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MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES CLOSED MEETING – 6:30 P.M.
October 23, 2002

Present:

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

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

On Wednesday, October 23, 2002, the Village of Los Ranchos Board of Trustees held a Closed Meeting at 6:30 p.m. The purpose of the Closed Meeting was for the discussion of pending litigation regarding Heartlane Farms pursuant to NMSA 10-15-1 (H) (7). The matters discussed in the closed meeting were limited to those specified in the notice of closure (and no action was taken).

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING – 7:00 P.M.
October 23, 2002

Present:

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

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

Absent:

Allen Leatherwood, Treasurer

1. CALL TO ORDER

A. APPROVAL OF AGENDA

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, October 23, 2002, in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m. with two changes;

namely, the Board has a welcome for Ray & Mary Arrowsmith and the Board will not be discussing Item #6. (B).

Trustee Lopez said he also has a revision that he would like to approve the revised Minutes of the September 25, 2002 Board of Trustees Minutes and approve October 9, 2002 Board of Trustees Minutes.

Motion: Trustee Lopez moved to approve the agenda as amended. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

Mayor Hooker said that he would like to take this opportunity to thank Ray & Mary Arrowsmith for their service to the Los Ranchos Growers Market. He said this plaque is for your help, dedication and service as co-managers of the Growers Market; “Your Work Helps Us Grow”. He said this Saturday morning is appreciation day at the market in honor of Ray & Mary Arrowsmith.

Ray & Mary Arrowsmith thanked the Village for the ~~plaque~~ plaque and everyone who has participated in helping the Los Ranchos Growers Market to grow successfully.

2. PUBLIC COMMENT PERIOD

Mr. Saylor said he received a copy of a letter on Village letterhead dated October 9th, 2002. He said the subject was the 4th Street Corridor Improvement Project and in the letter, it stated that the plan is to go with the two lanes with a center turn lane north of Osuna. He said the letter was signed by the 4th Street Corridor Project Team. He asked who are the members of the 4th Street Corridor Project Team.

Administrator Rosoff said the letter restates what the preferred alternative is and has never been changed from the preferred alternative that the Board voted on in 2001. The project team is composed of a representative from the Village government; namely, myself; a representative from Wilson & Company and a representative from the New Mexico Highway Department.

Mr. Saylor asked who are the three people.

Administrator Rosoff said the project team is represented by people in the three agencies. He said he does not know all the people in the Highway department that might have been a part of that.

Trustee Lopez said that he has never seen the letter and he would like staff to make copies of the letter for the Trustees. He said he understood the at the August meeting and the September 8th meeting, Trustee Siegel and Mayor Hooker met with Mr. Saylor and at least one other business owner.

Trustee Siegel said that there was a meeting but there has never been a vote. He said he has changed his position on it, but we have not voted on it. He said we still do not have the FONSI either. He said the letter is pretty much a recapitulation of the environmental assessment language and some of the paragraphs are almost verbatim.

Trustee Rael said as he recalls, it was agreed that the Mayor, and Trustees Lopez and myself would be representing the Trustees but that never happened.

Mayor Hooker agreed, however, we never had a mediation session.

Trustee Lopez said at the August meeting, there was a subsequent discussion after the meeting. He said Trustee Siegel, the mayor, Mr. Saylor and another individual, who represents business from outside of the intersection area, mentioned that there would still be mediation to discuss which way it will go.

Trustee Siegel said we did not get that far. He said the only thing that was discussed at that meeting was the intersection and the southern portion of the street. He said it was agreed among the people at the meeting, we would not do anything on the northern portion of the project except drainage and intersection improvements. ~~part of the intersection regarding drainage improvements.~~ He said that was the frame work of the agreement. He said what would happen with the eventual configuration at the northern portion of the street, would be something that would be mediated in the future. He said indefinitely in the future, because the money constraints and the feeling that the priority is to improve the intersection on the southern part of the street. He said it also includes the southern part of the street from Solar north. He said there has not been an official action of the Board at that meeting or any other meetings.

Trustee Lopez said that is what he remembers and would like to see a copy of that letter.

Trustee Rael said he would like to see a copy of the letter also.

Mayor Hooker said this is the official response to the petition that was given to the Village and the Federal Highway Administration.

Administrator Rosoff said the Federal Highway Administration received the petition and directed the project team to write a letter restating it again because the input synopsis had said to date and what the plan that is on the books says was the purpose of that letter.

Trustee Lopez said he was curious why the Board was not provided a copy of the letter ahead of time. He said it seems to be a pretty important letter.

Administrator Rosoff said the addresses on the letter were to anyone who signed the petition who had a legible signature or legible address.

Mayor Hooker apologized that we did not share copies of the letter with the Board also.

