A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. GOVERNING BODY PRESENT

Present: Mayor JoAnne D. Roake, Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray, Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg

C. APPROVAL OF AGENDA

Mayor Roake: I would like to approve the agenda with one adjustment. I would like to move the budget narrative to Item two of New Business.

Motion: to approve the agenda, Action: Approve, Moved By: Councilor Woldman, Seconded By: Councilor 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 – Not present, so no presentation was made.

E. REPORTS:

1. Administrator Report
   - Police Sergeant Introduction

   Administrator Curry: First thing I would like to turn it over to Chief Vic who has some announcements to make.

   Chief Mangiacapra: I do not think there is anyone in the Village who does not know who Julie Rogers is in a good way. She has been with us for five years and has been crucial to revitalizing our Neighborhood Watch Program. She implemented Coffee with a Cop, Cocoa with a Cop, Cops and Crayons as well as Books and Badges community outreach programs. She serves as our primary detective as well. She went through the Sergeant promotional process along with three of her peers. As a result of the comprehensive testing, Officer Rogers was selected for the appointment. Hopefully we will be able to introduce Sergeants Rogers in person in the future, but for now I am very proud to introduce her in this virtual format. Welcome Detective Sergeant Julie Rogers.

   Administrator Curry: Thank you Chief. Other things I would like to mention is that Randy Autio and I continue to work with Councilor Knight on some of her proposals that she is considering bringing before Council regarding private roads. We are also working with Councilor Knight with some ancillary building discussions she has been having. We were about to being some discussion with MRCOG regarding Chapter 18 issues.

2. Department Reports

   Councilor Murray: I had a question for Chief Vic, you mention in your weekly Next Door report about damage to the Boy Scout Bridge. I was wondering if you could say something about that?

   Chief Mangiacapra: A near by resident was kind enough to send me a photograph of some damage to the railing. Chief Martinez has reached out to Mr. Brown to give it a once over and see what we are looking at in terms of repairs. At this time we do not have a potential suspects.

   Councilor Woldman: Chief is there any update on the horse slaughter situation?

   Chief Mangiacapra: Nothing as of now. The New Mexico Livestock Board is the primary on this case and has been keeping in close touch with us, but no new developments.
3. Commission Reports

**Councilor Burkett:** I had a question about the Bosque Advisory Commission Meetings. There was some discussion about changing the bosque hours, is that something we are going to be addressing in the future?

**Mayor Roake:** We are going to take that step. Right now, we have changed the hours based on the emergency powers I have. Then we will go back and make a more permanent change once the Emergency Declaration is over. The cutting back of hours actually makes it consistent with the surrounding areas as well.

**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:** I would just like to comment that if you have not filled out the 2020 Census, then please do. That impacts a lot of the things we do in the Village and funding that the state receives.

**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 agjullin@corrales-nm.org no later than 12:00 pm on Tuesday July 21st. If you wish to discuss an agenda item, we will ask for public comment during the specific item. We would request you let us know if you would wish to speak by 12:00 pm on Tuesday July 21st, so that we can make sure to specifically hear from each person wanting to speak. However, it is not required that you email or call ahead to speak.

**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.*

**Councilor Murray:** I would like to pull the minutes from June 16th and June 30th.

1. Approval of minutes for June 16th, 2020 Regular Council Meeting.
2. Approval of minutes for June 30th, 2020 Special Council Meeting.
3. Approval of minutes for July 14th, 2020 Special Council Meeting.

**Motion:** to approve the consent agenda, **Action:** Approve, **Moved By:** Councilor Lucero, **Seconded By:** Councilor Burkett
I. ITEMS REMOVED FROM CONSENT AGENDA:

1. Approval of minutes for June 16th, 2020 Regular Council Meeting.

Councilor Murray: I had two questions for Chief Vic that I would like to have reinserted. First was about body cameras which the chief answered that they do wear them and have the appropriate policies in place. The second was does the Village receive any federal funding for tactical equipment and training and the chief’s answer was no. In the June 30th minutes, it seemed to be devoid of comments. Was there more discussion than what we received?

Administrator Curry: I am not aware of any more comments.

Clerk Gjullin: Not to my knowledge, but I am happy to go back and double check.

Councilor Murray: That’s fine, then I would Move that we approve the June 30th minutes.

Motion: to approve the June 30th minutes, Action: Approve, Moved By: Councilor Murray, Seconded By: Mayor Pro Tem 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

J. NEW BUSINESS:


Motion: to approve resolution 20-022, Action: Approve, Moved By: Councilor Burkett, Seconded By: Mayor Pro Tem Dornburg

Vote: Motion carried by unanimous roll call 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

2. Consideration, Action and Approval of Resolution 20-020, a resolution for approval of the FY 20-21 Final Budget.

Administrator Curry: Presented to you is the FY20/21 Final Budget for approval. As we determined the impact of COVID-19 on our budget, we found a decrease of 8% of our GRT in April and 8.75% in May from the previous year. With that in mind, we projected a total revenue loss including GRT for FY21 to be 5.9%. That is a revenue decrease from
approximately $6 Million in FY 20 to $5.64 Million in FY21. We anticipate most other revenue streams to stay the same. We will continue to monitor fees that come in from Parks and Rec and other departments based on the limited uses as directed within the public health order. We are also planning that we may be able to open in the fall, and have budgeted accordingly. Expenditures for certain programs will not be made if those programs do not come to fruition. Building our expenditures around these ideas, we were able to request expenditures and transfers at $5,555,345.00 for FY21. This is actually an increase in expenditures from the previous year by $82,216.00. This difference was to account for adding benefits to the executive budget, adding PERA to the court budget and adding previously approved Police salary to this year’s budget. Other than those changes, very little additional changes were made. Certain budget items such as supplies for Finance and Administration, and some Public Works items were decreased to account for actual expenditures from last year and help reduce our total request. Other items in the budget that you will see changes are the special funds. Some of these funds we will not be receiving this year, or we have adjusted the amount that we know/expect to get this year. Examples of special fund changes would include Page 52, Angel Hill Project. Last year we budgeted $85,000, however this year we will only budget $5728, which is the balance left in the appropriate after the expenditures we made this past year. The Village still expects to have fund balances as it has experienced since 2013. Whether from vacancy savings or other savings, we have a reasonable expectation that this trend will continue. For example, with all of our vacancy savings, we project to save $12,972 per pay period (every two weeks). Obviously, those numbers change once we begin filling those positions, if and when we start to resume normal services.

