

PROPOSED ORDINANCE NO. 2007-22

**AN ORDINANCE PROVIDING FOR AMENDMENT FOR TERRITORY ANNEXATION AREA LOCATED ADJACENT TO SUNOVA CIRCLE
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 6.94 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,

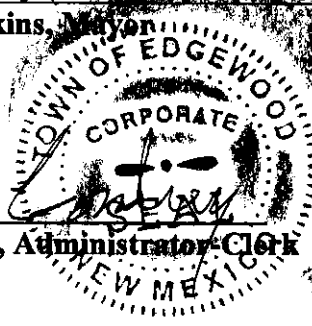
BE IT RESOLVED BY THE TOWN OF EDGEWOOD GOVERNING BODY:

PASSED, APPROVED, AND ADOPTED Ordinance No. 2007-22 on this 5th day of December, 2007

Howard Calkins
Howard Calkins, Mayor

ATTEST

Jeff Conroy
Jeff Conroy, Administrator-Clerk

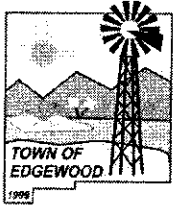


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

EDGEWOOD ORDINANCE
PAGES: 4

Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of January, A.D., 2008 at 16:12 and Was Duly Recorded as Instrument # 1512046 The Records Of Santa Fe County

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



PETITION FOR ANNEXATION

PETITIONER(S): Bonnie Ryman James Garraway TELEPHONE: 286-6293
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: 3 Sunova Circle Edgewood NM 87015

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.) D-3 A-R and D-3 B-R and ~~lands of Stockton BR~~

TOTAL ACREAGE OF PROPERTY: 2 acres - 2

REQUESTED ZONING DESIGNATION FOR PROPERTY:
(Please note that the final zoning designation by Town 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 _____ 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: Bonnie Ryman, Print Name: Bonnie Ryman, Date: 10/31/07
Signature: James F. Garraway, Print Name: JAMES F. GARRAWAY, Date: 10-31-07

Owner(s) of approximately 2 acres in the area proposed for annexation. , 90

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/Administrator 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.

Pd - 11/5/07 - 1900

SFC CLERK RECORDED 01/11/2008

Dini Dungs Signature Doris Donges Print Name 11/1/07 Date
Physical Address: 34 Morper Road

Owner of approximately 1 acres in the area proposed for annexation.

Arturo Jacobs Signature Arturo A. Jacobs Print Name 11-3-07 Date
Physical Address: 7 Sumava Cr.

Owner of approximately 2 acres in the area proposed for annexation.

Marlisa V. Jacobs Signature Marlisa V. Jacobs Print Name 11-3-07 Date
Physical Address: 7 Sumava Cr.

Owner of approximately 2 acres in the area proposed for annexation.

Barbara Jacobsen Signature Barbara Jacobsen Print Name 11-3-07 Date
Physical Address: 28 Morper Rd, Edge.

Owner of approximately .85 acres in the area proposed for annexation.

Leland Honeycutt Signature Leland Honeycutt Print Name 11-4-07 Date
Physical Address: 35 Morper Rd

