

1 **MINUTES OF A REGULAR MEETING**  
2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**  
3 **HELD AT THE TOWN HALL**  
4 **October 25, 2010**  
5

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
7 of the Town on October 25, 2010, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:  
9

10 **PRESENT:**

11 Mayor Torres  
12 Councilor Jaramillo  
13 Councilor Prairie  
14 Councilor Montoya

**ALSO PRESENT:**

Steve Amiot      Georgina Chavez  
Margie Amiot      George Perez  
Maria Rinaldi      Miles Shiver  
Ralph Chavez      Janet Elleard  
Annalisa Cutler      Josephine Marquez  
Felix Jaramillo      Nick Romero  
Jude Valdez      Randy Johnson  
Adrian Lucero      James Pike  
Melissa Eauenson      Tim Flynn-O'Brien  
David Soule      Monica Valdez  
Tim Montoya      William H. Carpenter

23 **ABSENT:**

24 Councilor Sisneros

**Others Present Not Identified**

25 **APPROVAL OF AGENDA: 4a)**

26 Councilor Jaramillo moved to approve the agenda as presented. The motion was seconded by  
27 Councilor Prairie and the motion carried unanimously.  
28

29 **PUBLIC HEARING: 5a) Discussion, Consideration and Action on Appeal of P & Z**  
30 **Commission Decision: Piedra Lisa Subdivision. Presenter: Margie and Steve Amiot**

31 Mayor Torres recused himself due to the relationship to one of the individuals appealing.  
32

33 Mayor Pro-Tem Councilor Jaramillo took the position of Chair for the Public Hearing on Piedra  
34 Lisa Subdivision.  
35

36 Councilor Prairie asked the item to be tabled due to the fact not all member of the council were  
37 present.  
38

39 George Perez, Attorney stated it is his recommendation to hear the appeal due to the fact an  
40 appeal must be heard with a 90 day period and we are getting close to that date. There is no  
41 guarantee that when it is placed on the next agenda all members of the Governing Body will be  
42 present.  
43

44 Margie Amiot and Steve Amiot stated that they are appealing the approval of the Planning and  
45 Zoning Commission of the final plat Piedra Lisa. Subdivision Final Plat decision on 8-3-10 to  
46 approve the final plat for Piedra Lisa. The development is for 32 townhouses designed to be

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47 squeezed onto a narrow 2 ¼ acre strip of land behind Taco Bell and Kentucky Fried Chicken  
48 south of 550.

49

50 On May 8, 2008 the Council passed Piedra Lisa Ordinance 242 in a split decision decided by  
51 Mayor Chavez. Legally, the Council made a decision to rezone the property from RR to SU.  
52 The decision of the Master Plan won't be made until all of the 7 conditions are met. We intend  
53 to clearly prove to the Council that condition #5 for a drainage plan and condition #7 for the  
54 retaining wall were not complied with. Due to the lack of compliance and more, the decision by  
55 the Commission to approve the Final Plat for Piedra Lisa should be overturned.

56

57 The original Master Plan before the Council contained a section entitled "general note." In that  
58 section there is a clause that states that any change made to the Master Plan requires a hearing  
59 before the public. Many changes have since been made on their various plats. Most importantly  
60 the drainage plan required by the Council has been changed several times with no approval by  
61 the Town. This is also an infraction on the Zoning Ordinance's own directions for developments  
62 in the SU Zone. Section 14 of the Zoning Ordinance requires that a development in the SU Zone  
63 must show "the proposed use and must be accompanied by a development plan showing the  
64 location and dimensions of the property and all structures located thereon".

65

66 On 8/3/10, in the Final plat approval, there was no approved drainage plan before the  
67 Commission. There was no location of the retaining wall structure. Was not shown on any of the  
68 several different versions of the plat presented to the Commission. The Final Plat for Piedra Lisa  
69 cannot be passed if conditions set by the Council have not been met.

70

71 Errors and Omissions on Olive Drab's application for a final plat

72 1. The application for final plat approval has some glaring errors, including defining Piedra  
73 Lisa as 4.3 acres, it is not. The acreage available for development is 2 ½ acres.

74 2. The application calls for 32 lots plus three tracts; in fact Piedra Lisa is 32 lots with only  
75 two very small tracts.

