

47 Applicant: Vincent Montoya

48

49 Agent: representing himself

50

51 Legal Description: Lots 2, 3, and 4 of the Southern Addition, Block 1, containing a total of 0.230
52 acres (10,018.80 square feet)

53

54 Zoning: R-1A Mixed Single-Family Residential zone

55

56 On July 11th, the P&Z heard Mr. Montoya's request for lot size and width variances. There are 3
57 platted lots and Mr. Montoya wants to use the lots for mobile home rental spaces. The site (all 3
58 lots) was formerly occupied by a home that burned and was removed.

59

60 Each lot is approximately 3,340 square feet and measures 83.5 feet in length and 40 feet wide.

61 Under the current Comprehensive Zoning Ordinance, the R-1A zoning requires lots to be 6,000
62 square feet in area and 60 feet wide at the front setback line. Setbacks are Front – 20 feet, Side -
63 5 feet and the Rear yard is 10 feet.

64

65 Under Section 20 of the zoning ordinance, "a Variance from the strict application of area, height,
66 dimension, distance, parking or setback requirements may be allowed in the case of exceptionally
67 irregular, narrow, shallow, or steep lots, or other exceptional physical condition where the strict
68 application of the requirements of the Ordinance would result in a practical difficulty or
69 unnecessary hardship that would deprive the owner of the reasonable use of his land or building.
70 Practical difficulty or unnecessary hardship cannot be found when financial gain, loss, or
71 monetary savings is the basis for the claim of hardship."

72

73 Also, if the proposal is approved, in order to rent out the spaces and place mobile homes on the
74 lots, setback variances will be necessary. The standard size for a single wide mobile home is 16
75 x 80. The variances needed will be specific to each lot and each mobile home based on size.

76

77

78 Mayor asked if there were any questions.

79

80 There were none.

81

82 Councilor Prairie stated that this is not the first case that comes before the Governing Body. A lot
83 of people are in this same situation. We cannot do anything due to the lot size and our zoning
84 ordinance does not allow us to. On San Lorenzo, there are lots that are 40 feet wide and people
85 are inheriting them. We need to work on our ordinances to assist our residents. Our job is to
86 enforce the Town's Ordinances, but we need help our residents the best we can.

87
88 Councilor Sisneros stated he agreed with the statement Councilor Prairie made. As you go along
89 Oak Street there are areas that are eye sores, I would rather have something nicer. There was a
90 home that had burnt in that lot that was removed. We have to work on our ordinances to address
91 these issues.

92
93 Councilor Jaramillo stated there have been other individuals that have been denied with similar
94 cases. Are there any stats that shows when we have denied items similar to this item?
95

96 Janet Cunningham-Stephens stated that yes, the Planning and Zoning Commission has denied
97 quite a few due to the ordinance, it is very strict. If there is a monetary loss, gain or saving then
98 the item is denied based on that. It is a dilemma, there are so many lots that could be
99 redeveloped but, due to our ordinances, the commission must follow the zoning ordinance.
100

101
102 Mayor Torres stated we need to be consistent because we have denied others, to change course
103 would be wrong. I also agree with the Councilors that there are issues in our ordinances that we
104 need to resolve. If we were to approve this, we would be violating our ordinance. It states that if
105 is for a monetary gain, it is to be denied. This is three lots not one as well. I would support
106 finding a way to changing our ordinances to address these lots. I am sure the applicant would
107 like an answer tonight, but I think it is unfair to him and other applicants. I think the next step is
108 to direct the Planning and Zoning Director to address these lots by changing our ordinances to
109 address these small lots. We did put funds in the budget for the zoning ordinance to be worked
110 on. We all know there are lots like this all over town. I think need to be careful, we do not want
111 developers to come in and purchase a lot and split it up into small lots. But there are individuals
112 that have inherited these lots and can do nothing with them. I would support directing the
113 Planning and Zoning Director to address this issue in our ordinance. I would not recommend
114 approval in order to be consistent with the others that have been denied with similar lot sizes.
115

116 Janet Cunningham-Stephens stated she has begun writing the Request for Proposal for the
117 rewriting of the Zoning Ordinance.
118

119 Councilor Prairie reminded the Governing Body that they denied Benny Montoya for lot size as
120 well.
121

122 Leonard Gutierrez stated the lot requirements for a mobile home is 6,000 square feet. I can
123 understand Mr. Montoya trying to do something for financial gain. It should be done according to
124 your ordinances. I have a lot next to it. How will the individuals living there get in and out of
125 those lots, will they use the utility easement? It is not to be used for that.

