AGENDA

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, March 22, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:

2. Invocation: Father Tim Farrell of Sacred Heart Catholic Church.

3. Pledge of Allegiance:

4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.

5. *Approval of Minutes for the:

   (a) Regular Meeting of the City Council held March 8, 2016; ---------- **12**

   (b) Swearing-In Ceremony/Organizational Meeting of the City Council held March 7, 2016; and---------- **13**

   (c) Regular Work Session of the City Council held March 15, 2016.------ **14**

6. *Approval of Purchase Agreement between the City and Preston Wayne Walling Family Trust for purchase by the City of 14.68 acre-feet of diversionary water rights from the Animas River delivered through the Independent Ditch (purchase price $1,900 per acre-foot). ---------- **1**

7. *Approval of Warrants up to and including March 19, 2016.

8. Proclamation declaring April 5, 2016 as "National Service Recognition Day."

9. Recommendations from the Planning and Zoning Commission:---------- **2**

   Acceptance of Consent Agenda: The items marked with an asterisk (*) have been placed on the Planning and Zoning Commission Consent Agenda and will be voted on without discussion with one motion. If any item does not meet with approval of all Councilors or if a citizen so requests, that item will be removed from the Consent Agenda and heard in regular order.

   *(1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PP 16-01 from Vernon Gladden, represented by George Walters, requesting preliminary plan approval for L & V Subdivision No. 1, a 5-lot subdivision of 4.73 acres located at the intersection of County Roads 6480 and 6478.

The recommendation from the Planning and Zoning Commission passed with a vote of 8-0 on March 10, 2016. ----------3

*(2) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PP 16-02 from Vernon Gladden, represented by George Walters, requesting preliminary plan approval for L & V Subdivision No. 2, a 5-lot subdivision of 4.73 acres located at the intersection of County Roads 6480 and 6478.

The recommendation from the Planning and Zoning Commission passed with a vote of 8-0 on March 10, 2016. ----------4

*(3) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Petition Report to approve Petition No. SUP 16-01 from Martha and Alexander Wu, Sy Ming Deng and Kang Ho requesting a Special Use Permit to allow nonconforming residential uses to be rebuilt to the same size and at the same location if destroyed by more than 50 percent for property located at 4307 Hannon Drive in the IND, Industrial, District.

The recommendation from the Planning and Zoning Commission passed with a vote of 8-0 on March 10, 2016. ----------5

10. Community Relations Commission Annual Report (Cathryn Abeyta and Melissa Meechan)

11. Consideration to close Brookside Pool due to age and cost, begin a conceptual design process for a new family water park/pool and to open Farmington Lake for recreational swimming (Cory Styron) ----------6

12. New Business:

(a) Mayor

(b) Councilors

(c) City Manager

(d) City Attorney

(1) Resolution No. 2016-1584
-providing for the annual determination (in a public meeting) of reasonable notice of public meetings of the City of Farmington as required by Section 10-15-1 et seq. NMSA 1978 Compilation, and readopting, ratifying and affirming the provisions of Resolution No. 2013-1466 providing for notice of public meetings. ----------7

(2) Resolution No. 2016-1585
-opposing the Bureau of Land Management's proposed Onshore Orders 3, 4 and 5 and the "Venting and Flaring Rule" which, if approved, will become Onshore Order 9. ---------- **8**

(3) Resolution No. 2016-1586
-directing the removal of a dangerous and dilapidated building and of ruins, rubbish, wreckage and debris from 2800 Edgecliff Drive in the City of Farmington, New Mexico. ---------- **9**

(4) Proposed Ordinance – Permission to Publish
-revising certain sections of the City Code providing for clarification and additions to provisions in Chapters 24 and 25 relating to house numbering and street addressing and individual used vehicle sales.- **10**

(e) City Clerk

13. Business from the Floor:

(1) Items removed from Consent Agenda for discussion.

(2) Any other Business from the Floor.

