

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
JULY 13, 2011 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor
Mary Homan, Trustee
Pablo R. Rael, Trustee
Don Lopez, Trustee

Kelly S. Ward, Administrator
Annabelle Silvas, Clerk
Bill Chappell, Attorney
Nancy Haines, Treasurer
Fred Radosevich, Public Safety
Linda Seebach, P & Z Director

Absent: Tim McDonough, Trustee - Excused

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

MOTION: **Trustee Rael** moved approval of the agenda. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously 3-0

**B. CHIEF GARCIA AND STAFF DIVISION CHIEF GREG PEREZ,
BERNALILLO COUNTY FIRE DEPT- ANNUAL END OF YEAR REPORT**

Chief John Garcia reported that changes were made with their rank structure in which they now have Division Chiefs. Greg is now the staffing and communications liaison for the Department.

Greg Perez, Staffing and Communications Liaison stated that for the year of 2010 the County ran 12,129 calls of service and out of that 716 were in the Village of Los Ranchos. In these numbers it is the minutes. The minutes begin when the individual resident picks up the phone and is connected with the 911 call center. The calls that were down graded from serious to not so serious, the average turn out time from the initial call to the scene was 11 minutes. The initial time for no lights, and no sirens was 9 minutes and 35 seconds. The last, is the coded calls or the lights and sirens emergency response for the Village of Los Ranchos came in at 8 minutes and 43 seconds. If you take out the portion taken up in dispatch were looking at 5 1/2 to 6 minutes on an average response. These are good numbers well within the 6 to 8 minutes set by the American Heart Association and the 7 1/2 minutes established by the NFPA for room and content fires. We are honoring what the County committed to do for Los Ranchos as providing public safety.

Chief Garcia stated that these numbers are important because that means that they are able to get to those room and content fires quickly and able to get to the EMS calls

quickly enough. They are doing a good job in this area and that is one of the reasons why they look at how many fire stations we have in the area. The community of Bernalillo County and the Village of Los Ranchos has done a great job on informing them on any situation that comes up. It helps them get there and manage those situations quickly and thanked everyone at the Village.

2. PUBLIC COMMENT PERIOD

Sharon Harrington, 329 Rancho Road, stated that she is having some issues regarding ditch patrol. They see public drunkenness and is not safe for children or the public. She does not see random patrols and asked if the ditches could be patrolled more often. Secondly, it is regarding the sewer ordinance. She referred to what happened with the Bernalillo County Commission where they voted to remove a deadline requiring home owners with old septic tanks to upgrade by a certain date. One of the commissioners stated that it was a tremendous economic hardship regarding the mandate and also stated it is unfair for them to pick an arbitrary date. She asked if it was feasible to look at amending the arbitrary date in the Village's current ordinance.

David Baird 8203-C Guadalupe Tr., asked if the Animal Control Officer is still employed with the Village. He said Mr. Martinez broke in to his property to take his dogs and he violated the Village ordinance.

He said he is trying to get a survey for three lanes on 4th Street and wanted to get a feeling of what the Board's thoughts were on this. He asked if this can be speeded up.

3. CONSENT AGENDA

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. MINUTES – JUNE 8, 2011 – REGULAR MEETING

B. DEPARTMENT AND COMMITTEE REPORTS

1. ANIMAL CONTROL

MOTION: Trustee Homan moved approval of the Consent Agenda. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 3-0

4. REPORTS

A. **MAYOR'S REPORT**

Mayor Abraham reported on the following:

- He has been involved with the rail runner matters and has had several productive meetings with several representatives of Senator Udall's' and Bingaman's office. They were toured at the Agri-Nature Center and briefed them on a lot of projects in the Village especially open space. They are going to see how they can work with us and also talked about the concerns and problems with Clean Water. He thinks that we can work with them to get a resolution.
- He and Kelly Ward visited the 4th floor of the Round House, because they

wanted to open up communications with the Governor and Chief of Staff. They wanted to discuss with them the best way to have involvement with them and if we had any concerns who to talk to. There was also discussion on the fire station being a bit short on funding and if there is any funds left in the capital outlay that the film industry is not going to take.