126 Mayor Torres stated once again, there are practical matters as well.
127

128 Tim Montoya stated this Town has a bad abuse of 50 trailers per lot. Can we stop it. There are
129 too many trailers on one piece of property. The reason I bring it up is because it has been done
130 before and Vince can't.

131
132 Mayor Torres stated that preexisting lot are grandfathered in, we cannot do anything about them
133 at this time. If ownership changes, we can address it at that time.
134

135 Vince Montoya stated everything is the same on the property, he is not trying to change the lots
136 and not trying to change the lot size, this is how they are platted. Speaking to what Leonard and
137 Tim said, if I sold the lots individually the owners would have the right to a variance due to
138 hardship. I am not trying to change anything. I plan to build a fence and make the area nicer.
139 Anybody that buys property purchases' for a profit. In this case the lots have always been that
140 size. I have people already inquiring about the lots. I don't think it is fair for me to have to wait
141 until the ordinances are rewritten, at least in that section of town.
142

143 Leonard Gutierrez stated there was only one home there until it burnt 3 years ago.
144

145 Vince Montoya stated I do not deny it.
146

147 Mayor Torres stated the issue is when a property is purchased, then grandfather clause is gone.
148 The current zoning ordinance is in effect due to you are the new owner.
149

150 Councilor Prairie stated that you would have to come now for an ordinance, and then come back
151 for a variance to place the mobile homes in your lots. That is why we must rewrite our ordinance
152 for those residents that do own their property and for their heirs.
153

154 Tim Montoya stated that the grandfather clause is a plus for some property owners.
155

156 Mayor Torres stated that yes, if ownership has not changed, it cannot be addressed until it is sold.
157 We need to go to each neighborhood, and lot by lot, address these properties. It will be a process
158 to involve the Public and get input. It will need to be done step by step and make sure it is done
159 properly. The impact will affect neighbors and individuals in that area. We need to respect all
160 our residents. The ordinance is not fair to those that own small lots right now.
161

162 Tim Montoya stated would he have to go back and maybe split this into two lots.
163

164 Mayor Torres stated that it could be an option, but I cannot tell you whether it would be approved

165 it or not.

166

167 Vince Montoya stated he could make it one lot but that is not what he is asking for.

168

169 Mayor Torres stated we are in agreement that the ordinance needs to be rewritten to address these
170 issues on smaller lots.

171

172 There was no more discussion.

173

174 Mayor Torres entertained a motion to support or overturn the denial of the Planning and Zoning
175 Commission Decision of Denial on a request of Vince Montoya who requested a variance to the
176 lot area and the lot width requirements.

177

178 Item died due to lack of a Motion.

179

180 **PUBLIC HEARINGN: 5b) Discussion, Consideration and Action on Consideration of**
181 **Adoption of Ordinance #299 Zone Map Amendment for R-1A (Mixed Single-Family**
182 **Residential) to C-1 (Retain Commercial). The Applicant is the Town of Bernalillo**
183 **Request a Recommendation of Approval for a Zone Map Amendment from R-1A**
184 **(Mixed Single-Family Residential) to C-1 (Retail Commercial) at 842 Camino Don**
185 **Tomas, Property is the Former Roosevelt Elementary School. Presenter: Janet**
186 **Cunningham-Stephens**

187

188 Subject: Zone Map Amendment – Recommendation by the Planning and Zoning Commission
189 Property Address: 842 Camino Don Tomas aka the Roosevelt School site

190

191 Applicant: Town of Bernalillo

192

193 Represented by: Mike Kloeppe, Economic Development Director

194

195 Legal Description: MRGCD Map 11, Tract 12A1, 317, Section 6 Township 12 North Range 4
196 East, containing a total of 6.7907 acres.

197

198 Current Zoning: R-1A Mixed Single Family Residential

199

200 The Planning and Zoning Commission is recommending approval of the proposed zone map
201 amendment to C-1 Retail Commercial. The site was previously occupied by the Roosevelt
202 School. Since the purchase of the site by the town, the Martha Liebert Library has been moved

203 and occupies a portion of the premises. There are several other buildings which can be
204 repurposed for new uses. The site adjoins the Town's government offices and shares parking.
205

206 There was no opposition to the proposal.

207
208 Mayor Torres asked the Governing Body if there were any questions on Ordinance # 299.
209

210 There were none.

211
212 Due to this is a Public Hearing Mayor Torres asked if anyone would like to speak for or against
213 Ordinance #299.

214
215 There were none.

216
217 Ordinance # 299 **Attachment A**

218
219 Mayor Torres entertained a motion.

220
221 Councilor Prairie moved to adopt Ordinance # 299 Zone Map Amendment for 842 Camino Don
222 Tomas, Property is the Former Roosevelt Elementary School. The motion was seconded by
223 Councilor Jaramillo.

