

**TOWN OF EDGEWOOD
ORDINANCE NO. 2007-17**

**AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 40 ACRES OF TERRITORY CONTIGUOUS TO THE INCORPORATED LANDS ON
THE NORTH SIDE OF VENUS ROAD IN SECTION 9, T10N, R7E, OF THE TOWN OF EDGEWOOD,
NEW MEXICO.**

WHEREAS: the owners of a majority of approximately 40 acres of territory contiguous to the current border of incorporated lands north of Venus road 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

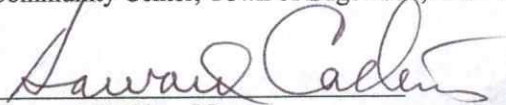
WHEREAS: a public hearing, or hearings, regarding this ordinance have been published and held in conformance with the requirements of State law; and


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 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 June 20th, 2007 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.


Howard Calkins, Mayor

ATTEST:

Karen Mahalick, Acting Administrator



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

EDGEWOOD ORDINANCE
PAGES: 2

Hereby Certify That This Instrument Was Filed for
Record On The 25TH Day Of July, A.D., 2007 at 10:35
& Was Duly Recorded as Instrument # 1493240
The Records Of Santa Fe County

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


SFC CLERK RECORDED 07/25/2007

1-039-059-097-132

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ODEN-MILLER & ASSOCIATES



to be
ANNEXED

SCALE: 1" = 750'
750' 375' 0'

LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 9

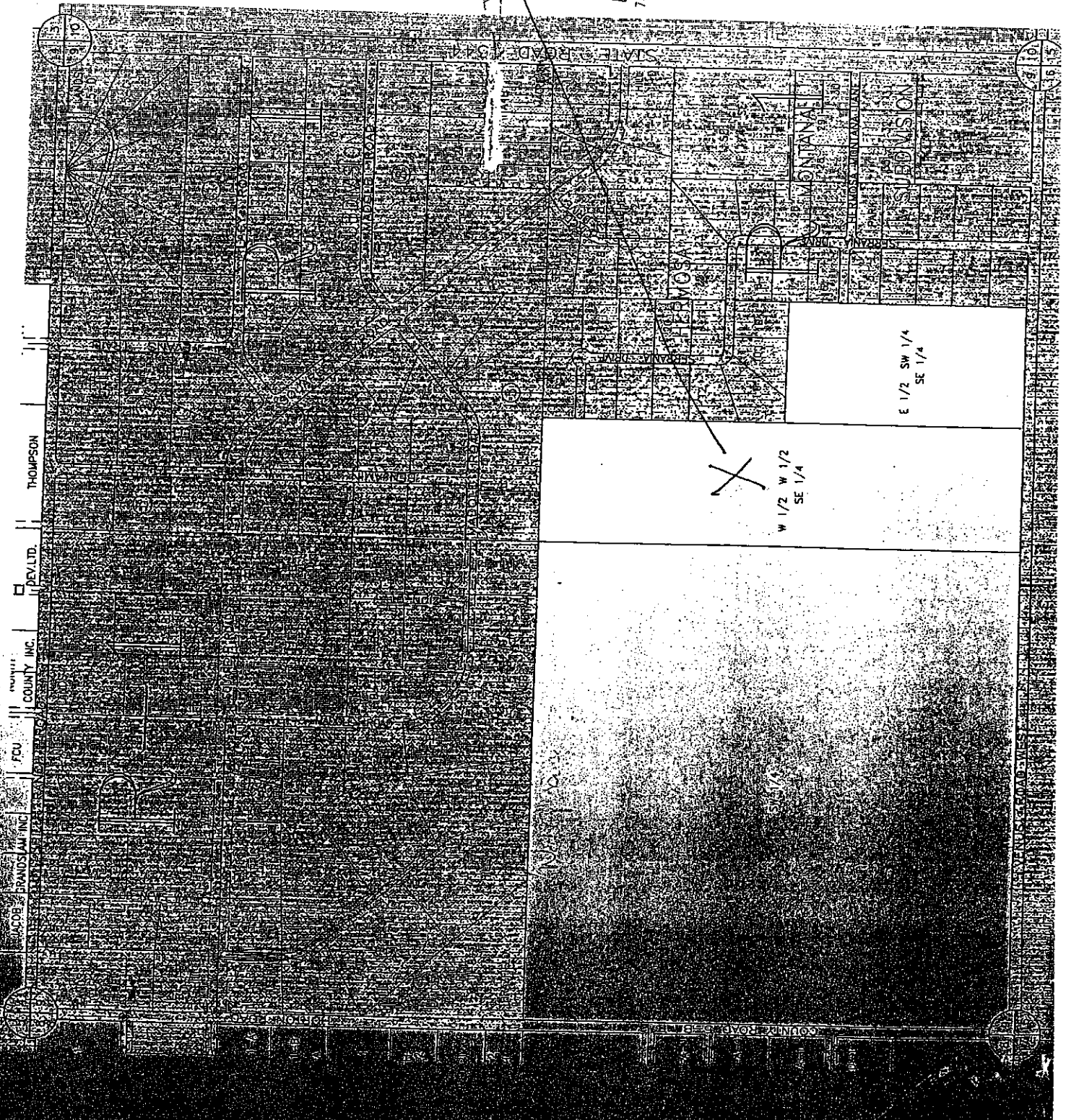
UNIFORM PROPERTY CODE
10J9059

MAP AMENDED THROUGH
JANUARY 1, 2002

H 391

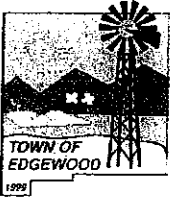
EXHIBIT A

RECEIVED 07/25/2007



E 1/2 SW 1/4
SE 1/4

W 1/2 W 1/2
SE 1/4



PETITION FOR ANNEXATION

PETITIONERS: Romo, George S. & Lydia B. TELEPHONE: 281-5872
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: P.O. Box 104 Edgewood, N.M.
36 VENUS Rd. WEST 87015

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

T10N R7E .59 42.00 Acres

W-2" W 2-5E4
TOTAL ACREAGE OF PROPERTY: 40 ACRES

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

R-1

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 40 acres of territory contiguous to its current infill 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.