- The Growers Market is doing very well with approximately 1,600 visitors this last Saturday. The same time period the year before when we had a lavender event it was 1,900. The Growers Market was successful. Kelly Jo's Ceramics, Casa Rondeña Winery, Antique vendors and other retailers had their own mini lavender event. The Village is working toward having some type of lavender event next year.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The Animal Control Officer Martin Martinez, is no longer with the Village in which his last day was July 8th.
- Finished the budget year with about 255,000 on the plus side in terms of revenue in and that is from our original projection this same time last year.
- Working hard to prepare the Agri-Nature Center for the Art Exhibit being held on August 14th and will run for about 3 weeks.
- It was a quiet 4th of July weekend. The two fire works stands that were set up left early, although Gemini was full on 4th of July.
- He and the Mayor have been meeting this week and did get together to talk about 4th St joining with the City of Albuquerque. The City is looking into reconstructing 4th St from Montañño north to Solar Road to Camino Espanola.
- Did include in the Board packets, not as an agenda item, a draft JPA with Bernalillo County for Business inspections and permit review. The draft has the Village paying for those inspections and perhaps we should consider passing that expense to the business owners. He is seeking feedback from the Board in August or September meeting.
- He also needs to roll in to this discussion the adoption of a new Fire Code to bring the Village in line with Bernalillo County in addition to an Emergency Management Plan for the Village.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- She has received nine applications for the Planning & Zoning Commission and two applications will be going to the Board next month.
- She attended the Middle Rio Grande Water Shed EPA permit meeting last month. The Village of Los Ranchos is the only entity that has a Storm Water Management Ordinance.
- She is working on the MOU for the Alameda Riverside Canal re-study that is coming up.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- He has completed briefing on Mr. Howards appeal with respect to the vacation

of a plat.

- He is in the process of briefing on the Stephen Curtis appeal with respect to sewer connection.
- They are close to wrapping up the codification ordinance. Annabelle spent several hours in our office today going over changes. They have all the input they need and will soon present it to the Board.
- He worked on the Planning Department issues, applications, and responded to various questions. He said it seems like activity is picking up significantly in the Village.

E. PUBLIC SAFETY REPORT

Public Safety Director Radosevich reported on the following:

- The Bernalillo County Sheriff's Department handled 296 calls.
- The Bernalillo County Fire Dept handled 93 calls that station 30 ran on.
- He is worked on speeding and stop sign issues, and the fire works issues on the Saturday before the 4th of July.
- He is working on the old Gas Man station on 4th street. They have pulled a demolishing permit.
- He worked with Albuquerque Open Space on Bosque closure and the re-opening this week.
- The Memorandum of Understanding (MOU) the Board approved in April has been signed. The vehicles will be transferred tomorrow to the County.

5. FINANCIAL BUSINESS

A. CASH REPORT – JUNE

Treasurer Haines presented the Cash report.

MOTION: Trustee Lopez moved approval of the Cash Report. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously 3-0

B. DISCUSSION AND APPROVAL OF RESO. NO. 2011-7-1- BUDGET ADJUSTMENTS FOR FISCAL YEAR ENDING JUNE 30, 2011

Administrator Ward stated that in the packets there is supporting documentation for the accounts that need adjusting and an explanation regarding the Agri-Nature Center contingency in the amount of 30,000. He explained that the money was taken out of other accounts and it was shown as a budgeted item. He stated that the 100,000 was for furniture and fixtures for the fire station and it will be moved to the budget for the new fiscal year.

MOTION: Trustee Homan moved approval of Resolution. No. 2011-7-1. **Trustee Rael** seconded the motion.

