiations were made on the new space for one month not to pay rent hoping to get all the changes made, it is going slow and there is the double rent going on that was not budgeted. Councilor Ring asked if the lease is separate from the JPA or are they tied together. Mr. Henderson stated there is one overlap and one issue is to make sure they track each other, being a technical change. Both parties have the same incentive to make sure the agreement is accurate. An example is the old JPA has language about purchasing a vehicle and keeping this for a 2<sup>nd</sup> vehicle purchase or remove the language and not purchase additional vehicles. Mr. Condrey stated the Council had authorized paying up to \$6,000 for the communication equipment to be moved over and he is reluctant to issue the purchase order until the sub-lease

  
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if finalized based on how slow things have gone, therefore the delay will be that much longer before the communications equipment can be moved. Councilor Ring asked if approving the sub-lease would allow moving forward with the purchase order. Delay action on the JPA and go forward with the sub-lease, Mr. Condrey stated this would not make any difference, as the major change is the JPA is the time line. Mr. Condrey stated approving Item No. 17, he could go forward and he could bring back Item No. 16 in final form. Mr. Henderson stated if the Council goes to approve Item No. 17 he suggested adding the pending changes described to the Council, as there are changes to the lease as well that are pending. He stated both agreements are in the same status with consideration on language.

Councilor Ring made a motion to approve Item No. 17 the Sub-lease Agreement contingent on all other items being fulfilled and placed in the JPA and all other changes in the Sub-Lease Agreement also is added. Councilor Hill seconded the motion.

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

Councilor Ring made a motion to table Item No. 16. Councilor Hill seconded the motion.

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

17. Sub-Lease Agreement N.M. Department of Public Safety and the Town of Edgewood.

This item was approved as stated in Item #16 above.

18. Joint Powers Agreement between the Town of Edgewood and Santa Fe County. RE: \$400,000 for Wastewater Treatment Plant.

Mr. Condrey stated several meetings were held with Santa Fe County to get contributions to help with the wastewater disposal system. Santa Fe County Commission has agreed to give the Town \$400,000. It is a cumbersome JPA in terms of wording because it was a merger done between the County and in Chimayo and some of the language does not fit, but the Town has its foot in the door which will make it easier for the Town to go back to the County and ask for

  
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a share of the infrastructure gross receipts tax that has been in place for a number of years but not been spent in this part of the County. Mayor Calkins stated all the Commissioners consented to this, and Mr. Condrey's presentation went well. Mr. Henderson stated the County was receptive to the proposed changes and the agreement looks good. Councilor Ring referred to item 12 in the JPA under project scope and improvements, there is a lot of expense involved in that the Town will be required to extend service to the fire station to be constructed by the County on Section 16, which is a long distance from the present location and also to the Senior Citizen Center, and several other locations listed in the JPA. He stated the \$400,000 is expended before the line gets to Dinkle Road. He also stated he wondered how the Town will fulfill its obligation. Councilor Felton also inquired on exhibit A and B referred to in the JPA to which Mr. Condrey stated they were not part of the packet, they were sent to the County and they were not returned yet. If the exhibits were available tonight the Council would be able to see the priority of the seven items. Mr. Condrey stated in meeting with the County staff they looked at the projects and how one was divided into two phases, one is the construction of the wastewater treatment plant underway and the other is curtail collection lines that are already in place. What is new, is the proposed third phase that yet to be designed, cost design and financed, some of this money could be used to address phase 2 improvements, for example extending the sewer line to the Senior Citizens building would be relatively easy, serving the fire station and municipal annex would not be difficult. The expensive projects such as going up to COLPAC, going up to Section 16 will not happen until a funding package has not been funded.

Councilor Ring made a motion to approve the JPA presented. Councilor [redacted] seconded the motion.

Councilor Felton asked the priority list be given to them.

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

**Correspondence.**

None.