76 3. This application for final plat is a time sensitive document as it must be received at least  
77 14 days prior to the P&Z Commission meeting or in this case July 20<sup>th</sup>. Olive Drab dated  
78 the application as the 20<sup>th</sup> of July, however the application was not date stamped by the  
79 Town and it can show no evidence of when the application was actually received.

80 4. Certain information is required by the time of application, such as the survey, However  
81 the Plat was signed by William Carpenter on 7/27/10. Utility signatures were made on  
82 the 29<sup>th</sup> and the 30<sup>th</sup> of July. All were at least 7 days after the deadline.

83 5. In order to calculate the water rights transfer requirement an analysis of projected water  
84 use per unit must be determined. The average lot size is critical to the calculations. The  
85 person doing the analysis, Carole Cristiano, stated in a memo dated 5/31/10 "Mr. Shoen  
86 has indicated that the average lot size will be 2533 sq ft". The developers themselves  
87 have stated that the average lot size actually exceeds 3200 sq. ft. Why did he give them  
88 the wrong sq. footage? This question was not settled prior to the Commission's vote.

89 6. A fee of 1 ½% of the infrastructure construction cost must be submitted prior to the final

90 plat. Neither of these two infrastructure construction fees was paid.

91

92

93 The Drainage Plan

94

95 When we asked to see the drainage plan the day of the final plat meeting we were told the plan  
96 was taken out of Town Hall by a Commissioner. This cannot be proper procedure. Later that  
97 day we were informed that the plan was available for viewing. What we saw was the  
98 construction plans with a memo attached from Tierra West, an engineer firm for Town. Page 3  
99 and 3a were titled Drainage Plan. In their memo Tierra West states that “Based on this review,  
100 the revised drainage report (dated 6-16-10) and drainage plan (dated 6-16-10) are approved”.

101

102 David Soule, engineer for Piedra Lisa claimed that the construction plan we saw was not the  
103 drainage plan. Yet that is the only drainage plan seen by the Commission Chair or available to  
104 the public.

105

106 When asked about the drainage plan, the Commission Chair claimed that a condition was set in  
107 the motion approving the Piedra Lisa Pre Plat. Its approval would be contingent on her approval  
108 of the drainage plan. However, P&Z minutes from 10/6/09 show that only one condition was  
109 made and that was only regarding lot size.

110

111 She then stated that she approved the drainage plan. None of the other six commissioners had  
112 seen this drainage plan. It is against proper procedures for on commissioner to have knowledge  
113 that was not made available to the others.

114

115 The catch here is that if what we saw was not the drainage plan then what she saw was not the  
116 drainage plan either. Her approval of the plan was based on a drainage plan that apparently  
117 doesn't exist.

118

119 Tierra West had written many notes on the drainage plan we saw regarding drainage and the  
120 retaining wall. Some of the engineer's notes on pages 3 and 3a are quoted as follows:  
121 ? Pond Maintenance ?Screen wall detain-CMU, Cedar Fencing (Pond)? Emergency Overflow ?  
122 Erosion control pads;?Retaining wall detail; Location of retaining walls

123

124 Even though plans and location for the retaining wall were required in Condition #7 of  
125 Ordinance 242 it is clear that Tierra West could not find them in the construction plans.

126

127 Plans for the retaining wall are extremely important for these reason: it must hold back 7 feet of  
128 dirt; it cannot be built on the property line; holding ponds behind the wall must be shown; a 6  
129 foot tall fence is planned on top of the 7 foot wall making it 13 feet height, and yet fences over 7  
130 feet must have a variance.

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132 Just a short recap of the issues we have discussed:

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- Changes to the development plan without public notices
- Application for final plat-timing, errors, omissions
- Water Rights- incorrect statement of lot size
- Infrastructure construction fees-not paid
- The Drainage Plan- not available for final plat, but approved by Commission Chair
- The Retaining Wall Location- not available for final plat, no variance for 13 foot fence

All the issues we have raised here have been before P &Z. Attorney for Olive Drab, LLC Tim Flynn-O'Brien in his response to our appeal stated that the Amiot's cannot raise issues not raised before P&Z. By the same token, Olive Drab LLC cannot raise issues not raised before the P&Z including:

- Drainage plan and approval of Town Engineer dated 10/21/10
- Water Rights Recalculation dated 8/17/10
- Water Rights Transfer
- Certificate of Payment of past 10 years taxes

There are many more things wrong with the Piedra Lisa final plat, but if you just base your judgment on the few points we have proven here, your decision is clear. The misinformation and the lack of respect for the process involved in this application are appalling. We ask you to vote yes, and approve this appeal.