ROLL CALL VOTE: Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

VOTE: The motion carried unanimously 3-0

C. DISCUSSION AND APPROVAL OF RESO. NO. 2011-7-2- APPROVING THE FINAL 2011/2012 FY BUDGET

Administrator Ward stated that he did make a few adjustments on the revenue side to accommodate the end of year expenses and end of year revenue. He stated that we are anticipating total revenue of 5,086,000 and total expenditures of 5,700,000 so there will be a decrease in the cash balance. There are a couple of big ticket items such as the 400,000 we are short for the fire station. He stated that will come out of the general fund unless we can find some state money. He stated that he is in conversations about that now but without something firm it will come out of the general fund. He stated that we have 881,000 in long term debt that we have to pay down. He is setting money aside for open space and also for our bond repayment. He also stated that on the operations side rolling it up with capital expenses and debt expenses, we're spending less than we're taking in.

He stated that the municipal gross receipts taxes had an 11% drop in collection over the previous fiscal year. Note that in the previous fiscal year, which just ended in June we collected 919,000 and the end of year 2010 it was 856,000. It is the same situation with the state share, a 7% increase from 2010 in 2011. There are 2 big ticket items which is the partial completion of the fire station and the Los Poblanos build up, which is a 5,000,000 job. We don't see any construction jobs coming down the pike. That is the nature of projecting the decrease in revenue, about 13% to the bottom line. Our small cities assistance grant has come in enormous this year and we have no explanation as to why so we dropped down to a normal year, not anticipating an extraordinary year because we are not sure why we received that much money. On insurance recoveries, we can't anticipate. We don't have any more fixed assets to sell. We have one item that we sold for 35,000. Our projected cash balance is 2,768,000, the general fund. The total cash balance is 4,200,000, taking into account our open space fund and our bond repayment fund.

Trustee Lopez asked about doing some type of resurfacing on 4th Street. It has been many years since that street was resurfaced.

Administrator Ward stated that we just signed a purchase order and on August 1st, they will start to patch where you see the big ruts. We will come back 2 inches and resurface the entire thing.

Mayor Abraham stated that we did not take into account the one building that we did not build so that can be another 125,000.

Administrator Ward stated that we will know in a couple of months.

MOTION: **Trustee Rael** moved approval of Resolution No. 2011-7-2. **Trustee Homan** seconded the motion.

ROLL CALL VOTE: **Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.**

VOTE: The motion carried unanimously 3-0

6. PUBLIC HEARINGS AND APPLICATIONS

A REQUEST BY KELLY JO KUCHAR, AGENT FOR JENABBCLAND LLC FOR A ZONE CHANGE AND ZONE MAP AMENDMENT FROM SU-1 TO C-1 FOR KELLY JO DESIGNS IN THE FOURTH STREET COMMERCIAL CORRIDOR AND CHARACTER AREA. THE PROPERTY IS LOCATED AT 6829 FOURTH STREET AND IS LEGALLY KNOWN AS LOT 8A, BLOCK 2, GREEN VALLEY ADDITION WITHIN PROJECTED SECTION 28, T11N, R3E, N.M.P.M., M.R.G.C.D. MAP 28, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK ON OCTOBER 22, 1997. THE PROPERTY CONTAINS .3788 ACRES MORE OR LESS. Z-11-01

Attorney Chappell swore in those who would be speaking on items 6.A and .B.

Planner Seebach read her planner's report. In the year 2000, Kelly Jo's Designs, a commercial manufacturer of ceramic products with retail sales was required to have a Special Use Zone under the old Ordinance which was what they were granting at that point in time. Subsequent to that Ordinance, 183 was adopted and light manufacture for ceramics has become an allowable use in the C-1 Zone. The SU -1 Zone is no longer granted by the Village and it's no longer needed. It's very restrictive and returning the ceramic manufacturer to a regular commercial zone is in the highest and best interest of the Village. It does meet the New Mexico State Test for the Zone change. There have been change issues, mainly adoption of Ordinance 183 which made it an allowable use. The Planning and Zoning Commission forwards a recommendation for approval for the zone change to the Board of Trustees. The Village strongly supports the zone change and there are findings with a recommendation.

Matt Kuchar 6829 4th Street, stated that he is here to request the zone change.

Trustee Lopez asked what other changes will be made in the expansion of the business.