<u>George S. Romo</u> Signature	<u>George S. Romo</u> Print Name	<u>5-4-07</u> Date
<u>Lydia B. Romo</u> Signature	<u>Lydia B. Romo</u> Print Name	<u>5-4-07</u> Date

Owner(s) of approximately 40 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.

Karen A. Mufelach
Clerk/Treasurer
Town of Edgewood, New Mexico
7/1/07
Dated

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.

Planning & Zoning Commission
6:00 pm. June 18, 2007
Edgewood Community Center, 27 E. Frontage Road

1. Call to order. The meeting was called to order at 6:00 pm, Commissioners Fulwiler, Rea and Wilhite were present. Commissioners Chemistruck, Lowry and Vogel were absent.
2. Approve agenda. Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.
3. Approve minutes of 6/04/07 & 6/11/07. Commissioner Wilhite moved to approve the minutes of 06/04/07; the motion was seconded and passed unanimously. Commissioner Wilhite moved to approve the minutes of 06/11/07; the motion was seconded and passed unanimously.
4. Implementation survey. Insufficient information had been received to process this chart for editing the comprehensive plan; staff requested the item be tabled. Commissioner Wilhite moved to table the implementation survey; 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: Staff confirmed

The statement of proceedings was read and the commissioners noted no conflicts of interest/exparte contacts.

5. Rezoning request Northwest corner Church Road and Quail Trail, 207 acres of residential one acre (R-1) requesting rezoning to Multi-Use. Bob Pruitt of Centex Homes introduced himself as the applicant and stressed that this is a conceptual land use plan. Centex will study the feasibility of including townhomes or condominiums in their plan, wastewater service will need to be determined prior to the subdivision process for this curvilinear design. Mr. Pruitt turned the presentation over to Jim Strozier of Consensus Planning. Mr. Strozier said the intent of the project was to keep it residential with 2 phases not to exceed 4 dwellings per acre, dividing the property longitudinally in half. It was stated that this project would comply with policy 2A of the Comprehensive plan to provide for medium density and mixed use of housing, and the conceptual land use map which calls out this area for mixed use. Mr. Strozier stated there would be buffering on the eastern side of the project and over 6 miles of conceptual trails with an overall density of 2.7 dwellings per acre. The town will not be required to install any infrastructure improvements; this will be the developer's responsibility. Commissioner Wilhite asked about the availability of right-of-way on Church and wastewater service, Mr. Strozier stated they would be able to accommodate future widening of Church and the wastewater was an ongoing dialogue. Commissioner Fulwiler asked about the Quail Trail area and buffering for the eastern area. Mr. Strozier stated the buffering could be accommodated in the future subdivision plans as well as the Quail Trail widening. Commissioner Rea asked about price range for this concept, this was undetermined at this time.

Residents sworn in were Tom Torres, Arlene Williams, Frank Hetznecker, Joe Wendt, John Guerra, Rita Harmon. Residents expressed concern about the conceptual nature of the plan, the increased traffic from the development, the increased density which is out of character for the area, lack of police protection to offer protection to the area. Commissioner Fulwiler moved to approve the rezoning request for Lone Pine; the motion was seconded and passed unanimously.

6. Preliminary Subdivision request of Huppertz, 10.002 acres zoned Residential R-1 to be subdivided into 3 lots adjacent to Lindsey Lane and Hill Ranch Road. (SU-2007-6) Lindsey lane will be a private access road off of Hill Ranch road. Cheryl Huppertz and Steve Williams were in

attendance as applicants for this request. Staff stated this subdivision is in compliance with the 2000 Comprehensive Plan, the Zoning ordinance and there is a commitment for water from Entranosa, there needs to be a subdivision improvement in place and a placement for the mailboxes for the post office. Commissioner Fulwiler moved to approve SU-2007-6 for Lands of Huppertz; the motion was seconded and passed unanimously.

Out-of Public Hearing

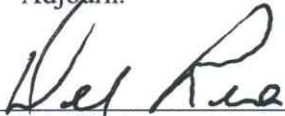
7. Annexation zoning request for Stone Mountain Estates requesting Residential R-2 Zoning. This property is located at the western edge of Joe Mae road south of Hill Ranch road. This request is outside of the scope of the 2000 Comprehensive Plan, the request would take in another mile of Venus road and all interior streets in the planned subdivision. Venus road entering this land is unimproved at this time and the applicant will make the necessary improvements to the road. Lands on the eastern portion range from ~2 acre tracts to ~5 acre tracts on the western side are larger 20 to 40 acre tracts. Commissioner Fulwiler moved to recommend R-2 zoning; the motion was seconded and approved unanimously.