We'll be happy to answer any questions.

Other items required by the Subdivision Regulations not available for the P&Z meeting on 8/3/10:

- No flood control studies
- No Certification of ten year paid taxes by Sandoval County Treasurer
- Transfer of Gros road not legal

William Carpenter for Piedra Lisa stated as a partner for Olive Drab LLC, that they would pledge continued cooperation in providing the Town of Bernalillo anything needed to finalize the completion of the Piedra Lisa project. The town's engineer Tierra West has confirmed compliance. The fees have been paid. Conditions set by Ordinance #242 have been met. Engineer has checked for water rights.

There have been many delays. This has been a long process for this partnership. We have attempted to address each concern raised by the town's governing body or staff. I pledge our continued cooperation. I have asked Eric Schoen to visit with you to see how we can cooperate with the town's staff to address any pending concern.

Timothy Flynn-O'Brien attorney for Piedra Lisa LLC wanted to make sure the record is

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176 complete. 1<sup>st</sup> is the copy of a letter I sent to your clerk and attorney, copy of Tierra West  
177 approval of the drainage plan. We have been following Town practices. The practices become  
178 part of the rule. Once you have the practice for several years that is what we follow. Plat  
179 conforms to the Preliminary Plat. There can be changes. The Engineer may make the changes. It  
180 does not have to go back to be approved. Staff or the administration deals with it. The  
181 performance bond is handled by administration as well. All done before the mylar is filled with  
182 the County Clerk. The tax certificate is not given due to the fact taxes may be due at the time the  
183 preliminary plat may be filled. We have followed all the practices according to the law that  
184 becomes part of your subdivision rule. The notice of appeal did not give us notice of the same  
185 things that she raised today. That is something that is defective and I think when this process  
186 works they should have given us notice of the appeal when filed. It has been the practice 90 day  
187 rule or the 12 month rule for final completion of everything. If the Town Council does not  
188 approve the final plat or if there is an appeal that we have an extension 60 day after everything is  
189 over from the appeal. The final plat is essentially a contract. It is a matter of a checklist. Mrs.  
190 Amiot wants to freeze it in time and give the Town Engineer time to change the items when the  
191 Town engineers give us changes we have complied. The drainage plan has been approved. The  
192 fence is a zoning issue. The Treasurer has signed off on the taxes. The developer has signed off  
193 on the utilities. Mrs. Amiot states that none of that was done at the time the plat was presented.  
194 The practice of the Town has been to back loaded those items not front loaded. We were simply  
195 doing as told by the Planning and Zoning department.

196

197 Councilor Jaramillo asked why the drainage plan was not available.

198

199 David Soule, Engineer for Olive Drab LLC, stated the was given to the P & Z it is the staffs job  
200 to circulate the drainage plan.

201

202 Councilor Montoya asked George Perez Town Attorney if the 7 condition have been met on  
203 Ordinance #242.

204

205 George Perez stated that yes all condition have been met.

206

207 Councilor Jaramillo asked about the lot size what was recorded on the first plat.

208

209 David Soule Piedra Lisa Engineer stated 3837 sq. ft. on the preliminary plat.

210

211 Timothy Flynn-O'Brien stated pre plat approved an agreement between town and developer  
212 about lost size.

213

214 Councilor Montoya stated he understands the controversy of density he is a rancher himself. The  
215 property in question did sell. It will provide affordable housing so that family members can live  
216 in the development. In his eyes it makes sense. Staff and lawyers all state the conditions have  
217 been met. He thanked the developer for doing this with a smile on their face without a law suit to  
218 the Town.

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Councilor Prairie concerns are the constant traffic on 550 and the development will add more traffic and more cars. That is a problem. Fencing is an issue. Each process is different. Staff will address and say not with regards to traffic part of development of TOD near Rail Runner alternative transportation also trade off the Town has already made both in plat approval zoning and preliminary plat was decided by a previous Town Council. Once those decisions are made you have got to move forward.

Councilor Jaramillo stated these issues have been rehashed however her concern were if proper procedures were followed, misconception, other staff involved, did not meet Town procedures.

Councilor Montoya stated P&Z approved it. Trust that the people heard the concerns brought up. Staff had not had an issue. Conditions have been met. Traffic on 550 not going to come from the development. It will provide roofs over someone's head. This is one person's complaint listen to everyone.

