

MINUTES

Village of Los Ranchos
6718 Rio Grande Blvd NW
September 25, 2002

Present:

John Hooker, Mayor

Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

Hank Rosoff, Administrator
Allen Leatherwood, Treasurer
Annabelle Silvas, Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, September 25, 2002, in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

A. Approval of Agenda

Mayor Hooker asked for approval of the agenda with a change that the Fire Department Report, under item 8E, be moved prior to the Consent Agenda.

Motion: Trustee Lopez moved approval of the agenda moving item 8E. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

Dennis McCary, Esq. introduced Dr. Carl White who presented information regarding environmental conditions, controls and consequences involved with agricultural uses as contemplated in the proposed AC zone. Dr. White and Mr. McCary provided a binder of information which they asked the Trustees to consider.

Trustee Lopez said there is a report in the handout that appears to be from the Natural Resources Conservation Service. My question is who actually prepared this report.

Dr. White responded that he was not personally responsible for preparing the report or any of the documents except for his curriculum vitae. He referred Trustee Lopez to Mr. McCary.

Attorney McCary said that the report was prepared by Rudy Garcia.

Trustee Siegel asked if Dr. White could give specific instances where horse manure was directly linked to any outbreak of human disease.

Dr. White responded that he is not a doctor of medicine, however, his answer to the question is no.

Trustee Siegel asked Dr. White, with regard to dust from horse areas and urine, is he aware of any human disease or outbreak of disease from that or any health hazard associated with the dust.

Dr. White answered that he is familiar with what is in the handout, and there is a letter that states that the most common health associated concerns are respiratory problems.

Trustee Siegel stated that he is a doctor of medicine, that he is familiar with respiratory problems from stored hay and that he has never heard of a disease from dust or horse urine.

Dr. White stated that Dr. Siegel is the expert and the only thing he can refer to is what he read in the documents.

Attorney Mathews asked Dr. White if there is a depth of the aquifer where the natural filtration through the ground makes the livestock waste of no concern.

Dr. White responded that the answer is yes.

Further discussion with regard to possible well contamination and protection for potential groundwater contamination continued.

Mr. McCary elaborated on the book handout section by section.

Mayor Hooker informed the attorney that the research report will be a great asset, and it will help us make better decisions on how to manage horse facilities in the future.

8 E. Fire Department Report

Chief Clark reported on the draft Joint Powers Agreement. She said, the Forestry Department will provide services to help fight fires and will not be held financially responsible to pay the City or the County Fire Departments. She said if our fire department is called to go to District (1) or (27) or anywhere, we have mutual aid agreements and may be reimbursed for manpower to include our volunteer firefighters along with gasoline and equipment expenses. Chief Clarke reported that she is attending along with two of her firefighters ISO training in Santa Fe. She reported that she is hoping to gain more information with regard to our fire protection rating. She said it will not help us lower the premium very much but will help in obtaining larger grants through the Fire Protection Fund. Chief Clarke mentioned that she had nothing to report at present with regard to the Public Safety Citizens Advisory Committee. She stated that she was not at the last meeting; however, Trustee Siegel was sending her some information via e-mail.

Attorney Mathews said that the Joint Powers Agreement is something he is seeing throughout the state and it helps small municipalities with some real needed resources. He said that there is a lot more attention on wild fire management from both federal and state governments.

3. CONSENT AGENDA

Motion: **Trustee Siegel** moved approval of the Consent Agenda. **Trustee Rembe** seconded the motion.

Trustee Lopez asked Trustee Siegel if there would be an e-mail on the meeting that was held on 4th Street that included Mike Contreras and Rick Saylor.

Trustee Siegel stated that it is stated in the minutes on what was agreed on.

Trustee Lopez asked the Mayor if there is any need to consider mediation.

Mayor Hooker stated that he believes at this time, there is no need for mediation.

Trustee Lopez asked if there is some movement towards a solution to at least work on the intersection.