8. Annexation zoning request for Romo, 40 acres located adjacent to the north side of Venus road, requesting R-1 residential zoning. Adjoining properties range in size from ~1.5 to 20 acre parcels. Commissioner Fulwiler moved to approve the R-1 zoning; the motion was seconded and all voted nay, the motion failed to carry.

9. Findings of Fact:

Rezoning request located at Wood's End Road and NM 344. 20 acres of residential one acre (R-1) requesting rezoning to Commercial (C-2). Staff requested this be tabled; Commissioner Fulwiler moved to table the findings of fact for Woods

10. Adjourn.



Del Rea, Chairman

MINUTES
REGULAR COUNCIL MEETING – JUNE 20, 2007 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER (27 E. Frontage Road)
Please Silence All Electronic Devices
(Final Agenda available 24 hours prior to the Meeting)

1. 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, Ms. Karen Mahalick, Acting Administrator, and Ms. Estefanie Muller, Deputy Clerk.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

Councilor Hill made a motion to approve the Agenda as presented with the deletion of Item #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.

4. APPROVAL OF PREVIOUS MINUTES.

A. Regular Council Meeting Minutes of June 6, 2007.

Councilor Felton made a motion to approve the Minutes 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.

5. APPROVAL OF CONSENT AGENDA.

B. Acknowledge receipt of the Parks and Recreation Report.

C. Acknowledge receipt of Parks and Recreation Committee Meeting Minutes of May 3, 2007.

D. Acknowledge receipt of the Planning & Zoning Meeting Minutes of June 4, 2007 and June 11, 2007.

Councilor Ring made a motion to approve the Consent Agenda. Councilor Simmons seconded the motion.

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

6. MATTERS FROM THE MUNICIPAL JUDGE.

None.

7. PUBLIC HEARINGS.

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

At this time Ms. Karen Mahalick was sworn in. She stated the notice was posted.


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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.

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

Councilor Simmons stated she had no conflict of interest or ex-parte contacts. Councilor Hill stated he had no conflict of interest or ex-parte contacts. Councilor Felton stated he had no conflict of interest or ex-parte contacts. Councilor Ring stated he had no conflict of interest or ex-parte contacts.

E. Annexation/Zoning request for Stone Mountain Estates located on the western side of the town boundary area of Joe Mae road; requesting Residential-2 zoning.

Councilor Felton stated when this application was before the Council previously, Councilor Simmons had a conflict of interest and asked Councilor Simmons to reaffirm, to which she stated she had no conflict of interest or ex-parte contact.

Ms. Mahalick reviewed her submittal of the annexation and the location. She stated the developer is proposing for the Town take over the road maintenance after the subdivision development and there is over one mile of unincorporated road on Venus Road to enter the subdivision. Venus is unimproved and there is concern on a locked gate across Venus. Access may be a problem for the developers as this is something to be worked out being a section line road, the Town may get involved in a road dispute for opening of the road. There are three phases proposed, 18 months apart, 4.5 years to complete 87 lots. The character complies with the rural character preservation of the Comprehensive Plan. On June 21, 2006 Council denied annexation. The applicant is requesting R-2 zoning; adjoining parcels are undeveloped or 5 acre parcels. She further stated as this does not create a cohesive boundary area, staff cannot recommend annexation, if annexation is considered. An agreement to buffer lots adjacent to the 5 acre developed areas should be considered. The Planning & Zoning Commission did recommend the R-2 zoning if annexed.

Mr. Henderson asked Ms. Mahalick if the petition and official documents have been given to the Council, to which she stated yes as well as the correspondence.

Councilor Ring asked Ms. Mahalick if Santa Fe County was notified, to which Ms. Mahalick stated yes, and they have not responded. He referred to the petition for annexation response, item "C" and stated since the road is not open and there may be litigation involved, is the petitioner prepared to pay for the litigation if it should occur, Ms. Mahalick stated this has not been discussed. Councilor Ring referred to item "H" and the applicant had indicated at the last hearing that Sunshine road would be improved. Ms. Mahalick stated the drawing the Council has before them indicates the proposal would access Venus and Sunset Blvd.

Councilor Hill also discussed the section line being closed off and asked for opinion from Mr. Henderson. He stated this is a section line road and as a county road we have no


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jurisdiction over that road, and not knowing the circumstances, applicant will need to work out these issues.

Mr. Henderson reviewed the procedures with the public on this application process.

The following residents have property that adjoins the proposed annexation and had questions of Ms. Mahalick.

Mr. Michael Giannuzi, asked if there are studies on the effects for blasting on the property and if there are studies due to the New Mexico-Texas pipeline location, should there be any blasting on the proposed site. Ms. Mahalick stated no studies and this would be between the developer and the pipeline company.

Mr. Joe Wendt, asked if minutes are available from the out of public hearing held by the Planning & Zoning Commission on June 18, 2007 in relation to this project. Ms. Mahalick stated the minutes have not been prepared at this time.

Mr. Jimmy Burke, asked if there is a study on flooding due to his property location being in a draw and stated his concern of a possible water shed once the roads are paved. Ms. Mahalick stated the grading and drainage plan is part of the sub-division process, should the Council approve the annexation. She also stated no study conducted on the flooding and yes the grading and drainage will be done to ensure this does not happen to adjoining properties. Mr. Burke also asked if Venus is the only egress and ingress to which Ms. Mahalick stated Venus is the only proposed one.

