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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
September 24, 2012**

The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of the Town on September 24, 2012, at 6:30 P.M.

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

PRESENT:

Mayor Torres
Councilor Jaramillo
Councilor Prairie
Councilor Sisneros
Councilor Montoya

ALSO PRESENT:

Julian Gonzales
Maria Rinaldi
Mike Moloney
Matt Spangler
Ty Jameson
Jim Hooper
Margie Amiot
Steve Amiot
Mary Jo Moloney
David Olson
Larry Blair

ABSENT:

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Mayor Torres asked for item 8)A to be moved before 5)A which is the Court Clerk hire so Judge Torres can answer any question you may have.

Councilor Jaramillo moved to approve the agenda as amended. The motion was seconded by Councilor Montoya and the motion carried unanimously.

PERSONNEL: 5a) Court Clerk. Presenter Yolanda Mora

Yolanda Mora stated that she is requesting the ratification of the hiring of Gabriela Chacon as the Municipal Court Clerk for the Town of Bernalillo Municipal Court. Judge Torres is available for any question you may have.

Councilor Sisneros moved to approve the hiring of Gabriela Chacon as the Municipal Court Clerk for the Town of Bernalillo Municipal Court. The motion was seconded by Councilor Montoya and the motion carried unanimously.

**PRESENTATION: 6a) Introduction of Bernalillo Lions Club President. Presenter:
Julian Gonzales**

Julian Gonzales introduced the President of the New Bernalillo Lions Club Richard Solomon. Richard Solomon showed the banner for the Bernalillo Lions Club. Richard Solomon gave a brief description on the mission of the Lions Club. Their main function is providing glasses for children in need. Lion Club International is also able to provide matching funds for a project that Town may apply for.

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PUBLIC HEARING: 7a) Discussion, Consideration and Action on Approval of Annexation & Initial Designation for Fisher Sand and Gravel. Presenter: Ty Jameson

Mayor Torres stated the public hearing coming before the council is on an approval of Annexation & Initial Designation for Fisher Sand and Gravel. Ty Jameson will be presenting for the Planning and Zoning Department for the Town of Bernalillo. The council will have the opportunity to ask question. Those that wish to speak please sign in and the oath will be administered to tell the truth.

Mayor Torres asked those that which to speak stand to be sworn in.

The individuals wishing to speak and staff were sworn in.

Ty Jameson stated that Fisher Sand and Gravel came before the Planning and Zoning Commission on the meeting of July 19, 2012 for a zone change to C1 as part of an application for annexation into the Town of Bernalillo legal description of the property is LT(s) 2 & 14, Sec 32, T13N, R4E-NMPM Sandoval County also known as 30-A Frontage Road in Sandoval County. The Planning and Zoning Commission approved the C-1 designation. In talking with Fisher Sand and Gravel there is an abatement of earth and rock moving. The long term plan is to develop the site to a commercial site. Fisher Sand and Gravel would place the infrastructure of water and sewer to the property. They have also stated that they would develop a holding pond on the property for potential irrigation and collection of water that comes from the arroyo.

Wayne Wormhood Flood Plan Manager for the Town stated historically the focus of the property was for an asphalt batch plant. The batch plant was moved. The batch plant was never intended for that site. This was a Sandoval County issue. Eastern Sandoval County Flood Control Authority could see the potential for ditching the water prior to getting to the Town. There would be no additional cost to the Town.

Dale Prairie you mention next to nothing.

Wayne Wormhood the cost would not be to the Town it would be to ESCAFCA.

Mayor Torres asked for Ty Jameson to point out the property on the map posted on the wall. The boundaries are tribal he is not certain.

Matt Spangler, agent for Fisher Sand and Gravel stated that is correct it is surrounded by Sandia Pueblo and a sliver that is northern boundary.

Councilor Sisneros asked has the easement to the property already been established.

89 Matt Spangler stated that was correct.

90

91 Mayor Torres asked for Matt Spangler to present to the Governing Body the request for C-1.

92

93 Matt Spangler stated Fisher Sand and Gravel is asking for approval of the 43.5 acres to be
94 annexed into the Town with a C-1 designation. We feel it is a win-win situation for the Town
95 and ESCAFCA. Fisher received an approval from Sandoval County to grade the cite and move
96 the gravel. During that time Fisher put some asphalt equipment on the property. Residents from
97 Placitas got upset and complained. It was just a holding area for the equipment to be moved to a
98 job site. In talking with the County some conversation happened with the Town and ESCAFCA.
99 ESCAFCA stated that they would like to develop a pond on a way to stop drainage on the east
100 side of the Town. This seemed that the property would be better in the Town. The property is on
101 the east side of the Town it is a high traffic high corridor. It is a nice area for commercial. What
102 we are planning to do is continue the gravel operation. This would get the site ready for
103 development. Then do the retail development. We have done a grading plan to get the property
104 ready for the retail development at a time in the future. Both phases of these phases are a benefit
105 to the Town. The Town would receive the gross receipt tax from the sales of the gravel and sand
106 and from the future retail development. It is sufficient size to do a retail development to make a
107 nice development. We would also do the flood control pond on the east side we would at our
108 cost extend the water and sewer to the property. With regard to the pond we will provide the
109 easement for ESCAFCA. I think this would be good for both the Town and Fisher.