Essentially, you are looking at a similar budget to last year with adjustments to some expenditures. We have taken care to make this budget flexible during this COVID crisis.

**Councilor Knight:** At the last meeting we had discussed finding money for the project on Sagebrush, was that in the budget?

**Administrator Curry:** We are looking at that as a potential. We have talked with Michael as something in there, but that is something as a potential set aside to fund it.

**Councilor Burkett:** I had a question about the current vacancies and the triggers that are going to fill those.

**Administrator Curry:** We have vacancies in the deputy clerk position, parks and recreation, public works and the police department. We are still in a hiring freeze, but obviously public safety is important to us so we will fill those as needed. For instance, I brought up evaluating Chapter 18, so we will be doing a lot a work within Planning and Zoning for that. One of the triggers for Parks and Recreation will be when we start to open up and offer more services.

**Councilor Burkett:** Specific to Parks and Recreation, it seems with the pool open and with the fields needing the same amount of maintenance, they seem like they are at a disadvantage from an employment standpoint.
Administrator Curry: That is correct Councilor, that is why we have planned to keep it open. The good news is that we are in a good spot.

Reyna Aragon: No positions were cut in this budget. So, Lynn still has all the positions he had last year. Aaron’s position is still budgeted, but not filled.

Councilor Woldman: If all the positions were filled, would that $13,000 be covered?

Administrator Curry: Yes

Councilor Murray: I would also like to talk about reserves again. I would like to see the reserves as they are pulled out as their own line item. That way we can see it as a transfer and which department it goes to. Mainly, what happens to the reserve next year? If it’s its own line item, then we can see what we have and what was spent.

Administrator Curry: I think that is very reasonable. As we get new information coming it, it should be easy to get it as its own line item.

Councilor Murray: Once you pull it back as a space saver, does that money get reflected in the department budgets or do you just keep the budgets where they are at and know that the money is going to get pulled in at some point?

Administrator Curry: It would be the latter if necessary. One last thing on this is, if the legislature seems like they are going to sweep in money, then usually the first place they sweep are the reserves.

Councilor Murray: Do you think there is a possibility that the $4.3 Million will be swept by the state?

Administrator Curry: At this point, I am confident that it wont happen based on some conversations with the treasurer, but I am also leery of the possibility.

Motion: to approve resolution 20-020, Action: Approve, Moved By: Councilor Murray, Seconded By: Councilor Woldman

Vote: Motion carried by unanimous roll call 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


Reyna Aragon: I am happy to answer any questions about how to read the report. Councilor Murray you asked about the investment account money. If you look at page one under the current cash balance for FYI, the $6.2 Million. That is what is in the DFA system from previous years.

Motion: to approve resolution 20-021, Action: Approve, Moved By: Mayor Pro Tem David Dornburg, Seconded By: Councilor Lucero

Vote: Motion carried by unanimous roll call 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


**Mayor Roake:** I am going to ask Lisa Brown from the Farmland Preservation Commission to speak, then Jill Sweeny, then we will move onto the public comment so they can all be heard together.

**Lisa Brown:** I would like to remind us that the point of farmland preservation bond number four was farmland preservation. Preserving our farmland and our heritage, providing a local food source, were the main goals. It is wonderful if we can these farmland properties visible. I would love to have properties along Corrales Road and we are trying to do that. But, what we have in front of us is 12 acres of fertile, irrigated farmland. That provides benefits to us without being able to see it from the main stretch. We can appreciate the wildlife it brings in and the food source it can provide. I think there is a misunderstanding about when you put a conservation easement on a property, it is in perpetuity, so we have to look ahead. The alternative is that we have twelve acres that gets subdivided and has twelve homes put on it. Those twelve homes require services from the Village. Do we want more people or do we want more open space? I am happy to answer any questions.

**Councilor Murray:** I am going to go back to your language that this is only for farmland preservation. The bond issue as it reads has conservation easements as one of the items but also has other rights or interests in the land. That means we could purchase, fee simple or own outright, property. I take exception that the bond issue is only for farmland preservation.

**Mayor Roake:** I am going to stop you there only because I think your question is better directed towards a lawyer. So, I would ask Jill Sweeney to address these issues.

**Jill Sweeney:** Question number four from the Village of Corrales Bond Election specifically provides shall the Village of Corrales issue up to $2,500,000 in General Obligation Bonds payable from general ad valorem taxes for the purpose of acquiring conservation easements, or other rights and interests in land for the preservation of farmland, open space, wildlife habitat and recreational opportunities. The way that the question is worded using conservation easements, or other rights and interests in land from a legal perspective is limiting. It does not talk about purchase; it does not talk about fee simple. It is limited to easements and other rights and interests of that type. Not an outright purchase. I think if we were kings and queens for the day, we would not have worded the question that way. We would have been broader to include purchase and acquisition. When you read the question in context of other questions and in the manner in which this type of language is interpreted, that is where we end up.

**Councilor Murray:** Under English common law, doesn’t interest also imply ownership?

**Jill Sweeney:** There can be an ownership interest, but when you read the question in the
manner in which it is drafted, it is talking about easements or other rights or interests in preservation. It is not the typical language that would be used for an outright purchase.

