JoAnne Roake  
Mayor  

APPROVED MINUTES  

Village of Corrales  
Governing Body Regular Meeting  

August 18th, 2020 6:30pm  

This will be a Teleconference Meeting which the public is allowed to join.  
You are encouraged to join before 6:35 p.m.  
Please call: 1-669-900-6833 Meeting ID: 828 4990 1174# Password: 699124#  
For any questions regarding the teleconference meeting call Aaron at 505-350-1583

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. GOVERNING BODY PRESENT

Present: Mayor Jo Anne D. Roake (Not voting), Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor David Dornburg, Councilor Zachary Burkett.

C. APPROVAL OF AGENDA

Motion: to approve the agenda, Action: Approve, Moved by Councilor Stuart Murray, Seconded by Councilor Mel Knight.  
Vote: Motion carried by unanimous vote (summary: Yes = 6).  
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

D. PRESENTATIONS

Mike Hamman – MRGCD

Mike Hamman: I wanted to present on a couple important things going on in the district that will affect Corrales. We have been struggling with our water supply since we had a very meager snow pack and
runoff. We also have some carryover water that we tried to use last year to deliver down to Elephant Butte in order to minimize debits against the Rio Grande Compact. We got pretty close, delivering around one million acre feet because of high runoff, but ended up short by 38,000 acre feet. The process we use to manage water is that we store a lot of water in a reservoir about 150 miles north of here on the Rio Chama. That water supply usually gets us through late July into September or October most years. As I mentioned earlier, if we go into debit with the Rio Grande Compact, then the first water we store has to be towards the debit. We thought we might get another 100,000 acre feet in storage from runoff, but that did not happen this year. We actually had release stored water to meet normal demand in the valley. We have exhausted nearly everything we had, and requested more from the compact under Article 6 provisions, in order to meet demand in July and August. We didn’t expect the compact to approve it due to the lawsuit between New Mexico and Texas. Luckily, cooler heads prevailed and they approved our application. We still owe the 38,000 acre feet. I give you this background because essentially we would have been out of water in early July except for the primary water rights held by the pueblos. However, due to the approval from the compact, we should be able to meet demand through Labor Day. After that time though, we are going to struggle to finish out the irrigation season. I wanted to alert the Council and Administration that some of our farmers are going to come up short in their irrigation demands this year. We are also going to go to the board of directors and ask for a formal ending of the irrigation season as of October 1st. We will also delay next year’s irrigation season until April 1st. That has not happened here in the Valley since the 70s. It is looking like a rough year next year as well due to the expectation of a La Niña year.

Many of you may have noticed the low flows in the river and if you go up to north beach you are going to see a long board where the Corrales siphon goes underneath the river. The intense runoff from the 2019 runoff season has actually exposed part of the Corrales siphon. We are going to address it this coming off season by putting in more riprap. I can stand for any questions, and if I may I have one other thing to mention after questions.

**Councillor Murray:** How does monsoon season impact the storage up north? Does it help with the debit?

**Mike Hamman:** It depends on where. If we get a lot of monsoons in the middle valley below the gauge which is at the bridge that crosses the river going to Los Alamos, then that is a big plus for New Mexico. If we get water above the gauge, that adds to the water we owe to the compact. If we get a bunch of water up north, then some of it we can store in our Chama project which can help us as well. The monsoons were less than desirable this year and last.

**Councillor Knight:** So they are going to be shutting off the ditches on October 1st? Then reopening them on April 1st, 2021?

**Mike Hamman:** That is correct.

**Mayor Roake:** Anything other questions? Then go ahead with your other topic Mike.

**Mike Hamman:** We have been working very closely with the Village, Rio Rancho and SSCAFCA on a project to drain the water that accumulates at the base of the Harvey Jones channel. There is a basin that traps sediment there and it has created a mosquito problem in that area. So we are putting in a cutout below the basin to help water drain. The second thing is that SSCAFCA got a grant from Nature Conservancy and we are working with them to optimize the habitat area there and make a wetland habitat. It will use the treated effluent more effectively from Rio Rancho. Hopefully it will create an area that the residents can enjoy.
Mayor Roake: Thank you for your efforts. We are always excited to work together with you.