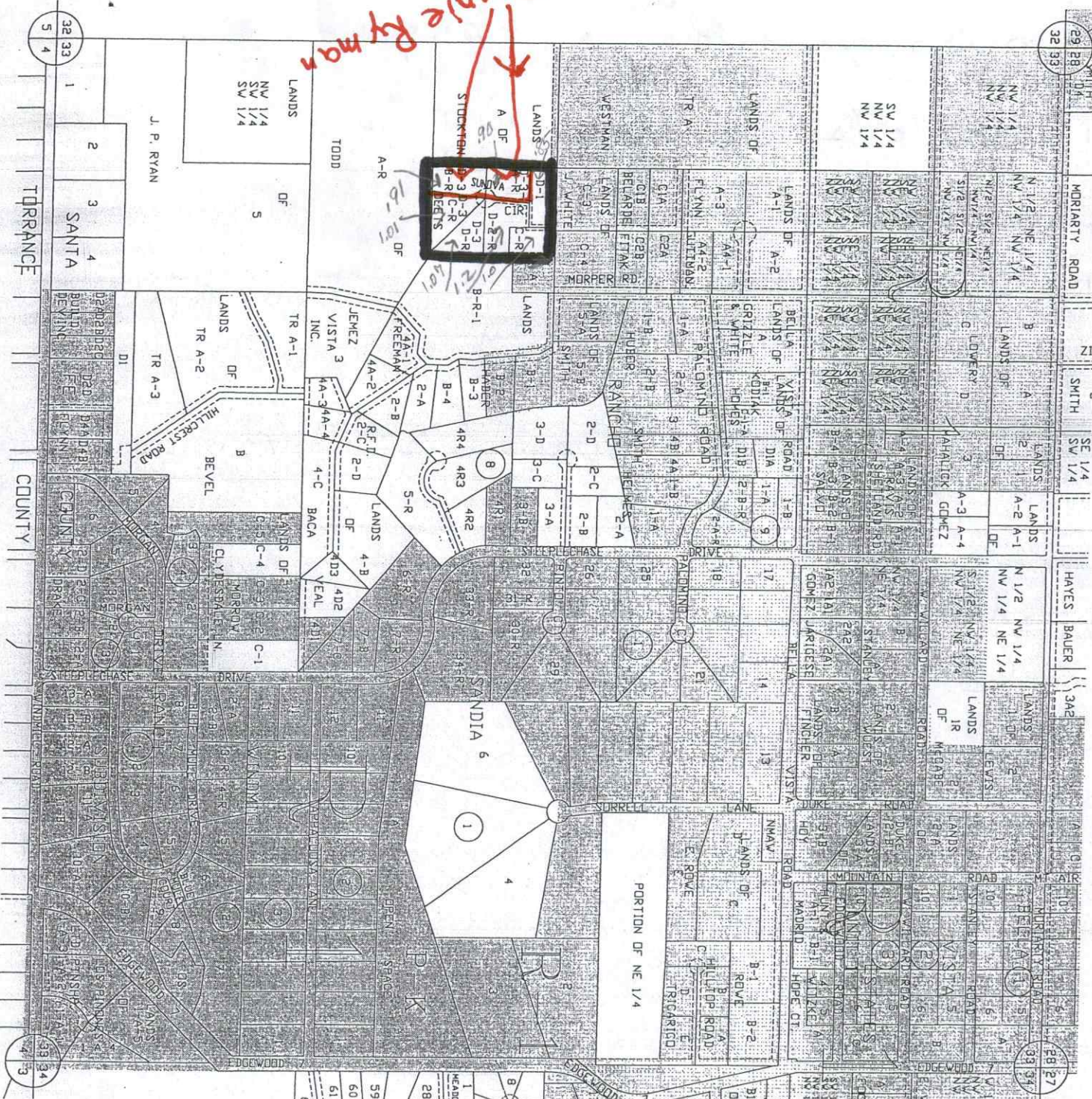
Owner of approximately 1.15 acres in the area proposed for annexation.

Elmer Mejean Signature Elmer Mejean Print Name 11/4/07 Date
Physical Address: 35 Morper Rd

Owner of approximately 1.15 acres in the area proposed for annexation.

Signature _____ Print Name _____ Date _____
Physical Address: _____
Owner of approximately _____ acres in the area proposed for annexation.

Signature _____ Print Name _____ Date _____
Physical Address: _____
Owner of approximately _____ acres in the area proposed for annexation.



1-039-055-082-266
 -075-245
 -074-222

092-219
 103-226
 100-243
 105-204
 121-265
 COPYRIGHT
 ALL RIGHTS RESERVED
 ODEN & ASSOCIATES



LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 33

UNIFORM PROPERTY CODE
1039055

MAP AMENDED THROUGH
JULY 1, 2007

M 39

C-R Barbara Jacobsen 28 Moyer

D-1 Louis Donges 34 Moyer
Alex Garnet



D-3 { AR acre Bonnie Ryman 3 Sanova Cir
BR acre James Haraway

D-2-R Elmer Mejean 35 Moyer
Lee Honeycutt

D-3 { ER Arturo Jacobs 7 Sanova Cir
DR Marlisa Jacobs

~~286-4518~~
~~Stephanie~~

Planning & Zoning Commission
6:00 pm. November 19, 2007
Edgewood Community Center-27 East Frontage
Minutes

Officially attending:

Commissioners-Gary Chemistruck, Rey Fulwiler, Del Rea, Vicki Schober, Steve Vogel, and Doyce Wilhite.
Staff Member-Karen Mahalick Community Planning & Development Manager

1. Call to order: The meeting was called to order at 6:00 pm.

2. Approve agenda:

MOTION: Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

VOTE: All voted in favor of the Motion.

3. Approve minutes of 10/05/07:

MOTION: Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

VOTE: All voted in favor of the Motion.