14. Closed Meeting to discuss request for proposals for cost of service and rate study, pursuant to Section 10-15-1H(6).

15. Proposal: Recommendation from the Purchasing Supervisor to commence negotiations on the proposal for cost of service and rate study (Electric) with NewGen Strategies and Solutions, LLC as the top evaluated firm after application of the five percent in-state and Veterans preferences. Proposals opened February 24, 2016 with twelve offerors participating.------ **11**

16. Adjournment.

AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.

PURCHASE AGREEMENT

This agreement is made and entered into this __ day of _____, 2016 by and between the **CITY OF FARMINGTON**, a municipal corporation of San Juan County, New Mexico, herein for convenience called "Purchaser" and **Preston Wayne Walling Family Trust**, herein for convenience called "Seller";

WITNESSETH:

WHEREAS, Seller is the owner of certain water rights appurtenant to _2.5__ acres of land, more or less, described as a tract part Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 2, Township 29 North, 13 West, N.M.P.M. San Juan County, New Mexico, and recorded in Book _218_, page _50, and certain water rights appurtenant to 2.3 acres of land, more or less, described as part of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 2, Township 29 North, 13 West, N.M.P.M. San Juan County, New Mexico, and recorded in Book_218, page_55. These two tracts total 4,8 acres and have a total water diversion right of **14.68** acre-feet per annum from the Animas River, and which were originally adjudicated to **C. Coffey** with a priority date of **1891, #8-A** from the **Independent** Ditch, Office of the State Engineer File No. **SD-0387**, as decreed in the final decision of the FIRST JUDICIAL COURT OF NEW MEXICO WITHIN AND FOR SAN JUAN COUNTY in the case of THE ECHO DITCH COMPANY, et al, V. THE MCDERMOTT DITCH COMPANY, et al, Cause Number 01690 on April 8, 1948; and,

WHEREAS, the parties wish to enter into a water rights purchase and sales agreement whereby the Sellers will sell to Purchaser and Purchaser will purchase from Sellers all of those certain water rights owned by the Sellers more specifically described herein upon the terms and conditions herein stated.

NOW, THEREFORE, in consideration of the mutual covenants between them, the parties agree as follows:

1. Sellers covenant, warrant and agree that Sellers are the owners and holders of **14.68** acre-feet of diversionary water rights from the Animas River delivered through the Independent Ditch which are appurtenant to certain real estate situate in San Juan County, New Mexico, as shown on Exhibit "A" attached hereto.

2. Sellers covenant and agree to sell and convey all water rights appurtenant to said lands upon the terms and conditions herein stated, and to provide and execute all documents necessary for said covenants and transfer.

3. The sellers agree to execute a Change of Ownership for the Water Rights and a Warranty Deed for Water Rights to the Purchaser at the time of execution of this Purchase Agreement. The parties agree and understand that, if for any reason, this contract cannot be effectuated, Purchaser agrees to promptly return or assign the water rights back to Sellers.

4. The Purchaser covenants and agrees to purchase all of the water rights appurtenant to said lands upon the terms and conditions herein stated and to pay the Sellers the sum of one thousand nine hundred dollars and no cents (**$1,900.00**) for each acre-foot recognized in the terms and conditions of a permit to Change Point of Diversion and Purpose and Place of Use as approved by the Office of the State Engineer. The parties expressly understand and agree this transfer and conveyance of water rights from Sellers to the Purchaser is expressly conditioned upon necessary approvals by the State Engineer of the State of New Mexico; and it is further expressly understood and agreed that Purchaser shall pay to the Sellers **one** thousand dollars and no cents (**$1,000.00**) upon execution of this agreement by the parties, plus **seventy-ninths percent (0.79%)** interest compounded annually calculated on the balance due from the date of execution of the agreement by the parties as described above. The Purchaser shall, within thirty (30) days following the lapse of time for appeal from the ruling or decision of the State Engineer, or court with appropriate jurisdiction, approves the transfer, pay the balance of the consideration as described above.

