

SFC CLERK RECORDED 11/13/2007

PROPOSED ORDINANCE NO. 2007-19

AN ORDINANCE PROVIDING FOR AMENDMENT FOR TERRITORY ANNEXATION AREA LOCATED WEST OF HIGHWAY 344, AND NORTH OF PINTO ROAD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD NEW MEXICO.

WHEREAS:

A petition asking for annexation has been filed with legal descriptions. Exhibit A map

WHEREAS:

After notice and Public Hearing according to law, the governing Body of the Town of Edgewood wishes to annex 14.132 acres upon the conditions hereinafter set forth:

NOW THEREFORE:

The Governing Body of the Town of Edgewood does hereby grant said annexation with the following conditions:

- 1. Property to be zoned Residential R-1.
- 2. The property being annexed will be in compliance with the Town's current Planning & Zoning Ordinance and 2000 Comprehensive Master Plan.

The zone map of the Town of Edgewood shall be amended accordingly and a copy of this Ordinance amending the zone map of the Town of Edgewood shall be recorded in the office of the County Clerk of Santa Fe County, New Mexico,

BE IT RESOLVED BY THE TOWN OF EDGEWOOD GOVERNING BODY:

PASSED, APPROVED, AND ADOPTED Ordinance No. 2007-19 on this 17th day of October, 2007

Howard Calkins
Howard Calkins, Mayor



ATTEST:

Jeff Condrey
Jeff Condrey, Administrator-Clerk



EDGEWOOD ORDINANCE
PAGES: 3

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 13TH Day Of November, A.D., 2007 at 13:17 And Was Duly Recorded as Instrument # **1506067** Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 12/13/2007



PETITION FOR ANNEXATION

PETITIONERS: SPC Properties LLC TELEPHONE: 732-672-9705
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: 8 Round Valley Rd.
Lebanon, VT 05833

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
SEE ATTACHED WARRANT DEED

TOTAL ACREAGE OF PROPERTY: 9.52 ACRES

REQUESTED ZONING DESIGNATION FOR PROPERTY: COMMERCIAL R-1 RESIDENTIAL
(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 9.52 acres of territory contiguous to its current 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]
Signature

Stephen Colletti, Principle owner
Print Name Date

Signature

Print Name Date

Owner(s) of approximately 9.52 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. Rump. 1987) the Town Clerk approves the form of this Petition.



[Signature]
Town of Edgewood, New Mexico

10/29/07
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.

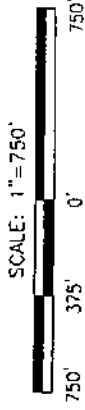
Exhibit A

UPC # 1-039-057-450-313
 520-283
 533-282
 484.280
 469-280

COPYRIGHT
 ALL RIGHTS RESERVED
 ODEN-MILLER & ASSOCIATES



AREAS to be Annexed.