Tree Preservation Commission

John Thompson: Good Evening, I am John Thompson a member of the Tree Preservation Commission and Sandoval County Master Gardener. I would like to present an approach to tree care in the Village of Corrales. What we are asking for in this presentation is governing body approval of a tree board by ordinance revision. Also, approval to develop a tree care plan. First thing I want to discuss, is there a problem with Corrales trees? There is definite decline in the Corrales tree canopy, just like Albuquerque. Effects of drought have reduced the number of trees, reduced diversity and increases in invasive species. A lot of this is due to the effects of climate change. It is changing the recommended trees for this area. We also have some trees in the wrong place such as large trees underneath powerlines. There is a lack of knowledge on how to properly plant a tree and give sufficient irrigation. There are not enough trees on trails and roads. According to a recent inventory, only two thirds of trees in municipal areas are in good condition. Next is how the Corrales community forest is declining. Cottonwoods are high water users and do not naturally propagate outside of flood plains which no longer exist. Cottonwoods have problems with drought, mistletoe and falling limbs. We see a lack of diversity in tree species. Concrete acequias cut off moisture to trees along bank. Invasive species such as Siberian Elm, Tamarisk and Russian Olive have taken over. Climate change is affecting the suitability of species and luckily there are organizations such as the Nature Conservancy who have come up with lists of climate adapted trees. We also have a lot of ash trees which are susceptible to disease and pests. If you want to know how many trees we have in the Corrales forest, the estimate is about 24,000. This includes the Bosque Preserve which is one square mile of riparian forest with 10,000 trees. The green belt is another five square miles of irrigate agricultural fields with about another 10,000 trees. The sand hills which is another five square miles with an estimated 4,000 trees. Averaging everything together gets you about a 12% canopy for the whole Village. What are 24,000 trees worth? The forest service and other organizations estimate that 24,000 trees is equal to $75,000,000. They remove CO2, catch rainwater, make safer communities, reduce wind and temperature, they create energy savings, better economic value to the Village, have esthetic value and increase property value. What we are asking for in establishing a Tree Board is that it acknowledges that trees make major contributions to public health and safety, economic value and local food. We would also demonstrate the dedication to the enhancement and protection of the community forest, landmark trees and public green spaces. We want to increase public awareness. Promote education of tree selection, planting and care. Train Public Works, Parks and Rec and the Fire Department involved in pruning trees. Update a tree ordinance. We want to obtain alternate sources of funding and volunteers for tree planting and care. We would provide a tree care plan to provide better maintenance for existing public trees, reduce number of hazardous trees and create a new tree planting goal. The purpose of a tree care plan is to care for what we have and plant for the future. The goals of a tree care plan are to grow a sustainable community forest in the Village. That not only means to care for the ones we have, but to increase the number of trees. It involves collaboration with regional stakeholders. We would work with Sandoval County Master Gardeners to increase education programs. We would extend the landmark tree program. We would connect with Corrales agricultural heritage by addressing food orchards. We would establish a functional leadership structure for tree care decision makers. There are a couple ways of establishing a Tree Board. The most straightforward way is to revise the name and scope of existing Tree Preservation Advisory Committee by ordinance revision. The other way would be to establish an entirely new entity. A question we would have is who provides oversight to the Tree Board. This is a function that should have oversight by the Administration. Again what we are asking for is governing body approval of the Tree Board by ordinance revision and to develop a tree care plan. We also would ask for the designation of a coordinator from the Administration. Any questions?
Councilor Burkett: Obviously trees are very important to Corrales. I have a related topic which is that I know that we have a need for a comprehensive plan update in the near future. It seems that incorporating a tree plan into a long lasting document may be a utilize some of your expertise. Is that something you think would be of value?

John Thompson: I think that would be of great value. There is very little in the current Comprehensive Plan about trees, especially in the residential areas.

Councilor Burkett: Along the residential side, is your guy’s goal to have influence over and support citizens to take care of and plant trees on private property? Or is the goal to increase trees in public properties?

John Thompson: Both. We did a survey of trees on municipal properties, which is around 500 mature trees. There are plenty of areas that would benefit from additional tree planting. We need to be prepared to replace trees that are dying. There should be a tree plan there. With the Arbor Day celebration we normally give out tree seedling giveaways which was a way of promoting tree planting. Along with the Master Gardeners we would be willing to do outreach regarding tree planting and care for residents.

Councilor Woldman: Do you anticipate a need for funding? As you may know there is the recently passed Great Outdoors Act which could be used for this.

John Thompson: Right now we have benefited from donated trees from Trees of Corrales. This year we got around 50 trees from them that were able to plant in various locations. If we had a tree board and tree plan, I think it would make it a lot easier to go around and solicit donations and grants for trees.

Councilor Murray: I would hope that when you develop education programs that you would please include Corrales Elementary and the private schools. I think morphing your committee into a Tree Board would be a good idea.

John Thompson: Thank you. The Master Gardeners currently have an education program at Corrales Elementary. I think they would be happy to expand that to education on trees. We did a survey of trees at Corrales Elementary and they could definitely could use some help on how to plant and care for trees.

Councilor Dornburg: About 3 years ago we had a UNM student present their Master’s thesis on tree health in the Bosque to the Council. Has that been utilized for some of the data you presented? Second thing is creating another commission with need of administration oversight is a budgetary consideration. It is one more thing to consider as we face potentially tightening budgets. I do see the validity of tree health, it is one of the cornerstones of the Village.

John Thompson: I am not aware of any Master’s thesis, but if you could provide me that information I would like to follow it up. What we have been doing with an expert in bosque tree health, who is now working with Albuquerque, is to get them to do education on bosque tree health and incorporating that into a tree steward training program. Don Welsh and I are currently taking classes for a tree steward training program. What we will try to do in the next year is to have another tree steward program in collaboration with Los Ranchos.

Mayor Roake: We will look for that Master’s thesis, the Bosque Commission might also have it. On that note, the Bosque Advisory Commission is also a group that you would probably have to collaborate with about this proposal. Thank you for the presentation. I don’t know if there is any direction to the Administration at this time but we can certainly look at this proposal and decide some way to move forward with it. Or perhaps as Councilor Burkett suggested it can become part of the Comprehensive Plan review. We may also want to look at it such as Councilor Dornburg said from a budgetary and personnel point of view. Any other questions? No? Thank you for the very complete overview.
E. REPORTS:

1. Administrator Report
   • LGIP Funds

   **Administrator Curry:** First of all I wanted to report that we have entered into a contract to get the Farmland Conservation Easement appraised. We anticipate getting a number back within 60 days. The Village has also entered into a farmland management agreement with Silverleaf for around 2.5 acres of the Gonzales field. They have already planted some winter squash there. We look forward to what they have in store because it also fulfills what the Land Conservancy wants for that property. We are also excited about Gonzales field because next year we are going to working with 4-H on some education with help from Silverleaf as well.