5. Notwithstanding anything contained herein to the contrary, relative to the warranty of ownership, and validity of the water rights which are the subject of this agreement, the Sellers shall only warrant and covenant that Sellers have not sold, severed, nor conveyed any of said water rights since their acquisition of the property; that the water rights are, or will be, free and clear of all encumbrances; and that Sellers have not received any notice of forfeiture from the State Engineer Office for failure to apply water to beneficial use. Within thirty (30) days after execution of this agreement, Sellers shall supply Purchaser with a title report, which verifies such water rights have not been severed from the real estate above described.

6. The parties further expressly understand and agree this transfer and conveyance of water rights from Sellers to the Purchaser is also expressly conditioned upon review of this proposed purchase by the San Juan Water Commission, pursuant to Paragraph C. of Article VIII of the Joint Powers Agreement, dated March 5, 1986, which created the San Juan Water Commission. Said Paragraph C. provides that the San Juan Water Commission shall be notified of any such offer to purchase and the terms thereof and determine if it would be advisable for the Commission to purchase the water rights being offered. Within thirty (30) days after execution of this agreement, the Purchaser shall be responsible to notify the San Juan Water Commission of the proposed purchase. The Commission shall notify the parties proposing to sell and to

purchase the water rights whether or not the Commission wishes to purchase said water rights. If the San Juan Water Commission decides to acquire these water rights, this contract becomes null and void.

7. The parties further expressly understand and agree this transfer and conveyance of **14.68** acre-feet of water rights from Sellers to the purchaser is also expressly conditioned upon review and acceptance by the commissioners of the **Independent Ditch** as allowed by their by-laws, if any, and New Mexico State Statute 72-5-24.1.(E). Within ninety (90) days after execution of this agreement, the Purchaser shall be responsible to notify the said ditch of the proposed purchase. If said community ditch approves the transfer or fails to make a decision within 120 days, New Mexico State Statue 72-5-24 recognizes the community ditch as approving the request. If said community ditches do not approve the water right transfer, this contract becomes null and void.

8. The parties further agree the Sellers will be liable for any and all ditch fees to the Independent Ditch prior to the date of the execution of this contract and the Purchaser will be liable for any and all ditch fees after the date of the execution of this contract. The parties also agree that should the San Juan Water Commission elect to put in force their option to purchase either or both of these water rights or the Independent Ditch does not approve the water right transfer or if the Office of the State Engineer denies the water right transfer, the City of Farmington will not be responsible for the ditch fees from that date forward.

9. The parties further agree and understand if, for any reason, the transfer and conveyance cannot be effectuated, the said water rights shall remain the property of the Sellers and the Purchaser shall execute and/or return all documents to insure cancellation of said transfer.

10. Sellers shall provide to Purchaser any and all documentary evidence in its possession that may support and prove the assertion that water was continuously applied to beneficial use on said lands up to the present. Further, Sellers also agree to cooperate and assist the Purchaser in obtaining from third parties any and all documentary evidence that may support and prove the assertion that water was continuously applied to beneficial use on said lands up to the present.

11. The Purchaser will prepare any maps and plats required to submit applications for a change of ownership, purpose of use, and place of use to the New Mexico State Engineer's Office in compliance with the New Mexico State Engineer's Manual of Rules and Regulations Governing the Appropriation and Use of Surface Waters of the State of New Mexico.

12. The parties agree that the time of performance under this contract is of the essence. However, the parties also recognize that certain governmental approvals not within the Purchaser's power to control may take a period of several years to occur. The parties agree to work toward making the approval period as reasonably short as possible. However, should the purchaser fail to submit to the New Mexico State Engineer a Change in Place and Purpose of Use applications for these water rights within a 120 days of the execution of this Purchase Agreement, this Purchase Agreement shall become null and void and the sellers shall refund to the purchaser any and all funds paid by the purchaser. Failure to act on the transfer of these water rights to the Purchaser before **December 31, 2019**, then this Purchase Agreement becomes null and void and the Purchaser shall return to Sellers all documents to insure cancellation of said transfer.

