

**PROPOSED ORDINANCE NO. 2007-20**

**AN ORDINANCE PROVIDING FOR AMENDMENT FOR TERRITORY ANNEXATION AREA LOCATED EAST OF HIGHWAY 344, AND NORTH OF PRAIRIE MOON TRAIL**

**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 7.1067 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. 2007-20 on this 17th day of October, 2007

*Howard Calkins*  
**Howard Calkins, Mayor**



**ATTEST:**

*Jeff Condrey*  
**Jeff Condrey, Administrator-Clerk**

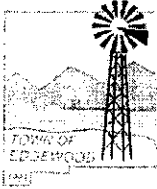
EDGEWOOD ORDINANCE  
PAGES: 3

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 # 1506066 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 11/13/2007  
SFC CLERK RECORDED 11/13/2007



PETITION FOR ANNEXATION

PETITIONER(S): Richard Greene & Wanda Varner TELEPHONE: 505-286-9297  
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: 32 Kiva Ct.  
Sandia Park, NM 87047

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)  
Lot 45, Edgewood Heights, Range 7E, Township 10N, Section 22, Santa Fe County, NM

TOTAL ACREAGE OF PROPERTY: 5 (+-)

REQUESTED ZONING DESIGNATION FOR PROPERTY: R1  
(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.

SEC CLERK RECORDED 11/13/2007

Pursuant to NMSA 1978, §3-7-17 the undersigned petitioners request that the Town of Edgewood, by ordinance, grant this petition and annex approximately 5 acres of territory contiguous to its current South & North 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>[Signature]</u>	<u>Richard Greene</u>	<u>8/26/07</u>
Signature	Print Name	Date
<u>[Signature]</u>	<u>Wanda Varner</u>	<u>8/26/07</u>
Signature	Print Name	Date

Owner(s) of approximately 5 acres in the area proposed for annexation.

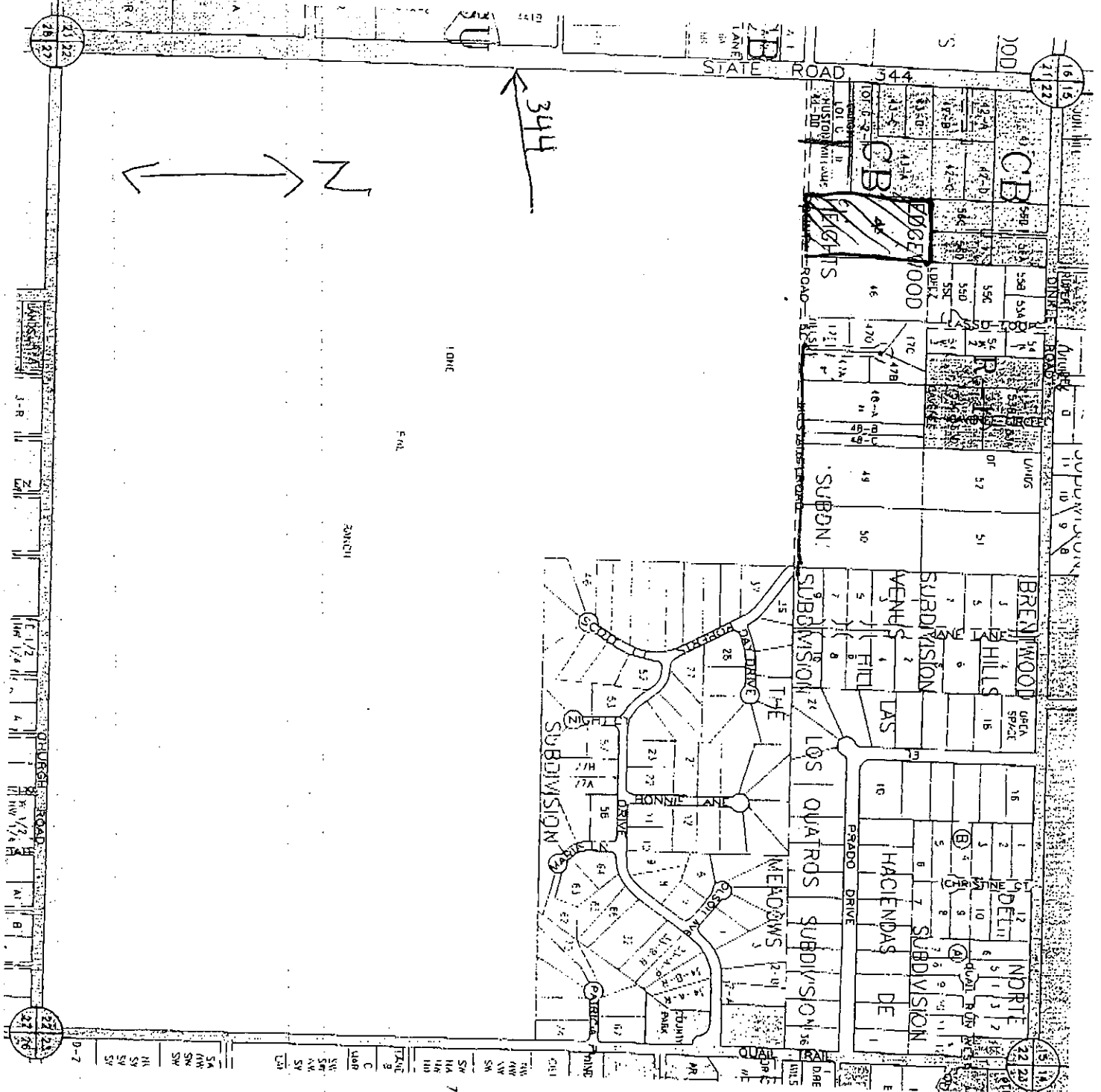
Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