Mr. Chris Marotta, asked if an environmental impact study will be done to which Ms. Mahalick stated no, it is not required. He asked if a pollution impact study would be done on the property for the road traffic. Ms. Mahalick stated no, this will be part of the sub-division review process. He asked who would be responsible for the road development to which Ms. Mahalick stated the developer has proposed to improve Venus Road. He asked about speed control, Ms. Mahalick stated if annexed by Council and Venus Road improved, the one mile of Venus Road not included, the County Sheriff would patrol the one mile of Venus not in the Town, the Town would be responsible for the speeds on the other portion of Venus.

At this time Mr. Ed Cardenas was sworn in.

Councilor Hill asked Mr. Henderson to inform the public on procedure for testimony and what entails fact and opinion to which Mr. Henderson gave examples. Councilor Hill also asked for clarification on opinion and as to what will happen in the future and current facts now. Mr. Henderson stated there are other stages in the development review process and this is the preliminary stage to get information on the proposal, there is no detail at this point.

Mr. Cardenas stated he would like to amend paragraph K of the petition concerning road maintenance. They would maintain the roads including the one mile of road not in the Town for snow removal and maintenance. He has researched the easement on the section line, there is a 30' easement on both sides of the section line and has the documentation on this. They do plan to chip seal from 344 to the project and pave the project. A traffic


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analysis study for signage will be done.

Councilor Simmons asked about the gate and any resolution on it. The gate is on the Vista Montana Sub-division, in the easement and the gate will be moved. The easement was located in the Santa Fe County records. Councilor Felton referred to "G" and asked about the applicable natural resources and hazards and asked about the pipeline for drainage and flooding. Mr. Cardenas stated this would be addressed in the preliminary sub-division approval. The design will be addressed by a professional engineer on the property boundary and the pipeline will not go through property owners. He addressed septic tanks, and having an on-site system that would be effective with sewer mains and manholes, choosing a site that would be acceptable for a drain field which would eliminate blasting in the area. The other utilities will be installed by a rock saw or hammering to avoid blasting as to not interfere with the surrounding neighborhood. Councilor Felton asked about these major points not being a part of the application, Mr. Cardenas stated he thought of these issues afterwards.

Mr. Jimmy Burke asked about the utilities to which Mr. Cardenas stated all utilities will be underground with the natural gas.

Councilor Ring asked about any buffering around the 5 acres lots to the south and west side, possibly increase lot size from 2 acres, to which Mr. Cardenas stated this, could be looked into. Councilor Simmons asked about the lots and their dimensions that about the proposed land. He addressed these sizes as per the map. Councilor Felton asked about the gross receipts tax accruing to the Town, he referred to "N" where Mr. Cardenas had replied in the application as unknown. Councilor Felton asked him to quantify what the benefits to the Town would be in terms of tax. Mr. Cardenas stated having an upper scale subdivision would be a benefit to the Town. Councilor Felton asked if this upper scale plan is a part of the Comprehensive Plan or expressed in public forum on community development to which Mr. Cardenas stated he could not answer this, this is his opinion only.

Mr. Henderson addressed the public on those who have adjoining property and would want to speak at this time.

Ms. Pan Steveler asked about the acreage on Paco and San Pedro Estates to which Mr. Cardenas said he did not know.

Mr. Joe Wendt asked for a definition on the average cost of the homes proposed to which Mr. Cardenas stated between \$300,000 and \$800,000 to which they do not exactly know at this point. Mr. Wendt asked about the centralized septic system and if this is a commitment for the annexation to which Mr. Cardenas started yes it is. He also asked if there would be two units to which Mr. Cardenas stated it would depend on the design of the system.

Mr. Steve Jerrall asked if any of the lots would be larger than 2 acres to which Mr. Cardenas said the lot sizes would vary. Ms. Karen Mahalick stated for clarification R-2 zoning is two acre minimum.

Mr. Henderson reminded the public that Mr. Cardenas stated earlier he was willing to work with the Town to include buffering which will be addressed in the sub-division


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review. Ms. Mahalick asked Mr. Cardenas if he was aware of the pipeline requirements when a road crosses it, to which he responded yes, with concrete on the top or pavement.

Ms. Lee Parker stated if no blasting is to be done for sewer, what about any other blasting to which Mr. Cardenas stated not on the development aspect possibly the home builder, as a builder himself he would not blast. She asked if any blasting could be prevented. Mr. Henderson stated Mr. Cardenas had answered this.

Mr. Mike Giannuzi asked Mr. Cardenas if he was sure on not blasting for the utilities, Mr. Cardenas stated this has been done for years as contractors themselves, they use hammers.

Councilor Simmons asked if cutting into rock was addressed in the covenants, Mr. Cardenas said this could be addressed in the restrictive covenants.

Ms. Mahalick asked Mr. Cardenas if it would be correct to say they would build the infrastructure, establishing the lots and selling them to builders to which he answered that was correct. She also asked if Mr. Steele would be building himself, to which he answered yes.

Councilor Hill asked for clarification on Ms. Mahalick's question. She stated Mr. Steele is building on Venus Ridge 1 and 2 which is moving progressively.

Mr. Henderson stated property owners adjacent to the proposed development could give testimony could at this time.

Mr. Byron Atman was sworn in at this time.