Mr. Saylor said typically when he sends a letter to someone, he signs it. If someone else is on the letter, we both sign it or we at least say who it is from. He said he would just like to put some names with the 4th Street Project Team. He asked who was the person at the Highway Department.

Administrator Rosoff said as he mentioned before, he does not know who at the Highway Department was involved in putting that letter together.

Mayor Hooker said, therefore, it is the State Highway Department, Administrator Rosoff and a representative from Wilson & Company.

Mr. Saylor asked who is the representative from Wilson & Company.

Administrator Rosoff said there was more than one representative from Wilson & Company. The primary representative from Wilson & Company was Rebecca Lee.

Mr. Saylor said thank you.

Barbara Chavez asked did everyone who signed the petition receive a letter.

Administrator Rosoff said everyone that signed that petition whose name and address we could make out, as a lot of them were illegible, received a copy of the letter. He said approximately 95 copies of the letter were sent out to about 118 people who signed the petition.

Barbara Chavez said my brother-in-law signed that petition and he did not receive a copy. She said he writes legibly.

Mayor Hooker said it is public record and copies are available upon request.

3. CONSENT AGENDA

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

Trustee Siegel said he had some comments on the October 9th Minutes. He said there is no record of several votes that he recalls happening. He said there was a motion made to substitute the VC language and it records the motion on page 3, line 46 but does not record the vote. He said as he recalls it passed. He said there were several other votes made on their suggestions and that there were a couple that Trustee Rael made and a couple that he made. He said the votes were not recorded. He said there is nothing in the minutes that records what actual language is supposed to go into the draft or the notes.

Mayor Hooker said unfortunately that Dorothy wasn't able to work on them full-time last week.

Motion: Trustee Siegel made a motion to amend the Consent Agenda. He said that the October 9th minutes be deferred to the next scheduled meeting with the proviso that the tape be reviewed and the relevant votes are recorded. **Trustee Rembe** seconded the motion.

Vote; The motion carried and the rest of the Consent Agenda was accepted unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

There were no Public Hearing and Applications.

5. OLD BUSINESS

A. Approval of Resource Management Plan for Los Poblanos Fields Open Space

Trustee Lopez said that he carefully looked it over and said it is an outstanding plan for that

particular piece of property.

Motion: Trustee Lopez said as a part of his motion to approve the Resource Management Plan, he would like to suggest to the City of Albuquerque Open Space Division and to the Village of Los Ranchos that we consider that piece of property, in the future, for irrigation efficiency in the event federal funds or some other funding becomes available.

Trustee Siegel seconded the motion.

Vote: The motion carried unanimously.

B. Report on the Fire Department Budget – Chief Clarke

Chief Clarke reported that there are six career fire fighters and ten active volunteers and one open position. The open position is a Fire Marshall's position, however, that probably will be filled with a full time inspector. She said next month we are testing for the volunteer applications. She explained the various shifts and reported that anything over 106 hours is considered overtime and that 2,912 hours per year are worked at regular time. She said the available New Mexico Fire Fighters Salary Survey commissioned by Governor Johnson is \$11.91 per hour. She said the Village Firefighters are all in the \$11.00 range. She presented an overview on uniform distribution and explained exactly what is required to provide a complete uniform to outfit the firefighters and the volunteers. She said the total cost including volunteers is \$9,518.19. The Village budget for this expenditure is \$10,000.00. She said some of the other expense items that we have are maintenance of our vehicles, maintenance of our building and safety equipment that will increase this year.

Trustee Lopez asked about the \$25,000 that is provided for safety equipment and who maintains inventory control for the equipment.

Chief Clarke said the safety equipment consists of: turn-out gear, jackets, helmets, scrubs, hats and flashlights. She said that the inventory control is maintained by the Fire Department.

Trustee Siegel said do you have an average annual salary per fire fighter.

Chief Clarke said based on 106 hours, the salary is \$29,200. She said based on an average pay, she advised that she does not have those figures.

Administrator Rosoff said the average per annual salary with overtime is \$43,000.

Trustee Siegel asked what is the actual cost involved to outfit a fire fighter, including salary, benefits and equipment.

Administrator Rosoff said he will get the information and report back.

Trustee Rembe said she went through several receipts last year and there were a lot of things that were in addition to the items mentioned. She said it included things like helmets and blazers which were expensive. She said she was not complaining but just would like to know if these things were budgeted for.

Chief Clarke said it was a time when we had a physical fitness program so we did supply sweat pants and exercise clothing. She said we no longer are doing that. She explained that the blazer and helmet is part of uniform expense. She said the blazer is needed for attendance at funerals and

various high level meetings. She said she would like, in the future, to provide this to senior level fire fighters. She said that the Fire Chief's Conference is coming up and she is taking the Senior Firefighter and would like a uniform for him. She said some of the firefighters have purchased their own.