**Councilor Murray:** The same language was used back in 2004 and was used to purchase five and a half acres of the Gonzales property. How do you resolve that the Village already owns property under the same bond language versus what you are saying now which is that we can only use this for conservation easements?

**Jill Sweeney:** I do think that is troublesome. I think you know that you have different group of consultants now. I don’t think had we had the opportunity to face that language back then that we would have proceeded in that way. I understand that is the position that several of your previous bond counsels have taken. I cannot speak to 2004 but to say that I think it was an approach that was taken for various reasons that likely would not be taken going forward.

**Mayor Pro Tem Dornburg:** Going back historically to when this question was originally proposed by farmland preservation, which if you are familiar, is not really intended for small plots of land in a Village. It is intended for large open fields in the northern plains to keep them from becoming corporate farms. That is the idea that was proposed to the Council several times which was to preserve the heritage of the Village. Not necessarily from Corrales Road, or have trails running through it. The intent was to preserve tracts of land in perpetuity but without the obligation of the Village to maintain it. The Council discussed many times that we were not going repursue what was perceived as a mistake in 2004, to purchase more land. At least that was the previous administration, that was the previous Council’s way of looking at it. It wasn’t intended to buy land. That was the opinion of every bond counsel I have been associated with on my time with the Council. There are people who are wrapped more around the recreation language. It does provide for recreation if the land has the opportunity for recreation but in this case, it preserves a tract a land that the owner still has to pay property tax on. Yes, they get a payout, but it cannot be developed, subdivided and should continue to be farmed. The water rights are retained and so that has been the intent all along. There are other intents and purposes being earmarked without the authority to do so. That is a different argument for a different day but it wasn’t always intended so that you could see beautiful tracts of land from Corrales Road. That would be ideal, but there is only so many of those properties left. People still have to make the commitment not to subdivide their land. If every time we get someone who is willing to do this and we tell them that is not a good enough piece of land, then who else is going to come forward and offer to do this? One thing I would ask the Mayor and the Administrator to get into is that we could just not use the bond money if we don’t find it a viable use at this time. What are the repercussions of not using the bond money? The letter’s I have been reading; Councilor Murray, the point you make about owning land; I can only speak for previous Councils in my experience, but the intent was never to buy more property and have all those obligations on the Village to maintain it and all the other things associated with it. It was to preserve farmland that the farmer still owns, cannot develop, in perpetuity to retain the quality of life, the agrarian feel and open spaces.

**Mayor Roake:** I would also like to point out that Councilor Dornburg is the sole member of the Council who was there when the question was put onto the ballot in 2018. Would any of
the other Councilors like to hear from Jill Sweeney on the consequences of not pursing this property?

**Councilor Murray:** I wanted to make sure that we have all our ducks in a row here and not inviting a lawsuit down the road. I want to make sure that this language is clarified and I know Ms. Sweeney is a bond attorney but that things are typically settled in the courts. I want to make sure that we have it on record that this language is what it is and we try to avoid a situation where we have to defend it.

**Mayor Roake:** Yes, I agree Councilor and I think Ms. Sweeney can speak to this but the danger actually comes from spending bond monies in a way that is not authorized by the statutory language. That’s why we find ourselves in this more restrictive bind. I’ll let Ms. Sweeney elaborate.

**Jill Sweeney:** I think that is correct. The Village has received several opinions on this issue, the most recent being consistent with the more limited approach of pursuing conservation easements. We want to make sure we have protection against any validity opinion on the bonds. We may be asked at the end of any financing to state that we are comfortable with the use for conservation easements. We are not comfortable with this language for the outright purchase of land given authorization by the voters in question number four.

**Councilor Burkett:** So, I think we have a duty to statute and legal understanding of the issue but I also think we have a larger duty to make sure that our voters are voting for something that they understand. Their interpretation of what they think they voted for is as important to me as the legal interpretation. Now I don’t think by buying conservation easements that we are sacrificing the intent of the vote, but I think we certainly left a lot of room for questions. I hope we use this as a lesson for future bonds.

**Jill Sweeney:** Thank you for that comment, I do agree that this question is a bit of an anomaly. We definitely want to make sure that we have a bit more flexibility moving forward. I am going to discuss some of what happens next. The bonds have to be sold by March of 2022. That seems like a long time but it really isn’t in this context given what it takes to find someone willing to negotiate, go through the appraisal process, which can sometimes take a year or more. If the purchase agreement does not go forward tonight then the Village could lose the opportunity to put this property under easement. From a policy perspective may also inhibit the ability of the Village to enter into similar type agreements moving forward. In particular, as you know, the Village has approached the New Mexico Finance Authority for a transaction, and has received approval of that application to move forward. The Village has also discussed and made a commitment to keeping the mill levy constant going forward. In order to do that if the 2018 bond does not sell, then the Village likely jump forward and issue the bonds from the 2020 bond election. Fulfilling the direction of the voter, being sensitive to the time frame of the 2018 bonds are things we need to consider.

**Councilor Murray:** Do we need a purchase agreement to move forward? Could we sell the bond by itself and then spend the money within the allotted time?
Jill Sweeney: No, the New Mexico Finance Authority requires the purchase agreement and the appraisal to move forward. It also has to be reviewed by the Taxation and Revenue Department to make sure the Village is getting a fair price.

Randy Autio: I just wanted to clarify something that is unique about the purchase agreement itself. It contains an option. We are really purchasing at this point is an option to purchase because we have to await the appraisal of the property. The action of the Council tonight should it be approved is that the purchase agreement entered into would give the option to purchase the property should the appraisal come out as anticipated. The option has to be exercised by June 2021. The seller has options to get out should the price come in too low and the Village has options should the price come in too high. Just wanted to clarify what was in front of you tonight. Yes it is a purchase agreement, but it has options depending on the evaluation and appraisal of the property.

Mayor Roake: All of those numbers would be available to the public correct?

Randy Autio: Yes, we have now entered into the public phase. There were private negotiations that determined the terms of this agreement but now all of it is public.