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

[Signature] 10/29/07  
 Clerk/Treasurer Dated  
 Town of Edgewood, New Mexico

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.

SPEC CLERK RECORD EXHIBIT A 2007



WRC = 1-040-057-  
 040-405  
 057-405  
 058-421

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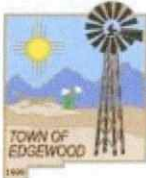


LOCAL DESCRIPTION	T 10 A
	R 7 E
	SLC 22

UNIFORM PROPERTY CODE  
 1040057

MAP AMENDED THROUGH  
 JANUARY 1, 2002

K 40



## 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

September 29, 2007

Dear Landowner,

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

Request for annexation of 5.0 acres of land located in the Edgewood Heights Subdivision, lot 45, in Section 22, T10N R 7E adjacent to the southern boundary of Prairie Moon Trail east of Highway 344; also assuming 2.1067 acres of property adjoining this request. Requested zoning Residential one acre

The public hearing will be held on Wednesday October 17, 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**  
*Clerk- Administrator*

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

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

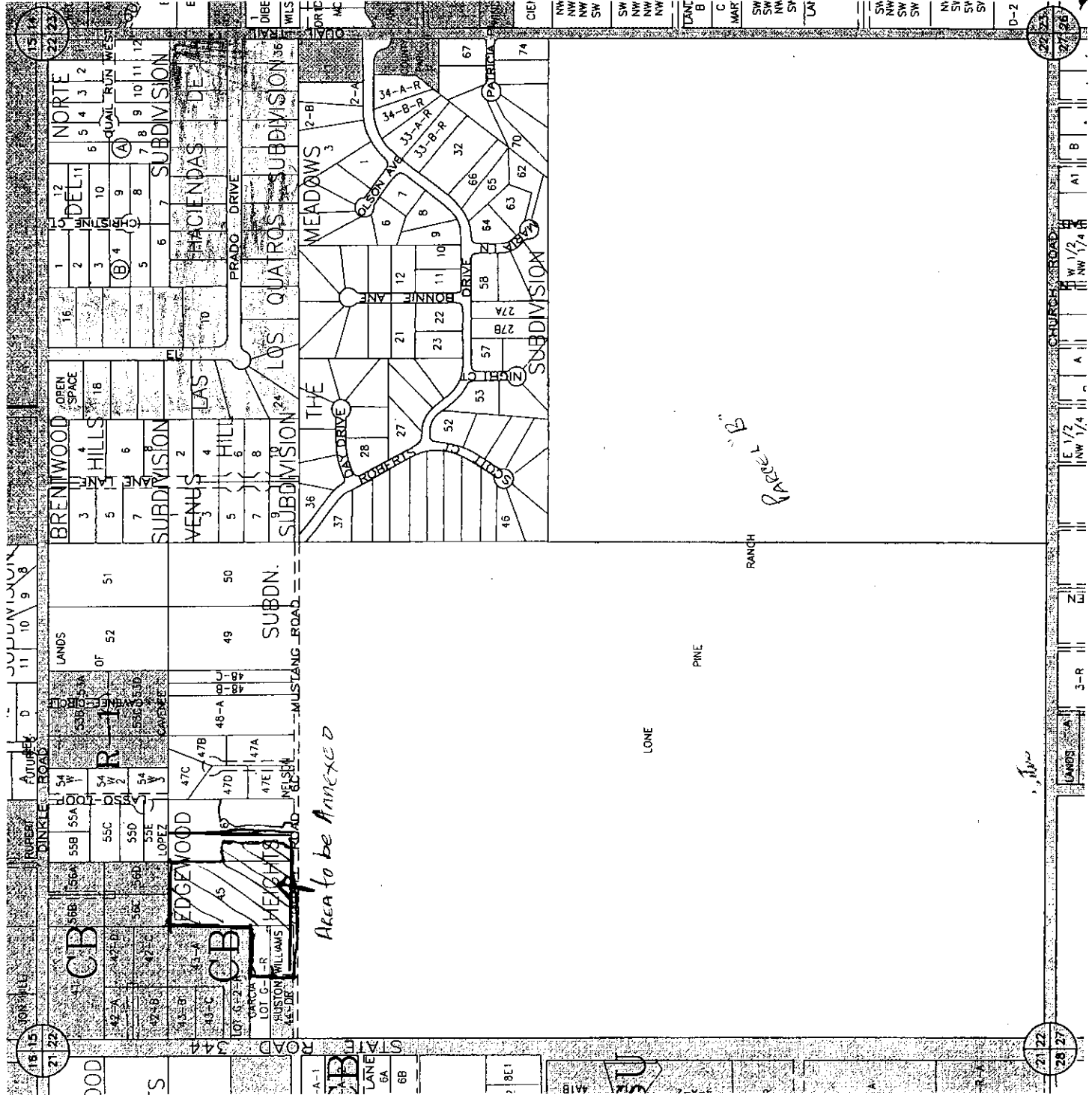
# Exhibit A

1-040-057-088-421  
 057-405-1.040  
 115-405-1.067

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SCALE: 1"=750'



LEGAL DESCRIPTION  
 T 10 N  
 R 7 E  
 SEC 22

UNIFORM PROPERTY CODE  
 1040057

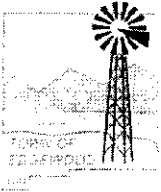
MAP AMENDED THROUGH  
 JANUARY 1, 2002

K 40

*Area to be Annexed*

*Parcel B*

*Area*



PETITION FOR ANNEXATION

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TOTAL ACREAGE OF PROPERTY: 5 (+-)

REQUESTED ZONING DESIGNATION FOR PROPERTY: R1

(Please note that the final zoning designation by City Council may differ from the requested designation.)

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Signatures and names of Richard Greene and Wanda Varner, dated 8/26/07.

Owner(s) of approximately 5 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.

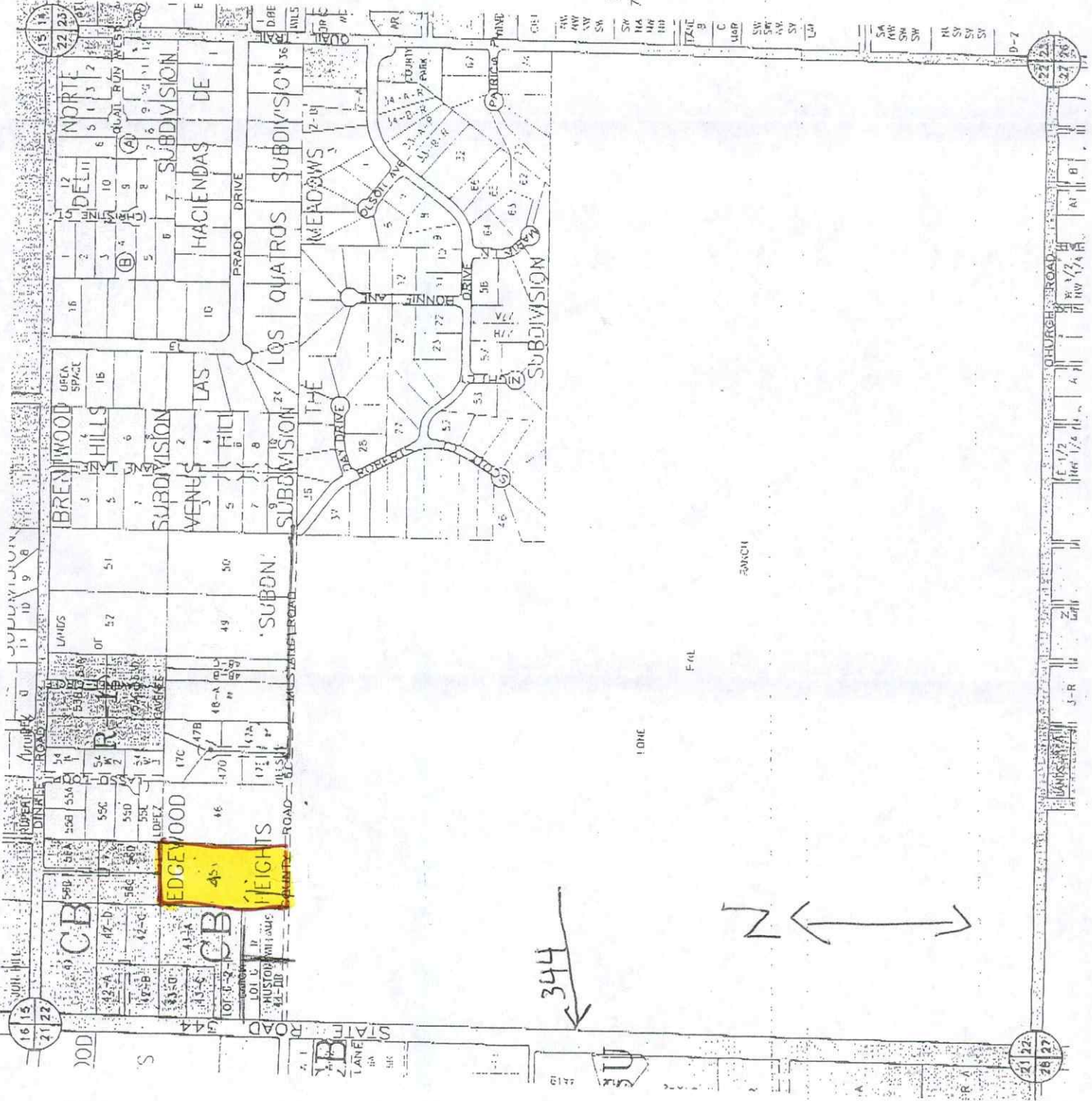
Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