Administrator Rosoff said it costs \$385,000 per year for salary and benefits including taxes. He said this comes to approximately \$48,000 per fire fighter including benefits. The entire annual budget for the Fire Department is \$512,263.

C. Discussion and Approval of Resolution 2002-10-2 – Placing a Moratorium on Building Permits for Walls and Fences over Four Feet in Height and Facing Roadways.

Administrator Rosoff said there is a current moratorium in effect that was placed in August and expires October 31st. He said the intent of that moratorium was to carry through the wishes of the Board of Trustees in changes that they have already made or approved to the zoning ordinance. He said this Resolution would extend the moratorium and also modify the moratorium in that it allows building permits for walls to be submitted. He said, the previous moratorium did not allow us to accept an application for a wall, but under this moratorium, it can be submitted and be considered to be approved or acted upon when the moratorium ends.

Motion: Trustee Rembe moved to approve Resolution 2002-10-2. **Trustee Rael** seconded the motion.

Trustee Siegel said we had this discussion before regarding the word roadways in the resolution. He said do we have a legal definition of what constitutes a roadway. He said before we changed it to public thorough fares.

Trustee Siegel said when you read the action part of the resolution, it says, "The moratorium facing roadways", is that a public or private roadway.

Attorney Mathews said a roadway would include private roadway if you want it to be public only you need to insert that word.

Motion: Trustee Siegel moved to amend the motion to change roadway to public thorough fare. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

Further discussion of the resolution continued.

Mayor Hooker said it only imposes a moratorium on approval of building permits.

Administrator Rosoff said the previous moratorium that expires at the end of the month was a moratorium on applications.

Mayor Hooker asked does this supercede the previous moratorium.

Administrator Rosoff said yes.

Attorney Mathews said this moratorium will supercede the one that expires in a few days.

Vote: Lopez, aye; Siegel, aye; Rembe, aye; Rael, aye. The motion carried unanimously.

D. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001)
(1) Discussion of Conditions for Horse Use in the AC Zone.

Mayor Hooker said we have received written comments from Trustee Siegel and David Campbell.

Trustee Lopez said that this issue has been discussed at several recent meetings and it is a letter like the one from Mr. Campbell and Mr. McCary going back and forth with comments. He said he just wanted to make that point.

Trustee Siegel said that he would like to offer the comments that he made. He said he thinks that there is some place for regulating horse shows under the Special Events provisions that was at least passed for the draft version of the AC Zone. He said the matters of the horse density should probably be handled under the Animal Control Ordinance. He said it is possible for a private horse owner to have the same kind of issues with drainage, flies, manure, etc. that would happen in a commercial stable. He said there should be some provision for this. He suggested that if there is a horse per 10,000 square feet there is no additional plan, if there is on to 3 horses per 10,000', there needs to be a drainage plan and a manure handling plan, and more than three horses a dust plan, manure handling plan and drainage plan submitted to the Village. He said other suggested criteria for a matrix are approval of a Special Use Permits for Special Events. The draft of the AC Zone mentions specific criteria for a certain number of people. He said he did not remember the exact number of people, however, if it is above that number, that there has to be a Special Use Permit. He suggested some criteria for horse shows: a 25 foot set back from the arena to the property line, the buffering 6' wall or landscaping, a parking plan, maximum number of horse shows per month with hours between 9:00 am and 5:00 pm and also compliance with the Animal Control regulations. He said that these were some reasonable aspects of what the Sanchez's and Mr. McCary proposed. He said some of the others that were proposed were a bit onerous.

Mayor Hooker said that they are not written exactly as an amendment to the draft ordinance but the precise language can be written by staff.

Trustee Siegel said he would like to offer Item 4 to be added to the AC Zone and he would like to direct staff to add some of the criteria from Item 3 into the draft of the Animal Control Ordinance that the Board has not taken up officially.

Trustee Lopez said by doing this, it offers the residents of the Village another chance to take another look at this and provide written comments as we get closer and closer to a possible solution.

Trustee Rembe said she likes the changes, however, she said we did talk about the definition of horse shows and the Board really needs to define that.

Trustee Siegel said that if we look at the AC Zone, there is a definition of Special Events and is generic and could hold for a conference, fund raiser at a winery or could hold for this time. He said a horse show would be anything that fits that definition. He said if it meets the criteria of a special event, then it would automatically trigger those sorts of things being in effect. He said there are five specific things listed.

Mayor Hooker said that would include the set back on side yards.

Trustee Siegel said he wants to make this clear that it is not necessary unless there are horse shoes

(shows) of a magnitude reaching that threshold. He said he received some phone calls about private corals and that would not apply. These five things would only apply to commercial activities in the AC Zone that meet the Special Event definition.