He reviewed the petition submitted and expressed his concern on the following issues:

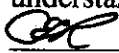
- septic systems on a limestone mountain with the one or two leach fields.
- as a consumer of water, needs more information
- origin & root of the utilities as identified and how to be determined
- concern on blasting
- concern on pipeline
- referred to section F and the statement as written
- referred to section H and concluded there are other entrances, tonight only one entrance discussed
- discussed Zoning Meeting of June, 2006 and referred to statement that there should be 2-50' wide ingress and egress
- discussed the gate, and the public that accesses Dinkle
- discussed the public driving through adjoining neighborhoods
- discussed Venus Road, the route to the development and the maintenance
- inquired on Section M and clarification to which Mr. Henderson stated some of the points in the response will be addressed at a later stage in the process.
- concern on 877 trips a day in and out of subdivision, and impact on surrounding area
- run-off in Section M rooftop water, where will it go
- Section N and O on impact analysis and the unknown response, application is one year old. The only changes are the access roads and the ownership.


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- This year, issues addressed are the same as last year, traffic, density, physical impact, master plan, compliance, wastewater and quality of life of to surrounding neighborhood. Feels concerns are still there after one year with no answers.
- He asked for specific answers from the petition and why not all questions are addressed.

Councilor Hill asked for clarification on the testimony given by Mr. Atman and Mr. Atman asked if Mr. Cardenas was in error by indicating placing a proper wastewater treatment system. Mr. Atman stated he did not hear the term "proper" but instead a central wastewater treatment facility and his concern of the limestone area. Councilor Hill asked Mr. Atman if he felt Mr. Cardenas was violating state law to which Mr. Atman stated he did not know of violating state law but expressed concern based on his knowledge of the 200 acres being on top of a limestone mountain, and where septic systems would drain as he maintains a road there. Councilor Hill asked if his concern is with the state law and proper wastewater treatment regulations. Mr. Atman expressed concern for specific studies of specific areas. Councilor Hill stated his decision will be based on fact tonight. Councilor Ring commented on concerns by Mr. Atman and clarified Mr. Cardenas' statement and that he is willing to do, such as the water treatment system, the wastewater treatment system, maintenance and improvement of Venus road with chip seal from 344 to the project. Mr. Atman asked for definition of chip seal. Mr. Henderson stated Mr. Cardenas has amended Section K to state they would maintain the road. Councilor Ring asked what would be acceptable for the development to which Mr. Atman stated he was not against development but against development in that section of Edgewood where he lives, surrounded by 20,30,40 acre lots and developed in the density proposed where it will impact the quality of his life and around him and those who own the properties. Some of the east areas are 5 acre lots and 2.5 acres are to the south and the northwest corner. Councilor Ring asked if the fact that Mr. Cardenas would increase the lot size in the area of the 5 acre lots that about this property have any impact on his feelings, to which Mr. Atman stated some impact and asked if some areas would be increased to 20 acres. He further stated he moved to Edgewood from Albuquerque and bought a large piece of property surrounded by large pieces of property to obtain certain quality of life and now there is a proposal for a subdivision with a density of 2 acres per lot. Councilor Ring asked if there was anything in the covenants or official indication that this property would never be developed at all or divided into smaller acres. Mr. Atman stated he is not opposed to development if it is congruent with the community around which that development is going to be immersed.

Councilor Felton asked Mr. Atman if he was aware of any centralized wastewater treatment plant approved by the State of New Mexico in the East Mountains that have then failed. Mr. Atman stated he was not aware of any but asked if there are any other centralized sewage treatment plants in the Edgewood area, are they located on top of a solid limestone mountain? Councilor Felton also asked if he was aware of septic systems approved by the State that have failed in East Mountains perhaps on limestone? Mr. Atman stated no. Councilor Felton asked if he was aware of community or private wells that have been compromised by wastewater. Mr. Atman referred to an article from a few years ago that talked about the increase of nitrates in the Edgewood area but did not know if they were animal or human. Councilor Felton asked what would be the permitted density for this development if brought to Santa Fe County to which Mr. Atman stated his understanding is 5 acre lots.


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At this time, 7:30 P.M. Public Comments were heard.
No one was available to speak at this time.

Mr. Joe Wendt was sworn in at this time.

He stated he is a retiree from MRCOG and has reviewed zoning annexations from Albuquerque and is aware of issues as well as various Comprehensive Plans and goals adopted. His questions were on the annexation rejected previously because it was an isolated far out pocket. A Zoning Commissioner stated if a box was drawn and included this area you have greatly expanded Edgewood significantly. He inquired on the out of Public Hearing meeting held, an open forum with the Commissioners talking to each other with no input from the public. In observing there were a lot of misfacts or a lack of information and the board was very uncomfortable about issue of annexation and chose not to vote on it. Their vote and recommendation was focused solely on the issue of R-2, Mr. Henderson stated the Commission discusses zoning. He then asked Mr. Wendt to discuss only what he wanted this body to hear tonight. Mr. Wendt stated he would like this board to consider remanding this issue back to the Commission and having an open Public Hearing. In the Comprehensive Plan, this application meets some goals and referred to goal 3 and read it to the Council. He then asked about the cost matrix as part of the annexation request to which Mr. Cardenas answered unknown in the application. He asked what would happen 5 to 10 years from this day and the commitment to Edgewood. He read more from the Comprehensive Plan and the neighboring support. He also referred to the draft Comprehensive Plan and the continuance for infill. He asked about the cost per home and the income level as it grows and the need for a traffic study. If R-2 is adopted without a traffic study he will build any number of houses, Mr. Henderson stated that is incorrect and asked Mr. Wendt to go back to factual testimony. He asked the Council to be careful on the traffic study on the impact of the dirt roads and on traffic directions and have the studies done with the assistance of MRCOG. The costs should be considered and feels this is a leap frog development that does not fit in the plans, considerations or objections expressed by this community.