James Pike stated the reason you did not hear anything from the public is because by the P&Z that the prior administration want this development to go thru.

Margie Amiot stated that on August 3<sup>rd</sup> they did not have the drainage plan approved. They are done not but presented at the P&Z meeting. They need to follow the subdivision rules.

Steve Amiot stated Council Montoya stated that the conditions have been met. I do not trust staff. How can the drainage plan be met if none of the P & Z commissioner had not seen it. I asked all of them. I would like you to look at the plat and tell me where the retaining wall is. You will not know because it is not on it. That is one of the notes Tierra West made prior to that meeting of August 3, 2010. The drainage plan was signed 3 days ago. Nothing that was not presented at the Final Plat approval should not be brought up here. Condition #5 on Ordinance #242 has not been meet. Condition on the retaining wall 7 ft. with a 6ft. screen. People next to them will have a 13ft. wall on the border of the adjacent property. Someday they would like to do the same and make a subdivision. But will not be able to because of the 13ft. wall. Where are the drainage plan we cannot see the drainage pond. The plat does not show a pond. There is not drainage plan for backyard ponds. Condition #7 has not been met. Any changes on the plat must be brought before the P&Z to be approved.

George Perez stated that we are here to hear the approval of the final plat not on fencing, density, drainage and traffic. Our subdivision rules and regulation says that if your preliminary plat conforms to your final plat then it is approved. The preliminary plat was appealed by the Amiot's. The same arguments were made at that hearing. Unanimously it was approved by the Governing Body. This plat conforms to the Preliminary Plat that is all this appeal is about. Whether the P & Z commission was required by the developer was submitted prior to the meeting is not the developers fault. They comply with our subdivision rules. Staff has told you it does, Town Engineer it does. You weigh that and make your decision.

262  
263 Councilor Jaramillo asked for motion  
264  
265 Councilor Prairie made a motion to approve the appeal.  
266  
267 Councilor Jaramillo asked for a recess.  
268  
269 Councilor Jaramillo reconvened the meeting.  
270  
271 Councilor Jaramillo stated there was a motion on the floor and asked for a second.  
272  
273 Councilor Montoya made a motion to decline the appeal. The motion was seconded by  
274 Councilor Jaramillo.  
275  
276 Roll Call Vote  
277 Councilor Prairie No  
278 Councilor Montoya Yes  
279 Councilor Jaramillo Yes

280  
281 **PUBLIC HEARING: 5b)Discussion, Consideration and Action on Appeal of P & Z**  
282 **Commission Decision: Concrete Batch Plant. Presenter: Ted Montoya and Will Ouellette**  
283 Mayor Torres resumed as Chair for the remainder of the meeting.

284  
285 Will Ouellette stated that Ted Montoya will be the one speaking for Coronado Water and Soil  
286 District.

287  
288 Ted Montoya stated he is a supervisor for the Coronado Soil and Water Conservation District to  
289 protect water and soil in the district. A decision to approve the document presented to the  
290 Planning and Zoning was not complete. He could not do a site inspection on the batch plant  
291 because it does not exist.

- 292 1. The legality of water use signed by the office of the State Engineers Office.
- 293 2. Illegal Subdivision-Two existing businesses are already located on the property.
- 294 3. Truck Traffic- road cannot support additional truck traffic without substantial wear and  
295 tear. Owner stated truck would only be traveling north on Hill Rd South between 6:30  
296 and 8:30a.m. There is already traffic grid lock. In time of grid lock would the truck be  
297 traveling south on Hill Rd. If not how would stop them it is a public road.
- 298 4. Pollution: Noise increase what are the Town Regulations. Dust increase what impact will  
299 it have on the irrigation ditch. Water pollution and also Ground Pollution.
- 300 5. Subdivision regulations require subdivides to relinquish water right and water right  
301 cannot be stacked. This means if you have one acre you can only have one acre of water  
302 right on that acre. There are no water credits.