   The next thing I want to do is turn it over to Anne Layne and Janet McHard of the McHard firm to talk to you about the money we have in the LGIP fund. I think all of you have gotten the report from them so please ask her any questions you have because I am sure she can answer them.

   **Anne Layne:** Thank you, I think you all got our report. We were brought in to do an assessment of the LGIP funds and make a determination on how those funds got there. We wanted to make sure that they were not some direct income source and determine where the actual cash in the account came from. We also wanted to be sure that there were no sort of restrictions being held on the funds in that account. What we found is that the actual cash was an accumulation of funds in the general fund. Those were transferred to an investment account over at Wells Fargo, and then transferred to the LGIP account. My understanding as to why the funds were transferred to the LGIP is that it gave better returns than you were getting at Wells Fargo. After looking at the financial statements there are no specific restrictions on those funds. So they were not from a grant source that would state what the money can be spent on. It looks like some of the funds were restricted for a little bit to purchase a fire truck, but that fire truck was purchased so those restrictions would no longer stand. The only thing I see that could possibly use those funds is that there are some negative balances in some of your cash accounts. All that means is that your fund is overdrawn, not your bank account. You have the money in the bank, but for some reason the general fund is showing negative cash balances. I do not know if that is due to some accounting transactions that were not recorded correctly or if there needs to be a transfer from the LGIP to the general fund. We have recommended to the Village to undergo a detailed reconciliation of everything that is in the general ledger to make sure that all the transfers are recorded. Then we can really tell if any funds need to be transferred from the LGIP pool to the general fund. Janet, did I miss anything?

   **Janet McHard:** As Anne said, we looked at the transactions that created the funds within the LGIP account and did not find that there were any restrictions on it. What Anne was talking about was a government accounting concept where each fund is separately accounted for. The cash actually lives in a separate account, but then gets reconciled into each fund. Again, good news for the Village is that we could not find any restrictions on the funds in the LGIP account. If there are any questions we can answer, we would be happy to.

   **Councillor Murray:** So my question is, we vote to approve a balanced budget, and we have the resolutions which allow money to be transferred into those accounts to cover shortfalls or whatever. My question is why we would transfer money into those accounts if the budget has already been approved.

   **Janet McHard:** There are three different things going on here. There is the amount that is actually in the bank and in the LGIP account. What is the actual balance at the financial institution? The second is what is the accounting fund balance? That is the accounting story? Where did the money actually
get spent? But when you are talking about budget, the budget is forward looking. The accounting records where the fund balances exist is all historical. So what goes on in your budget and what goes on in your fund accounting are actually two completely different stories. Those in some way should reconcile out, but reconciling what was actually spent to what is in budget are unlikely to match up perfectly. When you mention what I think is a budget adjustment resolution, which is not the same thing as transferring the accounting numbers between fund balances. That actually helps us explain why there are differences between the two. For example if you are making an adjustment to move money from one budget line item to another budget line item, then when it is accounted for within the finance program then you may have to make a parallel transaction within the fund accounting. What we think may have happened in the past is that the fund transfers have not been appropriately handled in previous years. Everything at the financial institutions looks good, there do not seem to be any issues there. What is seems may have been happening over the past several years is that the funds within your finance software have not been properly categorized to reflect the influx and expenditure of funds. That is why we are recommending a detailed reconciliation to get those funds accounted for.

Councilor Murray: My other question is that is seems we are always two months behind from what the state pays us to where we are at. How does that impact what you are seeing in our current accounting?

Janet McHard: That doesn’t actually impact what we are looking at, at all. Just FYI, being two months behind is actually par for the course throughout the state of New Mexico.

Councilor Dornburg: I just wanted to say to Councilor Murray, I don’t think that was really the scope of what this firm looked at. But I do take great solace in the fact that we didn’t spend money that we did not have. So this gives us an opportunity as we move into the new system that we will start with a fully balanced perfectly zeroed out checking account. This is all very good news. We were very wise to pause and say, where did all this come from and how did we get here? We also didn’t take money and put it some place inappropriately. I think that was what a lot of us were concerned about. I do not have any other questions, but I would say that this opens up some other conversations we will want to have as a Council and with the Administration.

Janet McHard: I wanted to correct one thing that you said. You said that the reconciliation was to make sure all the transactions are recorded. We don’t have any concerns that you are missing transactions. We are concerned that the money that was sent out of the Village was not properly recorded in the fund that the money came from. We believe that all the transactions are there, but we are just not sure that they were put into the correct funds. They are sitting in the wrong place within your accounting.

Councilor Dornburg: No, much better stated than what I said. Thank you for that.

Councilor Woldman: It seems like there are an awful amount of funds. Is it unusual to have this many funds for this size Village?

Janet McHard: No, what you have is pretty par for the course.

Anne Layne: The only thing we noticed was that it seems that you have some dormant funds. One of our recommendations was look at those and determine whether those need to remain segregated or if they could rolled up into the general fund.