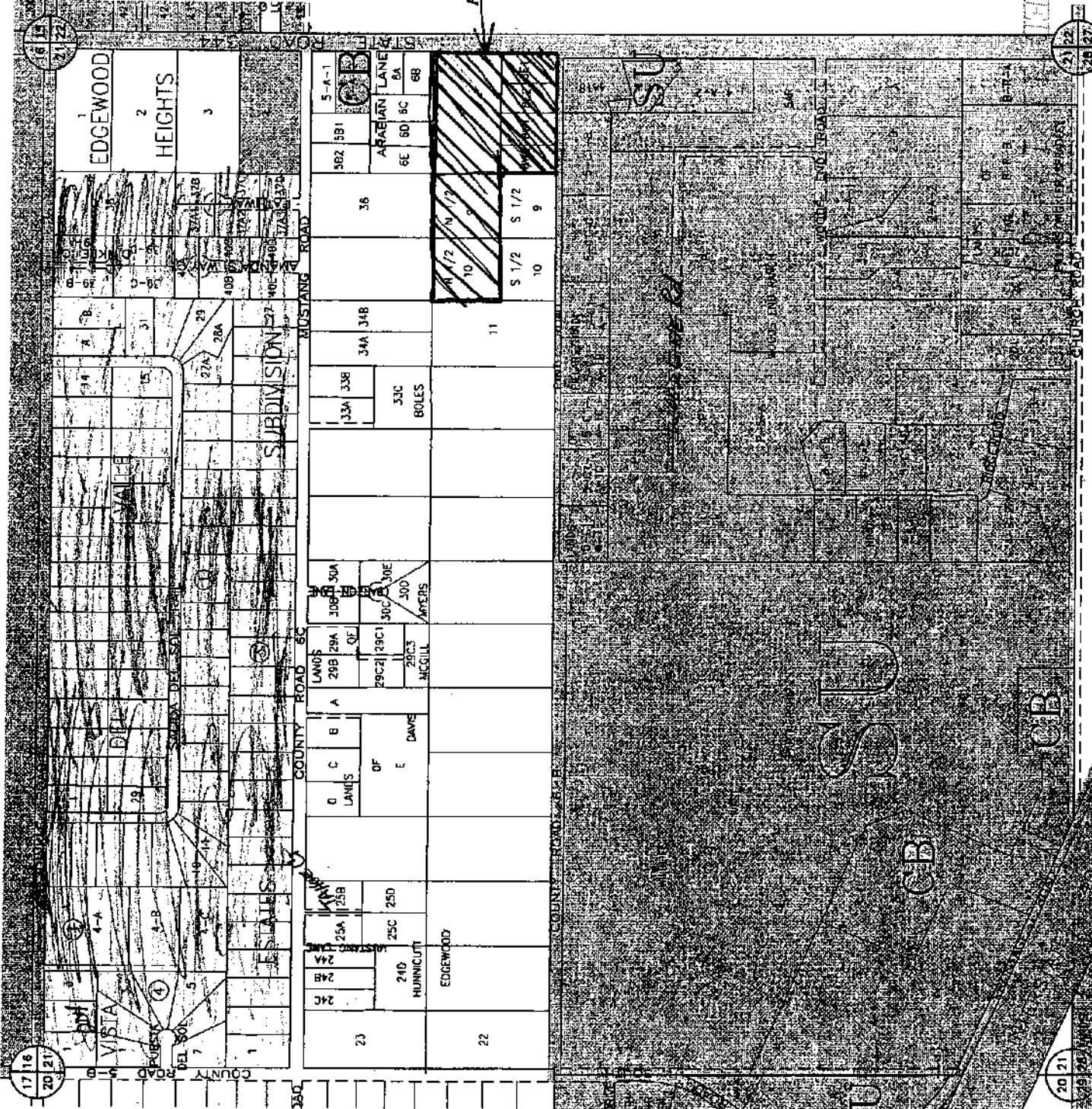
LEGAL DESCRIPTION
 T 10 N
 R 7 E
 SEC 21

UNIFORM PROPERTY CODE
 1039057

MAP AMENDED THROUGH
 JANUARY 1, 2002

K 39

SPPC
 COUNTY RECORDS
 1039057



Return to First American Title Insurance Company.
File No. 677888-AB09 KSG

WARRANTY DEED

Ronald Gene Tinsley, a single person and Shirley Jo Farnham, a single person as tenants in common, for consideration paid, grant(s) to SPC Properties, LLC, a New Mexico Limited Liability Company whose address is 8 Round Valley Road, Lebanon, NJ 08833-5023, the following described real estate in Santa Fe County, New Mexico:

The N1/2 S1/2 SE1/4 NE1/4 of Section 21, Township 10 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico.

More particularly described on attached Exhibit "A".

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2006 and subsequent years.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this 27th day of October, 2005.

Ronald Gene Tinsley
Ronald Gene Tinsley

Shirley Jo Farnham
Shirley Jo Farnham

Individual Capacity

State of Washington)

) &

County of King)

This instrument was acknowledged before me on the 27th day of October, 2005, by Ronald Gene Tinsley and Shirley Jo Farnham.

Renee E. Delany
Notary Public

My commission expires: 2/29/08



2005 OCT 27 11:00 AM RECEIVED

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – OCTOBER 17, 2007 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER (27 E. Frontage Road)
(Please Silence All Electronic Devices)

1. CALL TO ORDER.

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

Also present were Mr. Jeff Condrey, Administrator Clerk-Treasurer and Ms. Karen Mahalick, Manager, Community Planning & Development.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

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

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

4. APPROVAL OF PREVIOUS MINUTES.

A. Regular Council Meeting Minutes of October 3, 2007.

Councilor Simmons made a motion to approve the Minutes of October 3, 2007 as presented. Councilor Felton seconded the motion.

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

5. CONSENT AGENDA.

B. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of October 9, 2007.

C. Acknowledgement of the Parks & Recreation Report for the month of September, 2007.

D. Acknowledgement of the Animal Control Report for the month of September, 2007.

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

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

6. MATTERS FROM THE MUNICIPAL JUDGE.

E. Judge White will present his report for the month of September, 2007.

Report was reviewed with a future change to the report to reflect year to date fees.

Judge White inquired on the status of the letter of appreciation that was sent to Judge Holt and was informed the letter was mailed. He discussed the Town having an on-call


Initials

standing temporary Judge, and has followed through with the New Mexico Municipal League on details and information for future need of a temporary Judge.