Councilor Hill asked for clarification on the annexation process and the cost matrix for the road maintenance to which Ms. Mahalick stated in implementing the Ordinance the Council gave Staff the ability to waive certain requirements. The Council did not want the Ordinance to become to ownerless to the applicant, certain items would not need responding because it is unknown at this time, a police force matrix has not been implemented, road maintenance has been addressed tonight as well as the traffic impact analysis. The Council has accepted this previously as a matter of form.

Mr. Michael Giannuzi was sworn in at this time.

Mr. Giannuzi stated this land is a unique piece of property and with a 5 acre zoning it will be more accepted on what is developed on this land.

Mr. Jimmy Burke was sworn in at this time.

Mr. Burke stated his concern on failed septic systems, after the land is developed, who will maintain it, if home owners association is to maintain and not strong enough to fix,



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what happens to surrounding property owners. He suggested five acre approval.

Mr. Henderson explained the public surrounding the proposed area may give testimony. The issue of one or more access will be discussed at the subdivision approval and adequate access is discussed. This is an open meeting and reviewed the process with the public.

Ms. Lee Parker was sworn in at this time.

Ms. Parker stated last year she had experienced damage to her home from blasting and called the Town Hall, and left messages with no response. She asked if blasting is done, who would she ask call and what legal recourse does she have. Mr. Henderson stated he did not know. He stated she should call Santa Fe County and Bernalillo County. Ms. Mahalick stated according to the Town's Ordinances, the Town should be notified on any blasting. There are several areas that are not in the Town.

Councilor Hill requested additional testimony from Mr. Cardenas. He asked if blasting could be restricted in the covenants to which Mr. Cardenas stated this could be in the restrictive covenants. In certain instances hammering will not penetrate the rock then blasting is necessary. Discussed was buffering which will be looked into as an alternative emergency exit for the fire department only.

Councilor Felton asked for clarification on Mr. Cardenas stating earlier hammering is always used and not blasting. Mr. Cardenas stated rarely is blasting done, about 10 years ago blasting was used as the hammering would not penetrate the rock.

Councilor Ring clarified the buffering, would Mr. Cardenas be willing to state they would buffer the areas next to the five acre pieces that are already inhabited, not the 10 or 20 acre pieces. Mr. Cardenas stated they could increase the lot sizes on that site on the south side. The east side will be looked into.

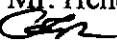
Mr. Atman stated the east side of proposed development is lined with 5 acre lots and the west and north side are lined with properties that are 20, 30, or 40 acres and is Mr. Cardenas willing to accommodate and scale the size of the lots be commensurate with those properties to which Mr. Cardenas stated he could not make any promises, but would look at the plan and first define buffering and would not promise 5 or 20 acre lots, but will promise to work with the community.

Councilor Ring clarified he asked for buffering on the south side and the east side, he did not mention the north or the west side. Mr. Cardenas had stated he would review and see if something could be done.

Mr. Wendt asked how long the maintenance for the roads would be paid for to which Mr. Cardenas stated as long as a home owners association will is in place.

Mr. Wendt asked the home owners association would continue the maintenance from Venus Road to the subdivision. Mr. Cardenas stated the Santa Fe County Road as well as the subdivision road will be maintained.

Mr. Henderson stated Mr. Cardenas is the owner of record, he has made a commitment.


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When the lots are sold that commitment is inherited by the home owners association.

Councilor Felton made a motion to table this application and remand Mr. Cardenas' proposal back to the Planning & Zoning on the basis of what was heard this evening is a different proposal from what was started and feels approving an annexation on the basis of something quite so fluid. Councilor Ring seconded the motion.

Councilor Simmons voted nay. Councilor Hill voted nay. Councilor Felton voted aye.

Councilor Ring voted aye. Mayor Calkins voted nay. The motion did not carry.

Councilor Simmons made a motion to accept the annexation subject to the rules for subdivision. Councilor Hill seconded the motion.

Councilor Felton stated he would like to highlight the status of this property with respect to infill, he does not see how it can be considered infill, it is very clearly expanding the border significantly to the west and expressed concern on providing services to this area, it is clear it does not fit with the character of the surrounding community. The benefits are not detailed in this application. Councilor Hill stated there has been a lot of discussion on the policy of the Town of Edgewood and the public may not understand the policy and the ordinances of the Town and this is not the place to discuss ordinances this is a question specific to annexation, if approved there will be a follow up on the zoning of the property. As to discussion on the application being denied previously and what has changed, he stated he had voted against it originally because this was outside of the direction of the Comprehensive Plan and since then it has been made clear in the Comprehensive Plan as priority annexation areas no longer makes sense. It was indicated two years ago the Comprehensive Plan would be reviewed, has not been done yet, it is unfair to hold the Town hostage, in getting a new Comprehensive Plan approved. There has been discussion previously to identify a priority annexation area. He further discussed the Town' intent to operate a police department, have a coherent infill annexation and boundaries. Councilor Ring stated his concern on where the road would be and not enough discussed tonight to believe it would happen, he is not opposed to the annexation and agrees with Councilor Hill, and also stated he would like to see more work on this application before going further such as the lot size and if applicant agrees to buffer and address surrounding property owners concerns. Councilor Simmons stated on the five acre lots, there is nothing to preclude them from requesting annexation and further division. Councilor Felton stated the Comprehensive Plan is a living document in progress, and year after year the Council has discussed infill annexation and if this is annexed tonight, those who border it will become motivated to be part of the Town except perhaps to the extent where they can vote to remove members of this governing body. Councilor Hill stated people need to understand tonight is for annexation, not subdivision approval which is a different process.