Mayor Hooker said that he believes that is the general consensus. He believes that they are waiting for the finding of a significant impact from the Federal Highway Administration. There is a need to issue a new request for proposals for engineering services to complete the project. At that time, the Board would have an opportunity to revisit the questions still pending, and what is it we are trying to design and build.

Trustee Lopez stated that if in fact the intersection is not functional we need to make necessary improvements that have been waiting for a long time. If discussion is still needed on the rest of the street this can be dealt with in another avenue.

Mayor Hooker stated that the Board would have a chance to explore that question in depth in October or November.

Trustee Siegel stated that the problem is that the intersection plan will have to be completely re-designed. The other problem is that the funding can't be shuffled through Council of Governments much longer, and would have to go through another Environmental Assessment.

Trustee Lopez stated that a meeting should be set up with the essential players of Council of Governments to ask the questions on what has to be done.

Motion: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

A. A request by Roderick A. Hansen and Lydia Griego-Hansen for a Zone Map Amendment to R-3 Zoning to allow for a portion of the front to be subdivided where the property is currently zoned A-1. The property is located at 516 Roehl Road and legally known as Lot numbered Thirteen A (13-A), Plat of Lots 12-A & 13-A of Justen Jones Addition, as the same is shown and designated on the plat filed in Book 93C, folio 76 on March 17, 1993, in the office of the County Clerk of Bernalillo County, New Mexico. This parcel contains approximately 1.5 acres. This item has been forwarded by the Planning and Zoning Commission to the Board of Trustees with a recommendation of approval.

The Village Clerk, swore-in those individuals who would be testifying with regard to Item 4. (A)

Mr. Roderick Hansen stated that he and Mrs. Hansen purchased the property jointly three years ago with Mr. Hansen's mother who has since passed away. Mr. Hansen stated that he was trying to stay in the house and in order to do that he is requesting a subdivision of the 1.5 acres to separate the guest house so he can sell it legally.

Trustee Lopez stated that as he reads the Planning Report for a recommendation to concur with the P & Z and approve the zone map of eminence, there are two conditions (a) No further subdivision be done on the property after this and (b) no additional separate residential structures be allowed.

Trustee Siegel asked Mr. Hansen if he was intending to sell this property.

Mr. Hansen answered yes, we are hoping to.

Trustee Siegel said that in essence, you have property with a house and a guest house on it, and you want to sell and subdivide the guest house portion of the property. He said this is the kind of thing that the Village is afraid of when people build guest houses. He further stated that the guest house modifications were done illegally. He said that it did not receive a final Certificate of Occupancy and exceeds the square footage allowed for a guest house. This was done prior to the Hansen's ownership. He said he believes that this can not be done legally, and perhaps Mr. Mathews will discuss this issue further. He said he believes this constitutes spot zoning.

Attorney Mathews stated that this is spot zoning. He explained that spot zoning is when you take a particular parcel out of the neighborhood, and change the zoning so you have one parcel that is different then the surrounding zoning. He said there is another solution to this and that is to obtain a variance instead of the zone change. He said that the Hansen's have not created the situation that they are faced with.

Issues of unintended consequences and setting a precedent were discussed.

Attorney Mathews stated issuing a zone change would set a precedent, whereas, obtaining a variance would not set as precedent.

Motion: Trustee Lopez moved to table this item to the next Board Meeting on October 23, 2002.

The motion failed for lack of a second.

Motion: Trustee Rembe moved to deny the request. **Trustee Siegel** seconded the motion.

Vote: The motion carried with **Trustee Lopez** voting no.

5. OLD BUSINESS

A. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001)

(1) Section 16 - Off Street Parking

Mayor Hooker stated that this item was already dealt with in July. He suggested that this be deferred. He asked if there are any comments from the Board. There were no comments from the Board.