Councilor Burkett: This is a real $4.8 Million dollars in an account. It seems like at some point the debits and the credits on our budget would not have matched up and shown that we have millions of real dollars in surplus or hundreds of thousands each year. How do make sure that we catch that so
that we do not have to retroactively go back and try and find out? Was there anything in particular you saw that we should address?

**Anne Layne:** While the Village prepares a budget every year, as Janet explained, it does not always go as planned. When you have a left over between what the revenue and expenditures are, that is called a fund balance. The fund balance sits in your financial statements and rolls forward year after year. What I noticed, is that there were a couple years where some of your revenues coming through the general fund had exceeded what you had budgeted. A lot of that seemed to be allocations from the state that you maybe did not expect. So what happened is that the general fund balance increased a substantial amount. That is recorded on the financial statements every single year, that how we were able to tell what was going on. From a governing standpoint, you should just have a discussion saying we had an increase in our fund balance, where did it come from and what can we do with it?

**Janet McHard:** I would add to what Anne said. I have worked with government a long time. I was the inspector general for the City of Albuquerque. One of the things I see is that Councils tend to think a lot about budgets. Like I said, that is forward looking. I do not think there is as much focus on what actually happens. You may want to look at what kind of reporting you are getting on a quarterly basis so that you can see what is actually happening. That is where you can see that your actuals are looking far more robust or worse than the budget. When things are going well with the budget, then it typically does not come before Council. Only when there are issues does it typically get seen by you. So if you change the reporting you are getting and look at the fund balances, that will show you that there is money building up.

**Councilor Dornburg:** It occurs to me that when I first started on the Council was that one of the concerns I had with the previous administration was the level of rainy day reserves in the general fund. There was a concerted effort following the years of 2008 to budget very conservatively. In the past three to four years, revenues have been up, GRT is up, and building was increasing in Corrales. Is that possible that this was a concerted effort to build up reserves? That brings me to the second point which is that we changed our finance office around and might have a bit more fidelity when it comes to this accounting that we are talking about. I think those are all factors, am I missing the point?

**Anne Layne:** I would say no. Our analysis was starting from fiscal year 2013. So if you were making a concerted effort when we were seeing economic downturn, then when revenues start picking up in 2013 because the economy was picking up makes a lot of sense. So as administrations turn over, get new employees and new Council members just make sure your budgeting and accounting policies are keeping up with that.

**Councilor Woldman:** I think my question is, $4.7 Million dollars is a lot of money. You state it accumulated over a number of years but it seems like a lot to accumulate.

**Anne Layne:** It is a lot of money, and there was one year in particular, maybe FY13 or FY14 where there was a large increase of about $1.2 Million. A lot of that was due to how the state allocated its funds. There was a large increase in state allocations that year. After that, it is only a few hundred thousand a year. When it is only one hundred thousand, you might think that is not so bad, but then over six years it turns into a whole lot of money.

**Councilor Murray:** My concern is that when we go up to legislature and they see $4.7 Million sitting in the bank, they are going to be reluctant to give us anything.

**Administrator Curry:** That has always been a concern of mine due to some experiences in the past. Some conversations I have had with AJ Forte, the head of the Municipal League, and with Jill
Sweeney is that the LGIP fund has been set up to protect these funds. It would take a drastic action to take these funds from us. There are specific statutes in place to protect this money. We have spent a lot of the past two weeks on just that because I agree with you Councilor. We can still take a conservative approach on how to spend these monies. We can try to conserve as much as we can while also addressing our ICIP list and seeing what we could buy off of it.

**Councilor Lucero:** You talked about this reconciliation. Can we expect this amount to be the same after the reconciliation considering we have a lot of boxes to put into?

**Anne Layne:** There is a possibility that it could decrease, but looking at your financial statements, the maximum it could decrease is about $1.6 Million. We really can’t say until after the reconciliation. It may be prudent to keep the whole balance until after the reconciliation.

**Administrator Curry:** I would also add that we are having a meeting with Anne, Janet and another accountant on Friday to discuss how we go about finishing up the reconciliation. We are going to work on it, and we will be finished with it by the end of the calendar year.

2. Department Reports

**Councilor Murray:** I had a question for Chief Martinez about the Casa San Ysidro easement and whether that has moved forward all.

**Chief Martinez:** I am working with the Administrator on the easement. We have been proactive, we have the money and we are working out the logistics.

**Councilor Murray:** Has the City given you anything that would enforce the easement or the easement agreement?

**Administrator Curry:** We are in the process of trying to lock in the agreement. We are trying to get the City of Albuquerque in line with what we want, and that it is time to move forward on this. We are confident that we have the right number sitting at around $50,000.

**Chief Martinez:** We have already made the crossing from the Loma Larga pumping station underneath the main canal. So we are already stubbed out basically in the easement, so we would have to make the connection from there to Old Church Road.

**Councilor Knight:** I also had questions for the Chief. I was wondering about your VFA grant. What item are you purchasing with the $20,000?

**Chief Martinez:** That is a grant from New Mexico State Forestry so it has to be equipment related to wildland and fire use. So we are going to purchasing fire hose, nozzles and other distribution equipment.

**Councilor Knight:** You also mentioned fire season and adding extra fire fighters. How many are you adding? Will they be on overtime?