303 Ted Montoya stated he called Clayton, NM to ask permission to view the plant there the address  
304 is listed on the State of New Mexico Environmental Department for the Air Quality Control

305 Certificate. There is no batch plant in Clayton it does not exist.  
306  
307 Councilor Jaramillo asked what was the P&Z Commission decision.  
308  
309 Staff stated the batch plant was approved.  
310  
311 Councilor Jaramillo asked were there any conditions placed by the P&Z Commission.  
312 Mayor Torres asked if there was an Air Quality Permit.  
313  
314 Mr. Shiver stated that they do have a permit. It is a state wide permit.  
315  
316 Ted Montoya stated that the document in his mind is a deceptive document because there is no  
317 plant.  
318  
319 Councilor Montoya asked what is the site zoned for.  
320  
321 Staff indicated it is M-1.  
322  
323 Mayor Torres asked was the initial request just applicable to the M-1 on the property.  
324  
325 Staff stated yes.  
326  
327 Mayor Torres asked why is B-1 on the plat.  
328  
329 Staff stated that it is unclear where the plant is actually located on the map. Suggestion would be  
330 that it be a requirement to indicate where the batch plant would be on the property.  
331  
332 Mr. Shiver stated the only portion is the M-1 only not the property in the back which is RR.  
333  
334 Mr. Shiver stated he has a permit for 7.35 acre feet useable for industrial use from the well on  
335 the property. While Material Inc. did lumber treatment on that site, you did not see a drop in the  
336 water table. We are not subdividing the property. The traffic issue will only be going in and out  
337 of the North end of that property. We do not want to be bad neighbors. The air quality is a state  
338 permit there is one in Los Lunas. We have a plant in Albuquerque. The permit for that site is  
339 through the City. We will adhere to the rules that need to be followed by the State. The gross  
340 receipts will go to Bernalillo. We are in this for a long term. We are able to do 30,000 yards,  
341 20% COD, 99% taxed. This is estimated to be sold per year, 25,000 yards to 30,000 yards. The  
342 job on I-25 only will use 10,000 yards. There is a potential to use local vendors.  
343  
344 Councilor Jaramillo asked if there would be potential for employment.  
345  
346 Mr. Shiver stated that he would hire 10 to 15 individuals.  
347



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348 Councilor Prairie asked if he was going to give people from Bernalillo the benefit to work there.

349

350 Mr. Shiver stated that if they are qualified and local he would hire them.

351

352 Mr. Shiver stated that the operation that used to be there was a 24/7 operation. This will not be.

353 We will follow your regulations.

354

355 Councilor Montoya asked the hours of operation.

356

357 Mr. Shiver state normally it would be 6a.m. to 4p.m.

358

359 Councilor Montoya stated the quality of life is an issue to the individual around there the water

360 and safety. The dust created by the wood chip is a concern. Is anything going to leak into the

361 ditch.

362

363 Mr. Shiver stated the plant has a total recycle water system. The water is retained pumped back

364 in and the property must be treated.

365

366 Councilor Montoya asked what is the chance of the water leaking.

367

368 Mr. Shiver stated the other plants have not leaked.

369

370 Mayor Torres asked Mr. Shiver to show the settling ponds on the site.

371

372 Mr. Shiver stated the settling ponds are grey water there is three set of ponds. The water is

373 veined through there.

374

375 Councilor Jaramillo asked were the neighbors contacted about the appeal.

376

377 Staff stated that the Town relies on the County to give the address of the property owners near

378 the site.

379

380 Councilor Jaramillo asked did anyone speak for or against at the P & Z meeting.

381

382 Staff stated that several individual called but no one spoke at the meeting.

383

384 Mayor Torres asked is the chip plant on this same location.

385

386 Mr. Shiver stated that it is not on the same property.

387

388 Georgina Chavez stated her concern that notices were not sent out for the P&Z meeting.

389

390 Janet Elleard stated she lives right behind that property and her concern is the saw dust and we

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391 are breathing that. Does not want to be breathing the dust from the concrete. The settling pond  
392 is right by the rail road tract. There is nothing separating it from our homes. Chemicals will be  
393 going towards our home. Look at the industrial park it is a dead zone. I do not want to live by  
394 that. All the pollution will be there. I do not want it.

395  
396 Annalisa Virginia Cutler concerned about the air quality.

397  
398 Monica Valdez concerned about the health and safety. Just bought her home and is concerned.  
399

400 Felix Jaramillo concerned about the safety of his children and the traffic.  
401

402 Nick Romero the quality of the air. The road condition, traffic will create a lot of problems. We  
403 have a nice subdivision there and the dust will make it bad.