Attorney McCary said when they were here last time there were comments that some of the conditions suggested were onerous. He said he is not clear which specific conditions are being referred to. He said he would like to reply to Trustee Lopez's questions at the last meeting. He said one had to do with the new ordinance having any impact on existing horse operations. He said as you will recall 198 residents signed a petition that was submitted at the September 14th, 2002 meeting asking that the horse limitation be retained. He said if you want to encourage the horse operations to apply for this new zone and comply with some of these conditions that he feels are important, then he said, it is critical that the horse limit be retained in the other zones. He said as to condition eight, it said if the one horse, 10,000 square foot limit is eliminated, the following needs to be included based in our NRSC assessment and other relevant conditions, Planning and Zoning shall determine the maximum number of horses permitted and maintained on the property.

Trustee Lopez asked does that mean that we can eliminate 9 through 11 if there is no horse limit.

Attorney McCary said what he intended and recommended is if you are going to do anyway with any horse limit in the AC Zone, that based upon the natural resource and conservation assessment of the site as to what may be necessary as far as manure, stock piling, removal, drainage, etc. and the location of the manure, each specific site should have some limit based upon a spot site specific assessment. He said with regard to the horse facilities, if they apply to get out from under the four horse limit and if they apply for this zone, there ought to be an assessment of what would be considered a reasonable amount of horses for that specific site.

Mayor Hooker said more of a performance standard of some kind.

Attorney McCary said yes sir. He said it is difficult to pick an arbitrary number; it depends upon the size of the site and are the horses going to be housed in barns, in closed stalls or are they going to be out in open stalls. He said the open stalls create more of a problem because there is more distribution of the dust and also what if the manure is not handled properly and so forth.

Mayor Hooker asked is the NRCS the only agency qualified to do these kinds of assessments or the only qualified person to do the assessments.

Attorney McCary said he is not aware of anyone that does it free. He said based on his discussions with them, they have the ability to do it for horse operations and will do it for free. He said he is not quite sure which is considered objectionable by the Trustee; it sounds like the set back is something that is felt to be reasonable and perhaps some sort of screening is suggested and definite hours on the riding arena. He said he would hope that there would be no sound amplification or heavy equipment operation outside the hours of 9:00 am and 5:00 pm and that the horse arena would be watered down at 6:00 pm each night to cut down on the dust problem. He discussed manure removal and the necessary labor that is required to handle the situation. Waste Management is willing to generate a report to show that the manure is being handled properly and taken away on a periodic basis. He said if you do away with the horse limit with respect to some of these facilities, then it requires additional monitoring and enforcement by the Village. He discussed that there are at least six arenas outside of the Village for horse shows be allowed per year to show off their facilities to generate business. He also mentioned there has been a limitation on the number of horses in this community since the first Ordinance in 1959.

Trustee Siegel said he would like to know if these gentlemen would like a copy of his comments regarding this matter.

Attorney McCary said yes and he would like a copy of Mr. Campbell's letter also.

Attorney Campbell said he is here to represent Mr. & Mrs. Cronk who own the property known as Heartlane Farms. He said the Cronk's property has been continuously used over the years as a riding academy, horse stables, breeding facility and commercial/recreational facility for over a half a century. He said in the 2010 Master Plan and predecessor plans; the Village is unique and distinct in regard to agricultural goals. He said the area of law in which he practices is land and zoning law and there is a big difference between zoning and what is Special Permits or Special Uses. He said what Mr. McCary is proposing is excessively regulating agriculture and it is a regulatory scheme that attempts to do exactly what the Village says it does not want. He said Mr. McCary's conditions are simply for people who do not want to live in an agricultural zone. He said Trustee Siegel brings up a good point. He said in the kinds of regulations for pest control, dust control and animal welfare, they are best taken care of not in the zoning code but in the ordinance designed for those purposes, i.e.; the Environmental Health Ordinance, the Animal Control Ordinance and the Animal Welfare Ordinance. He said zoning is to divide the community into districts saying what may be done with those districts. He said amplified sound would go into the Noise Ordinance. He said finally regarding the Site Development Plans he would encourage not making your ordinance so restrictive. He said he feels this is over regulation. He said things like parades where you would be blocking a road and need to police protection would be something that would require a permit. He said wine tasting, piano recitals at someone's home or a piano teacher home or a show at the stables are natural and expected accessory uses for these zoning areas and should not require pulling a permit.

Trustee Lopez asked are you representing anyone else in the Village.

Attorney Campbell said no but realizes this issue has other people who are concerned.

Mayor Hooker said he believe(s) the Board would like staff to respond to the Trustees and Attorney comments and bring back a proposed amendment to the Board at the next meeting.

Mr. Sanchez said this is the natural consequences of the infill of people into the residential parcels that still want agriculture not the stamping out of agriculture.