Councilor Woldman: If you read through the provisions of the agreement, I am wondering what enforcement mechanism there is if prohibited activities occur on the property in the future?

Randy Autio: As you saw, there are two co-purchasers on the deed as grantees. The Village is one and the New Mexico Land Trust as the other. It is the Land Trust’s sole responsibility to enforce this agreement going forward. They are in the business of protecting these types of easements for farmland preservation.

Mayor Roake: I just want to make clear, is it correct that it is the Land Trust who is enforcing the farmland easements that are currently existing?

Randy Autio: Yes this trust, or other trusts like it.

Councilor Woldman: Thank you, the other question that Lisa may be able to help with is, what crops are currently being grown on the property?

Lisa Brown: Right now this property is in pasture. It attracts migratory birds, but doesn’t necessarily grow food crops. Several of the other properties are being farmed by local farmers and those crops are making it to our Village Market. This easement is in perpetuity and can pass to other hands. So it could potentially have owners who grow food crops. That actually leads me to another point which is that the land is greatly devalued at this point. Land is Corrales is very expensive which makes doing conservation work really hard, so we are really glad to have this twelve acres available to us. By devaluing it, it makes it more possible for someone who would grow food crops to buy it.

Councilor Woldman: If this is for public use, public recreation and we already know there
is a limited use for it. Would it be possible to put a garden that the community could use on the land? Or is it up to the property owner to decide to do that?

Lisa Brown: I actually have some specific knowledge on that because we asked the owners if we could put something in just past the viewing station. We were hoping to put in things that bring in pollinators.

Randy Autio: The agreement makes it really clear that the owner of the land has control over what is grown on the land. If there is a desire by the Village, the owner or residents of the Village to be able to decide in the future which crops are grown, or what community benefit is on the land, then than can be negotiated with the owner. At this point, the only obligation of the owner is to keep it as farmland, not subdivide it and not use it for something else.

Councilor Murray: In the recitals, section J for public benefit. Who evaluated the property? Were there criteria involved?

Mayor Roake: I do not think he is available, but I do know that Michael Scisco has an appraiser that set a baseline value. It is someone who is specific to the field, not just a general appraiser.

Councilor Murray: Do you know then if it is appraised at its current state? Or maybe at its future developed rights?

Randy Autio: The appraisal is of its current state. Just to clarify as well, you take the value of the farmland under easement, less the farm buildings in that building envelope. So the buildings do not factor into the appraisal price.

Councilor Murray: Also under section 2, uses of property, subsection B, Construction, it is listed that the maximum building height is 30 feet. The Village has a building height restriction of 26 feet.

Randy Autio: I am not aware of the specific section, but regardless of the agreement, Village law will govern.

Councilor Murray: Also there is a misspelled word. I think it was somewhere in the deed section. I think it says uncured when it meant unsecured. The other question I had was what happens if the owner declares bankruptcy? What happens to the easement?

Randy Autio: There are several provisions regarding termination of the easement or if something goes really poorly. In each case, our interest in the property remains and any change would have to be judicially done. If there would be a force sale of the property for any reason, then we are entitled to a return on our conservation easement. That money would have to be used for the same purpose in the future in the Village of Corrales.

Councilor Murray: What happens if the land is condemned?
Randy Autio: Same rules apply. Hopefully we would be smart enough not to condemn the property ourselves in the future. If some other governmental entity condemned the land, then the same thing occurs. We are entitled to a refund of money, then we would reinvest that in the community in the same manner.

Councilor Murray: I know I have also asked this before but what keeps the owner from saying in the future that the value of the land has escalated to a point where it is more profitable to go to court and terminate the conservation easement?

Randy Autio: The document that controls that is the deed itself which is attached to the agreement. Under a deed like that, then the grantor of the deed cannot violate the easement unless through court action. It would be very unlikely that a court could say that you could go back on the easement and then develop it. I have not seen a decision like that and I doubt a court in the 13th Judicial District would do that.

Councilor Lucero: I have a couple comments and maybe a question. First and foremost I want to thank Ms. Brown and the Farmland Preservation Commission for the work. I imagine it has been a busy four days since this came up for discussion. I have had an overwhelming response through email and phone calls. Some of the biggest issues that people are having with this, whether they supported the bond or not, is the price, the location and the lack of access. To be diligent in my thinking about this, I reach out to many people in my district who I know and know have opinions about this, all had a similar response. I take pause a little bit with all the concerns and the amount of money that would be going into it. One question I had is whether the land is ready to be developed right now.

Lisa Brown: The land is not currently subdivided but I know that was an option that the landowner was considering. I think if this program were not in place, then it is very possible that it could happen in the future. If not this landowner, it might be the next. I understand the concerns people have but even though you cannot see the land from Corrales Road, you are providing habitat for birds and promoting the preservation of open space. This is irrigated right off the ditch and is prime farmland. I understand it is expensive, but that is also Corrales. The landowner is getting something out of this, but they could get a lot more if they were to subdivide.

Councilor Lucero: Thank you, and again, regardless of what happens tonight, I appreciate the work you and the commission are doing. I know it is tough work.

Mayor Roake: I am hoping that Randy can speak to the fact that there has been no change to the Farmland Program. It has always been a program, much like Councilor Dornburg mentioned, where you are talking about private property ownership where the Village retains property tax rights and it cannot be commercially developed. We have other acres under this program and they are not open for public view. Some of them can be seen, but the baseline value was really that we were trying to conserve open space that could be farmed.