13. Expenses related to this transaction shall be paid by the parties as follows:

	Purchaser	Sellers
Title Report:		X
Deed Recording:	X	
Abstracting:		X
OSE Filings:	X	
Survey:	X	
Ditch Fees before execution of contract:		X
Ditch Fees after execution of contract:	X	

14. Purchaser agrees to buy and Sellers agree to sell the water rights herein described according to the terms and conditions set out above. If either party refuses or fails to consummate the purchase, the other party shall have the option of terminating this agreement or enforcing the same.

15. If any provision of this Agreement or its applicability to any of the parties is held invalid, the invalidity does not affect other provisions or applications of this Agreement which can be given effect without the invalid provision of application of the Agreement are severable.

16. This instrument comprises the entire understanding and agreement of the parties hereto on the subject matter herein contained and shall be binding alike upon and inure to the benefit of the parties, their heirs, personal representatives, successors, and assigns.

In witness whereof the Sellers has signed and sealed this agreement and Purchaser has caused this agreement to be executed

on its behalf by its duly authorized representative the day and year first above written.

SELLER:
Name: **Preston Wayne Walling Family Trust,**

X _____, TRUSTEE

PURCHASER:
City of Farmington

_____
By: Tommy Roberts, Mayor

ATTEST: _____
Dianne Smylie, City Clerk

Legal Department
Approved as to form
By _____
Date _____

State of ~~New Mexico~~ Arizona)
) ss
County of ~~San Juan~~ Pima)

The foregoing instrument was acknowledged before me this 8th day of March, 2016 by **Preston Wayne Walling Family Trust,**
By CHARLES WALLING, TRUSTEE
X _____, TRUSTEE
~~Preston Wayne Walling~~ for the Preston Wayne Walling Family Trust
CHARLES WALLING

Marion E. Courtis
Notary Public

OFFICIAL SEAL
MARION E. COURTIS
NOTARY PUBLIC-ARIZONA
PIMA COUNTY
My Comm. Exp. Dec. 3, 2018

My Commission Expires: 12-03-2018

State of New Mexico)
) ss
County of San Juan)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Tommy Roberts, Mayor of the City of Farmington.

_____
Notary Public

My Commission Expires: _____

UTAH | COLO
ARIZ | N M

PROCLAMATION

WHEREAS, *The Corporation for National and Community Service (CNCS) shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016; and*

WHEREAS, *Senior Corps is a national program existing under the umbrella of CNCS whose participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and*

WHEREAS, *Northwest New Mexico Seniors, Inc. (NWNMSI), a local non-profit organization, operates and manages a Senior Companion Program in San Juan County, New Mexico – one of several programs offered under Senior Corps; and*

WHEREAS, *NWNMSI currently engages six (6) Senior Companion Program volunteers who serve lonely, elderly, frail, and homebound seniors in their homes; and*

WHEREAS, *These volunteers transport the clients to grocery stores, pharmacies, doctors' offices, and senior centers, and provide them with a social outlet that includes companionship and friendship; and*

WHEREAS, *These volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and*

WHEREAS, *These volunteers exemplify the purpose and spirit of National Service and, through their efforts, make their communities better places in which to live.*

NOW, THEREFORE, THE MAYOR OF THE CITY OF FARMINGTON, NEW MEXICO DOES HEREBY PROCLAIM

April 5, 2016 as:

"National Service Recognition Day"

in Farmington, NM, and encourages residents to recognize the positive impact of national service in our community; to thank those who serve; and to find ways to give back to their communities.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE CITY OF FARMINGTON TO BE AFFIXED THIS 22nd DAY OF MARCH, 2016.

Tommy Roberts
MAYOR

ATTEST:

Dianne Smylie
CITY CLERK

SEAL

* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of PP 16-01, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L & V Subdivision No. 1, for 4.73 acres located at the intersection of County Road 6480 and 6478. (Steven Saavedra)

  Recommendation of approval by the Planning and Zoning Commission on March 10, 2016 with recommendations of staff passed by a vote of 8-0.

* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of PP 16-02, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L & V Subdivision No. 2, for 4.73 acres located at the intersection of County Road 6480 and 6478. (Steven Saavedra)

  Recommendation of approval by the Planning and Zoning Commission on March 10, 2016 with recommendations of staff passed by a vote of 8-0.

* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of SUP 16-01, a request from Martha and Alexander Wu, Sy Ming Deng, and Kang Ho for a Special Use Permit for a nonconforming residential use in the IND Industrial District to allow the structure to be rebuilt if destroyed by more than 50% for property located at 4307 Hannon Drive. (Keith Neil)

  Recommendation of approval by the Planning and Zoning Commission on March 10, 2016 with recommendations of staff passed by a vote of 8-0.

COMMUNITY DEVELOPMENT ACTION SUMMARY
Preliminary Plan for L and V Subdivision No. 1
Petition No. PP 16-01

A. STAFF REPORT, March 10, 2016

PROJECT INFORMATION

Applicant	Vernon Gladden
Representative	Cheney-Walters-Echols Inc.
Date of Application	February 02, 2016
Requested Action	Preliminary Plan approval
Location	County Road 6480 and Road 6478
Existing Land Use	Recreation Vehicle Park
Existing Zoning	None
Surrounding Zoning & Land Use	Unincorporated Rural Residential
Subdivision Class	Class 2
Notice	Preliminary Plans do not require notice.
Staff Planner	Steven Saavedra, Associate Planner

SUBDIVISION INFORMATION

Number of Lots	5
Acres of Land	4.73 acres
Minimum Lot Size	0.75
Utilities	Water: Existing / Lower Valley Water Users Cooperative Association Sewer: Existing / Septic Electric: Existing / City Of Farmington
Access & Circulation	Access to County Road 6480
Street Lights	To County Standards
Street Signs	To County Standards
Fire Hydrants	To County Standards
Drainage	Per San Juan County Standards

GENERAL INFORMATION

The petitioner requests a preliminary plan approval of a Class 2 subdivision of 5-lots. The area is approximately 4.73 acres and is located at the intersection of County Road 6480 and Road 6478. The lots are 0.75-acres to 0.87-acres in size. The preliminary plan alters Road 6478 from a U-shaped road into a cul-de-sac. The cul-de-sac will keep the same road name. Road 6478 is not maintained as a County Road. This property is in unincorporated San Juan County and has no zoning.

Background

This preliminary plan is originally part of a survey tract layout for Geoff McMahon of 1973. A survey tract layout does not establish a legal lot. Per COF Staff communication with San Juan County staff, neither the City of Farmington nor San Juan County approved this survey tract layout. Pursuant to Section 6.3B of the Unified Development Code, a legal "lot of record" must be reviewed and approved by the City of Farmington if established after June 22, 1971.

Process

The UDC requires that preliminary plans be approved by City Council, after which, a final plan is submitted to the Planning and Zoning Commission only for *final* approval, provided all conditions and issues are reflected in the final plan.

Section 6.6.1 of the UDC states the requirements of section 6.4, subdivision design standards, shall apply to subdivisions in Tier 3 of Farmington's Planning and Platting Jurisdiction, as described in the Farmington Comprehensive Plan (see Article 14, appendix section 13.3), with the following modifications:

- Block length shall not exceed 1,500 feet (UDC 6.6.2).
- Streets. Streets shall be in conformity with the requirements of section 6.4.7, streets and alleys; provided, however, that lesser street/ road improvement standards may be considered for minor subdivisions; i.e., those divisions of land that satisfy one of the "exemptions" of the most recent San Juan County Subdivision Regulations (UDC 6.6.3).
- Pedestrian and biking facilities. Pedestrian and biking facilities are not required (UDC 6.6.4).
- Water supply: the subdivider shall provide an adequate supply of potable water to each lot that is sufficient in terms of quality, quantity, and dependability for the proposed development and approved by the New Mexico Environmental Department. B. Where a private water system is provided, each lot shall be served from a minimum eight-inch water main, unless a lesser diameter is specified by the city engineer, but not less than six-inches (UDC 6.6.5).