Clerk/Treasurer and Dated fields for Town of Edgewood, New Mexico.

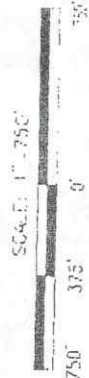
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EXHIBIT "A"

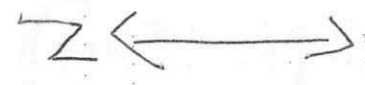


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LEGAL DESCRIPTION	T 10 N R 7 E SEC 22
UNIFORM PROPERTY CODE	1040057
MAP AMENDED THROUGH	JANUARY 1, 2002
K 40	

344

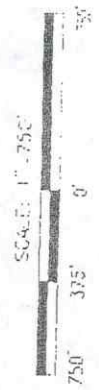
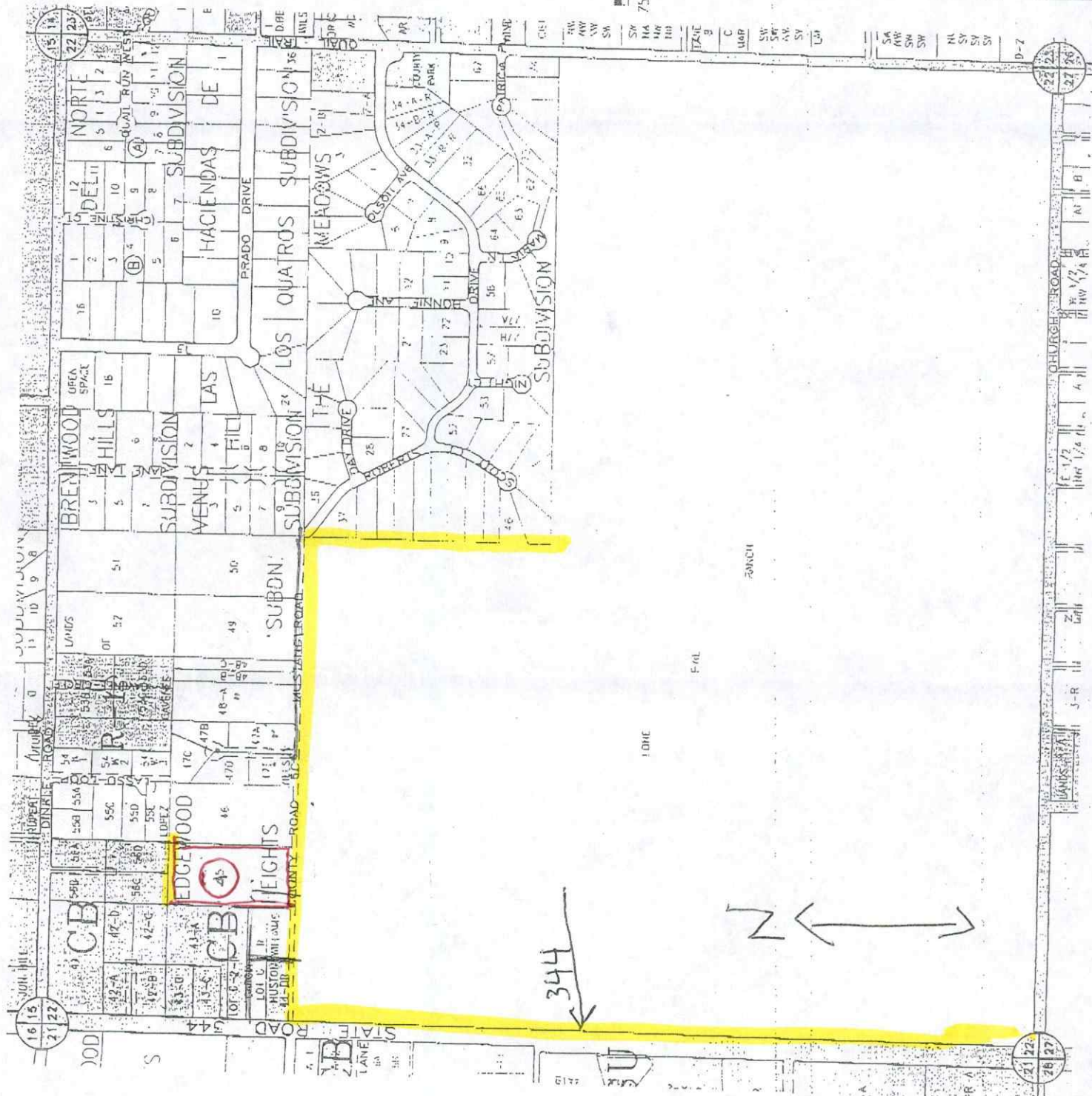