Ms. Mahalick stated one thing that has come to the Planning Commission previously is criticism in the clause in the subdivision that allows them the latitude to consider adjacent properties and the character of adjoining properties, is the Council stating they would like for this to be a matter of policy for the Planning Commission give this due consideration, should this come forward as a subdivision at some time or any other subdivision.

Councilor Hill stated he has strongly supported this.



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

Councilor Hill made a motion to zone this property to Residential-2. Councilor Simmons seconded the motion.

Councilor Felton asked Councilor Hill to reconsider his motion in light of the developers' willingness to develop portions maybe all of this at Residential-5 and consider granting R-5 tonight. Councilor Hill suggested asking the applicant if he is willing to consider this zoning. Mr. Cardenas stated they would need to do a feasibility study in order to make the determination. They would like to go ahead with the preliminary and could not make this decision tonight. Ms. Mahalick stated there has been dual zoning created before; a zoning proposal could be brought to the next meeting. Councilor Ring asked if the zoning could be tabled.

Councilor Simmons voted aye. Councilor Hill voted nay. Councilor Felton voted nay. Councilor Ring voted nay. The motion did not carry.

Councilor Hill stated for clarification, the property was annexed with no zoning; the applicant will need to come back.

F. Annexation/Zoning request for Romo, 40 acres located adjacent to the north side of Venus Road requesting to Residential-1.

Ms. Mahalick is still sworn in and continued an update on this application. Ms. Mahalick discussed the property location and the property next to it is 50% smaller, it cannot be assumed, the annexation will create a donut area, she would need to contact property owners to come in. The Planning & Zoning Commission has heard this applicant and denied the zoning request; staff cannot recommend for annexation.

Councilor Hill inquired on the development plan not available and referred to Ms. Mahalick's documentation. Council discussed locations surrounding this request and present zoning.

At this time Mr. Romo was sworn in.


Mr. Romo stated he would like to be a part of Edgewood zoning. He would accept one, five or ten acre lots.

No one was present to give testimony.

Councilor Simmons made a motion to accept the 40 acre annexation. Councilor Ring seconded the motion.

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

Councilor Simmons made a motion for Residential-2 zoning. Councilor Ring seconded the motion.


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Councilor Felton asked for rational of R-2 zoning. Councilor Ring stated the Town be cognizant on what is around it.

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

G. Call for Public Hearing to be held July 18, 2007 to adopt the Final Budget for 2007-08.

Councilor Hill made a motion to call for Public Hearing to adopt the Final Budget. Councilor Simmons seconded the motion.

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

8. MATTERS FROM THE MAYOR.

H. Town of Edgewood/N.M. Mounted Patrol Agreement.

Mr. Henderson stated an agreement has been sent and through e-mail the agreement was revised. Additional changes were made by the Council.

Councilor Simmons made a motion to accept the agreement for police services with the noted changes. Councilor Ring seconded the motion.

Councilor Ring stated the Town be satisfied in that all the officers be certified, including fire arms training. Mr. Henderson suggested a new sub-section and Council reviewed additional language and deletion of some of the proposed language was clarified. Mayor Calkins inquired on the cost to the Town. Councilor Felton stated approximately \$92,000 excluding supplies. This would include a minimum of 3 officers on a shift, with 6 hour shifts with approximately 100 miles. Ms. Mahalick asked if this would be on the Town's insurance policies, especially workman's comp, with no additional benefits of retirement, health insurance, sick, annual leave accrual. Payroll will not carry associated benefits but a payroll of contract service be carried to which Mr. Erwin stated similar.

Mr. Henderson will send a revised agreement by 5:00 P.M. Friday.


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

I. Santa Fe County – Fireworks.

Mayor Calkins stated there are no restrictions on fireworks from Santa Fe County or Bernalillo County this year.

J. Personnel Policy for hours by the Road Department.

Ms. Mahalick stated since the inception of the Town the crew presently does not take a lunch or break and they work from 8:00 to 3:30. Something is needed on record that Council is aware of and no problem with this behavior and accepts this as a matter of policy. Mayor Calkins stated they eat on the road. Councilor Ring inquired on the legality of this. Councilor Hill asked on the liability issue due to fatigue. Mr. Henderson stated now this is before the Council, they decide. Councilor Felton stated his understanding is after five hours a break is taken. Councilor asked Mr. Henderson to


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review requirements and clarification.

9. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

K. Veteran's Memorial.

Councilor Ring attended a conference by Lt. Governor Denish. The Cabinet Secretary presented information on affairs for the State of New Mexico. He was asked if he would like to address Veterans and having a physical memorial in which there is \$5000. Mayor Calkins stated Councilor Ring is appointed to a committee to follow this through.

Councilor Simmons presented a jaw bone to Mayor Calkins for his ability to move the meetings along and read a quote from the Mayor's office.

Councilor Hill addressed tonight's meeting and the important process of swearing in public. He felt flippant comments are unnecessary and to be cognizant of statements on how election process works. Councilor Felton responded there is a lot of displeasure and constituents have asked about petitioning for annexation in order to vote. He also stated if the Town is going to invest money in the Boundary Commission annexation, it should be successful.