Staff certified that public notice had been posted as required; Commissioners Chemistruck, Rea, Schober, Vogel, and Wilhite certified no ex parte contacts or conflicts of interest; Commissioner Fulwiler reported that he had been contacted by one of the applicants about the Stone Mountain case but had refused to discuss the pending case.

4. Zone change request for Nanneman Tracts A, B, C and E, Land division of Anthony Nanneman & Ivan Nanneman.

Requesting C-1 commercial business adjacent to highway 66. Josh Simms represented the applicant requesting commercial C-1 zoning. Mr. Simms reported they wanted to create three pad sites, that there was water at the edge of the property and sewer across the road. At this time there was not a prospective buyer for the property. Commissioner Rea asked what had changed since the 2/19/07 hearing where the requested zone change was denied, the applicant stated they had engaged Mr. Simms to represent the case and put together a prospective site plan. Commissioner Schober asked staff if the findings issued in February were still valid, staff affirmed they were. Staff reported that fire flow was not available at the property line that it was only as far as the AutoZone property and the wastewater would stop in the same general area. Commissioner Fulwiler asked what the adjacent properties were zoned, staff reported the property adjacent to Leslie Lane was zoned for commercial but the Baptist Church at the south end of Leslie Lane property should be zoned Special Use. All property surrounding this request was zoned for residential use. Staff further reported that there was an aggressive development plan for the property where Radio Shack was located which was working with the Highway Department for access. The portion of Highway 66 adjacent to this request was not on the long range transportation plan for improvements. There was considerable capital investment and infrastructure planned for the area adjacent to Smith's and on the southern side of Highway 66 up to Leslie Lane.

MOTION: Commissioner Fulwiler moved to approve the zone change request for Nanneman Tracts A-C and E; the motion was seconded.

VOTE: Commissioner Wilhite voted aye, Commissioner Chemistruck voted nay, Commissioner Fulwiler voted aye, Commissioner Vogel voted aye. The motion failed.

6. Continuation of zone change request for Equestrian Hills development, requesting Residential and services.

Mark Dupree represented the request for rezoning of 6 acres of the presently zoned residential property. Mr. Dupree reported that the original request for 9 acres had been scaled back and 2 acres were planned for open space to accommodate the proposed wastewater leach field. The applicant had submitted additional materials about the plans consistency with the proposed Comprehensive Plan action items which the council adopted by resolution and draft restrictions/covenants which would be further imposed by the applicant if the property was granted Residential and Services zoning. Additional aerial photos were presented showing the proximity of the Covenant of Grace Church to the south and asked the commission to keep in mind that this church did plan for a high school in the near future prompting the design to set aside buffered open space to mitigate the church's future growth plans. Staff was asked about the increased traffic impact as there was not a study at this level of request and staff reported that the Institute of Transportation Engineers' Trip Generation Manual which was cited in the Impact fee study showed that nonresidential trip generation was 2.98 weekday p.m. peak hour rate formula vs. residential of 1.02 weekday p.m. peak hour rate formula. As this concept plan proposed to reduce the total number of potential homes in the 64 acre tract the traffic increase due to rezoning was about the same as if the applicant did a 1-acre subdivision in a loop as had been the tract home design on the property adjacent to the west. Staff reported that the Town had an opportunity for a different type of subdivision for the request of 6 acres of residential and services zoning. The requested rezoning would create an area about the size of the land from Marietta Court to George Court along Highway 66, with similar types of businesses.

MOTION: Commissioner Fulwiler moved to approve the 4 acres of residential with Section 2.02 of the restrictive covenants included in the conditions of zoning. Commissioner Schober requested a friendly amendment incorporating more detailed restrictions and covenants produced by the applicant incorporating the open space. Mr. Dupree requested approval of the zoning with the condition that covenants be brought forward at a later time for the Commissioners and that the zoning specify 4+2 acres of residential and services zoning with the 2 acres to be open space. Commissioner Fulwiler so amended his motion;

VOTE: The motion was seconded and passed unanimously.