21 22  
26 27

21 22  
26 27

Exhibit "A"

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LEGAL DESCRIPTION	7 10 A R 7 E SEC 22
UNIFORM PROPERTY CODE	1040057
MAP AMENDED THROUGH	JANUARY 1, 2002
K 40	



Planning & Zoning Commission  
6:00 pm. October 15, 2007  
Edgewood Community Center-27 East Frontage  
Minutes

- 1. Call to order:** The meeting was called to order at 6:00 pm, Commissioners Chemistruck, Fulwiler, Schober, Vogel and Wilhite were present. Commissioner Rea was absent.
- 2. Approve agenda:** Commissioner Chemistruck moved to approve the minutes; the motion was seconded and passed unanimously.
- 3. Approve minutes of 10/01/07 and 10/09/07:** Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.

**PUBLIC HEARING-QUASI JUDICIAL PROCEDURE**

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

Staff so affirmed

Statement of Proceedings was read into the record and Commissioners affirmed there were no conflicts of interest/ex parte contacts.

**4. Continuation of Final plat, phase 1 of Pueblo Artesanos 70.53 acres off of the eastern side of Horton road and north of Hill Ranch road. Zoned R-1 residential.**

The Town's attorney Marcus Rael has issued an opinion that Rory road is public and the cul-de-sac at the end should be removed as per plat. Concern was expressed about the by-laws needing clarification on manufactured vs. modular or stick built verbiage. The highway department has requested a TIA be completed and filed as per NMDOT requirements. Ms. Conger of #2 Rory road requested to know when improvements would be complete on Rory Rd and requested the commissioners do a site visit to Rory road prior to any action being taken. Ms. Conger also requested a buffer be established between the eight lots previously established and the new subdivision.

Judy Wright stated that Mr. Ulrich had illegally buried construction debris at the end of Rory Road.

Kathy Russell of lot 3-c requested a copy of the attorney's opinion of the safety of the transition of the end of the equestrian trail next to the 4<sup>th</sup> lot east of Horton on Rory road. Ms. Russell also stated she had her property surveyed lately and there are issues with the placement of the survey monuments.

Marsh McDeal of 37 Moonlight Meadow expressed concern about the potential traffic. The engineer's representative stated the water lines were 8" in the center of Rory road that Rory would be improved with the initial installation of infrastructure, and would be maintained throughout construction. Signage would be placed indicating "end of trail", and the monument locations for surveying would be confirmed.

Staff requested a grading & drainage plan be submitted as per the subdivision ordinance for the mailbox location.

Commissioner Schober moved to table until the buffer issue was resolved, a Traffic Impact Analysis was submitted as per NMDOT requirements, and signage placement addressed. The motion failed for lack of a second.

Commissioner Schober moved to go into closed session to discuss findings, Commissioner Wilhite seconded the motion. Commissioner Wilhite, Chemistruck, Fulwiler, Vogel and Schober voted affirmatively to go into closed session.

The Commission went into closed session at 7:03pm to discuss findings for their motion.

Commissioner Chemistruck moved to go back into public hearing at 7:15pm, the motion was seconded and Commissioner Wilhite, Chemistruck, Fulwiler, Vogel and Schober voted affirmatively to go back into public hearing.

Commissioner Wilhite moved to approve phase 1 final plat of Pueblo Artesanos finding that all ordinances were complied with conditioned upon the clarification of the bylaw description of manufactured vs. modular vs. stick built; the traffic impact analysis submittal; the improvement of Rory road with the installation of the infrastructure and the maintenance of Rory road throughout construction; the submittal of the mailbox cluster grading & drainage; signage installation for the end of trail; and verification of the survey monument locations. The motion was seconded and Commissioner Chemistruck asked for a friendly amendment to specify that Rory road be brought up the subdivision standards. The amendment was accepted and the motion passed unanimously.