(2) Proposed Agricultural-Commercial Zone

Motion: **Trustee Siegel** moved to accept the draft of the proposed Agricultural-Commercial Zone. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

Mayor Hooker asked if a political event would be considered a Special Event.

Further discussion continued regarding the definition of a Special Event and other changes to the language in the draft.

Mayor Hooker asked if the Board would accept the additional language changes to the draft and present it at the October 23, 2002 Board Meeting.

Vote: The motion carried unanimously.

6. NEW BUSINESS

6A. Mayor's appointment to the Mid Region Council of Government Water Resources Board

Mayor Hooker stated that he would like to be appointed to the Mid Region Council of Government's Water Resources Board and **Trustee Lopez** be appointed as the alternate.

Motion: **Trustee Lopez** moved to accept the Mayor's appointments. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

6. (B) Discussion and Approval of the Joint Powers Agreement for Fire Suppression between the State of New Mexico Energy, Minerals and Natural Resources Department.

Motion: **Trustee Lopez** moved approval to accept the Joint Powers Agreement. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

6. (C) Award of Contract for the French Drain Installation to Star Paving Company

Motion: **Trustee Lopez** moved approval to award the contract to Star Paving Company. **Trustee Rael** seconded the motion.

There was a discussion with regard to Star Paving Company being the low bidder and their past experience with French Drain installation.

Trustee Lopez stated that they will need close supervision.

Trustee Siegel stated that he is concerned that the Village has to go with the low bidder.

Trustee Rembe said that she doesn't want to experiment with this and then have to repeat the process over.

Mayor Hooker stated that he would look to the Engineers for close observation.

Engineer Karen Meene-Jacobsen said ASCG will be on site to be sure the specifications are followed.

Mayor Hooker stated that he believes it is reasonable to go ahead with the award.

Vote: The motion carried 2 to 1 with **Trustee Siegel** voting no.

7. FINANCIAL BUSINESS

A. Cash Report - August

Treasurer Leatherwood explained that there were some extra ordinary expenses in August.

Trustee Lopez asked if the \$500 loan for the Hoe Down has been done.

Attorney Mathews stated that he also needs to write a check for a donation to the Hoe Down.

Trustee Rembe asked if the Fire Department could submit a budget for uniforms. She said she does not see it in the budget.

Trustee Rosoff stated that the uniform expenditure comes out of the uniform supply line item.

Mayor Hooker said he will ask Chief Clark to talk about the Fire Department operating budget later this year.

Motion: Trustee Lopez moved to approve the Cash Report and to pay all the bills. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that the Corn Maze was open. He said hundreds of people came out for the moonlight walk. He said he has talked to the Growers Market regarding their \$5,000 grant and they are talking about a lecture by Mark Childs who has done vast research on public squares and markets. He gave to the Board a copy of the 2010 Downtown Development Plan for the City of Albuquerque and offered it as an example of

the most innovative planning and zoning document with incredible commitments by the Planners and others to achieve certain goals. He said it explains that if a builder comes in and meets the checklist standards, they will be guaranteed a building permit in 30 days. He said he believes this is an innovative way for the Board to consider how to write the code for the Village, the neighborhood center, and perhaps the 4th Street corridor, and to visualize what we want to achieve and encourage developers to respond to the goals of the Master Plan. He also talked about trying to call the Old Trails Committee back together again.

Further discussion regarding trails continued.

B. Administrator's Report

Administrator Rosoff reported that Manuel Facio has submitted his resignation and that Bernalillo County will be picking up the responsibility of issuing building permits. He said that some time ago, he was asked to provide the amount the Village has spent on engineering costs. He reported that these amounts are \$48,000 for ASCG and \$99,400 for Wilson & Company. He said he will be meeting with the Sheriff's Department to go over their contract next Tuesday.

Trustee Siegel said he would like to attend the meeting.