OUT-OF-HEARING

7. Zoning request for Stone Mountain Estates located west on Venus Ridge, requesting R-2 2 acre minimums.

Mr. Cardenas produced an aerial and a concept map for the commission showing the proposed lot line alignment to adjoining properties. The conceptual layout showed 4.00 parcels buffering the adjoining properties with the exception of north east properties which were drawn as 2 acre parcels because the adjoining lot lines would not in his opinion be significantly impacted with 2 acre parcels. Concern about the potential safety of the pipeline were expressed and whether or not it was a gas line or a jet fuel line. Residents were concerned about the potential smell associated with the central drainage field for the septic systems and Mr. Cardenas stated these would all be below ground and there would

not be any smell. Mr. Cardenas was asked if he was aware of the necessary standards for crossing the pipeline for roads and Mr. Cardenas stated he was. Property owners adjacent to the Venus road area were concerned about the impact to their property due to the increased traffic. Questions arose about secondary access issues and Mr. Cardenas confirmed he was working on this. Property owner Joe Wendt requested copies of the annexation petition and asked that the applicant be held to those statements for his zoning request. Commissioner Wilhite moved to approve the Residential-2 acre (R-2) zoning with the condition that the applicant have deed restrictions of 4 acres on the buffer lots as per the conceptual subdivision layout presented. The motion was seconded and approved unanimously.

8. Zoning request for annexation of various tracts adjacent to Horton Road, requesting residential 2-acres, R-2.

Commissioners discussed the character of the surrounding properties and it was decided that the properties should be zoned as Residential and Estates except for the properties north adjacent to Horton road which are platted and less then 5 acres.

MOTION: Commissioner Fulwiler moved to recommend zoning of Residential-two acres on 5 lots, 2-A thru B-2 and Residential and estates on Lands of Bingaman.

VOTE: The motion was seconded and approved unanimously.

9. Annexation/zoning for Morper/Sunova located adjacent to the southern boundary of Morper road T10, R7E, SECTION 33. Requesting residential zoning. This property is in the priority annexation area in the southwest corner of the town, north of Windmill road and west of Steeplechase. Lots in this annexation petition area are less then one acre and surrounding properties have been zoned as Residential one acre.

MOTION: Commissioner Fulwiler moved to recommend zoning of Residential R-1, one acre.


VOTE: The motion was seconded and approved unanimously.

10. Land Use Assumptions for public hearing before Council for adoption of the impact fees for roads and wastewater.

Staff reported that there was a public hearing on Wednesday December 5, 2007 for adoption of the land use assumptions and asked for comment on the final draft of the assumptions as submitted by the consultants, BBC Research and Consulting. The land use assumptions have been available for the last year, Commissioner Fulwiler commented that the 4,249 units seems large, staff explained that this takes into account the Campbell Ranch properties and future annexation areas. Commissioner Wilhite stated he believed this was a realistic target based upon his experience. Commissioner Wilhite pointed out that while the nonresidential may seem large, the 210,000 square foot Wal-Mart was scheduled to open in March of 2008, thus 385,248 by 2012 was not unreasonable. No action was taken.

11. Calendar Update- Joint meeting Council/Commission 12/03/07 for sign workshop. January meeting calendar.

12. Adjourn.



Del Rea, Chairman

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – DECEMBER 5, 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 @ 6:30 P.M. All Councilors were present.

Also present were Mr. Marcus Rael, Town Attorney, Mr. Jeff Condrey, Administrator Clerk-Treasurer, Ms. Karen Mahalick, Manager, Community Planning & Development, Ms. Estefanie Muller, Deputy Clerk.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF THE AGENDA.

MOTION: Councilor Hill made a motion to approve the Agenda as presented.
Councilor Ring seconded the motion.

VOTE: 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 November 7, 2007.

B. Special Council Meeting Minutes of November 26, 2007.

MOTION: Councilor Ring made a motion to approve the Minutes of November 7, 2007 and the Minutes of November 26, 2007. Councilor Felton seconded the motion.

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

5. CONSENT AGENDA.

C. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of November 5, 2007.

D. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of November 19, 2007.

E. Acknowledgement of the Parks & Recreation Advisory Committee Meeting Minutes of October 25, 2007.

F. Acknowledgement of the Animal Control Report for the month of October, 2007.

MOTION: Councilor Ring made a motion to approve the Consent Agenda as presented and removing Item D for discussion. Councilor Felton seconded the motion.

Councilor Ring stated the November 19th Planning & Zoning Commission Meeting Minutes had an error on square footage concerning Wal-Mart and also the vote was not recorded correctly to which Ms. Mahalick stated this has been corrected.

Councilor Felton referred to the Parks & Recreation Advisory Committee Meeting Minutes on 6A and the Town's commitment to which Mr. Roger Holden stated it is the land that is the Town's commitment. Councilor Ring stated if possible maybe the Town can contribute if the opportunity arises.