Mayor Pro Tem Dornburg: I have gotten the same letters but I do not know why people
are assuming that we were going to be purchasing parks. It wasn’t to put in baseball fields or whatever. It was for farmland preservation. The wording became confusing, I will grant you that. We had differing legal advice on the wording. But the same people that are balking at the $960,000 price point want us to go buy other land. To buy land in Corrales, even in smaller bites, can be more expensive to do it. Buying land for this Village was never really considered as an option. It is not legally viable. It was where land tracts are available and owners are willing to negotiate, that we would preserve those tracts of land from being developed. I understand people are confused and that people are thinking of other properties with specific uses involved, but that is not what we are left with here. Again, we could go back on it and say this is not what we intended it for, but then, quite honestly we are not going to get anything, it’s going to be more difficult to find other potential properties. This properties is between two ditch banks. I think we have had a lot of discussion and heard a lot of concern. I think it is a lot of concerns, though well intentioned, are missing the whole point of what this was intended to do in the first place. Councilor Murray and Councilor Burkett put it very well. The next time we do this, the language needs to be tighter to avoid issues like this. But, I think we are at a point that we should just vote on this thing once and for all. If we don’t want it the repercussions of getting other properties in the future are going to be difficult to come up with and not to mention the bond and the rating being an issue moving forward.

Councilor Burkett: I think if we distill the spirit of the bond down, it is exactly what Councilor Dornburg said. Its open space, its preservation of agriculture. I talked with a lot of people and if you do not guide the conversation towards location and recreation, then nobody goes there. They all say that when they voted for this, they all wanted open lots and they wanted conservation of agriculture. Maybe they would have preferred it in other places, but the spirit of the bond is met in this property. I also think we need to thank the Haslam family for wanting to do this regardless of what we vote tonight because we want other people to want to do this.

Mayor Roake: Thank you and at this point I think we should move into the public comment. Aaron can you start with the list of speakers?

Clerk Gjullin: I am going to start with two letters that were submitted to us by the public who did not want to speak themselves. The first is from Patrick McClernon

“I have supported the Farmland Preservation GO bonds along with the majority of Corrales. However good the concept, I feel the details of implementation have failed in some instances to produce the desired outcome.

The latest proposal for the Haslam property is a continuation of this failed implementation. This property provides the intended “open space” but lacks in the ability to provide visible and accessible access. The Corrales lateral would have to comply with the American with Disabilities Act from a parking area to and including the public viewing area, which would be maintained and insured by the Village. There is no existing parking area close to this property which would allow visitors. It is not visible from Corrales Road nor does it contribute to the scenic way view shed along Corrales Road. Should we spend one million tax payer dollars only
to provide for a platform the size of a single parking spot to view the property? It is a stretch to identify this as a recreational component only to comply with the latest interpretation of the GO bond. It may in a very narrow sense be defined as recreation, certainly not what voters thought when they supported Farmland Preservation. This would be repeating the failed components which have been made with this community supported program.

How many people are aware of the Boyd Farmland Conservation Easement covering three acres at the end of Candi Lane? It is not visible or easily accessible from Corrales Road. How many people can distinguish which house/property along West Ella is the Kendall Farmland Conservation Easement on a two acre parcel, hidden in plain sight?

The implementation of this program needs to be measured against a set of criteria that heightens the awareness for all citizens and visitors to Corrales. Having hidden inaccessible open space is not a goal sufficient to support the Farmland program. There are few properties the size of the Haslam property that would contribute to the visible and accessible amenities on Corrales Road. There are many smaller tracts that would qualify to be included. It is obviously difficult to find landowners who would accept the conditions required of the conservation easement process as few have stepped forward allowing them to be considered. This is not a reason to rush to accept applicants for properties that do not fully add to the Farmland Preservation concept.

The timeline described in the Haslam property summary shows a completed project by November 2020. This rush to complete is not necessary according to the overriding documents. The option allows approximately one year to notify the seller that the Village will exercise the option (June 1, 2021). The Village has an additional year to sell the bonds through the NMFA. Jill Sweeny, the latest bond attorney for the Village, indicated in resolution 20-016 that the GO Bonds must be sold by May 2022 and funds from the bond sale and the Village has several more years to spend the balance of the fund. All these elements extend the real timeline of accomplishing any Conservation Easement.

I would request that the Council at least use the one year option period to validate the reasonableness of this proposal. In this time period, Farmland Preservation should be required to publish the existing conservation easements that have been funded through the Village GO Bonding process and educate the citizens on each parcel so they may judge the effectiveness of this program. Maps and illustrated details should be published and placed in the Library, Village Hall and public venues. Markers identifying the property, similar to the Juan Gonzales Bas project should be placed at each location. The public could then easily recognize and experience each parcel and judge the success of the corresponding dollars expended. The Haslam option contains a paragraph (#25) that requires the purchase price remain confidential without consent of both parties which would nullify public judgement.

I believe that a majority of our community would come away with a clear picture of what has been accomplished and what issues are important. They could evaluate each project to determine if it benefits all citizens of Corrales or only the surrounding property owners. Although there was majority support, wording in the last Bond issue was insufficient to judge this program in detail but heavily dependent on open space in general. The oversight
required by the governing body should be applied with the time allowed by the latest Farmland Preservation proposal. The Council should require the administration to carry out the process and return within the first year for approval to exercise the Haslam proposal based on a very public review.

Patrick and Cherie McClernon
2968 Corrales Rd, Corrales NM”

The second letter is from Melanie Scholer.

“Council:

I am at a complete loss as to why the village is trying to push through approval of the Haslam easement. There is little advantage gained by the Village as a whole with this particular piece of property as the location is not convenient for off property viewing, the only benefit that will actually translate down to the village residents who are expected to pay for it. The argument will undoubtedly be made that purchasing the development rights is a benefit, but that rings a bit hollow from an administration that has already tried to run through developer friendly issues such as the two Bee Hive homes proposed for 2 acres at the south end of Corrales Road, decreased lot sizes and increases in the allowable buildable slope for properties in the sandhills.