However, the City of Farmington usually waves these considerations in favor of

subdivision standards set forth by the San Juan County.

ISSUES

Engineering: Toni Sitta - 505-599-1399

- Please show the septic system for Lot 5.

Engineering: Manual Tso - 505-599-1315

- Recommend determining if leach lines cross-adjacent property and rectify through NMED.

Legal: Deputy City Attorney-Russel Frost 505-599-1124

- Because Petitioner does not have an approved subdivision, the Petitioner cannot legally divide a lot in an illegal subdivision. After going through the proper plat process, legal sees no other issues.

Associate Planner: Steven Saavedra - 505-599-1282

- The subject property is originally part of a survey tract layout for Geoff McMahon in 1973. A survey tract is not a platted subdivision, but is a survey layout for the property owners benefit only to determine the boundaries. Neither the City of Farmington nor San Juan County signed off on the plat.
- Please show all septic and leach lines. All lines must be contained with the appropriate lot(s).

STAFF CONCLUSION

A final plat will legally establish the boundaries of this lot while also subdividing the parcel into 5 lots. This petition will rectify the preliminary plan as a new legal subdivision. The Community Development Department recommends approval.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition PP 16-01, a request from Vernon Gladden, represented by Cheney-Walters-Echols Inc., for the Preliminary Plan for the L and V Subdivision No. 1, a 5-lot subdivision on 4.73 acres located at County Road 6480 and Road 6478 subject to:

On March 10, 2016, the Planning and Zoning Commission held a public meeting for PP 16-01 and made the following findings:

1. The owner of the subject property is Vernon Gladden.

2. The petition is for a preliminary plan approval of a Class 2, 5-lot subdivision., with the smallest lot 0.75-acres, The total area is approximately 4.73 acres.

3. The property is in Tier 3 of Farmington's Planning and Platting Jurisdiction and is located at the intersection of County Road 6480 and Road 6478 (non-maintained By San Juan County)
4. The subdivision is required to comply with the Subdivision Design Standards of Section 6.6.1 of the UDC which states the requirements of section 6.4, subdivision design standards, shall apply to subdivisions in Tier 3 of Farmington's Planning and Platting Jurisdiction, as described in the Farmington Comprehensive Plan. However, the City of Farmington will defer to San Juan County requirements.
5. The petitioner' was present at the meeting and spoke in favor of this petition.

Planning & Zoning Commission Discussion of Petitions PP 16-01 on March 10, 2016

Senior Planner Cindy Lopez presented the staff report for PP 16-01, requests from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for Preliminary Plans for L & V Subdivision No. 1 and L & V Subdivision No. 2. These are 5-lot subdivisions, each on 4.73 acres located at the intersection of County Road 6480 and 6478. All of the lots are 0.75-acres to 0.87-acres in size.

These properties do not meet subdivision standards because they were subdivided by deed in 1974. They were required to be reviewed and approved by the City of Farmington. The review and approval had been required for subdivisions in the City's Planning and Platting Jurisdiction since 1971. The Preliminary Plans will establish the two large lots as legal lots and allow them to further subdivide as proposed.

Staff recommends approval.

Commissioner Freeman asked if the petitioner would be required to pave the road. Ms. Lopez stated that the properties are in the county and would follow county standards.

Vernon Gladden of P.O. Box 1065, Kirtland, NM commented that he has spoken with Dave Burnett from the county and paving of the road would not be required.

Planning & Zoning Commission Action of Petition PP 16-01 on March 10, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Jaquez to **approve** Petition PP 16-01, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L & V Subdivision No. 1, a 5-lot subdivision on 4.73 acres located at the intersection of County Road 6480 and 6478.