Initials

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

6. MATTERS FROM THE MUNICIPAL JUDGE.

G. Judge White will present his report for the month of October, 2007.

H. Judge White will present his report for the month of November, 2007.

Judge White reviewed his reports with the Council.

Judge White stated he has taken the Court Security Plan to Santa Fe which is complete and satisfies the Supreme Court Order. Copies were given to the Council for review.

Judge White discussed the yearly summaries with the Council. Copies will be forwarded to the Council. He is working to collect money owed to the Courts.

7. PUBLIC HEARINGS. (Limit to 3 minutes per person)

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

Ms. Mahalick stated the posting requirement was met.

I. Land Use Assumptions Relating to Possible Adoption of Impact Fees.


Ms. Mahalick reviewed her report with the Council on future growth for the Town from 2007 through 2012 and the future growth for the wastewater service area. These totals came from the ICIP adopted in 2004 for impact fees for fire and rescue and also the Mid-Region Council of Governments performed a population, housing and employment forecast for the greater Edgewood area. These projections through 2012 based on annexations through the next five years.

Councilor Hill asked how the population on residential increase compares to the contract on Town Impact fee study to which Ms. Mahalick stated the correlation is close within percentage points. He commented on current market conditions and the down turn for permits. Ms. Mahalick stated market conditions were considered. She stated every two years there is a re-evaluation. If adopted, the fees are for 2-5 years. Councilor Ring asked on the impact fee, Ms. Mahalick stated if the growth rate does not meet the study shown then it is re-evaluated and lowered. Study can be within five years at anytime. The Council was updated on the process.

Mr. Ray Seagers commented on the impact fees and feels the units is exaggerated over what the real world would be. He calculated the gross receipts tax for commercial/residential and what the Town would receive.

Ms. Mahalick stated the information came from BBC given the demographics on subdivisions, undeveloped commercial land that included Wal-Mart.

Mr. Ralph Hill stated Santa Fe County has been collecting impact fees and has accountability been requested. He commented on the impact fee charged on porches and out houses and why this is done. Ms. Mahalick clarified on the fees and these buildings burn and the Fire Department fees are directly towards the impact on the community of a fire. The Fire Department does give the Town the numbers and what was spent. These will be available at the next meeting.


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Mr. Bob Sloan stated that impact fees are not timely at this time as materials are more expensive. The subcontractors, mortgage companies and the title companies will suffer now. He wanted to know where the money will go.

The land use assumptions were discussed related to the road and wastewater impact fee as per the BBC contract. Fire and impact fees were adopted in 2004. Councilor Hill feels the assumptions should be revisited.

Mr. Patrick Seagers would like more information on why the impact fees need to be supplied for future building in Edgewood. Why is there impact fees on roads and sewer, feels there will be a double tax. He feels there is more taxes and hindering the growth and bringing more people into the community.

MOTION: Councilor Ring made a motion to table this item and have the firm present to discuss the figures and present more information. Councilor Simmons seconded the motion.

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

J. Request to Amend Subdivision Ordinance, Appeal Section Change to 1st District Court.

MOTION: Councilor Hill made a motion to adopt language changes to "1st" Judicial District and "Town" Council in Section 16. Appeals. Councilor Felton seconded the motion.

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

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

Ms. Mahalick stated the posting requirement was met.

These cases are being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights 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.

At this time Ms. Mahalick was sworn in.

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

Councilor Ring stated he 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 Simmons stated he had no conflict of interest or ex-parte contacts.
Mayor Calkins stated he had no conflict of interest or ex-parte contacts.

K. Zoning Request for 202 Acres in Section 7 off Sunshine Valley, Requesting Residential R-2 Two Acre Minimums.


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Ms. Mahalick stated the Planning & Zoning Commission recommended the R-2 zoning with the concept map and the 4 acre border properties. The Commission feels once the 2-acre zoning is granted to the developer, the developer by right, can do 2 acre properties, they could come back and state it is not feasible to do 4 acre parcels and request 2 acre parcels. One of the concerns is there has to be a drafted development agreement to ensure the developer uses this map; this would be a Council decision.

At this time all interested parties were sworn in.

Mr. Cardenas stated he is a partner of Stone Mountain Estates and was here approximately one year ago requesting R-2 zoning which was denied. Since then, they have created a border around the perimeter of 4 acre lots to blend the properties around there. On the north end there are 2 acre parcels due to existing 2 ½ acre parcels. Councilor Felton asked about the pipeline location which is noted on the map. Councilor Ring stated there is reference made on whether they would be willing to agree not to divide the 4 acre lots or have a deed restriction on cutting down these lots to less than the 4 acres. Mr. Cardenas stated their counsel suggested a deed restriction in each lot.