Matt Kuchar stated that when the building was purchased in 2000 it was the Albuquerque Tortilla Company and it was SU zoned. He stated that they planned on doing retail. They were light manufacturers with a small portion of our business being retail. He also stated that 10 years later, about 75% of their business is retail based and the SU-1 zoning is a restriction. The C-1 Zoning will allow them to have longer hours. He stated that initially there was some negative feelings about merchants in the area but that had dissipated over the last 10 years.

MOTION: Trustee Homan moved approval of the zone change from SU-1 to C-1 with the following findings:

1. The property is currently zoned SU-1 and lies in the 4th Street Corridor and Character Area.
2. The proposed Zone Change and Zone map amendment meets the Zone change test 1) There has been a change in conditions since the Zoning Ordinance and Zone Map was enacted by the Village Trustees that warrants a Zone change.
3. Ordinance 183, Section 10 C-1 Zone allows for light manufacturing.

4. The proposed Zone change and Zone map amendment meets the requirement of NMSA Section 3-21-5 (A) and (B).
5. The 2020 Master Plan 8.2 Commercial Goal is to vitalize Fourth Street, the Village Center and the Transit District as the Village's major commercial and mixed use centers through both public and private efforts.
6. 8.2.2 Policy A. Strongly supports the business community and use various economic incentives to strengthen local businesses as well as attract new ones.
7. The Village no longer grants Special Use Zones and encourages re-zoning from SU-1 to C-1 land uses.

Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 3-0

B. AN APPEAL BY ELIZABETH SANCHEZ OF MANDATORY SANITARY SEWER CONNECTION AS REQUIRED BY ORDINANCE 228, SECTION 4(B) IN THE A-1 ZONE OF THE NORTH RIO GRANDE CHARACTER AREA. THE PROPERTY IS LOCATED AT 7622 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS TRACT 83-A M.R.G.C.D.MAP #27. THE PROPERTY CONTAINS 1.1427 ACRES MORE OR LESS. SSS-11-04.

Planner Seebach read her planner's report. Planner Seebach stated that on June 2010, she met with Elizabeth Sanchez to discuss her connection to the sanitary sewer. At that time, Planner Seebach did an ORTHO from her GIS system and showed it to Ms. Sanchez and asked her to indicate on the ORTHO where the connection point to her septic system was. Based on where she indicated both the tie in and the connection point was located, Planner Seebach took a measurement on the GIS system and it was 259 feet. Based on that information, Planner Seebach requested a concurrence from New Mexico Environmental Department (NMED) or a waiver from sanitary sewer connection under Ordinance 184, the 200 foot rule. The NMED concurred and a waiver was granted due to the 259 foot distance from tie in to the connection point.

Ms. Sanchez failed to register her sewer system as was required by Ordinance 184 or have it inspected by NMED. Upon subsequent investigation this year, it was discovered that none of her septic systems on either of her properties are permitted through NMED. On May 11, 2011, Village personnel observed an AAA Septic truck pumping the system at Ms. Sanchez' residence and notified Officer Keen Heinzelman. Keen went to the premises and talked to the AAA Septic employee, noted the location of the septic clean out and the distance to the sewer tie in and checked the GIS system and found that it was 124 feet. Based on Ordinance 228, which states that if one septic system is required to connect then all septic systems on the parcel are required to connect. Therefore the Village revoked the waiver that was granted in 2010 under Ordinance 184. Under the new Ordinance, which is very clear, both septic systems are required to connect to the sanitary sewer system. The department is recommending denial of the appeal, a mandate that both systems be connected to sanitary sewer as Ordinance mandates, and that Ms. Sanchez apply for permits for all of her septic systems through the NMED.

Trustee Lopez stated that in the planning report it states “After receipt of the waiver the Appellant did not register the septic system with the Village”. He asked if the letter provided to Ms. Sanchez required permitting.

Planner Seebach stated that a form was sent out along with the letter with instructions about how to contact NMED.

Elizabeth Sanchez, 7622 Rio Grande Blvd NW, stated that the notice is incorrect. The first property is not 83 A. It is 83 B per property tax records. She also stated that the legal description is incorrect. The legal description is for 83 B .06841 acres.