**Chief Martinez:** In years past, we have utilized the YCC to fill in some of those gaps. This year we do not have that, so I have tried to hire volunteer fire fighters that have the qualifications.

**Councilor Lucero:** I had a question about the Loma Larga water line. I see it is out to Sagebrush Road now. How much further do we have funding for?
Chief Martinez: It is about 100 feet north of Sagebrush. I do not have any additional funding to continue that waterline at the moment.

3. Commission Reports

F. COUNCILORS FORUM: This section is for information purposes only, not for discussion and debate, to inform the Governing Body of an issue/concern that would not be addressed on the agenda during the business session.

Councilor Murray: A couple of days ago I sent you an email about permit signage not being displayed and I know that we also got a letter today about building activity on West Ella. I hope we are investigating those things. I also had an idea that we should be helping Corrales Elementary and the private schools to help with their online learning. If we could round up volunteers to help out.

Mayor Roake: That actually reminds me that we had some items on political signage and I had asked that our Attorney, Randy Auto, to look into it and I think he is going to talk about it.

Randy Auto: We have had some complaints about people leaving signs out after the primary or putting them out too early for the general election which caused some concerns for some folks in the community. I looked into it, and there is an issue that arises. I looked at our current ordinance related to political signs and what has happened in the past few years is that there was a Supreme Court decision made against the City of Gilbert Arizona. What happened in that case is that the Supreme Court decided that the first amendment right includes political speech, you can only regulate political signs if your regulations are content neutral. That means you essentially cannot read what is on the face of the sign to determine how you are going to regulate it. The regulations we have dictating time, number and size are all based on content, so I am going to work with Laurie Stout to come up with a workable ordinance that we will come back to you with. We are not going to be going out and enforce our sign ordinance right now because it has a serious chance of being overturned.

Councilor Knight: I just wanted to ask all the department heads to please make sure that your voicemail is not full.

Councilor Burkett: I just wanted to say that I think the Village is in need of an updated comprehensive plan. I know that is a large undertaking. The second thing is to follow up on this zoning email earlier today. When you drive by it looks like it is a problem, but sounds like to the letter of the law that it is not. We need to potentially assess our zoning policies to reflect the intent of what want.

G. CORRALEÑOS FORUM: This section is for information purposes only, not for discussion and debate, to inform the governing body of an issue or concern that would not be addressed on the agenda during the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.

All comments must be emailed and will be read into the record. Please email comments to at agjullin@corrales-nm.org no later than 12:00 pm on Tuesday August 18th.

Corrales forum was opened, and no one commented.

H. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine by the Village Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
1. Approval of minutes for June 16th, 2020 Regular Council Meeting
2. Approval of Professional Services Agreement between the Village of Corrales and Corrales MainStreet

Motion: to approve the consent agenda, Action: Approve, Moved by Councilor Bill Woldman, Seconded by Councilor Mel Knight.
Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

I. ITEMS REMOVED FROM CONSENT AGENDA:

J. NEW BUSINESS:

1. Consideration, Action and Approval of Ordinance 20-004, an ordinance providing for the re-zoning of tract 44-A-1 to extend the commercial zone.

Laurie Stout: There is an applicant who already has commercial zoning and wishes to extend it to the full 350 feet allowed by Village Ordinance. They were approved by the Planning and Zoning Commission hearing that took place on July 15th. If there are any questions I would be happy to answer them,

Councilor Murray: Mayor I am going to have to recuse myself because I had a discussion with Mr. Thaler months ago about this action.

Clerk Gjullin: We will now open up for public comment. We will start with Antonette Roybal.

Antonette Roybal: I sent in my concerns earlier, but I never received notification that they would be running a sawmill next to my property which is approximately 200 feet from my residence. I only found out about this meeting through Laurie Stout. Seeing that I spoke at the Planning and Zoning hearing, I was not aware that the issue would be sent to the Council for final decision. I was advised by Laurie Stout that I would receive a registered letter for the 8/19 meeting, but I have not received it yet. If permanent rezoning of this property is approved, is there any commercial restrictions besides the sawmill? Is tract 44-A-1 relevant to the property at the northeast corner of Hansen Road and Corrales Road? If so, why is Ordinance 20-004 necessary?

Mary Rodriguez: I also have concerns. I live at 103 East La Entrada and I can hear when they are operating their saw. When a different woodworking company was next to us, they were required to because of safety issues and sawdust to put a barrier around their saw. My concern is, is the wood pest free, insecticide free? Are our trees effect by this wood? The other concern is the noise. This is a business in a residential area that is being expanded. My understanding is that if this expansion is going on that a certified letter should be sent to residents that live within the area. Those are my concerns. Are they maintaining the dust issue? Are they keeping safety in mind? I think they should be inspected to make sure they have all these things in place.

Jim Bullard: I live on East Ella. I had sent a letter that I am not sure made it up to Council. I think these are all really good concerns, but I have a lot of trust in the Thalers. I want to support the Thalers because I think they have these things in mind. I think they are making sure that this is safe and impactful free as it can be. I appreciate the time that went into this. I read the Planning and Zoning Commission minutes and was very impressed with their questions and topics that were discussed.
Douglas Findley: As far as I know there is a commercial zone that runs through Corrales. It is a certain distance from the main road and whatever the business that is being considered automatically falls into the commercial zone.