Mr. Jimmie Berkey stated his property borders on the northeast corner. He is reiterating what has been said on not changing the 4 acre lots on the outside of the perimeter. He has no objection to this as long as the 4 acres are not changed.

Mr. Michael Giannuzi borders the property also. He stated previously discussed was the sewage and the rock formation. It was said that explosives would not be used and would like to know what will be done as there is a hill on the eastside. Mr. Cardenas stated this has been addressed and there will be an onsite treatment facility which at this time is unknown of the type. The Environment Department will allow individual septic tanks, maybe use half and half. The ones with good percolating soil possibly have onsite disposable systems. As for the explosives, they have agreed to make every effort to use hammers and rock saws but could not prevent a builder from drilling and blasting. They cannot do that.

Mr. Joe Wendt property owner in this area stated at a previous meeting he had requested several items from Mr. Cardenas and wanted to know if he would still commit to them. Mr. Cardenas stated his thought is to meet with the parties involved and create a list and have with the preliminary subdivision approval.

Mr. Byron Atman lives north of proposed property and wanted clarification on the commitment on the 4 acre buffer, is this a legally binding commitment at this point. Mr. Rael, Town Attorney stated they is a State Statute that states that any thing to do with real estate or real estate contracts have be in writing and verbal commitments are not legally binding.

Councilor Hill asked if a motion is made subject to deed restrictions on placed on all properties limiting their size as identified, would this be legally binding. Mr. Rael stated he would suggest Council table this item until the deed restrictions have been entered into within a specific amount of time, the zoning not take effect until this is done, if deed restrictions are not entered into within the time given, the zoning will not take effect. Councilor Hill asked the applicants if they would proceed in this manner. Mr. Steve Steele, partner with Mr. Cardenas stated yes they would. Mr. Steele stated they are a


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long way from any development after zoning is approved; there is still a development agreement to be drafted with the deed restrictions need to be added for Council approval. Mr. Rael discussed the development agreement and the property was only annexed a few months ago and at this time this should be tabled until the development agreement is completed which should not be a difficult to complete. Councilor Simmons asked if a motion could be made restricting the number of lots allowed. Mr. Rael stated no, this could be in violation of the R-2 zoning, this needs to be more specific through the deed restrictions. Councilor Felton asked if the document before them is legal to which Mr. Rael stated this plat plan is a conceptual document that has not been approved by the Planning Commission or recommended to the Council. It can be entered in to the minutes as an exhibit, but not as being approved as a final plat map, it acts as testimony as their intent only. Councilor Felton asked about the sewer plan and the percolation testing in various locations with his plan for a centralized system. Mr. Cardenas stated he would have various disposal points throughout the project. Councilor Felton asked about the roads in and out of the development, the plan indicates only one road at this time. Mr. Cardenas stated they are working with an alternative access point for emergency purposes only. Councilor Felton asked if they would commit to this also to which Mr. Cardenas stated they would have to.

MOTION: Councilor Hill made a motion to approve the request for R-2 zoning for the Stone Mountain Estates development subject to and contingent upon the developer providing legally worded deed restrictions to the satisfaction of the Town Attorney within 120 days, the lot size being consistent with the map submitted to the Town Council and this will be attached as an exhibit to this testimony, and will provide the agreement discussed, enter into a binding deed restriction agreement with the Town of Edgewood. Councilor Ring seconded the motion.

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

The audience questioned the Council on being able to testify and ask questions. Mr. Rael, Town Attorney stated Councilor Felton can make a motion to re-open this item as he voted against this issue if he so chooses. Mr. Rael stated this is not the formal subdivision approval process which will go to the Planning Commission and will then come before the Council, there will be another opportunity to address concerns.

MOTION: Councilor Felton made a motion to re-open this item. Councilor Hill seconded the motion.

VOTE: Councilor Simmons abstained. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

Mr. Joe Wendt stated Mr. Cardenas made several commitments during annexation which was far beyond the normal zoning commitment and this eased a lot of the concerns with the surrounding neighbors on the acreage. He also committed on the sewer concept which should be included in the zoning. As part of the annexation, a home owners association is set up with fees to maintain the roads. The blasting issues were committed at that time. These issues should be addressed in the Council's motion. Mr. Cardenas extended out to help these neighbors. Mr. Wendt requested the Council consider expansion on what the restrictions would be to as Mr. Cardenas committed to a lot that


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would reduce the impact including the 2 acres lots and feels this should be a part of the zoning.