404  
405 Jude Valdez he has some animals and concerned about their health and the water.  
406

407 Randy Johnson lives on the property south of the property. He has a well and concerned about  
408 the amount of water they use. They use wash water to clean the truck and plan to sell 30,000  
409 yards of concrete that would create 600,000 gallon of wash water that has a lot of chemicals.  
410 The ph level of that is 13 draino is 12. If he has a concrete lined pond are there going to be  
411 sensor it to determine that the ponds are not leaking. Hill Road has bad drainage afraid the pond  
412 will flood and go down stream.

413  
414 Bob Scholds is the owner of the property in question. Has number of ponds on the property.  
415 Have never had any problems with ground water contamination. The business arrangement and  
416 Duke City is a lease they will lease 100% of the property. The term of the lease is 5 years.

417  
418 Mayor Torres asked is the chip plant owned by you.

419  
420 Bob Schols stated yes. The product goes to Groff Lumber the material is sold in Albuquerque.  
421 The State came out last week and did air quality test.

422  
423 Adrian Lucero stated his concern is the dust when his son plays outside. He loves the Town of  
424 Bernalillo. With something like this coming in he would rather move to Rio Rancho.

425  
426 James Pike stated he spoke at the P & Z meeting about the noise. In the fall when the leaves fall  
427 there would be more noise.

428  
429 Tim Montoya question was how can you have a state wide air quality permit. Centex has the 2<sup>nd</sup>  
430 largest air quality permit and it was expensive for them to maintain. Remember you are going to  
431 be checked.

432  
433 Mayor Torres stated that was a good question how does a State wide air quality permit work.

434  
435 The State does modeling and mapping if there is an issue with an emitter close by they take into  
436 consideration. Use an EPA standard. There are also issues how close we can be to schools and  
437 homes. We meet the state criteria. We have spent \$500,000 in the way we collect the dust from  
438 the trucks. A bag comes over the truck and collects the dust. It is like a big vacuum cleaner it is  
439 sucked through the bags and is collected. It takes a phone call to the State to call in a make a  
440 complaint.

441  
442 Melissa Eauenson is concerned about the traffic, noise, dust, and road damage.

443  
444 Ted Montoya asked during the winter are you going to use heater to warm the water.

445  
446 Mr. Shiver stated that the heater is in an enclosed area there is not a huge blower. It is just a fan.

447  
448 Councilor Montoya asked staff what was the time line on the appeal. He would like to go to the  
449 plant to see the operation of the existing plant. Hates making decisions on something that was  
450 give just a couple of day. It is a benefit to the Town but not at the expense of the neighbors.

451  
452 Maria Rinaldi, Director of Capital Projects stated the appeal was filed on the 21<sup>st</sup> of September.

453  
454 George Perez stated the only problem he has if one Councilor is doing the investigation the  
455 process may not sound right.

456  
457 Councilor Jaramillo stated that some conditions need to be set.

458  
459 George Perez stated that the Council does not need to make a decision tonight. M-1 zoning for  
460 condition use permit there are some guidelines and all guidelines have been met.

461  
462 Councilor Montoya stated that questions have been brought up about the license. P&Z was not  
463 given all the information if the guidelines are not being met.

464  
465 George Perez states he suggested that maybe a list of facts be presented to Mr. Shiver for all of  
466 the Council to hear.

467  
468 Councilor Montoya stated his concern was not everyone was notified about the appeal.

469  
470 George Perez stated the Town needs to give those property owners that are 100ft to the site.

471  
472 Councilor Montoya stated that he would like to table this item till more information is gathered.

473  
474 Councilor Jaramillo stated that staff can be directed to gather the information for Council.

475  
476 James Pike stated he would be willing to go along and explain the process due to the fact he used

477 to work in that process.

478

479 Mayor Torres asked Mr. Shiver if he had a plant close to this one suggested.

480

481 Mr. Shiver stated that there is one south of Albuquerque.

482 Mayor Torres stated that would Mr. Shiver be willing to accommodate a site visit.

483

484 Mr. Shiver stated yes he would.

485

486 Teresa Young asked how close can an M-1 be to residential. We have a red lava rock with a lot  
487 of dust what good is air quality.

488

489 Mayor Torres asked how many trucks a day will you use for the I-25 project.

490

491 Mr. Shiver 10 to 15 trips a day.

492

493 Mayor Torres asked number in term of product you intend to sell from here.

494

495 Mr. Shiver 25,000 to 30,000 yards from this plant. 20 to 25 trucks a day. A full weight truck  
496 weighs 62,000 lbs.