Why the speed of the process? Administrator Ron Curry, on May 26th, stated that the Farmland Preservation group was going to present a proposal to the Village Council at the June 16th meeting; the Council would then vote on the matter at the regular July meeting. However, the Farmland Preservation group did not present a proposal at the June 16th meeting and on July 14th, the administration held a special Council meeting, in closed session, which dealt with the Haslam easement. Now suddenly, the Haslam easement is on the meeting agenda for tonight. Why the big rush?

A decision on this land doesn't have to be made before June, 2021, so why the hurry to put almost a million dollars of tax payer money out for a conservation easement that is not visible from either Loma Larga or Corrales Road and for which, apparently, the final price is to be withheld from the public? The Village already has a number of easements that do not contribute to the view shed, so why another? And a very expensive one at that.

The sole benefit to Corrales residents for the $960,000 plus price will be an out of the way viewing stand to allow those so inclined to look down upon farmland they can't access or use. New Mexico Statues Chapter 75 - Miscellaneous Natural Resource Matters, Article 9 - Land Conservation Incentives, Section 75-9-2 states, "The purpose of the Land Conservation Incentives Act [75-9-1 NMSA 1978] is to encourage private landowners to be stewards of lands that are important habitat areas or contain significant natural, open space and historic resources by providing private landowners with incentives that encourage the protection of private lands for open space, natural resources, biodiversity conservation, outdoor recreation, farmland and forest land preservation, historic preservation and land conservation." I believe the administration can find properties that better fit the defined purpose than the Haslam land.
The original bond wording, "acquiring conservation easements or other rights or interests in land for the preservation of farmland, open space, wildlife habitat, and recreational opportunities," specifically refers to other rights or other interests. The Village is not constrained by this language. The Village can clearly use the bond money to purchase easements, and the community can also acquire other rights or other interests. The Village can use the bond money to actually purchase land outright. See 75-9-3. Definitions - below.

As used in the Land Conservation Incentives Act [75-9-1 NMSA 1978]:

A. "interest in real property" means a right in real property, including access, improvements, water rights, fee simple interest, easement and land use easement. The interest shall comply with the requirements of the Section 170(h) of the Internal Revenue Code of 1986, partial interest, mineral right, remainder or future interest or other interest or right in real property;

B. "land" means real property, including rights of way, easements, privileges and all other rights or interests of a land or description relating to or connected with real property.

English Common Law has long established real property, real estate, realty, or immovable property as land which is the property of some person or entity and all structures integrated with or affixed to the land, including crops, buildings, machinery, wells, dams, ponds, mines, canals, and roads, among other things. The term is historic, arising from the now-discontinued form of action, which distinguished between real property disputes and personal property disputes.

The Village is being asked to spend a figure north of $960,000 for development rights, one type of right among many and one that doesn't translate to public use, open space, wildlife habitat or recreational opportunity. The only people I see receiving a real benefit from this transaction is the Haslam family. The requirement that the final settlement price be kept confidential is problematic as well - why the need for lack of transparency? The public is providing the financial where-with-all to purchase the property, not the Village administration. The full final price must be made available to the public.

My own personal preference would be to have the Village purchase land to be kept in perpetuity as open space. The Gonzales property, given the accessibility to all residents, would have been a very desirable investment. If the administration is set against actual ownership, then at the very least approach the Koontz Tree Farm to see if they have an interest in a conservation easement. The Kootnz property actually has a view shed worth preserving and which enhances the Village for residents and visitors.

But let's not try to disguise a view shed as "outdoor recreation" unless you can produce case law supporting that definition. I was raised by a man whose Ph.D. was in Recreation and who taught that discipline at universities around the world. He would never have defined the little benefit residents might derive from this purchase as such.

Melanie Scholer"

Fred Hashimoto: Firstly I would like to comment on the 2004 Bond wording. It was formulated under Mayor Gary Kanin and he got the ball rolling. In 2008, a different Mayor, Phil Gasteyer, and his administration purchased the five and a half acres of the Gonzales property, fee simple.
Different Mayor, different administration, different attorney. In 2018 under Mayor Scott Kominiak, different council, different attorney, different bond attorney, they approved bond four, which is basically identical, nearly verbatim of the 2004. They knew in 2018 when they made that bond issue question that the 2004 bond question allowed fee simple purchase. They could have limited it to just conservation easements but they did not. I would like quickly talk about how I have been in the Village for 45 years and I have not seen the Haslam property until I hunted for it last week. Probably 98% of Villagers do not know where it is. It is not visible from Loma Larga, I have walked it, or from Corrales Road, or any Village of Corrales road. It is out of sight, out of mind, out of value for a conservation easement. If you want to see it, you might park on the MRGCD maintenance road which is narrow, and then cross Corrales Road and walk the acequia ditch road for 500 feet to see the field. The Haslam property is isolated and only benefits the land owner. The process has been horrible. It has been a hush hush, hurry hurry and pass it before anyone realizes what is happening. Two months ago, Administrator Curry mentioned that there would be a month’s time between presentation and a vote. Shortly after I sent the Mayor a memo asking about the month interval between presentation and vote. Nothing was heard and a month later which is two working days ago, the Mayor’s Message mentioned the Haslam property. This was the first public notice, two working days ago. The public had no idea what was happening about this. Is that transparency? Please do not vote on anything tonight except to reject the proposal outright or postpone the vote a month or two so the public can get an idea of what is up. A month or two makes no difference in any guideline. Give the public a chance to understand what is happening. We have had two working days. That is non-transparent and evasive.