She stated that she was granted an exemption and that she paid a fee of \$25.00. She stated that she has a letter from the Village granting her a waiver.

Elizabeth Sanchez stated that Raymond Sanchez was the representative of the Village. He drafted a letter to the residents of Los Ranchos advising them of the benefits of tying in to these services and improving their quality of life. He worked hard on this so that the residents can obtain a choice. It was never a bill or a piece of legislation to mandate that everyone tie in and use. It was strictly given to the people as a gift. The tying of these services was a means to benefit the community, but knowing that not all of the people he represented could afford to use these services. The idea of the bill was to allow people to choose whether or not they could afford to utilize.

Elizabeth Sanchez asked if the mandatory requirements were ever voted on by the people that they affect. Who decided that rich and poor, tie in to these services? Who decided that they had to bear the costs? Who made the mandates?

Mayor Abraham answered that it was this Board who passed the Ordinance.

Elizabeth Sanchez asked why the residents were not given the right to vote on this.

Trustee Rael answered that they are not always going to come to the residents on everything that they do and that is why they vote to choose the Trustees.

Elizabeth Sanchez stated that the Board of Trustees is mandating something that for 45 years she has gone without and did not need.

Mayor Abraham asked that we get the discussion back on track and he asked that Attorney Chappell enlighten the board as to why we are requiring residents to connect.

Attorney Chappell stated that the legal answer is that Ordinances were passed and have been in effect for some period of time and the mandatory sewer connection is nothing new.

Elizabeth Sanchez stated the septic system that is in violation was originally built into the home. She stated that she has a new addition to the home and that AAA Septic installed a new septic system and they have been maintaining all of the septic systems on her property. She also stated that it was all done according to code by AAA Septic and she has been trying to get the paperwork on that. She stated that she is aware that it is an old system. She stated that she completed a construction project on her spare bedroom and spare bathroom and that

the septic system should have been replaced at that time, but she ran out of money. She stated that she is aware that it is not up to code and that a decision needs to be made. She can either fill in her septic system or tie in to the sewer.

Mayor Abraham asked how many residences and how many people are living on Elizabeth Sanchez's property?

Elizabeth Sanchez responded that she has two properties and that she lives on the property with 1.688 acres. She also stated that the septic system in question is in the main residence in a storage room that they recently renovated.

Mayor Abraham asked how many people live on the property with 3.56 acres.

Elizabeth Sanchez responded that no one lives on that property, it is farm land. She said that she has a large septic tank by the hay barn and that the whole residence runs off of that tank.

Mayor Abraham asked how many septic tanks are there on both properties.

Elizabeth Sanchez answered that there are three.

Mayor Abraham asked how far the property is from Rio Grande Blvd.

Elizabeth Sanchez answered about 300 feet.

Trustee Rael asked what the other septic tank is used for.

Elizabeth Sanchez stated that it is not being used.

Trustee Rael asked what the septic tank that is 259 feet away from the home is used for.

Elizabeth Sanchez answered that it is used for the home and it was installed in 1982 when she remodeled her home.

Trustee Rael asked if the septic tank has been in place since 1982.

Elizabeth Sanchez answered yes. She stated that it has been maintained by AAA Septic and that they have records.

Trustee Rael asked if the larger septic tank was placed there at the same time.

Elizabeth Sanchez answered that it is a historical septic tank and that she knows it needs to be replaced. She said it is not functional and that it is 65 years old.

Attorney Chappell stated that the depth is 540 feet.

Elizabeth Sanchez stated that she does not mind fixing what she knows needs to be repaired. **Mayor Abraham** stated that it cannot be fixed, and it cannot be used at all. He stated that per the Ordinance if a property has one septic tank both have to be connected to sewer. If one septic tank is tied in, then both septic tanks have to be tied in to the sewer.

Attorney Chappell stated that the Ordinance under Section 4-B-1 states that if a premise has more than one septic system and one system is required to connect to the public sanitary sewer, all systems on the premises shall be required to connect. There does not appear to be a way to waive that under this Ordinance.