Liz Sanchez said she has lived here since the early 60's. She said she has had 50 horses on 5 acres. She stated that she has never had a complaint and she came here to live in a farming and rural atmosphere. She spoke about the Village protecting the farmers from the encroaching City of Albuquerque and the taxes. She said if people chose to move in next to us, they should not complain afterwards. She said she cannot believe this is even being considered.

Bridget Wilson discussed restrictions in terms of hours of operations. She said you would not expect (expect) a health club to be restricted by hours and gave other examples.

Mayor Hooker said we will put it on the next agenda with some new language for our next meeting on November 13th. He said thank you for your comments.

6. NEW BUSINESS

A. Discussion and Approval of Resolution 2002-10-3 – In support of a Planning Grant Application to Department of Finance and Administration.

Trustee Lopez asked what is the actual grant amount.

Administrator Rosoff said \$25,000.

Motion: Trustee Lopez moved to approve. **Trustee Siegel** seconded the motion.

Trustee Rembe asked is the thinking in terms of community facility or more in terms of housing.

Mayor Hooker said that this would be more in terms of planning for community development not for housing per say; that would be a different resolution. This is intended as a planning grant primarily and might be used for planning for public parks or other facilities in the 4th Street Corridor or any kind of facilities or uses.

Trustee Rael said it refers specifically to Village Center's zone district.

Mayor Hooker said you are correct; it is for the Village Center.

Trustee Rael asked when were the two public hearings held.

Planner Tidwell said the first hearing was in August and the other meeting was today. She said she had two people attend the August and no one was present tonight.

Trustee Rael asked is this the way it is typically done.

Planner Tidwell said it is a Federal requirement. The first notice for the meeting was published in the monthly newsletter, in the newsletter and the internet.

Trustee Siegel said his understanding in this is just to get the money for the planning and there are no specifics as to how the planning is going to go. He said it is very important and the VC Zone is the most important thing in the zoning code and we need to take extra time and extra money to be sure it is done the right way the first time.

Trustee Rael said it appears to him that now the VC Zone is being pushed in or suggested that it should be more of a residential area then (than) what the intention was in the Master Plan to be more commercial. He said now it has changed quite a bit.

Mayor Hooker said this grant is not for housing or planning for housing.

Trustee Rael said yes it is Mayor. He said it states development and housing needs including the needs of low and moderate. He said he does not have a problem with that.

Mayor Hooker said that primarily it is community development. He said we looked at this as how we develop planning for a public plaza or public space in the Village Center that was some of the background thinking behind these grants that are going to Socorro, Taos and maybe Las Vegas. He said towns that have plazas or (are) trying to renovate them. He said we are one of the unique ones trying to build a new plaza. He said the intent of this one is specifically community development not housing. He said the second resolution was more specifically for affordable housing in that area, however, that request is not viable so it is being dropped.

Trustee Lopez said if the grant is acquired and it is decided how it is to be spent, this will have to be evaluated by the Board so that we get the most for our money and what is desired is what the Village gets. He said Trustee Rael is making a point that we need to be careful that it is not specifically used for a reason that is narrow versus broad.

Mayor Hooker said we are using the language that they want us to use. He said at the first hearing there were comments on senior services that if we could develop a therapy pool for seniors as part of our community center project, it would be great. He said the community center, public plaza, post office, etc. and how and when these can be developed, was one of his intents in applying for this grant.

Trustee Rael said the fact that we do not have a VC Zone yet, will this make any difference.

Administrator Rosoff said this is the first of the proposed VC Zone.

Planner Tidwell that is why the resolution is written with proposed Village Center and Ken Hughes is aware of that. She said the money has to be spent by the end of next September.

Trustee Lopez said understanding the parameters, constraints and the idea of not being narrow and being broad he supports it.

Trustee Rael said he also supports it as long as we do want to help the commercial side of the development.

Vote: Lopez, aye; Siegel, aye; Rembe, aye; Rael, aye. The Resolution was adopted unanimously.

B. Discussion and Approval of Resolution 2002-10-4 – In support of a Community Development Block Grant Application to Department of Finance and Administration.

Item 6(B) was removed from the Agenda under Item 1.

C. Discussion and Approval of Resolution 2002-10-4 – Adopting the Annual Infrastructure Capital Improvement Program (renumbered)

Administrator Rosoff said if this resolution passes because the other resolution has been withdrawn, this resolution will be 2002-10-4 and it will be renumbered on the final copy.

Motion: Trustee Siegel moved approval for the purpose of discussion. **Trustee Rembe** seconded the motion.

Trustee Lopez said some of the projects have been around for awhile and others are projected. He asked are these capital projects that will go to the legislature for approval.