Judge White discussed the issue of transporting prisoners and an incident of a defendant being transported from Bernalillo County jail to his court. They are transported by the local police and with the Town not having its own Police Department, the State Police Lt. has indicated they do not transport. Mayor Calkins will look into this matter.

Judge White discussed the Court Security Plan and will add this to the Town's Emergency Response Plan. He will bring a draft to Administration at a later date.

7. PUBLIC HEARINGS.

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

Noted: This item was posted as required.

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.

Certification of no conflict of interest or ex-parte:

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

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

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

F. Annexation of 7.1067 acres adjacent to the municipal boundary on the north side of Prairie Moon Trail, requesting Residential R-1 Zoning.

Ms. Mahalick was sworn in at this time. She stated the initial petition is for 5 acres and assuming the 2.1067 acres. The surrounding properties are residential and are consistent with the infill of the Comprehensive Plan. No opposition was received for the annexation request. The Town will assume the maintenance of the road. The Zoning Commission recommends the requested zoning.

Councilor Simmons made a motion to accept for annexation the 7.1067 acres on the north side of Prairie Moon Trail with Residential R-1 zoning. Councilor Hill seconded the motion.

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

G. Annexation of 14.132 acres adjacent to the Municipal boundary on Highway 344 north of Pinto Road; requesting Residential R-1 zoning.

Ms. Mahalick stated the petition is for 10 acres with the assumption of 4.132 acres. She also received a request this evening for additional property to be included with this annexation. This request will need to be advertised at a later date. This annexation is infill, the Planning & Zoning recommends Residential Zoning. No protests were received on this annexation.


Initials

Councilor Ring made a motion to approve the annexation request with discussion. Councilor Simmons seconded the motion.

Ms. Colleen Haskell was sworn in at this time. She stated she is a property owner of the area being assumed and inquired as to why she is being annexed. Ms. Mahalick stated 49% can be assumed with the 10 acre request; it is infill the Town has been working on as a matter of policy. Ms. Haskell stated she will lose her Santa Fe County transfer station privileges as a resident and does not see any gain being annexed. Mayor Calkins has spoken to Commissioner Mike Anaya on this issue. Councilor Felton explained his experience with the transfer station and his arrangement. Ms. Mahalick stated Santa Fe County will be opening their satellite office by the end of this month and more information may be available.

Councilor Ring made a motion to accept the annexation with the R-1 Zoning. Councilor Simmons seconded the motion.

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

H. Request to amend the Town of Edgewood Zone Map.

Ms. Mahalick stated this request will amend the Zone Map with the two annexations approved above.

Councilor Hill made a motion to amend the Town of Edgewood Zone Map to indicate the approved annexations. Councilor Felton seconded the motion.

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

8. MATTERS FROM THE MAYOR.

I. Confirmation of Mr. Wayne Schober as Town of Edgewood Code Compliance Officer.

Mayor Calkins stated interviews were held and Mr. Schober was selected. Mr. Schober was introduced and informed the Council of his past experience.

Councilor Hill made a motion to approve Mr. Schober as Code Compliance Officer. Councilor Simmons seconded the motion.

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

Mayor Calkins had Mr. Roger Holden, Director, Parks and Recreation update on the upcoming Walk 3 Miles, Save a Life, Save a Pet to be held on Saturday, October 27th. On November 9th the Albuquerque Astronomical Society will be here for the Star Gazing Party. Mayor Calkins reminded everyone of the Silent Auction for the October 27th event being held.

9. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Felton: Council work session regarding levying property tax.


Initials

Councilor Felton stated Mr. Cassidy could not make this meeting tonight and a special workshop will be held later. He discussed the Town's L.C.I.P. and the total cost of the six items listed, going to the Legislature and the cost to the Town. Ms. Mahalick stated the details are in the additional pages attached. He stated the Town needs to look at total costs to include roads and estimates of gross receipts tax and the Town's value. Councilor Ring said looking into past history of Wal-Mart gross receipts tax from other municipalities may be very informative, looking at property tax and anything else that may help the Town. Councilor Felton requested information on property tax from other municipalities. Councilor Simmons asked on height restriction for hotels.

Councilor Ring: 70' Steel bridge acquisition-Houston Construction.

Councilor Ring stated a bridge is available to the Town that was formally a highway bridge and could be used for vehicular or foot traffic. Pictures will be brought to the next Council meeting.

Councilor Hill commented on the Santa Fe transfer station issue brought up earlier and asked if Mr. Rael could send a letter to them on behalf of the Town.

MATTERS FROM THE ATTORNEY.