Councilor Simmons asked Mr. Wendt if the compromise of 4 acre lots was sufficient to mitigate some of the concerns. Mr. Wendt stated there are other concerns that go beyond such as the sewer commitments and the high density of the area.

Mr. Rael stated the Town cannot put restrictions on Mr. Cardenas related to land owner access, this is between the landowners. The Town does not have this authority. A lot of the issues discussed is for the subdivision process and is not part of the zoning.

MOTION: Councilor Hill made a motion to reiterate his prior motion. Councilor Ring seconded the motion.

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

AT THIS TIME PUBLIC COMMENTS WERE HEARD.

Ms. Vicki Schober commented on the Sign Workshop held and also the proposed moratorium here tonight, she referred to the ordinance and variances, she feels the current sign ordinance works well. She referred to Section 2 part B, 3 of the ordinance. She expressed her concerns on the workshop and working on the section for the businesses and not the entire ordinance.

Mr. John Abrams expressed his concern on the business community, the Council, and the Commission. The variance procedure would be a very adequate way to find out what the needs are. If a lot of variances come in, there would be a need to change the ordinance. He feels to gut the ordinance that has been voted in and in place without the due process involved, it would be a disservice to the community and businesses. He feels in order to have a good ordinance; time should be taken to carefully look at.

L. Annexation/Zoning For Morper/Sunova Located Adjacent to the Southern Boundary of Morpor Road, T10,R7E,Section33. Requesting Residential Zoning.

Ms. Mahalick stated this has been platted out, is in the annexation priority area and surrounding properties are R-1 and in Commission recommends R-1 zoning.

MOTION: Councilor Ring made a motion to approve the annexation and the R-1 zoning as presented. Councilor Felton seconded the motion.

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

M. Annexation /Zoning for Double "D" 75 Acres Located Adjacent to the Western Side of Horton Road, Requesting Residential Zoning. (Tabled)

Ms. Mahalick stated she is waiting for one of the landowners to come in and sign documents and requested this item be tabled.

MOTION: Councilor Felton made a motion to table this item. Councilor Hill seconded the motion.


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

N. Annexation/Zoning for Lending Resources, LLC, Located on the Northern Side of Prairie Moon Requesting 5 Acres of Residential Zoning.

Ms. Mahalick stated this property is in the priority annexation and landlocked by the Town of Edgewood. They are requesting R-1 zoning, no additional assumption or road maintenance is needed.

MOTION: Councilor Hill made a motion to approve annexation and R-1 zoning as presented. Councilor Felton seconded the motion.

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

O. Request to Amend the Zoning Map.

MOTION: Councilor Hill made a motion to approve amending the Zoning Map to include annexations approved tonight. Councilor Ring seconded the motion.

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

8. **MATTERS FROM THE MAYOR.**

P. Appointment of *Ad-Hoc* Sign Ordinance Committee. (Hand-Out)

Mayor Calkins announced the Park & Ride has a six month lease and service to start at the beginning of the new year.

Mr. Condrey reviewed the recommendation of the *Ad-Hoc* committee.

MOTION: Councilor Ring made a motion to approve the appointments for discussion purposes. Councilor Felton seconded the motion.

NOT VOTE TAKEN.

Councilor Felton asked the Deputy Clerk to read into the record a statement by him to be filed as an exhibit with the minutes of this meeting. The Council discussed the Sign Workshop and the committee appointments as recommended.

Mr. Rael, Town Attorney at this time recommends tabling this item as no action was taken at the Workshop and the hand-out tonight refers to agreement of these appointments. A Special Council Meeting was discussed for this item.

MOTION: Councilor Hill made a motion to schedule a Special Meeting on Monday, December 10 2007 @ 6:00 P.M. at the Community Center. Councilor Simmons seconded the motion.

NO VOTE TAKEN.

MOTION: Councilor Hill made a motion to amend his motion to schedule the meeting


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on Tuesday, December 11, 2007 at 6:00 P.M. Councilor Felton seconded the motion.

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

9. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Felton asked for an update on the agreement with Wal-Mart on the acquisition of the sewer plant and if this would be a Class 1 or 2 and about the membrane cassettes new or used. Councilor Hill will update Councilor Felton through e-mail.

10. MATTERS FROM THE ATTORNEY.

Mr. Rael stated he has drafted a letter to Santa Fe County on their policy concerning the transfer station. He will update when he has received a response.