10. MATTERS FROM THE ATTORNEY.

Mr. Henderson stated the final order from the PRC is before the Council and they have adopted the recommended decision. He suggested hiring someone to analyze New Mexico American Water expenses, a gentleman was hired by the City of Clovis and suggested him. Councilor Ring inquired on the rate, to which Mr. Henderson approximately \$200.00 per hour. Upon discussion Mr. Henderson will contact this person and return to the Council with an update.

A BREAK WAS TAKEN AT 9:03 P.M. AND THE MEETING RECONVENED AT 9:12 P.M.

11. FINANCE & ADMINISTRATION.

L. Joint Powers Agreement with the New Mexico State Police. (Hand-Out)

Ms. Mahalick stated the JPA is being worked on and she is awaiting comments to have both agreements agree with each other, both the JPA and the sub-lease referred next on the Agenda have been previously approved and need Mayor Calkins signature. These agreements will be completed soon.

M. Sub-lease Agreement with the New Mexico State Police. (Hand-Out)

N. Request for Proposals for Legal Services is being advertised.

Ms. Mahalick stated Council approved to move on this back in 2006 and was not done, it is now advertised with a deadline of July 2, 2007.

O. Request for Proposals for Financial Advisor.

Ms. Mahalick stated this was one of the findings through the audit and we are requesting approval to advertise for proposals.

Councilor Hill made a motion to allow advertising for financial advisor. Councilor



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Felton seconded the motion.

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

P. Approval to advertise for Animal Control Officer Position.

Ms. Mahalick stated she is requesting to advertise for this position. This was authorized in the July 1, 2007 budget, policies and procedures will be followed.

Councilor Hill made a motion to approve advertising for an Animal Control Officer position. Councilor Felton seconded the motion.

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

Updates.

Q. Request for Proposals on the Department of Public Safety Start-Up.

Ms. Mahalick stated no proposals were received. She stated this could be advertised again or contact agencies to set up or use Mounted Police as a guide. Mayor Calkins stated a note was received from the Chairman of the State Committee and they will not do anything and they did not want to interfere with the proposals received. Information will be submitted in approximately 10 days.

Correspondence.

None.

12. COMMUNITY PLANNING & DEVELOPMENT.

R. Mid-year Report.

Ms. Mahalick reviewed her report. Council requested a new residential verses commercial category, new construction and residential new construction category and a miscellaneous category on the next report.

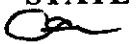
S. I.C.I.P. Review.

Ms. Mahalick stated the current I.C.I.P. list is before them. A public hearing will be held to adopt a new list. If Council wishes to rearrange any of the priorities, legislature normally looks at the first 3 priorities. She will attend training through MRCOG next week.

T. Request to amend the Zoning Ordinance – Theaters.

Ms. Mahalick requested the Planning Commission be allowed to investigate a new category in either the Commercial or C-2 category. These are not in the Zoning Ordinance because it is such a broad-based item. Theaters could mean any kind of theater, live performance or cinema. They would look at an in-door cinema theater and standards placed to differentiate it from an adult theater. Interest for a theater and where to locate has been expressed. Councilor Hill asked if there is a current ordinance regarding adult theaters to which Ms. Mahalick stated there is a division of the ordinance that delineates adult businesses. Council agreed to move forward on this.

13. STATE POLICE.


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None.

Mayor Calkins stated he spoke to the Sgt. Bruno and they plan to move into the Annex this Friday.

14. RESOLUTIONS.

U. Resolution No. 2007-22 Establishing a Holder of Record Agreement with the New Mexico State Police.

Ms. Mahalick stated this is a requirement to allow NCIC requests by the Court system.

Councilor Hill made a motion to approve Resolution No. 2007-22. Councilor Felton seconded the motion.

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

V. Resolution No. 2007-23 Budget Line Item Change.

Ms. Mahalick stated she is requesting authorization to move funds in order to purchase the temporary cages for Animal Control to be used at the Annex location.

Councilor Felton made a motion to approve Resolution No. 2007-23. Councilor Hill seconded the motion.

Councilor Felton amended his motion to include an additional \$10,000 be moved to ensure an enclosed structure for weather suitability not to exceed \$28,000 and Ms. Murphy include in her report in July more on weather suitability of the shelters. Councilor Ring seconded the motion.

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

15. MS. MYRA PANCRAZIO, EVEDA.

This item was deleted.

16. CALENDAR REVIEW AND FUTURE AGENDA ITEMS.

Regular Council Meeting – July 11, 2007 and July 18, 2007.

Town Hall Offices will be closed Wednesday, July 4, 2007 in observance of 4th of July holiday.

Councilor Felton asked the Chamber of Commerce bring a report for the first quarter. Ms. Lori Self was present and stated they will be on the Agenda for July.

The Council discussed their packet information. It was decided the packet information will be available by 5:30 p.m. on Friday prior to a Council Meeting as per the preliminary Agenda. Additional information will be as a hand-out during the Council Meeting. The Council discussed digital systems for the future. A portion of the Council packet will be e-mailed.

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

None.



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18. **CLOSED SESSION.**
None.

19. **ADJOURN.**

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

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

Mayor Calkins adjourned the Meeting at 9:35 P.M.

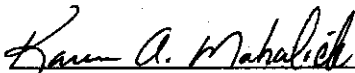
**P.S. Mayor's Quote for this Meeting:
Flexible people never get bent out of shape!**

APPROVED AND ADOPTED this 11TH day of JULY, 2007.



Honorable Charles Ring, Mayor Pro-Tem

ATTEST:



Karen A. Mahalick, Acting Administrator