497

498 Mayor Torres asked staff do we know what Hill Rd can handle.

499

500 Maria Rinaldi stated she did not know.

501

502 Mayor Torres asked if MRGCD was contacted about the batch plant.

503

504 Staff indicated that a MRGCD wrote a letter opposing the batch plant.

505

506 Mayor Torres entertained a motion.

507

508 Councilor Montoya made a motion to table the Batch Plant.

509

510 Councilor Prairie stated can this revert back to P&Z being they did not have the information  
511 prior to making their decision.

512

513 Question by Council to be answered prior to appeal being brought back for approval

514

515 Air Quality

516

517 Impact of 62,000 lbs trucks on Hill Rd

518

519 Staff to find out the formal commitment of Bernalillo Residents for employment

- 520  
521 Clarification of water and unused concrete  
522  
523 Description of dust control  
524  
525 Staff to visit the Broadway Plant  
526  
527 Setbacks all the way around the site  
528  
529 M-1 zoning all requirements met  
530  
531 Site Plan with proper dimensions  
532  
533 Review wells and discharge permits  
534  
535 Review Town noise ordinance as it relates to the plant  
536  
537 Councilor Montoya remade the motion to table the decision on the Batch Plant until the  
538 questions can be answered. Councilor Jaramillo second the motion.  
539  
540 Roll Call  
541 Councilor Montoya Yea  
542 Councilor Jaramillo Yea  
543 Councilor Prairie Yea  
544  
545  
546 **APPROVAL OF MINUTES: 6a) Regular Meeting of October 12, 2010**  
547 Councilor Jaramillo moved to approve the minutes of October 12, 2010 as presented. The motion  
548 was seconded by Councilor Montoya and the motion carried unanimously.  
549  
550 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Award of Bid for the**  
551 **expansion, repairs and remodeling of the Housing Offices. Presenter: Patricia Taraddei**  
552 **and Jeff Lowry**  
553  
554 The award of a construction contract for the expansion, repairs and remodeling of our Housing  
555 Offices as approved by our HUD Five-Year Capital Improvement Plan and its Capital Fund  
556 Grants for FY'08 and '09.  
557  
558 Construction should take three to four months. Our staff will operate from the Community  
559 Learning Center in the meantime.  
560  
561 The Solicitation for Competitive Bids followed all proper procurement procedures. It was  
562 advertised, a walk-through was conducted and sealed bids were opened by Mr. Lowry on

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563 October 12, 2010 at 3:00p.m. with our Director and myself. The cost for the construction was  
564 estimated by Mr. Lowry at \$50,000.

565

566 The Bids received are

- 567 1. Ventena Construction, LLC \$65,699  
568 2. AFRA Construction \$50,803  
569 3. AIC Construction \$47,028  
570 4. Vigil Construction Services\$47,000  
571 5. Rivercrest Construction \$44,710

572 Recommendation is to award the bid to Rivercrest Construction as the lowest most responsible  
573 bidder and request your approval for a contract.

574

575 A brief general discussion by the Council ensued.

576

577 Mayor Torres entertained a motion.

578

579 Councilor Montoya made a motion to approve the award of bid to Rivercrest Construction for  
580 the expansion, repairs and remodeling of the Housing Offices. The motion was seconded by  
581 Councilor Prairie and the motion carried unanimously.

582

583 **FINANCIAL SECTION:9a) Approval of Account Payable List.**

584 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of  
585 \$317,049.95.

586

587 Councilor Montoya made a motion to approve the accounts payable voucher list in the amount of  
588 \$317,049.95. The motion was seconded by Councilor Jaramillo and the motion carried  
589 unanimously.

590

591 **MISCELLANEOUS SECTION:10a) Update on Wine Festival September 4-6, 2010.**

592 **Presenter Maria Rinaldi.**

593 Maria Rinaldi gave an overview of the financial report for the Wine Festival which included all  
594 sales and expenses.

595

596 **MISCELLANEOUS SECTION:10d) Public Comment**

597 None

598

599 There being no further business, Councilor Montoya moved to adjourn the meeting at 10:35 P.M.  
600 The motion was seconded by Councilor Prairie, and the motion carried unanimously.

601

602 Done this 25th day of October 2010.

603

604 ATTEST:

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605

606

607 \_\_\_\_\_  
Ida Fierro, Town Clerk  
608 (seal)

\_\_\_\_\_  
Jack S. Torres, Mayor