**Thomas Neiman:** 140 Camino Rayo del Sol, prior to 2004 the Village had one parcel of 6 acres under conservation easement. After the 2004 bond issue passed, it ballooned to 45 acres. 2004 bond money was also used to purchase land including the Gonzales five and half acres. Although the language of the 2018 bond was identical to the 2004 bond. The attorneys for the Village insisted that no land may be purchased. In 2019, the Santa Fe Land Trust reported only four and a half acres or 10% off all Corrales easements were currently being farmed. The Village is being offered the opportunity to secure the next easement at the cost of approximately $100,000 per acre and my estimates are very conservative. If the trend continues Corrales tax payers will have contributed an additional $2.5 Million to an extra 25 acres of conservation easement, reaching a total of 40 acres of vacant land. To whose advantage? The landowner’s taxes will be lowered to the agricultural rate, the landowner receives a hefty check and we the taxpayer will have to foot the bill for the next 10 years. There has to be a better way to distribute bond number four money. Open meetings, rather than secrecy will provide a forum for the free flow of ideas and ultimately good decisions. Finding landowners with smaller plots who are willing to turn their easements into community gardens or into a demonstration park for example. Finally a quote from one of my neighbors says it all, “I do not oppose the conservation easement concept. I do question spending large sums of public money on projects that offer minimal community benefit and are not Village controlled. Please look beyond this one option. Surely there are other properties that can provide greater recreational benefit to all Corraleños.” Thank you for listening.

**Philip Gasteyer:** As many of those participating know, I was the Mayor from 2006 to 2014. I continued as a Councilor and was the sponsor of the renewal of the farmland preservation bond. I think Lisa Brown should be complimented for sticking to it through the years and trying to make
this concept work. She has done a wonderful job along with others that were committed to the farmland preservation process. I want to say that the current proposal for this conservation easement on the Haslam property follows my intent for the renewal of the bond program. One significant difference between the current position and the position I was in as an elected official is that we do not have matching funds coming from the federal government. We used the $2.5 Million as leverage to get $5 Million total purchase of development rights from the participants in the earlier program. Tonight is the first time that I have heard the $960,000 number and I have to say that it is reasonable. Given the most recent experience I have had when I was on Council was the Boyd property and the Gonzales property. Surrendering in this market the ability to sell to a developer for $80,000 is not an unreasonable number. I just wanted to add those thoughts to the discussion and wish you well on making a decision.

Carol Conoboy: I wrote a letter for the June 16th meeting and for some reason it did not get printed. I will tell you that as I think about conservation in general, I thought it was so important to have access for people. Even people who have disabilities, people who need to drive to see the place, etc. So when I didn’t even know until a couple of days ago where the Haslam property was. I had never seen it and I have been a Corrales resident for 29 years. I live at the south end, and tend to participate in Village activities such as the Growers’ Market, so it is not surprising. So when I looked at this bond I thought access from a public road would be important and I do not see that as being included. I also think there should be a visible area and parking for people so that they can go to this platform and see what is there. I drove down there for the first time yesterday and found that my car could not turn on the turnoff road. So I parked and walked a little bit and still could not see the farm. It occurs to me, that as we were thinking about this bond issue, it was so that more people could participate. With the road really not being navigable, and having little option for people to participate. I wonder if it is really worth that money. At any rate, I thought I have lived here a long time and this is not an old farm that we are buying that has been operating for many years. There is very little sign of farm life. I was thinking that rather than make a decision outright, that it might be a good idea to have more time for the public to learn what it is all about. I read that the final property price will be confidential. I do believe to not discuss that is not right. We are citizens here and it is our money being spent and I think everything needs to be included in the contract.

Sayre Gerhart: 677 Dixon Road, I am speaking in favor of this conservation easement and I hope you consider it and approve it. I just wanted to speak to the history and vision of the program. I was the group way back in the 90s that helped set up the farmland program. At the time, the program was set up as an option for landowners to be able to keep the land in farmland. I think Lisa spoke about the alternative which is that the land gets sold to developers. That is neither here nor there, but the program was set up because landowners would say, you want it, you can buy it. At the time the Village didn’t want to own a bunch of land. This conservation easement program is a way for the community to protect land without having to own it. Everything that Councilor Dornburg has said rings completely true to everything I understand about the program. I think I just want to add two perspectives which one is, you are not just saving the character of Corrales which are these long narrow strips. I think idea that we could only protect from development along Corrales Road or Loma Larga is missing the point from what we were trying to do. We are not big open space farmland. But one of the things we are, if you go up in a plane, is the prime soils of New Mexico. One of the reasons the USDA funded us
for so many years is because New Mexico does not have much prime soil. The USDA is keen to protect those soils and this program is also protecting that. That’s what brings the birds in. The benefit to the community is all the other things that the farmland brings. It brings the Sandhill Cranes, the food at the Growers’ Market, the tractors on the road and keeps the community rural. This is a long term program. This has to be a long term vision. Hopefully this isn’t the last time we buy farmland and we need to keep our commitment to the voters.

Stacia Spragg-Braude: I am on the farmland commission and I just wanted to say that we have been working for years to get people to apply. I think all of us can agree that we want to preserve farmland, open space, recreation and it is really unusual to have a property owner step forward and give up their development rights for 12 acres. This is a really rare opportunity. We have been trying for years to get properties under conservation easement.

Mayor Roake: I just wanted to make clear since a lot of the public comments tonight were concerned that these numbers were going to be confidential. I want Randy Autio to confirm that that is untrue. These numbers will all be available to the public.

Randy Autio: Yes that is correct. As this is a public body, the estimated floor price was $960,000. If the price falls or rises, then that will also be public information. There will be nothing done in private in regards to the purchase. It all has to be approved by the Council.

Motion: to approve the option to purchase agreement, Action: Approve, Moved By: Mayor Pro Tem Dornburg, Seconded By: Councilor Burkett

Randy Autio: I would like to see a motion to make a friendly amendment that says “And authorizes the Mayor and the Administrator to execute the documents as necessary under the purchase agreement to get the appraisal done and the other necessary steps from this approval.”