Rick Thaler: What you are considering here is our application for the zone map amendment. Not the business license. The business license is going to be considered at the September 17th Planning and Zoning Meeting. All of these issues that have been discussed will be considered then before we can get a business license. We are operating under a temporary business license due to COVID. I anticipated some of these complaints, so I got some of my neighbors and friends close to the site to send some letters of support. Giving us the zone map amendment does not automatically mean that we will get granted a business license.

Mayor Roake: I would say that what is before the Council tonight is the rezoning. I also just wanted to ask Laurie, was proper notice given?

Laurie Stout: Yes it was. The July 15th P&Z meeting heard both a summary plat and a zone map amendment. Certified letters were sent out including Ms. Roybal. No certified letters were sent to her for tomorrow night’s meeting because there is no application from Mr. Thaler for that site. There will be another certified letter sent out for a site development plan for Mr. Thaler that will be heard at the September 16th Planning and Zoning Commission meeting.

Councilor Dornburg: Is there a reason that this has to happen tonight? Or can we allow for more thought and discussion? It just seems that everyone seems caught off guard by this.

Randy Aulto: We looked at this with the clerk. As with most ordinances, there is a publication that comes in the form of a resolution to the Council to publish notice 15 days before the hearing. That is not required to be done with a zone map amendment because it has already been heard by the Planning and Zoning Commission, so there is a specific exception granted for that. There is no legal reason it could not be continued. I would get Laurie’s input.

Motion: to approve Ordinance 20-004, Action: Approve, Moved by Councilor Mel Knight, Seconded by Councilor Zachary Burkett.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg
Abstain: Councilor Stuart Murray

2. Consideration, Action and Approval of Resolution 20-023, a resolution for the creation of an Ad Hoc Committee for potential uses of the Corrales Interior Drain

Motion: to approve resolution 20-023, Action: Approve, Moved by Mayor Pro Tem David Dornburg, Seconded by Councilor Mel Knight.

Councilor Murray: Would they disband after they give their report?

Mayor Roake: Most likely, unless the Governing Body had a different plan for them depending on the report.

Councilor Murray: I would hope they would also look at the liability of covering up the interior drain. Who is going to maintain the pipe? Etc.
Councilor Dornburg: I think that is the purview of the governing body once they get their feet on the ground to guide them on what we would want them to look at.

Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

3. Consideration, Action and Approval of Resolution 20-024, a resolution for authorizing adjustments of various funds for fiscal year 2020-2021.

Motion: to approve the resolution 20-024, Action: Approve, Moved by Mayor Pro Tem David Dornburg, Seconded by Councilor Kevin Lucero.

Councilor Murray: I wanted to ask about the top three lines. Are they independent of one another or are they related?

Reyna Aragon: I was asked to find some money for the Sagebrush pathway and so last year we budget $330,000 for franchise tax and we received $352,000. I am pretty sure that is what we are going to get this year, so that is what we are going to use to pay for the engineering of Sagebrush.

Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

4. Consideration, Action and Approval of Resolution 20-025, a resolution directing the publication of a notice of meeting and intent to consider adoption of an ordinance amending ordinance 19-006.

Motion: to approve the resolution 20-025, Action: Approve, Moved by Mayor Pro Tem David Dornburg, Seconded by Councilor Mel Knight.

Councilor Murray: I had a question about the language used in section 5, no more than two occupants per bedroom. Does that take into account that a family might have a small child? Or something that requires a third person in the room.

Laurie Stout: We had to come up with an occupancy because one the short term residential was in place and being applied, we had the person trying to fill the home. We are saying no more than two occupants per bedroom which is in line with what other municipalities have put in place. I think if someone is going to be sneaking a baby or child into the room that it will not become a zoning issue.

Councilor Woldman: I am wondering if it is possible to add language that allows a child under 3 that might be accommodating to a family. If people see that we only allow two per bedroom it might affect people who want to come into Corrales.

Councilor Burkett: Could we change it to adults, or does it have to be occupants? I don’t know that we should even limit it to a three year old.

Randy Autio: I think Laurie and I will sit down and see if we can make a compromise. We do not have to change anything tonight because this is just an action to put out notice. We can make amendments at our hearing at the next meeting.
Councillor Dornburg: My interpretation is that we are just trying to prevent packing 5 people per room to fill a house during balloon fiesta. If it is the intent of the ordinance to be a certain way, then I do not think we need to mince words. If we are picking hairs about whether someone is 18 or 19 years old, how are we going to enforce that?

Councillor Burkett: I think enforcing the spirit of the law is why we all got an email about zoning today. We have a person putting up a second 1500 square foot structure that has a garage, but just doesn’t happen to have a stove so it is classified as a house. I think we are all clear that that was not the spirit of the law, but since we did not word the ordinance properly, it is completely in compliance with the ordinance.

Councillor Dornburg: We still have to approve the plans. It falls on us to interpret the plans, so you are correct, but we have to approve it at the end of the day.

Councillor Murray: I agree with Councilor Dornburg’s assessment, but I think Councilor Woldman has a point. If we are going to advertise Air BnBs and people see we can only have two occupants that may be an issue. I agree with the attorney that we should look into and see what we can do at the next meeting.

Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

5. Discussion of ICIP 2022-2026

Councillor Murray: I was only going to say that we had an infrastructure advisory commission. Were they involved in any of this? Did we get there input?