**Community Planning & Development.**

**(Karen Mahalick)**

19. Verbal Update on Impact Fee Study.

Ms. Mahalick stated the Town has received the first draft of the Impact Fee Study

  
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and be released to the Planning Commission in the next 2 weeks.

20. Town of Edgewood Comprehensive Plan – 3<sup>rd</sup> Quarter Progress Report.  
Ms. Mahalick stated Mr. Joe Quintana will be at the Planning Meeting to update on the Comprehensive Plan.

**STATE POLICE.**

**(Sgt. Kevin Bruno)**

Sgt. Bruno commented on Mr. Larson's presentation. He stated the Joint Powers Agreement states the State Police will provide services. The Edgewood office has 5 officers assigned and 6 full time officers from the Moriarty office will merge with this office. There is a large area to cover and there are issues in communication to overcome. There has been discussion in meetings with other agencies to identify the crime. Santa Fe County Sheriff has one sheriff per shift per day in this area. He explained the 911 calls in that they are routed to Albuquerque where Torrance County, Bernalillo County or Santa Fe County receives the dispatch sometimes before it gets to the State Police. He assured the citizens present the State Police is doing everything possible. He asked to please call him directly and gave out phone numbers to be reached locally. The State Police office hours are Monday through Friday from 8:00 A.M. to 4:00 P.M. in where there is a secretary in the office. This phone number is 281-0096 and dispatch is 281-1060 which is routed through the Albuquerque office. Sgt. Bruno stated he is working on a reporting system to identify problems and an e-mail system. He is also going to place business cards in the local businesses. He addressed the audience in that any law enforcement agency whether State Police or Edgewood's own police department, they cannot be everywhere. They could be patrolling on one side of town and on the other side something is going on. The State Police is the main law enforcement in the area.

**RESOLUTIONS.**

21. Resolution No. 2007-15. Designation & Retention Schedules for the Municipal Office Records.

Councilor Hill made a motion to approve Resolution No. 2007-15. Councilor Felton seconded the motion.

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

  
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22. Resolution No. 2007-16. Designation & Retention Schedules for the Municipal Court Office Records.

Councilor Hill made a motion to approve Resolution No. 2007-16. Councilor Felton seconded the motion.

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

23. Budget Resolution No. 2007-17.

Councilor Hill made a motion to approve Budget Resolution No. 2007-17.

Councilor Felton seconded the motion.

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

**PROCLAMATIONS.**

24. Poppy Day – May 12, 2007.

Councilor Hill made a motion to approve the Proclamation. Councilor Simmons seconded the motion.

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

**ANNOUNCEMENTS AND CALENDAR REVIEW.**

25. Strategic Planning Meeting – May 5, 2007 @ Alta Mae's from 12:30 P.M. to 6:00 P.M.

26. Next Regular Council Meeting – May 16, 2007 @ 6:30 P.M.

**PUBLIC COMMENTS. (7:30 p.m. – Limit to 2 minutes per person)**

27. Mr. Harlan Lawson – NAPA Auto Truck Parts – Security Service Patrols.

**This item was discussed after Item No. 13.**

**CLOSED SESSION.**

None.

**ADJOURN.**

Councilor Simmons made a motion to adjourn the Meeting. Councilor Ring seconded the motion.

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

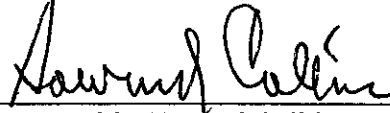
**P.S. Mayor's Quote for this Meeting:**

**We cannot direct the wind, but we can adjust the sails.**

**Bertha Calloway - Founder of the Great Plains**

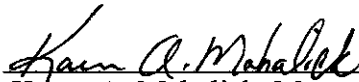
**Black Museum**

**ADOPTED AND APPROVED THIS 16<sup>TH</sup> day of May, 2007.**



Honorable Howard Calkins, Mayor

**ATTEST:**



Karen A. Mahalick, Manager  
Community Planning & Zoning