Planner Seebach stated that the Village has not come across this situation since Ordinance 228 was adopted.

Trustee Lopez asked Mr. Chappell what would happen if the 124 foot cesspool disappears.

Attorney Chappell answered that the Village is in the same position. The purpose of the Ordinance is to require people to connect to the sanitary sewer to protect the ground water and other safety concerns.

Trustee Rael stated that the purpose of the Ordinance is to protect all of the residents. He further stated that a person is required to connect if the closest clean out is within 200 feet and that fact exists right now.

Mayor Abraham stated that the Board is there to enforce the Ordinance and that would require that the septic tanks be hooked up.

Elizabeth Sanchez stated that she will close the first septic tank down and that would leave the tank that is 259 feet from the connection point.

Planner Seebach asked to read from the Ordinance Section 3 which states that “No person shall install or modify a liquid waste system or use a private liquid waste system that was installed or modified after public sanitary sewer service has become available within 200 feet.”

Elizabeth Sanchez stated that all of her tanks have been maintained and installed by reputable professionals but that she is unable to spend thousands of dollars adjusting her property which is not a health hazard. She stated that she is willing to work with the Village to make it safe.

Trustee Rael stated that there are programs through the Water Authority that will help her financially to connect to the sewer.

Elizabeth Sanchez stated that her tank is good and that she will not connect that tank to the sewer. She said that is not a topic that she is willing to discuss.

MOTION: Trustee Rael moved to deny the appeal and issue a determination that connection to the sanitary sewer for both septic systems located on the premises shall be made within 90 days from the determination which will be October 11, 2011 as required by Ordinance 184, as amended by Ordinance 228, Section 4B and Section 4B1 and that all septic and property owned by the Appellant obtain permits from NMED with the following findings:

1. Chapter 22 of the Court applied Ordinance 184 as amended by Ordinance 228, Section 4B requires mandatory connection to the sanitary sewer when every

premises not included in paragraph 4a, above, shall connect to public sanitary sewer when sewer service is available within 200 feet. The 200 foot distance shall be measured from the closest point of connection on the public sanitary sewer, in a straight line (notwithstanding that structures may be located between the connection points), to the point where the liquid waste disposal line of the residence located on the premises connects to the septic system (clean out point).

2. In June, 2010 the appellant did not disclose the existence or location of the second septic located on the front of the property within 124 feet of connection points.
3. Upon receipt of the waiver for the residential septic in June 2010, the appellant failed to obtain inspection by NMED, provide a permit for the residential septic and register the system with the Village as required by Ordinance 184 as amended by Ordinance 228, Section 4(c). Additionally, NMED does not have any record of permits for any of the septic systems on the property.
4. Ordinance 184 as amended by Ordinance 228, Section 4(c): Each residential Premises not required to connect to the public sanitary sewer under Section 4(b) above, must have all septic systems permitted through the New Mexico Environment Department (NMED) and must register such septic system(s) with the Village.
5. The June 2010 waiver was revoked under Ordinance 228, Section 4(b)(1) upon discovery of an AAA Septic truck pumping the front septic on May 3, 2011 and the 124 foot measure determined by Officer Heinzelman. Section 4(b)(1) Ordinance 184 as amended by Ordinance 228 requires: If a premises has more than one septic system and one system is required to connect to the public sanitary sewer, all septic systems on the premises shall be required to connect to the public sanitary sewer.
6. The appeal is based on the confirmation of determination letter of June 7, 2011 from Marcy Bissell, not the revocation of waiver and determination of mandatory connection letter of May 5, 2011 signed by Kelly S. Ward, Administrator, which included a copy of the Ordinance as required by Ordinance 228, Section 5(b).
7. The appeal of the Administrator's determination was not filed in the fifteen day appeal period as required by Section 5(c).
8. The Board of Trustees is the Governing Body of the Village of Los Ranchos de Albuquerque and thus authorized to adopt, interpret and enforce Village Ordinances. Confirmation of "public health hazard" is not required to enforce Village Ordinances.
9. Enforcement of Village Ordinances which carry the force of law does not constitute a potential unlawful taking of private property.
10. The 2020 Master Plan Section 4, 4.3.1 Water Quality Goal is to practice water conservation and prevent ground water contamination within the Village;
Section 4, 4.3.2 Objectives: Enforce the mandates for sanitary sewer connection

throughout the Village.