**6. Continuation of request for zoning change, Residential and Services along Highway 344 and Isham Road.**

Commissioners were presented with the restrictions for conceptual covenants for the Chesterfield Acres, LLC and a site map for the layout. The layout of the requested Residential & Services area was designed to be adjacent to the proposed future Church High School so as to minimize the impact of the High School to housing areas. Isham road will be vacated in the subdivision area and the concept calls for a single access point off Highway 344, the intent of the concept is to create a live work community. Angus Campbell asked about the character of the Residential and Services units and whether home based business would be allowed. It was explained that it was the intent of the zone district to allow a mix of commercial within an area of residences. The applicant explained that part of financing the residential was the creation of the Residential and Services area. Concern was expressed about granting the ability to create nine acres of commercial, and the precedent this sets for the town.

Commissioner Wilhite moved to grant the zoning request for 9 acres with the restrictions proposed in the covenants; the motion was seconded. Commissioner Schober asked whether the commissioners had considered whether the request was consistent with the Comprehensive Plan, whether the uses were compatible with the surrounding properties, what the environmental affects might be, could the commission be assured that the traffic impacts would be mitigated and whether the state would permit the entrance.

Commissioner Wilhite voted aye, Chemistruck voted aye, Commissioner Fulwiler voted nay, Commissioner Vogel voted nay, Commissioner Schober abstained. The motion failed.

The commission was asked what information they would like to see for a resubmittal and they requested more information on the traffic mitigation, more detail on the compatibility of uses with neighboring property? Commissioners requested a plan for the Residential and Services area rather than granting the requesting and seeing an excess of 3000 square foot retail stores due to the lack of a plan.

**7. Conditional use permit 11 Hillside Drive, request for grooming facilities for Maggie Sandoval.**

Staff reported that Ms. Sandoval was required to file for a conditional use permit as per section 29 D of the zoning ordinance, even though she has had a business previously. Ms. Sandoval's property has been inspected by the Animal Control Officer and complied with all necessary requirements. Staff recommended approval of the conditional use permit with the condition that an inspection be completed annually. Staff had received positive input from neighbors and Mr. Errol Stepp testified that he has never had an issue with Ms. Sandoval's animals.

Commissioner Wilhite moved to approve the conditional use permit conditioned upon passing the annual site inspection by the Animal Control Department; the motion was seconded and passed unanimously.

**8. Continuation of request for preliminary plat for Hilltop Estates located off of Wildwood Drive north of West Frontage Road.** Advanced Engineering presented the revised plat for Hilltop stating that the neighbors had worked closely with Mr. Kirk on requirements for the drainage issues. Neighboring property owners Steve Alejandro and Ignacio Garcia testified they were confident that Mr. Kirk had met their concerns. Staff asked that their future submittal include a grading and drainage for the mailbox cluster location. Art Cravens testified that Mr. Kirk had failed to complete work on a house on 234 Dinkle Road and had not honored his word in completion of that property. Cyd Masters testified that the Home Owners Association had sent Mr. Kirk a certified letter requesting compliance with the subdivision covenants filed for Vista Del Valle subdivision. Staff pointed out that this development was not on the agenda but that staff could certainly consider the merits of any submittals given Mr. Kirk's failure to honor their covenants and verbal agreements. Commissioner Wilhite move to approve the extension of the preliminary plat for Hilltop Estates, the motion was seconded and approved unanimously.

**9. Final plat for Huppertz parcel A-2 off of Lindsey Lane and Hill Ranch Road. 10 acres subdivided into 3 lots.** Mr. Steve Williams of Dennis Engineering represented Ms. Huppertz in this request for final plat approval. Staff reported the road department had requested a Stop sign and street sign for Lindsey Lane and Hill Ranch Road. A sight had been determined for the mailbox placement. Mr. Williams said the applicant would provide a double sign, Hill Ranch Road/Lindsey Lane and a stop sign. Commissioner Wilhite moved to approve the final plat approval with the placement of the necessary road signs. The motion was seconded and approved unanimously.

**10. Zoning amendment for 102 Quail Trail, request for Residential and Services zoning.** This property was annexed in February of 2007 as residential, staff had copies of the Santa Fe County property records showing the 1.25 acre property zoned as commercial (non-residential). Angus Campbell is the property owner and stated he has had an approved business in this location and was out of town during the annexation. Staff presented 2004 aerials of the property to commissioners and requested they change the property to Residential and Services. Commissioners all revealed they personally knew Mr. Campbell but believe they could give an impartial opinion. Commissioner Wilhite moved to approve the rezoning of 102 Quail Trail. The motion was seconded and approved unanimously.