Mr. Rael was not present.

11. MATTERS FROM THE ADMINISTRATOR.

J. Presentation from Tierra West, LLC – (Mr. Ron Bohannan)
concerning Wal-Mart treatment plant.

Mr. Bohannan discussed with the Council dedicating the treatment plant to the Town and Mayor Calkins stated when the sewer line comes in front of Wal-Mart the building will connect. The plant is portable for use at another location. The current permit from the Environment Department is for this site and would need to be modified along with the leach field. The Council reviewed the letter submitted by Mr. Bohannan.

Councilor Ring made a motion to move forward with an agreement, with a plan be in place to use the excess effluent. Ms. Mahalick stated this would need to be treated but this can be addressed. Councilor Ring withdrew his motion at this time.

AT THIS TIME PUBLIC COMMENTS WERE HEARD.

Ms. Janelle Turner discussed the property tax issue and stated the time has come to impose this tax as the Town needs a stable tax base. The Town goes to the Legislature each year for funding and at this point the Town should not rely on what Wal-Mart may or may not bring in gross receipts tax, or use the information from locations about the Wal-Mart tax received. She stated the Town is too ambitious for its means and the community needs to determine the future, and needs to look at a mix of revenue stream and not rely only on one store.

Councilor Ring made a motion to move forward to finalize any agreement necessary to accept this proposition.

Mayor Calkins stated he felt a motion is not needed but an agreement to move forward on this as everyone agrees this needs to be looked into.


Initials

Councilor Felton agreed with Councilor Ring and stated there is merit with details to be worked out on this proposition. There are questions, the fact that NMED supports and speaks favorably, who is the person and why nothing is in written form, possibly have an independent engineer look at this plan, as currently there is no plan and there will be return lines with future evaporating of water at the treatment plant. Councilor Felton felt this proposal is premature to accept until the Town has a plan. Mayor Calkins stated there is a plan on the return lines in the present system.

Mr. Condrey stated the direction was not to approve the acquisition of this but to enter into negotiations and to answer questions that remain. The final agreement would need to come to Council for final approval.

Councilor Felton stated his concern on too much negotiation taking place behind closed doors and this needs to be more public. This discussion started prior to June 29, 2007, he expressed his concern of going into negotiations and later an agreement is presented for approval or disapproval with no further input.

Councilor Hill seconded the motion.

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

FINANCE AND ADMINISTRATION.

K. Approval of Town Bills for the month of September, 2007.

Councilor Simmons made a motion for approval of the Town Bills for the month of September, 2007. Councilor Hill seconded the motion.

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

L. Approval of Financial Report for the month of September, 2007.

Councilor Ring and Councilor Felton have requested a report on the balance for the Public Safety tax; Mr. Condrey will prepare for the next Agenda and forward the information in advance as well.

Councilor Hill made a motion to approve the Financial Report as presented. Councilor Felton seconded the motion.

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

COMMUNITY PLANNING & DEVELOPMENT.

M. Request to participate in Merchant Services with Visa/MasterCard.

Ms. Mahalick stated departments in the office requested participation in the ability to use debit with Visa or MasterCard. The cost information has not been received from the bank company. At a minimum there is a 3% cost of the charge. Ms. Mahalick asked this item be tabled for additional information and costs.

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


Initials

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

N. Request for Change Order on the Wastewater Collection Line Design.

Ms. Mahalick explained due to the Smith's future expansion the easements for this area go from Smith's east and will cover the east end of the Town. Due to expansion Smith's cannot grant the easement to the Town, the engineer has drawn up a proposal with the re-design at a cost of approximately \$55,000 for the change order. If the change order is not approved, the east side of Town will be omitted from the project at this time. The Council discussed the proposed alignment.

Councilor Felton made a motion to accept the change order to reroute the sewer line on the south side of Old 66. Councilor Simmons seconded the motion.

Councilor Hill asked to move forward on the development fees proposal. Ms. Mahalick stated the final draft has just been received.

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

O. Request for Vicki Schober to remain on the Planning Commission as per Personnel Ordinance requirement for Council waiver.

Councilor Hill disclosed he currently has a pending action before the Planning & Zoning Commission and recused himself from discussion and voting on this matter.

Ms. Mahalick reviewed the Town's nepotism clause from the Personnel Ordinance and stated upon hiring Mr. Wayne Schober tonight, she asked the Council to waive the nepotism and allow Ms. Schober to participate and remain on the Zoning Commission.

Councilor Simmons made to approve the request as stated. Councilor Ring seconded the motion.