Administrator Rosoff said all of the projects in the ICIP will get incorporated into the statewide ICIP book. He said we will also have another opportunity to provide legislative priorities to the legislators at the beginning of the session and should track closely with whatever is passed tonight.

Trustee Lopez said the reason he brings that up because before the Board asks our legislators to support the capital projects, which obviously is (are) part of the quote, he would like the opportunity for the Board to prioritize these projects and then meet with the appropriate legislators

and hopefully invite them here and stress the ones that the Board feels are very important. He said, in his mind, the sanitary sewer project is very important.

Administrator Rosoff said it is very important to take action on this plan in some form tonight. He said there will be every opportunity to put them in any priority order that the Board would like them in, or to add additional projects or delete projects. He said this is just staff revising the previous ICIP with discussions that have been held here within the last year. He said under ICIP-05 there is a summary and this would be a good place to rank them in whatever order the Board decides.

Trustee Rael asked if there was any prioritizing done.

Administrator Rosoff said he did some prioritizing, Purchase Land to Clear Blight, is listed as a first priority and is also part of the grant proposal that we have taken off the agenda, therefore, it does not belong on the list anymore. He said it is important that the CDBG Grant be on top of the list. The Village Center Planning Grant should be the first priority.

Trustee Lopez said perhaps the first meeting in November or even December, the Board should tackle the priority list and invite our legislators to come to the Village Hall.

Administrator Rosoff said the priorities can be changed at any time but the book is going to print so the priorities that you pass tonight will be the priorities that are in the book.

Trustee Lopez said then the Village Center Planning Grant should be number one. He said personally he feels the priorities are not unreasonable.

Trustee Siegel said he does not have a problem with the priority list.

Trustee Rembe said she has a problem with the list. She said we have been talking a lot about the bike trails since she came on board and it is listed second to the bottom. She said bicycle trails are all over Albuquerque but they stop as soon as they get to the Village. She questioned Trends/Future Projects. She said she has always been in favor of the Community Center but does not feel that the cost of the therapeutic pool is one of her priorities.

Trustee Siegel said it seems that you can put these in any order that you want and it seems you can advise the legislature of your priorities, but they come up with their own priorities and they love community centers. He said we can spend a lot of time worrying, but in the end, he said he does not believe it makes any difference. He said it would be nice to have a trail but the sewers, Fourth Street, fire hydrants, roads and police vehicles; it is hard to say we don't need those as much or more.

Trustee Rembe said do we need fire hydrants.

Administrator Rosoff said we need about eight every two years and we need an on-going program to add fire hydrants.

Trustee Rael said he thinks the order looks good.

Mayor Hooker said we will have a chance to hear more comments from citizens and the Board. He said he Board has received requests to do something with the property north of Paseo del Norte and we are looking on how to work with the Bosque Restoration Project for access to the Bosque.

He said at this time, he does not know if that would require any capital from the Village and will not know until probably sometime later.

Mayor Hooker said that he will invite our representatives and senators to our first meeting in December perhaps the first meeting in December.

Vote: Lopez, aye; Siegel, aye; Rembe, aye; and Rael, aye. The resolution was adopted unanimously.

D. Resolution 2002-10-5 Supporting the Project Application to the 2001-2002 Cooperative Agreement with the New Mexico State Highway (renumbered)

Administrator Rosoff said the Highway Department has notified us that we did not pass a Resolution to spend money that we currently have in our budget. He said it was scheduled back in March and that meeting was cancelled and it was not rescheduled. He said in order for the Village to get reimbursement for the funds, we need to put a Resolution in the packet. He said the wording is the wording that the Highway Department wants.

Motion: Trustee Lopez moved to approve the Resolution. **Trustee Rael** seconded the motion.

Vote: Lopez, aye; Siegel, aye; Rembe, aye; Rael, aye. The motion carried unanimously.

E. Approval to cancel the November 27, 2002 Regular Board Meeting

Motion: Trustee Lopez moved approval. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

7. FINANCIAL BUSINESS

A. Cash Report – September

Administrator Rosoff reported that at this point in the fiscal year, we have taken in about \$3,000 less than what we budgeted and on a budget of 1.6 million dollars, this is a marginal difference. He said in this month, the Village spent slightly more than it took in but it is all money that was budgeted. He said the gross receipts tax goes up and down throughout the year and it is unpredictable. He said it is on track along with our spending.

Trustee Siegel said is there anyway of finding out what portion of our gross receipts are generated by home occupations either an amount or percentage.

Trustee Siegel said not on the reports that we receive. He said they are by industry code.

Trustee Siegel said it would be interesting at some time to see that. He said it would be interesting to see which particular business(es) are providing income and which ones are not.

Trustee Rosoff (Administrator Rosoff) said that certainly we can distribute the detailed reports that are received. He said the Village get(s) a listing each quarter of those businesses that are paying gross receipts tax but we do not know how much they are paying. He said we also receive a summary by classification of how much is being collected.