Mayor Roake: Over a lot of time we have had a lot of advisory input, but we can see if they have any more input.

Administrator Curry: I just have one thing I would say when we talk with an advisory commission about this. One of the things we always want to look at with this list is what sort of liabilities does the Village assume and the other is what financial responsibilities do we undertake.

Clerk Gjullin: I just wanted to comment that Council will be hearing from me later this week or early next week to get your rankings because we will have to approve a resolution with those rankings at the next meeting.

Councillor Dornburg: I would just remind Councilors that ranking is a determination of what gets funded. We do have an additional consideration this year with possibly using LGIP funds to deal with some of these projects on our own dime. So I am looking at it with a different flavor from years past, but just keep that in mind.

Mayor Roake: That is a good point and also keep in mind that as we move into the next legislative session, it is unlikely that anyone will get any capital outlay this year.

Councillor Murray: Do we know which projects are shovel ready?

Mayor Roake: We could certainly work on that. Some of this is equipment we could purchase, some of the projects might be ready to go. If that is something you are interested in, contact the Village and they can help you with that.
Clerk Gjullin: On that note, please just email me on any of these items because I have all the language we have submitted previously as well as what we are potentially submitting this year.

Councilor Dornburg: On that note if we can I would like to see the curbing and pathway for Meadowlark put in there. We know the cost and have broken it out, there may be some re-engineering cost. Also, if we can put the Sagebrush connection for the Thompson fence line that would be good as well.

Mayor Roake: I think that is a good idea. Perhaps even as a separate list of things we in the administration and as the governing body would earmark as important to the community and seeing what we can do with it.

6. Discussion of Work on Private Roads

Councilor Knight: I hope you all got to read my report on properties. I started with a history of what has happened with private roads. I also included what has happened in recent years when the Village took care of private roads by removing the washboard or fill in gullies. Why I think it is so important is that I called five other municipalities in the state and asked them about their maintenance. Two got back to me and said that they also have this issue and would love to have something in place to help our constituents, but there is nothing available to us. One was the Village Manager in Anthony and the other was the Clerk in Edgewood. I talked to our Public Works people and they think it is doable. I spoke with two people who advertise in the Corrales Comment to ask if we would taking away their business and one of them thought that this was already in place with the Village. He even said he does not really work on roads at all. I also spoke to Randy up at the Municipal League and he said that if you had asked me 15 years ago I would be all for it, but people are sue happy these days and I worry about municipalities getting sued. In my bullet points I wanted to know what the other councilors thought about all of this. I took a lot of time to call and work on this and I do not want to beat my head against the wall if people are not for it. So what do my fellow Councilors think and what does the Administration think?

Councilor Murray: I did have a question or two. Is this going to require a property owner to have a site survey done just to know where the property lines are? You know if someone calls in to have the road done, we don’t want to intrude on their property. The other concern I have is if we give them an estimate whether we are giving them a timeline for how soon we get back to them and when we do the work? If they pay for it up front, they probably want it done expediently.

Councilor Knight: Did you see my bullet point where it says in the case of an emergency, the Village may postpone the work and be scheduled for two weeks. I remember when the Harvey Jones Channel got filled with silt and it took a long time to fix because it was not an emergency.

Councilor Dornburg: There is a number of issues I have heard about private roads since my time on the Council. Some people don’t want the Village to be involved with their private road because it is a private road. Secondly, the anti-donation clause is something that is very difficult to get around. Third, the Public Works guys are amazing, but they are a finite force. I do not think you will see them with a shortage of things to do and an abundance of equipment to do it. I can see it in my head where we have another set of floods that we could help as a community. But for road maintenance, I just do not see it as the role of the Village if those roads are not municipal assets. I would not be in support of this, but I do appreciate the legwork that you put into this.

Councilor Burkett: I had more of a general question about private roads. Recently there was an issue where someone on a private road put in a speed bump out in front of their house with a wheelbarrow full of dirt. They were told they could not do it. Now the Village does not maintain
the road, but it seems like we are putting them in a tough situation. We are tying citizen’s hand to solve problems on their private roads but we aren’t giving them any solutions we can provide. So they cannot offer a solution of their own, we cannot offer a solution of our own.

Councillor Knight: I want to make sure that you understand that this document relates to an individual who is paying for the work to be done. If someone up the road doesn’t want to have it done then they do not have to have it done. It is an individual’s right to hire the Village.

Councillor Murray: Unfortunately a lot of these have HOAs tied to them so there may already be monies saved or allocated towards road maintenance. Some of these HOAs get specific. Once the contractor had put in their rules, then we are very limited what we can do.

Councillor Knight: I just want to make sure that everyone read what I had put in and that they understand that it was done in the past. There wasn’t any engineering or drainage plan and it was just to get the road back to where it was safe. But again, I do not want to undertake it unless people are behind it. Randy do you have some thoughts on this?

Mayor Roake: I just wanted to clarify something that Councilor Burkett said. Apparently the private citizen can put a speedbump in. They just have to provide signs and they have to build it to a certain spec.

Councillor Woldman: If there are 20 people on a private road and 10 of them do not want to pay for the road maintenance. And assuming that they were spread out where one house wants it, the next house doesn’t, the next house does, etc. So they would only maintain every other house’s road?