224
225 Roll Call Vote:
226 Councilor Prairie Yea
227 Councilor Dominguez Yea
228 Councilor Sisneros Yea
229 Councilor Jaramillo Yea

230
231 **APPROVAL OF MINUTES: 6a) Regular Meeting of August 14, 2017**

232 Mayor Torres stated that line 165 needed to be deleted it is a repeat of line 164.

233
234 Councilor Sisneros moved to approve the minutes of August 14, 2017 as amended. The motion
235 was seconded by Councilor Jaramillo and the motion carried unanimously.

236
237
238 **PERSONNEL: 7a) Library Part Aide. Presenter: Troy Martinez**

239 Troy Martinez stated that it was the recommendation of the hiring committee to hire Barbara
240 Marquez as the Library Part Time Aide for the Town of Bernalillo Martha Liebert Library.

241

242 Councilor Prairie moved to approve the hiring of Barbara Marquez as the Library Part Time Aide
243 for the Town of Bernalillo Martha Liebert Library. The motion was seconded by Councilor
244 Sisneros and the motion carried unanimously.

245

246 **PERSONNEL: 7b) Brew Fest Staff. Presenter: Ida Fierro**

247 Ida Fierro stated that it was the recommendation to hire the following individuals for the Brew
248 Festival Labor Day Weekend September 2-3, 2017.

249

250 List is as Follows:

251

252 **Cashiers**

253 Alana Lovato

254 Denise Chavez

255 Olga Sierra

256 Salena Lucero

257

258 **ID Checkers**

259 Jerry Lujan

260 Ben Dogggett

261 Alexandria Klooppel

262 Phil Archeluta

263

264 **Scanners**

265 Fermin Sena Jr.

266 Charleen Foster

267 Grace Sena

268 Sandra Mirabal

269

270 **ATM**

271 Christina Roybal

272 Cordy Moreno

273

274 **Will Call**

275 Tina Chavez

276 Danielle Threadgill

277

278 **Cleaning Crew**

279 Frankie Martinez

280 Ralph Chavez

281 Ben Madrid
282 Leon Contreas
283 Martin Garcia
284 Susan Garcia
285 Dan Whitt

286
287 **Bank**

288 Renee Montoya
289 Marie Davis

290

291 Councilor Jaramillo moved to approve the hiring of all employees listed for the Brew Fest. The
292 motion was seconded by Councilor Sisneros and the motion carried unanimously.

293

294

295 **NEW BUSINESS: 8a) Discussion, Consideration, and Action on Approval of**
296 **memorandum of Understanding Between the Town of Bernalillo and the Middle Council**
297 **or Governments for the Administration of a New Mexico Legislative Special Appropriation**
298 **to the New Mexico Environment Department in the amount of \$200,000. Presenter: Andy**
299 **Edmondson**

300

301 Andy Edmondson Public Works Director stated that the agreement is so that Middle Rio Grande
302 Council of Governments is given the authority to be the fiscal agent for 17-B4093-STB-RET
303 Grant for \$200,000 to purchase and install an arsenic treatment system for municipal drinking
304 water well 2 in the Town of Bernalillo.

305

306 **ATTACHMENT B**

307

308 Mayor Torres entertained a motion.

309

310 Councilor Jaramillo moved to approve the agreement for the Middle Rio Grande Council of
311 Governments to be the fiscal agent for 17-B4093-STB-RET Grant for \$200,000 to purchase and
312 install an arsenic treatment system for municipal drinking water well 2 in the Town of Bernalillo.
313 The motion was seconded by Councilor Sisneros and the motion carried unanimously.

314

315 **NEW BUSINESS: 8b) Discussion, Consideration, Action, Approval and Adoption of**
316 **Resolution 08-28-17 Adopting and Infrastructure Capital Improvement Plan (ICIP).**
317 **Presenter: Andy Edmondson**

318

319

County of Sandoval
Resolution No. 08-28-17

A Resolution Adopting an Infrastructure Capital Improvements Plan (ICIP)

WHEREAS, The Town of Bernalillo recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO THAT

1. The Town of Bernalillo had adopted the attached Infrastructure Capital Improvement Plan, FY 2019-2023, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution 08-22-16.

PASSED, APPROVED AND ADOPTED by the governing body at its meeting of August 28, 2017.

TOP 6 List

1. Utilities on 550

Plan, design, construct and relocate water and sewer lines, fire hydrants, meter pits along US 550 widening.

2. Water Systems Improvements

Replace and Installation of small diameter pipe, fire hydrants, and valves within the Town

3. Wastewater

Construction of aeration basin to meet EPA requirements.