Trustee Siegel said the one by classification would be quite interesting.

Motion: Trustee Siegel moved to approve the September Cash Report. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

B. Quarterly Report

Administrator Rosoff reported for Trustee (Treasurer) Leatherwood and stated that the report covered a recap of the activities in the quarter and those activities are in accordance with what we projected. He said 25% of the way through the fiscal year; the Village has only spent 20% of their budget.

Trustee Siegel said the one thing he is concerned about is that the GRT revenues are kind of flat and when considering the fact that the Village is increasing in population and the demands on services are going up, it is a disturbing trend. He said it would be expected that the GRT revenues would be keeping pace with the population increase. He said it seems that it is not and needs to be kept an eye on and whether it is healthy to be so dependent on the gross receipts taxes as a financial base.

Mayor Hooker said he has expressed his concerns on cutting the gross receipts tax base by the gubernatorial candidates. He said they suggested they would phase it in and will give us liquor tax money or cigarette tax money instead. He said he is not convinced that is going to work.

Trustee Siegel said there is a proposal by Senator Komanadina from the West side that provides revenues from the state income tax to make up for the loss for the food and medical care removal.

Motion: Trustee Lopez moved to accept the Quarterly Report. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that he has been attending the Business Association Meetings regularly. He said we listened to the District 15 candidates in October. He said the Business Association is starting their planning for Spring Fest and their next meeting will be at Casa Rondena Winery. He is continuing to serve on the Council of Governments both on the Executive Committee and the UTPPB. He said under Lawrence Rael's leadership of the COG, we are taking some excellent initiatives on water, transit and regional planning. He said it appears that the idea of regional transit is well accepted now and there is an alliance between Dona Ana, Bernalillo and Santa Fe Councils to create legislation for that, that will serve all three of those areas and allow us to create a regional transit authority. He said whether we opt in or not is another question. He said if you would like copies of the COG's legislative priorities, he will have them distributed to the Board. He said also if you would like to have the Executive Director come and talk to the Board, he will be happy to invite him to a meeting.

Trustee Lopez said he feels it would be good to have the Executive Director come at least once a year.

Mayor Hooker said he has been here this year but we can invite him to the December meeting.

Trustee Siegel asked what is going on with the 4th Street FONSI.

Mayor Hooker said it is in the Highway Administration's hands.

Administrator Rosoff said the Highway Administration in response to the petition asked for further information which one of them was the letter Mr. Saylor had in his hand earlier that needed to be responded back to the petitioners. He said they are still considering this.

B. Administrator's Report

Administrator Rosoff said it is his duty to pass to you a letter from the Bernalillo County Sheriff's Department that one of our long time deputies, Mary Brazas, who performed very well for us for a number of years, has been reassigned to a new position in the criminalistics section as a forensic artist. He said this has created a vacancy in the Village. He said this letter from Sgt. Bushar explains how they are going to fill that vacancy but there will be a number of weeks that the Village will be short one deputy. He said that we only pay for hours that are actually worked so the Village will not incur an expense for this until the position is filled. He said she will be missed by the Village. He reported that he will be attending the City Manager's Semi-Annual Meeting in November. He said the Village Center Zone Ordinance comments made at the last meeting will be back on the agenda at the next meeting of the Board on November 13th.

Trustee Siegel said is there anything that became of the meeting with Mike Contreras.

Administrator Rosoff answered no to Trustee Siegel's question. He said with regard to the budget from the previous two fiscal years, the Village had budgeted \$22,000 to buy a pumper truck and it was decided not to buy it as it was a dry year. This year we have had an occasion to rent a pumper truck and the company we rent it from has made an offer to sell it to us for about \$10,000 less than what was budgeted. He said if the Board would like to consider amending the Budget, we could put it out for bid and see what proposals we receive. He said he is asking the Board if they would like it brought back as a budget amendment for a future meeting.

Trustee Rembe said why does the Village need a full time pumper truck.

Administrator Rosoff said the rental has gone up a little this year but also the truck that we have been renting the company plans on disposing of it. He said he feels we could find another one to rent without a problem. He said the place it is needed most is Guarduno (Garduno) Road. The rental of the pumper truck was about \$1800 this year for nine days.

Trustee Siegel said what about making drainage improvements to the road to eliminate water accumulation.

Administrator Rosoff said the estimate for that was about \$300,000. He said some of the issues with that road is that it is a private road.

Trustee Siegel said then why do we have to take care of drainage.

Administrator Rosoff said the Board decided it was a safety and health hazard matter and, therefore, it was appropriate to do it on a temporary basis.

Trustee Siegel said this is not a temporary basis anymore and asked if this is something we are going to take on permanently.