110

111 Mayor Torres asked if the governing body had questions.

112

113 Ty Jameson asked if the ingress/egress could be explained to the property.

114

115 Matt Spangler stated there is a road to the property which is east of the property. It would be
116 through the frontage road east of I-25.

117

118 Councilor Montoya does that frontage road belong to Sandia Pueblo.

119

120 Matt Spangler stated that it his understanding that the DOT has an easement to that road. I do
121 not know for certain but can get you that information in the future.

122

123 Mayor Torres asked with the 550/I25 interchange project what will that do to that easement road.

124

125 Matt Spangler stated that frontage road will still be there.

126

127 Mayor Torres you are not really sure how that will impact the access to the frontage road.

128

129 Matt Spangler stated it is his understanding NMDOT are not cutting off the access they would
130 have to buy the property if that happened.

131 Mayor Torres asked what is the legal ownership of the frontage road.

132

133 Public Comment

134

135 Steve Amiot stated that he does not know much about this wish he had his zoning book with
136 him. It appears to him it should be zoned M-1 not C-1. If it is zoned M-1 that is fine. If there is
137 another project at that time come to Planning and Zoning and get it rezoned C-1. Also
138 concerned about getting water and sewer to that property. They would probably go under I-25. It
139 would nice to see plans for that and a traffic study done for the intersection of 165.

140

141 Margie Amiot the concerns she has is request for annexation seems pretty vague. I have heard
142 they want to do retail, warehouse, and possible residential. Once you annex this property the
143 Town becomes responsible. Do you have the water, sewer, police or fire to support it. How can
144 you make a decision before you know what is going to be there. All this needs to be studied
145 before you make a decision. It would be nice to see plans for the property.

146

147 Sal Reyes, ESCAFCA Chairman pointed out on the map the area that would be used for holding
148 pond. The arroyo is one of the major arroyos that runs through the Town. We would construct
149 some type of flood control facility. It is on the east side of the freeway and fits in well with the
150 other flood control plans we have. It is 1 of the 2 arroyos that come into the Town. ESCAFCA
151 would maintain the holding pond. It is a great area it would be the crown jewel of our water flood
152 control abatement. One thing I would like to see is some sort of a binding agreement that would
153 assure that we do have access to construct the holding pond.

154

155 Matt Spangler spoke with Mr. Olson and the easement to the property has been worked out.

156

157 Councilor Jaramillo is there any possibility we could get a blue print of your ideas for the
158 property.

159

160 Matt Spangler stated he could provide that but it would be very vague.

161

162 Mayor Torres stated it is a good possible annexation and is in agreement with Councilor
163 Jaramillo. It is important we get some type idea what will be on the site. He is concerned once
164 this becomes part of the Town what happens 5, 10 or 20 years. It is important to get some type of
165 commitment to the Town as to what will be there with the understanding that it is subject to
166 change. For example we are looking for some sort of commitment. The commercial along the
167 frontage that makes sense but with 43.5 acres my concern is that there will be a push housing to
168 make the development successful economically. The impact of housing verses commercial is
169 very different for the Town. It is important to have that conversation with Fisher so that we
170 know if this this real or just a way to get annexation and come back and tell us the only way this
171 will work is that an apartment complex be built. Right now we have no sense at all where Fisher
172 will go with the property. I do not know if we can legally zone this C-1 and have the mining of

173 gravel. That is not typical in a Commercial zone it would be M-1 and come back and make it a
174 C-1 once that is done.

175

176 Matt Spangler explained the reason they applied for C-1 the concept was to ask for the zoning for
177 the long term use. We filled three applications at the same time a conditional use, annexation
178 and zoning change. If the Town would like us to go with a M-1 and then apply for the C-1 at a
179 later date we would be open to that.

180

181 Councilor Jaramillo is that the economy is not good and concerned that housing will be put in.

182

183 Matt Spangler agrees that the economy is not good but right now the gravel is taking place on the
184 property and in time we hope that the economy get better and at that time hopefully the area will
185 be graded and ready for the retail business.

186

187 Mayor Torres asked if the grading plan is for 10 to 15 years what does that does that do to the
188 drainage. How do we make sure that the pond could be built in a couple of years just a drop in
189 the bucket with all the grading done on the property.

190

191 Matt Spangler with regard to the pond will be based on the flow to the property. The benefit of
192 the project is there will be a lot of sand and gravel for the construction on the highway. If Fisher
193 Sand and Gravel were chosen to be a vendor the 10 to 15 years would be shortened.