Administrator Rosoff said he met with Bernalillo County regarding an Employees Assistant Program. He said the program will be rather inexpensive and is a good one that he will bring to the Village. He said the boy scouts have a clean-up scheduled for the Old Village Hall which includes cutting trees and cleaning up the parking lot.

Trustee Siegel asked what happened to the appraisal that was requested.

Administrator Rosoff stated that the Board decided that they did not want to spend the money for a formal appraisal but instead thought that an independent appraisal would suffice. He said if anyone knows someone who will do this, please let him know. He reported that the pot holes on Osuna and 4th are repaired and the weeds that Trustee Rembe mentioned are in the Village and will be cut.

C. Legal Report

Attorney Mathews reported that the Attorney for Heartland Farms, David Campbell, has withdrawn his case as he feels it is a non-conforming use. He said he is very concerned about this. He stated that the Sanchez's have a case in court where only the Village has been sued. He stated he is concerned that if the Cronk's and the Luzieki's are not willing to intervene, he may need to pull them into this case as it is their livelihood and property that are at stake. He said it seems very odd that the Village is the only entity being sued as Attorney McCary has sent notices to the Cronk's and Luzieki's for depositions and is also trying to obtain their personal financial records, etc. He said if he advises Attorney Campbell that he does not accept that this is a non-conforming use and that some kind of zoning is needed, then what happens to the Writ of Mandamus. Attorney Mathews reported that he has been attending the Planning & Zoning Meetings and has requested that the P & Z Commission change their meeting date as it conflicts with the Sandoval County meeting that he has to attend. He said there are two temporary restraining orders on Guarduno. He said that Planner Tidwell and Zone Enforcement Officer Casias are working on a plan as to what areas to address first.

D. Planner's Report

Mayor Hooker stated that he already has Ron Casias' report and it speaks for itself.

Planner Tidwell stated that this is Ron Casias' second report. She said the three members of the Planning and Zoning Department attended the League of Zoning Officials Conference in Rio Rancho last week. She stated that code enforcement on Willow Road will begin and several other locations. She said Ron Casias has cleaned up Garduno Road, and looks much better.

Trustee Rembe said that the work that has been done is very hard to do and she commended Cyndie on doing a good job.

Trustee Lopez said he thinks Rembe's description speaks well for the hiring of Ron Casias as the Code Enforcement Officer. He stated that Officer Casias seems to be making a name for himself in the Village, and this is good.

Mayor Hooker stated that he will be looking at the legal questions on how to deal with the documents related to code enforcement that are not public documents and that there are certain confidentiality requirements. He said a consultant will be in tomorrow to look at the office areas, work stations, file cabinets, etc.

E. Fire Department Report

Item 8(E) was moved and heard prior to item 3. Consent Agenda.

F. Engineer's Report

Engineer Jacobson stated that she thinks the Mayor has touched on the things she would have mentioned such as the Bosque restoration and the French Drain contract. Regarding the Phase II Permit, the first public meeting has been tentatively scheduled to November 7th, 2002 at 7:00 o'clock that is due to the EPA on March 10, 2003. The inspector will either be myself or Tim Archibeque.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Siegel reported that there has been a lot of discussion in the Citizens Safety Committee meetings that they are not in favor of the Village having their own Police Department, and not in favor of pursuing a Joint Powers Agreement with another community other than the Bernalillo County Sheriffs. There was a general consensus of increasing the officers to at least eight (8). He said he has arranged for them to get a copy of the Village budget. He said there was discussion on the Fire Department of more funding for more firefighters. He said that the right amount of information is needed to justify the need for eight officers. He said that the North Valley is understaffed and if more officers were available, they will just remain in a pool. He said there is not a lot of accountability and there is a lack of communication in the Sheriff's Department. He announced that the meetings are held the first Monday of every month at 5:30 p.m.

10. ADJOURNMENT

Motion: **Trustee Rembe** moved to adjourn at 10:50 p.m. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2002.

ATTEST:

Annabelle Silvas, CMC
Village Clerk