Mayor Hooker said we are going to have to defined our public assets, like streets and depreciate them accordingly. The definition of a public street has several layers to it. He said by some definitions it is a public road but privately owned.

Administrator Rosoff said he feels the Village can get by with renting but it is not as time efficient as having our own. He said the capacity is 800 gallons.

Mayor Hooker said we will let this rest for now.

Trustee Rembe asked about traffic counters.

Administrator Rosoff said they are part of the overall traffic study we are doing at the Village. This is something that ASCG is doing for us in the way of traffic calming and a plan for the entire Village. He also said we have advertised that part time parks maintenance position and have three applications. He said we have not selected anyone yet.

Mayor Hooker said that we are going to have a volunteer clean up day Saturday, November 9th.

Trustee Rembe said is there anyway we could do some planting along the fence and are we going to use the whole area for parking.

Mayor Hooker said I believe we can come up with a plan. He said Mike Gonzales has proposed to expand the playground area.

C. Legal Report

Attorney Mathews said he forgot to mention something regarding Animal Control, and that is, certain types of animals can be band (banned) from the Village. He said regarding private roads, he did not think there was an anti-donation issue when pumping Guarduno (Garduno) Road. He said if you maintain private roads for a consistent amount of time, they can become public roads. He said he thinks there is a real issue as to the status of some of the roads in the Village and he did not believe the Village wanted to take on a lot of private roads. He said when he first became Village Attorney, the Board talked about the business registration and it was revised and the fee raised from \$25 to \$35. He said it is mandatory that the Village has a Business Registration Ordinance. He said there is another type of license and that is a business license which the Village does not have. He mentioned tattoo parlors and masseuse parlors are the types of businesses that the Village might want to mandate a business license requirement. He said now that we have a Code Enforcement Officer, the Village has the ability to monitor those types of businesses.

D. Planner's Report

Planner Tidwell said the Resource Team from New Mexico MainStreet brought copies of their report to the office and Attorney Mathews and she are working on the proposal to bring to you with that report. The Minutes of your last meeting were for 500 Guarduno (Garduno) Road and in the Planner Report, it advised that it has been brought up to code but only half is habitable. She said the decision has not been made by the family whether to bring it up to code or if they want to create a single family dwelling. Bernalillo County will not issue a Certificate of Occupancy; they will issue some sort of document that allows the family to move back in. The CO is given when the entire structure is brought up to code.

Trustee Siegel asked about the Sign Ordinance and was concerned about the beer banners that are being advertised.

Planner Tidwell said they are looking at enforcement of the Sign Ordinance and Jessica is preparing documents as to who is legal and who is not legal.

Mayor Hooker said we are getting good compliance on new signs.

E. Fire Department Report

This was given under Item Old Business 5(B)

Trustee Lopez said he understood that Chief Kelly is looking for more of a fire investigator.

Administrator Rosoff said the previous Fire Marshall averaged about 60 hours a week between shifts and regular duties. He said the Chief would like to have more of an office type person who does not pull shifts and be available all day when people need fire inspectors.

Mayor Hooker said we are continuing to do Public relations. He said we had 20 to 30 children this week on a field trip to the Fire Department to learn about fire safety and the stop, drop and roll class.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Lopez said it is possible to get from Wilson & Company who that letter was sent to.

Administrator Rosoff said he will obtain a photocopy of the petition, a copy of the list and a copy of the letter.

Trustee Lopez also asked if anyone spoke to Theresa Perea.

Planner Tidwell said Miss Perea was advised that her building permit is ready to be picked up, and has been reviewed. She said Miss Perea chose to pay her variance application fee in full. She said Miss Perea's permit is just waiting for her or her contractor.

Trustee Siegel said Saturday night there was a lot of drag racing on 4th Street between 3:00 am and 5:00 am. He said this brings up the weakness in the graveyard shift. He said they were going for hours.

Mayor Hooker said the department is offering community policing programs to neighborhood associations and they would like to get at least six households at a time and will teach block watch programs.

Trustee Rembe said the historic Hotels of the Rockies are having their Board meeting at her house in November. She said John Rifts stayed at her home and is considered the father of American Zoning. She said he loved the idea of the Village Center and had a wonderful time and talked about eleventh century villages in France with tiny streets and alleys and amazing houses that first were three stories and then four stories and still existing in France. She said it is a huge tourist attraction.

Mayor Hooker said he also had the opportunity to listen to a traffic expert named Peter Swift and he is going to try and get the Council of Governments to bring him here to talk about traffic calming and design for livable streets. He said he has worked on and we are working on with ASCG. He said we will be bringing that back to the Board later this year.

10. ADJOURNMENT

Motion: Trustee Lopez motioned to adjourn. Trustee Rembe **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