Councilor Felton asked if there was risk in appearance to the public of having both serving in a capacity of enforcing the Zoning Ordinance. Ms. Mahalick stated the Ordinance allows for discussion and approval and ultimately Code Enforcement will be under the Department of Public Safety.

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

12. RESOLUTIONS.

None.

13. EDUCATION COMMITTEE PRESENTATION - Mr. Tim Fleming. (Hand-Out)

Mr. Fleming stated the committee was established approximately one year ago to gather information on the feasibility for a community college campus here. In 2004 Representative McCoy discussed this possibility. Edgewood is situated to accommodate the end of the mountain area and to the east to include Moriarty and Estancia. A survey indicated the interest, the type of class, percentage of possible attendance. Facilities are the obstacle and some classes are being held at Moriarty High School. Funding sources


Initials

need to be identified, a location for a campus, broadband access is not available in the Town. The Central New Mexico Community Collage (CNM) President would come before the Council with information their program. Mr. Fleming asked if Council could apply for Legislative funding to do a feasibility study which would produce a report with information to colleges and universities interested in locating a satellite campus in Edgewood. This committee recognizes the need for education for children and adults and asks the Council to continue promoting business development.

Councilor Ring suggested getting the School Board involved and the Town's involvement, get CNM scheduled before Council bringing information of the program, the square footage of the facility needed to start as there may be a location available that has a short term lease. He also commented on Legislative funds and if no funding is available possibly use some Wal-Mart taxes for this.

Councilor Simmons commented on contracts with teachers. Councilor Hill asked about the survey and the interest of classes. He commented on the arts and sciences classes and technology. Councilor Felton agreed on the need for education locally and having this available in this area. Councilor Hill complimented the committee on the work done. Councilor Simmons asked for percentages on the surveys sent out. Councilor Ring spoke with Qwest on the broadband issue, not everyone will be serviced with this but it is coming here in the near future.

14. STATE POLICE REPORT – Sgt. Florian Chavez.

Sgt. Chavez stated they were done with the Balloon Fiesta and the Tag your Tots Program and they will be participating with the Walk-a-Thon coming up.

Councilor Hill requested on behalf of Sgt. Chavez his report be moved earlier on the Agenda. All agreed to placing after Judge White's report.

15. ANNOUNCEMENTS, CALENDAR REVIEW AND FUTURE AGENDA ITEMS.

Regular Council Meeting – November 7, 2007.

Regular Council Meeting – November 21, 2007.

Infrastructure Finance Conference October 23-25, 2007

Joint meeting with Moriarty-Edgewood School District tentatively scheduled for November 27th, 2007.

The Town Hall Offices will be closed on Monday, November 12, 2007 in observance of Veteran's Day.

The Town Hall Offices will be closed on Thursday, November 22, 2007 in observance of Thanksgiving Day Holiday. The office will also be closed on Friday, November 23, 2007 in observance of President's Day.

Councilor Hill stated the Moriarty School Board will meet on Tuesday to discuss their Bond proposal, and property taxes.

Councilor Felton asked a meeting concerning Taxation be scheduled. A Work Session for October 24, 2007 at 6:00 P.M. was scheduled.

The November 21st Regular Council Meeting was cancelled.


Initials

Councilor Hill made a motion to cancel the November 21, 2007 Regular Council Meeting. Councilor Ring seconded the motion.

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

16. CLOSED SESSION: As per motion and roll call vote, pursuant to N.M.S.A. 1978, 10-15-1(H)(8), the following will be discussed in Closed Session.

a. Property Acquisition.

Councilor Hill made a motion to go into Closed Session to discuss property acquisition. Councilor Felton seconded the motion.

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

Councilor Hill made a motion to come out of Closed Session and reconvene the meeting. Councilor Felton seconded the motion.

Councilor Felton made a motion to direct the Town Attorney to draft letters needed and to work with Ms. Mahalick on this matter. Councilor Simmons seconded the motion.

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

17. ADJOURN.

Councilor Simmons made a motion to adjourn the meeting. Councilor Felton seconded the motion.

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

Mayor Calkins adjourned the meeting at 8:41 P.M.

Mayor's Quote for this Meeting:

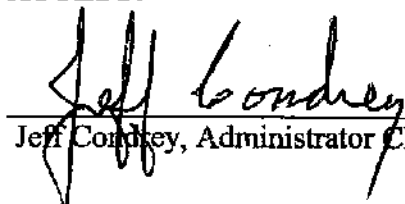
Leadership must be demonstrated, not announced.

Fran Tarkenton – Football Player

APPROVED, AND ADOPTED this 7th day of NOVEMBER, 2007.


Honorable Howard Calkins, Mayor

ATTEST:


Jeff Condit, Administrator Clerk-Treasurer