4. Streets

359 Plan design, and construct ADA improvements as required in the Towns ADA Transition
360 Plan.

361 **5. Streetscape Phase 4**

362 Install street lights, sidewalks and handicap ramps on NM 313 between Avenida
363 Bernalillo and Calle Del Bosque.

364 **6. Parks**

365 Rotary Park Road to plan, design, and construct roadway improvements including
366 sidewalks and ADA access for Rotary Park Road.

367

368 Mayor Torres entertained a motion.

369

370 Councilor Dominguez made a motion to adopt Resolution 08-28-17 A Resolution Adopting the
371 Infrastructure Capital Improvements Plan (ICIP). The motion was seconded by Councilor
372 Jaramillo and the motion carried unanimously.

373

374

375

376 **NEW BUSINESS: 8c) Discussion, Consideration, Action, Approval and Adoption of**
377 **Resolution 08-28-17A Grant Agreement with the State of New Mexico Environmental**
378 **Department for SAP17-B4093-STB. Presenter: Ida Fierro**

379

380 RESOLUTION 08-28-17A

381 Whereas, the Town of Bernalillo in Sandoval County in the State of New Mexico shall enter into
382 a Grant Agreement with the State of New Mexico Environmental Department; and

383

384 WHEREAS, the agreement is identified as SAP17-B4093-STB Grant Agreement; and

385

386 WHEREAS, pursuant to Executive Order 2013-006, "Establishing Uniform Funding Criteria and
387 Grant Management and Oversight Requirements for Grants of State Capital Outlay
388 Appropriations by State Agencies to Other Entities," the New Mexico Environment Department
389 has determined that the Town of Bernalillo is required to have a fiscal agent for the grant.

390

391 NOW THEREFORE, BE IT RESOLVED by the named applicant that: Jack Torres, Mayor is
392 authorized to sign the agreement for this project, and

393

394 Andrew Edmondson, Public Works Director and Lupita De Herrera , Town Treasurer or
395 successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request
396 reimbursements requests and act as point of contact in conjunction with the designated signatory
397 authority for the Fiscal Agent concerning all matters related to the grant agreements; and

398
399 Dewey Cave, or his/her successors of Middle Rio Grande Council or Governments in the
400 FISCAL AGENT and is hereby appointed as the Administrative Authority and is authorized by
401 the MOU between the Town of Bernalillo and the Middle Rio Grande Council of Governments
402 to administer the Grant Agreement and is authorized to sign reimbursement requests along with
403 the designated signatory authority for reimbursement requests from the Town of Bernalillo and
404 other documents requiring for submittal to the New Mexico Environment Department.

405
406 Mayor Torres entertained a motion.
407
408 Councilor Sisneros moved to adopt Resolution 08-28-17A Grant Agreement with the State of
409 New Mexico Environmental Department for SAP17-B4093-STB. The motion was seconded by
410 Councilor Prairie and the motion carried unanimously.

411
412 **FINANCIAL SECTION: 9a) Approval of Accounts Payable Voucher List.**
413 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
414 \$433,466.96.

415
416 Councilor Sisneros made a motion to approve the accounts payable voucher list in the amount of
417 \$433,466.96. The motion was seconded by Councilor Jaramillo and the motion carried
418 unanimously.

419
420 **MISCELLANEOUS SECTION: 10a) Public Comment.**
421 None

422
423 **MISCELLANEOUS SECTION: 10b) Announcements. Presenter: Mayor Torres**
424 Andy Edmondson Public Works Director stated that the relocation of utilities begun last week
425 underneath the bridge. The NMDOT project will begin September 21. Traffic will flow as is due
426 to the work will be on the extra lane added to the bridge. On the 27th of September, there will be
427 an informational meeting on the project that NMDOT will be hosting.

428
429 Mayor Torres stated that the apparent low bid is FNF Construction. I will be drafting a letter to
430 NMDOT Secretary Church asking for a detailed plan from NMDOT that the FNF will be held to
431 fulfilling all the contractual requirements.

432
433 Councilor Prairie asked about the big trees on Old 44 that stick out in the roadway and asked if it
434 could be removed.

435
436 Andy Edmondson stated that the he will go out to Old 44 and take some measurements of the

437 two trees that are in question and come back before the Governing Body on how to proceed with
438 whether to remove the trees or not.

439

440 Michael Kloeppe stated that the Mountian West Brew Festival is this weekend.

441

442 There being no further business, Councilor Sisneros moved to adjourn the meeting at 7:43 P.M.

443 The motion was seconded by Councilor Dominguez and carried unanimously.

444

445 Done this 28th day of August 2017.

446

447

448 ATTEST:

449

450 _____
Ida Fierro, Town Clerk

451 (seal)