OUT-OF-PUBLIC HEARING

**11. Zoning recommendation for annexation of Edgewood Heights Subdivision lot 45 off of Prairie Moon Trail, requesting R-1 residential one acre zoning.** This property is located around a mix of special use zones and residentially zoned property. The property owner is requesting residential one acre. Staff reported that this area is considered infill in the 2000 comprehensive plan and the preferred land use is residential. Commissioner Wilhite moved to recommend Council zone this property residential one acre; the motion was seconded and passed unanimously.

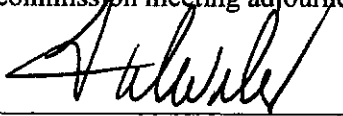
**12. Zoning recommendation for annexation of lands located at 115 Highway 344, requesting R-1 residential one acre zoning.** This property is located in a residential area with a mix of lot variations of residentially zoned property. The property owner is requesting residential one acre. Staff reported that this area is considered infill in the 2000 comprehensive plan and the preferred land use is residential. Commissioner Wilhite moved to recommend Council zone this property residential one acre; the motion was seconded and passed unanimously.

**13. Findings of fact:**

A. Conditional use permit 1911 Route 66, request for temporary boarding facilities for the Town of Edgewood Animal Control Department.

Commissioner Wilhite moved to approve the findings of fact; the motion was seconded and passed unanimously.

11. Adjourn. Commissioner Chemistruck moved to adjourn; the motion was approved and the commission meeting adjourned @ 8:45 p.m.



Rey Fulwiler, Vice-Chairman



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

**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

WARRANTY DEED (JOINT TENANTS)

CHERYL BREWER, and TAMMARA A. CLARK, as Personal Representative's of the Estate of MARINLEE J. MASSOTH, deceased, for consideration paid, grant to RICHARD M. GREENE and WANDA L. VARNER, husband and wife, as Joint Tenants, whose address is 32 Kiva Court  
Sardinia Park, N.M. 87047., the following described real estate in Santa Fe County, New Mexico:

SEE LEGAL DESCRIPTION ATTACHED HERETO, MADE A PART HEREOF, MARKED AS EXHIBIT "A"

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2007 and years thereafter.

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 9<sup>th</sup> the Albuquerque Astronomical Society will be here for the Star Gazing Party. Mayor Calkins reminded everyone of the Silent Auction for the October 27<sup>th</sup> 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 I.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 Bohannon)  
concerning Wal-Mart treatment plant.

Mr. Bohannon 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. Bohannon.

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 27<sup>th</sup>, 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 21<sup>st</sup> 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:**

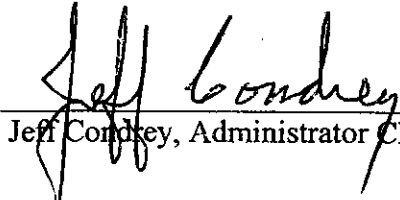
**Leadership must be demonstrated, not announced.**

**Fran Tarkenton – Football Player**

**APPROVED, AND ADOPTED this 7<sup>th</sup> day of NOVEMBER, 2007.**

  
Honorable Howard Calkins, Mayor

**ATTEST:**

  
Jeff Condey, Administrator Clerk-Treasurer

**ACCOUNT 94506150****NAME:** MORRIS, ROBERT P**ADDRESS:** PO BOX 1412  
EDGEWOOD , NM 87015**PROPERTY USE:** SRES**TAX DISTRICT:** 8T**PROPERTY ADDRESS:** 138 NM 344 , T10N R 7E S22 2.57 AC ,TR 43A ,**DEED BOOK and PAGE:** 902/186-**MAP CODE:** 1-040-057-053-445 FILL1**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value \$28270

Improvements \$55665

Personal  
Property \$0

Alternate Value \$0

Livestock Value \$0

Exemptions \$0

**Total Taxable  
Value \$27978.33**

\* net value/3

7006 2150 0005 0174 4473

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**ACCOUNT 910010156****NAME:** KANTOR, ROBERT J & KATHRYN**ADDRESS:** PO BOX 10252  
ALBUQUERQUE , NM 87184**PROPERTY USE:** VAC  
**TAX DISTRICT:** 8TIN**PROPERTY ADDRESS:** LOT 42-C EDGEWOOD HEIGHTS , T10N R 7E S22 1.14 AC, LOT 42-C  
EDGEWOOD HEIGHTS S/D ,**DEED BOOK and PAGE:****MAP CODE:** 1-040-057-048-461 FILL1**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value	\$19120
Improvements	\$0
Personal Property	\$0
Alternate Value	\$0
Livestock Value	\$0
Exemptions	\$0
<b>Total Taxable Value</b>	<b>\$6373.33</b>