Trustee Homan seconded the motion with discussion. She said she understands the rule about the double system and the issue if the existing system is modified. She asked if Elizabeth Sanchez were to plum from the remodeled section back to the septic system that has been in use, is that a modification of the system?

Attorney Chappell stated that the ordinance was not that specific, however if you change input to the system it could be interpreted as a modification.

Planner Seebach stated that this would have to be done with the approval of NMED and it would trigger a modification form from NMED to change the existing configuration of the septic tank.

Trustee Homan stated that is if they change the septic, but if they change it before the input into the septic.

Planner Seebach stated that to take the existing front septic system and move it back and tie it into the back septic system.

Trustee Homan stated that she was not referring to using the current front septic system whatsoever.

Planner Seebach stated that Elizabeth Sanchez either has to tie that in to the sanitary sewer, but if she tried to take it back to the back stubs under NMED processes that it would constitute a modification to the existing system.

Trustee Homan asked if it is possible to tie the front in without it triggering the back as an interpretation of our current Ordinance.

Attorney Chappell stated that is an interpretation that could be made. The Ordinance is very clear that if one is required to connect, then both are required to connect.

Trustee Lopez asked Trustee Homan that even though the Board may vote on this tonight that does not stop any appeal.

Attorney Chappell stated that there is always an option to appeal through District Court and your decision tonight will simply establish a timeline.

VOTE: The motion carried unanimously 3-0

7. **OLD BUSINESS**

None

8. **NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF VOTING DELEGATE AND

ALTERNATE FOR THE NEW MEXICO MUNICIPAL LEAGUE ANNUAL CONFERENCE IN ROSWELL, NM

MOTION: **Trustee Homan** moved to approve the voting delegate as Trustee Lopez and the alternate as Trustee Rael. **Trustee Rael** seconded the motion.

ROLL CALL VOTE: Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

VOTE: The motion carried unanimously 3-0

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2011-7-3 – A RESOLUTION ESTABLISHING ANIMAL CONTROL FEES AND MINIMUM FINES AS REQUIRED BY THE ANIMAL WELFARE ORDINANCE NO. 173

Administrator Ward stated that when the Animal Control Ordinance was last amended fees were never put in place, but we have been charging them.

Fred Radosevich stated that if an owner wants to surrender an animal, wants removal of a dead animal from a private residence, the Village incurs fees for that. The Village should be able to recover those fees. The fees are in line with what has been charged. Ordinance 173 allows for Trustees to set a minimum fine. We are asking for a minimum fine of \$25.00 to be set. The Ordinance also allows for a penalty assessment. If animal control officer finds a violation and the person wants to take a penalty assessment as opposed to going to court, they sign the assessment. It creates an easier way to do things.

MOTION: **Trustee Homan** moved to adopt Resolution No. 2011-7-3. **Trustee Rael** seconded the motion.

ROLL CALL VOTE: Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

VOTE: The motion carried unanimously 3-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael asked what is being placed across from JB's Restaurant.

Administrator Ward stated that it is a clinic for child psychologists. There are a number of doctors there who perform counseling.

Trustee Lopez stated that there was a Water Resources Board meeting at the Mid Region Council of Governments and he was named the Chair.

Trustee Homan stated that she is still getting comments on unleashed dogs that are trained for voice commands. She thinks the Village needs to create a formal statement that we can provide to the residents when they ask about it. In the Animal Control report there were 41 dogs off-leash.

Administrator Ward asked if the statement should address why we want all dogs on a leash regardless of whether or not they respond to voice commands.

Trustee Homan suggested that the statement be put in the Village Vision magazine once it has been prepared.

Trustee Homan asked that everyone attend the NMML Annual Conference in Roswell. She stated that she is running for President.

10. ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2011.

ATTEST:

Annabelle Silvas, Village Clerk