194

195 Mayor Torres asked does NMDOT pay gross receipts on sand and gravel.

196

197 Matt Spangler stated yes they do.

198

199 Councilor Prairie stated you mentioned you would be responsible for the water and sewer and at
200 what point if 10 years down the road the property is sold. Who then would be responsible for
201 that.

202

203 Matt Spangler stated what can be done is it can be put in writing that it is put into the contract of
204 the land.

205

206 Councilor Prairie what keeps the sand down now.

207

208 Matt Spangler stated water is brought in.

209

210 Mayor Torres stated that a commitment for the sewer and water need to be in a contract.

211

212 Councilor Prairie is there water rights that come with the property.

213

214 Matt Spangler stated that no there is not.

215
216 Councilor Jaramillo asked that during the grading are you working with ESCAFCA on the
217 drainage.
218
219 Mike Castillo with ESCAFCA stated that the pond would be built and maintained by ESCAFCA.
220
221 Matt Spangler stated the pond would go in now.
222
223 Councilor Sisneros stated there are some positives with ESCAFCA and a pond going in there.
224 Mention was a development on the corner of 165 & I-25. There was a development that was
225 proposed but failed. There are several locations up and down I-25 that have failed like Traditions
226 and business up and down I-25. The concern is if that location really that good.
227
228 Ty Jameson the conditional use permit is an annual permit. They must come before the Planning
229 and Zoning annually for the permit.
230
231 Mayor Torres summarized the information concerning the annexation; documentation must be
232 received from NMDOT on the frontage road, willing to make commitment for the infrastructure
233 to the property, grading plan, details or something formal with ESCAFCA and you, development
234 plan, further discussion on C-1 or M-1, issues of the water rights. There is potential significant
235 benefit to the Town even if we receive the GRT on the sale of the gravel. The pond as it was said
236 is a win/win situation to the Town.
237
238 Mayor Torres stated that once we get all the information at that point we can move forward with
239 the request.
240
241 Mayor Torres entertained a motion to table action on approval on annexation and zoning
242 designation on Fisher Sand and Gravel for the meeting of October 8, 2012.
243
244 Councilor Jaramillo moved to table annexation and zoning designation on Fisher Sand and
245 Gravel for the meeting of October 8, 2012. The motion was seconded by Councilor Sisneros.
246
247 Roll Call Vote
248 Councilor Jaramillo Yea
249 Councilor Sisneros Yea
250 Councilor Montoya Yea
251 Councilor Prairie Yea

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254 **APPROVAL OF MINUTES: 8a) Regular Meeting of September 10, 2012**

255 Councilor Jaramillo moved to approve the minutes as presented. The motion was seconded by
256 Councilor Sisneros and the motion carried unanimously.

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PERSONNEL: 9a) MVD/Utility Part Time Clerk. Presenter Yolanda Mora

Yolanda Mora stated that she is requesting the ratification of the hiring of Crystal Acosta as the MVD/Utility Part Time Clerk for the Town of Bernalillo Water Department Department.

Councilor Montoya moved to approve the hiring of Crystal Acosta as the MVD/Utility Part Time Clerk for the Town of Bernalillo Water Department. The motion was seconded by Councilor Prairie and the motion carried unanimously.

FINANCIAL SECTION: 8a) Approval of Accounts Payable Voucher List.

Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of \$670,749.10.

Councilor Montoya made a motion to approve the accounts payable voucher list in the amount of \$670,749.10. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

MISCELLANEOUS SECTION: 9a) Public Comment. Presenter: Mayor Torres

Mayor Torres welcomed the public to speak. There were none.

MISCELLANEOUS SECTION: 9b) End of Month Financials. Presenter: Juan Torres

Juan Torres presented a General Fund Summary Report to the Governing Body. The expense summary report has current budget, current period, YTD actual, YTD encumbrance, budget balance, and percent of budget. There is also a revenue summary with the same information.

MISCELLANEOUS SECTION: 9c) Announcements. Presenter: Mayor Torres

Mayor Torres announced the following:

Mayor Torres reminded everyone on the events taking place on Saturday, the health walk at Rotary Park to start at 9:00 a.m, Tree Give A Way at Town Hall and the E recycle event at Santa Ana Casino parking lot.

Mayor Torres announced the school supply drive was a success and we will also be conducting a coats for kids drive as well.

There being no further business, Councilor Prairie moved to adjourn the meeting at 7:50 P.M. The motion was seconded by Councilor Jaramillo and carried unanimously.

Done this 24th day of September 2012.

Minutes of the Town Council Meeting
September 24, 2012
Page 8

299 ATTEST:

300 _____

301 Ida Fierro, Town Clerk

302 (seal)

Jack S. Torres, Mayor