11. STATE POLICE REPORT – Sgt. Florian Chavez.

Sgt. Chavez stated the department has been busy with the Ojo Fire and with the holiday D.W.I. and traffic enforcement.

12. MATTERS FROM THE ADMINISTRATOR.

Q. Police Chief hiring/status report.

Mr. Condrey stated the committee chose 2 applicants and recommended Mr. Paul Welch to start on January 7, 2007 at the pay rate of Grade 57, Step 8 \$35.54 (\$73,923.02), with a 3 year contract to be negotiated. Standard drug testing with an independent due diligence psych evaluation, standard fringe benefits with a \$2500 moving expense allowance and temporary housing not to exceed 3 months.

MOTION: Councilor Ring made a motion to approve Mr. Paul Welch as the Chief of Police and the temporary housing not to exceed \$1500.00 per month up to 3 months. Councilor Simmons seconded the motion.

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

The Council thanked the Committee for their work in getting to this appointment.

FINANCE AND ADMINISTRATION.

R. Approval of Town Bills for the month of October, 2007.

MOTION: Councilor Simmons made a motion to approve the Town Bills for the month of October, 2007. Councilor Felton seconded the motion.

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

S. Approval of the Financial Report for the month of October, 2007.

MOTION: Councilor Simmons made a motion to approve the Financial Report for the month of October, 2007. Councilor Felton seconded the motion.

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

Mr. Condrey presented a report on the gross receipts accrual from July 2006 to date with a 66.3% increase.


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COMMUNITY PLANNING & DEVELOPMENT.

None.

13. RESOLUTIONS.

T. Resolution No. 2007- 36 Municipal Election Resolution.

MOTION: Councilor Felton made a motion to approve Resolution No. 2007-36.
Councilor Simmons seconded the motion.

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

U. Resolution No. 2007- 37 Moratorium for Sign Ordinance Enforcement in the Town of Edgewood. (Hand-Out)

MOTION: Councilor Ring made a motion to approve Resolution No. 2007-37 for discussion. Councilor Felton seconded.

Mr. Rael, Town Attorney recommends this item be tabled as it follows Item P as discussed above.

VOTE: No vote taken.

MOTION: Mayor Calkins called for a motion. There was no motion made, therefore it dies for lack of a motion.

14. DRAFT PAY PLAN UPDATE – Mr. Vince Yermal. (Hand-Out)

Mr. Yermal discussed the proposed pay plan and his research into job descriptions and how this is structured. The Town's Ordinance states the pay structure be reviewed every 2 years. The Council reviewed the booklet and this item will be brought back mid-year for further discussion.

15. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

V. Regular Council Meeting – December 19, 2007.

16. PUBLIC COMMENTS. (Limit to 2 minutes per person)

W. Ms. Elva Holden – Santa Fe County Satellite Office.

Ms. Holden stated the Satellite office is open and presented a flyer of the services offered. The office is located at 1916 Old Highway 66. Hours are Tuesday-Thursday.

17. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(8) and(H)(2), the following matters will be discussed in Closed Session.

1. Property Acquisition.

2. Personnel Matters.

MOTION: Councilor Hill made a motion to go into Closed Session pursuant to NMSA 1978, 10-15-1(H) and (H)(2) to discuss property acquisition and personnel matters. Councilor Felton seconded the motion.

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

MOTION: Councilor Hill made a motion to come out of Closed Session and stated only


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the items listed were discussed and no action was taken. Councilor Felton seconded the motion.

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

18. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the Meeting. Councilor Hill seconded the motion.

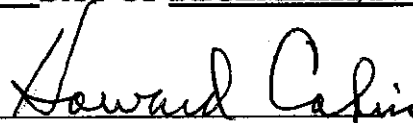
VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Calkins adjourned the Meeting at 9:30 P.M.

Mayor's Quote for this Meeting:

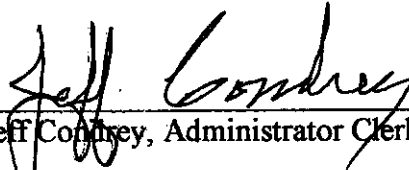
**Those who bring sunshine to the lives of others cannot keep it from themselves.
James Barrie**

APPROVED AND ADOPTED THIS 19TH DAY OF DECEMBER, 2007.



Honorable Howard Calkins, Mayor

ATTEST:



Jeff Conroy, Administrator Clerk-Treasurer