Motion: to approve the language set by Randy Autio, Action: Approve, Moved By: Mayor Pro Tem Dornburg, Seconded By: Councilor Burkett

Vote: Motion carried by vote (summary: Yes=4, No=3)
Yes: Councilor Mel Knight, Councilor Zachary Burkett, Mayor Pro Tem David Dornburg
No: Councilor William Woldman, Councilor Kevin Lucero, Councilor Stuart Murray
Tiebreak Vote (Yes): Mayor Roake (Yes)

5. Discussion of ICIP 2022-2026.

Mayor Roake: As you know these are our capital outlay projects. We would have received around $1 Million this year but obviously a lot of that got pulled away. We do think we got $95,000 back to make improvements on the Police Station. For your initial review, we wanted you to look at all of these capital outlay projects and categorize what was important to you. Unfortunately, whatever we decide is important isn’t necessarily what the legislators think is important. It may be wishful thinking to imagine that we get anything this year, but we are going to go ahead and ask regardless. You will see on the last page some items highlighted in gold, one of which is a vactor truck. What we are going to have to explain is
that is an expensive piece of equipment, but has multiple uses throughout the Village. Same thing with our technology upgrades. If COVID has shown us anything, it is that we could always improve our technology. Would any Councilors like to comment on the information provided?

**Councilor Murray:** What is a vactor truck?

**Michael Chavez:** We have approximately a mile worth of culverts here in the Village. This uses high pressure water to clean them out and will also vacuum the dirt out of them. Without cleaning out these culverts, any of these rains could subject us to flooding. We actually had a vactor truck that is broken down due to an engine fire. It would cost us more to repair than what it is worth. This machine when we have it was used a lot. The last quote I got from a company for use of a vactor truck is $270 an hour. This could be used by other departments as well.

**Councilor Murray:** I also see the Thompson Fence Line on here, is that where we are going to try to get funding?

**Mayor Roake:** This is where I would like to see if we could get funding from multiple sources. I want to ask for it in ICIP. I want to get our county commissioner on board and we are going to find room in our own budget for it.

**Mel Knight:** Aaron, I did not print out the entire packet, can you send me a copy of the ICIP list.

**Clerk Gjullin:** I can do that. I will send the narrative, last year’s ICIP list and our tentative list for this year.

**Councilor Woldman:** First, Aaron could you send that to all of us? I think that would be helpful. Secondly, the items that are highlighted are not ranked. So how does that work going forward for our submission list?

**Clerk Gjullin:** All we are asking for this evening is that the ICIP list is in your head. Usually, we would submit our plan to you in August or September and then you have to vote yes or no on it right then and there. At the end of the day it’s almost a forced yes because we have a timeline to submit by. If you notice on the 2022-2026 list, we removed all the ranks. What we are asking you to do is to take that list and decide for yourself what your top ten items are and then we can go from there. That way we can have our resolution with the final ranking approved by you since that is what we have to submit to the state for consideration.

**Councilor Dornburg:** Just to jump in here. Your first priority should be to look at the list from your perspective, your district, your constituents and see if there are any ICIP items that would be new or things we haven’t thought of. Second thing is to make sure that some of these things are shovel ready. Those are the kind of things the legislature looks for. Ranking them is good, but it is also just whatever strikes the legislature. I would encourage
the council not to get too caught up in the rank order but rather what is actually on the list.

**Councilor Woldman:** Aaron thank you for the time, especially for the new councilors. Ron I was wondering if you had any insight from any discussions you may have had with state legislators.

**Administrator Curry:** I think Councilor Dornburg hit it on the head. We are going to push technology because that covers everything across the Village. Especially with our new way of operating. We are making great strides in certain areas and in that respect we have to continue to upgrade our technology. As just mentioned, the whims of each legislator are what they are.

**Councilor Knight:** I just wanted to thank Council Dornburg for explaining how it works. Last year I went in with my number one rank and it didn’t get funded, so now I understand it more. Also I took it around to some of my neighbors to show them and they were very impressed about how the Village was looking at the future and what they were asking for.

**Mayor Roake:** We can also certainly put this up on the website to get input on what people would like to see on the list.

**Councilor Murray:** Looking at the some of these items have monies filled in, so are they continuing projects or are some of these projects a one-time ask?

**Administrator Curry:** Some of the categories, such as things from Chief Martinez, are things he continues to ask for so that they are seen as continuous needs that are sustainable throughout the years. They are also sometimes put in there as a reminder to the legislature that some of these are still a need of the Village rather than just to fulfill the want or need of a legislator.

**Councilor Murray:** I was looking specifically at the public works item. They are asking for nearly $1 Million. I see in the notes that they have the $1.5 million bond that can be used as another source of funding, but are they looking to replace the trucks? Replace heavy equipment?

**Administrator Curry:** All of the above. We want to a constant list of wants to put in front of the legislature regardless of whether we find additional funding for them down the road. As the Mayor said earlier, we are always looking for various sources of funding, we don’t want to rely solely on the legislature. Every year in the legislature you will hear them discuss capital projects that are stalled. Depending on the analyst you talk to, they will tell you that there is $1.5 Billion in stalled capital projects. That usually happens when someone starts something in the planning mode, and then stops. That causes it to remain up there because they are not going to be able to complete it in the next few years. The Village of Corrales spends their money once they get it.

**Mayor Roake:** So please take a look at the list and call Ron or any department head to discuss an item.
K. CONFIRMATION OF APPOINTMENTS:

Susan Zimmerman – Bicycle and Pedestrian Advisory Commission
Jeff Radford – Bicycle and Pedestrian Advisory Commission
Chris Allen – Bicycle and Pedestrian Advisory Commission

Motion: to approve appointments, Action: Approve, Moved By: Mayor Pro Tem Dornburg,
Seconded By: Councilor Knight
Vote: Motion carried by unanimous roll call 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:

Work on Private Roads
Corrales Interior Drain Committee
DOT Horse Crossings

M. ADJOURNMENT

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 agjullin@corrales-nm.org if a summary or other type of accessible format is needed.

NEXT REGULAR COUNCIL MEETING: August 18th, 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: June 17th, 2020.

____________________________________
Aaron Gjullin, Village Clerk