\* net value/3

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7006 2150 0005 0174 4480

**ACCOUNT 910002729****NAME:** HUSTON, CHERYL**ADDRESS:** PO BOX 99  
EDGEWOOD , NM 87015**PROPERTY USE:** VAC  
**TAX DISTRICT:** 8TIN**PROPERTY ADDRESS:** 312 DINKLE RD , T10N R 7E S22 2.350 AC,TRACT 56-CD ,  
**DEED BOOK and PAGE:** 1433900  
**MAP CODE:** 1-040-057-079-481 FILL1  
**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value	\$27050
Improvements	\$0
Personal Property	\$0
Alternate Value	\$0
Livestock Value	\$0
Exemptions	\$0
<b>Total Taxable Value</b>	<b>\$9016.66</b>

\* net value/3

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7006 2150 0005 0174 4497

**ACCOUNT 970000212****NAME:** CHAVEZ, LEEROY & COLLEEN**ADDRESS:** 09 LASSO LP  
EDGEWOOD , NM 87015**PROPERTY USE:** VAC**TAX DISTRICT:** 8T**PROPERTY ADDRESS:** EDGEWOOD , T10N R 7E S22 .95 AC, LOT 55-E PLAT 325/041 ,**DEED BOOK and PAGE:** 1305/756**MAP CODE:** 1-040-057-121-465 FILL1**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value	\$17100
Improvements	\$0
Personal Property	\$0
Alternate Value	\$0
Livestock Value	\$0
Exemptions	\$0
<b>Total Taxable Value</b>	<b>\$5699.99</b>

\* net value/3

7006 2150 0005 0174 4503



**ACCOUNT 96000889****NAME:** MASSOTH, MARINLEE J**ADDRESS:** 6401 CALEY NW  
ALBUQUERQUE , NM 87120**PROPERTY USE:** VAC**TAX DISTRICT:** 8T**PROPERTY ADDRESS:** EDGEWOOD , T10N R 7E S22 5.00 AC ,LOT 45 EDGEWOOD HEIGHTS ,**DEED BOOK and PAGE:** 684/239**MAP CODE:** 1-040-057-088-421 FILL1**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value \$35000

Improvements \$0

Personal  
Property \$0

Alternate Value \$0

Livestock Value \$0

Exemptions \$0

**Total Taxable  
Value \$11666.66**

\* net value/3

7006 2150 0005 0174 4510

**ACCOUNT 910014673**

**NAME:** LONE PINE RANCH INC

**ADDRESS:** PO BOX 2498  
EDGEWOOD , NM 87015

**PROPERTY USE:** SRES

**TAX DISTRICT:** 8TIN

**PROPERTY ADDRESS:** NM 344 , T10N R 7E S22 PARCEL A ,142.25 AC ,

**DEED BOOK and PAGE:**

**MAP CODE:** 1-040-057-132-277 FILL1

**PENDING PAYMENT:** \$0.00

**Assessment Information**

**2007 Land and Improvement Values**

Land Value \$155125

Improvements \$45689

Personal  
Property \$0

Alternate Value \$0

Livestock  
Value \$0

Exemptions \$0

**Total Taxable Value \$66937.99**

\* net value/3

7006 2150 0005 0174 4527

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**ACCOUNT 960000392**

**NAME:** GUILLEN, RANEE L

**ADDRESS:** 7 TAHOE CT  
EDGEWOOD , NM 87015

**PROPERTY USE:** VAC  
**TAX DISTRICT:** 8T

**PROPERTY ADDRESS:** 7 TAHOE CT , T10N R 7E S22 LOT 46-B ,EDGEWOOD HEIGHTS 1.4395  
AC ,

**DEED BOOK and PAGE:**

**MAP CODE:** 1-040-057-115-445 FILL1

**PENDING PAYMENT:** \$0.00

### **Assessment Information**

#### **2007 Land and Improvement Values**

Land Value \$18707

Improvements \$0

Personal  
Property \$0

Alternate Value \$0

Livestock Value \$0

Exemptions \$0

**Total Taxable  
Value \$6235.66**

\* net value/3

7006 2150 0005 0174 4534

**ACCOUNT 98102050****NAME:** HASKELL, COLLEEN JOAN**ADDRESS:** PO BOX 3597  
EDGEWOOD , NM 87015**PROPERTY USE:** SRES**TAX DISTRICT:** 8T**PROPERTY ADDRESS:** 9 PINTO RD , LOT 8-W-1 EDGEWOOD HIEGHTS ,T10N R 7E S21 1.00  
AC,PLAT 306/038**DEED BOOK and PAGE:** 1238/119**MAP CODE:** 1-039-057-484-280 FILL1**PENDING PAYMENT:** \$0.00**Assessment Information****2007 Land and Improvement Values**

Land Value \$18000

Improvements \$61576

Personal  
Property \$0

Alternate Value \$0

Livestock Value \$0

Exemptions \$0

**Total Taxable  
Value \$26525.33**

\* net value/3