Councillor Knight: Correct, it is an individual getting work done. I am looking at where I live and where my constituents live in the sand hills. Some of these folks do not know where to turn for some of this and I think the Village can be the place to turn to. You know I ran on this platform and wanted to put it out there.

Councillor Woldman: I had a question for Randy. We had a discussion about turning a private road into a public road. I do not recall what the answer was, but whether it was a unanimous vote by the people who live on the road or other restrictions. What is the legal reading on that?

Randy Autio: Councilor Knight, Ron Curry and I have had several discussions about what pathways are available to us. One of the greatest challenges is that every private road is going to be a unique situation. There are some people who live on private roads that do not want improvements and others that would like to have more of a public road environment. So to answer your specific question, it is a two part process. Someone would have to ask to dedicate the road to the Village as an official Village road. Then you as the Governing Body would have to accept that dedication. Everybody has to come to an agreement. Now is a good as a time as any to get my general thoughts on it out as well unless someone has other questions they would want answers.

Councillor Murray: That would also get us into another sticky situation where the road itself is part of a lot. If you start dedicating some of these roads then you might make a substandard lot. That may make some legal issues for us as well.

Randy Autio: I think the Councilor’s point is a good one, to determine if there is a will of the Council to move forward and expect money and time towards create a program. These are the issues that we would have to tackle. The first is figuring out how to allocate Public Works resources that already work on public roads and determining logistically if we can allocate that. That’s more
of a fiscal question. The anti-donation clause is also an issue we would have to address. We would have to charge fair market value. The part that is a little difficult is that we as a municipal entity are routinely doing work for public purposes. That really is our charter as a municipality. So when we are talking about private roads, we would have to show what the use to the public is. Then how to deal with the issue of one person on a road of ten who wants to get the maintenance done but others do not. We would have to put a mechanism in place to get signoff on that or that they would waive any claim against the Village for doing the work. Then there is the risk factor. Our system of doing public work is focused on people engaged in the scope of their duties. We would have to make sure that we weren’t interfering with the waivers within the Tort Claims Act.

**Councilor Dornburg:** I think he brought up a really good point which is that if we are being paid fair market value, then why we are doing any of this if they can go to anyone else for hire and get the same thing?

**Lynn Siverts:** I think we would definitely need it to be engineered, especially if we would be taking it over.

**Fire Chief Anthony:** I just wanted to say that this is also been an issue for public safety. Private roads for years have had a lack of maintenance. It is not just the road service itself, but the trees. I have been trying to come up with something like this, and I understand the legal aspect, but we hear all the time that these people don’t have money, or they are older. So from the Fire Departments point of view, we would like something convenient. We spend lots of time dealing with these complaints but we do not have any avenue to direct them.

**Mayor Roake:** I would speak to that point which is that at times the Chief would like better access on private roads, but some folks want to keep it exactly the way it is.

**Councilor Murray:** I do not disagree with Fire Chief, but maybe we push this up to the Planning and Zoning Commission and let them for future developments look at the language for private roads? There could be requirements to maintain the road to a certain standard.

**Mayor Roake:** Laurie? Isn’t there language now that requires a private road maintenance agreement?

**Laurie Stout:** Yes we are asking for that on all new developments. We are asking for it to be on the plat executed by the developer.

**Councilor Murray:** Is there anything in the regulations outside of what you are asking?

**Laurie Stout:** Not necessarily no. That should be added to our code, but so far everyone has agreed to do it.

**Councilor Murray:** Give them a chance and they will ignore it. It should be in the code.

**Mayor Roake:** I think we have had a pretty thorough discussion about this. It is a complicated issue. I do not know if there is a pleasure of the Council to do anything further at this time, but I do appreciate Councilor Knight’s efforts.

**Councilor Knight:** Thank you and like I said, I wanted to bring this to Council and get their opinion. There are pros and cons on both sides, but I understand where people are coming from.
K. CONFIRMATION OF APPOINTMENTS:

Douglas Findley – Corrales Interior Drain Committee
John Perea – Corrales Interior Drain Committee
Sayre Gerhart – Corrales Interior Drain Committee
Rick Thaler – Corrales Interior Drain Committee
Jeff Radford – Corrales Interior Drain Committee

Motion: to confirm the appointments, Action: Approve, Moved by Councilor Kevin Lucero, Seconded by Mayor Pro Tem David Dornburg.
Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

L. ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

Corrales Road Crossings
Chapter 18 Update
Meadowlark Pathway
Extending the Bike Trail

M. ADJOURNMENT

Motion: to adjourn, Action: Approve, Moved by Councilor Stuart Murray, Seconded by Councilor William Woldman
Vote: Motion carried by unanimous vote (summary: Yes = 6).
Yes: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

A COPY OF THE AGENDA MAY BE OBTAINED ON THE WEBSITE: www.corrales-nm.org click on Government & Council Meetings

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at the Village Offices located at 4324 Corrales Road, at least five (5) days prior to the meeting or as soon as possible.
Public documents, including the agenda and minutes, can be provided in various accessible formats.
Please contact the Village Clerk at 897-0502, or by e-mail at ajgullin@corrales-nm.org if a summary or other type of accessible format is needed.

NEXT REGULAR COUNCIL MEETING: September 8th, 2020 at 6:30pm

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 19-041.

I certify that this agenda was posted on: August 14th, 2020.

Aaron Gjullin, Village Clerk