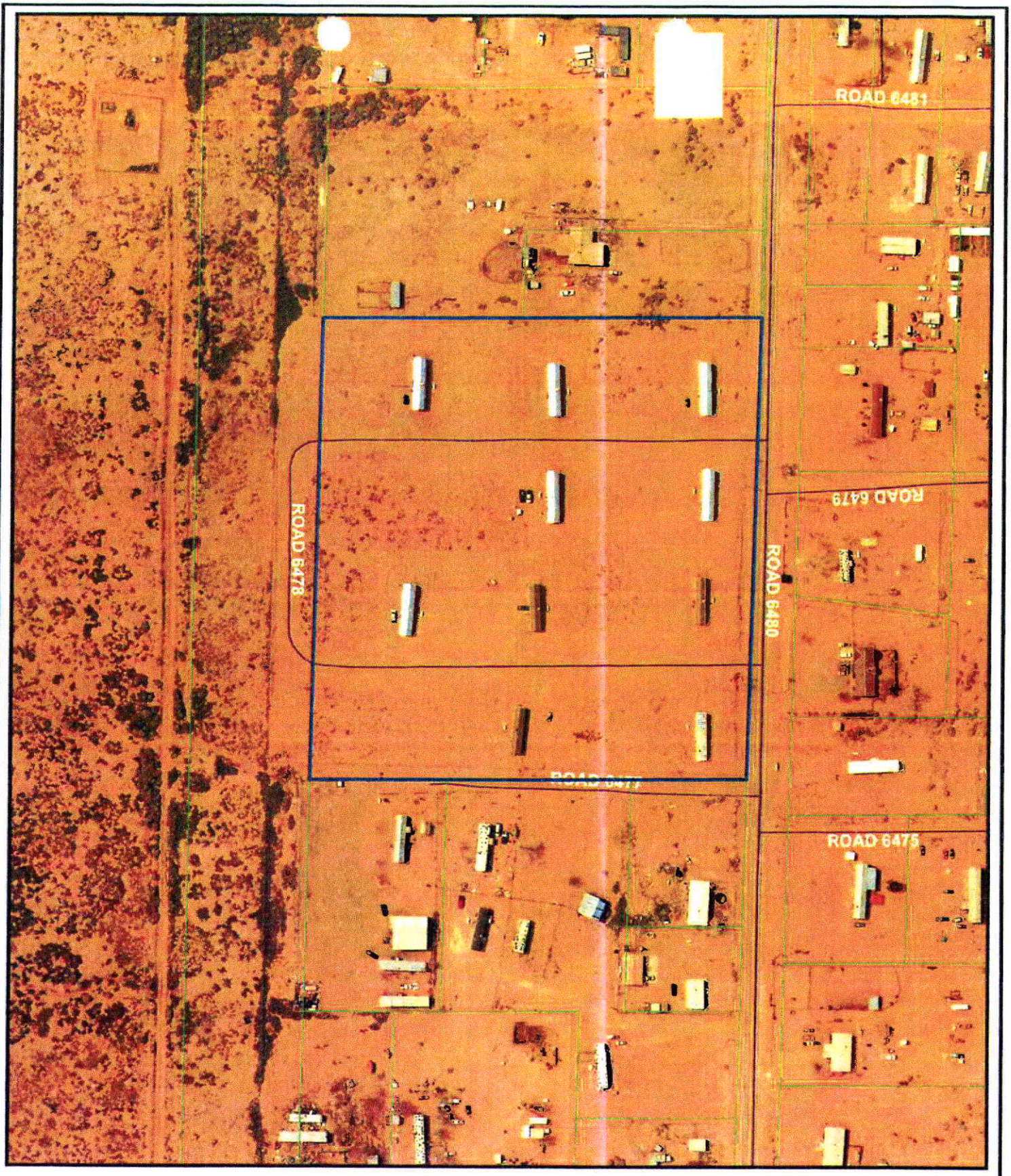
AYE: Vice Chair Thompson, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Cardon and Ragsdale.

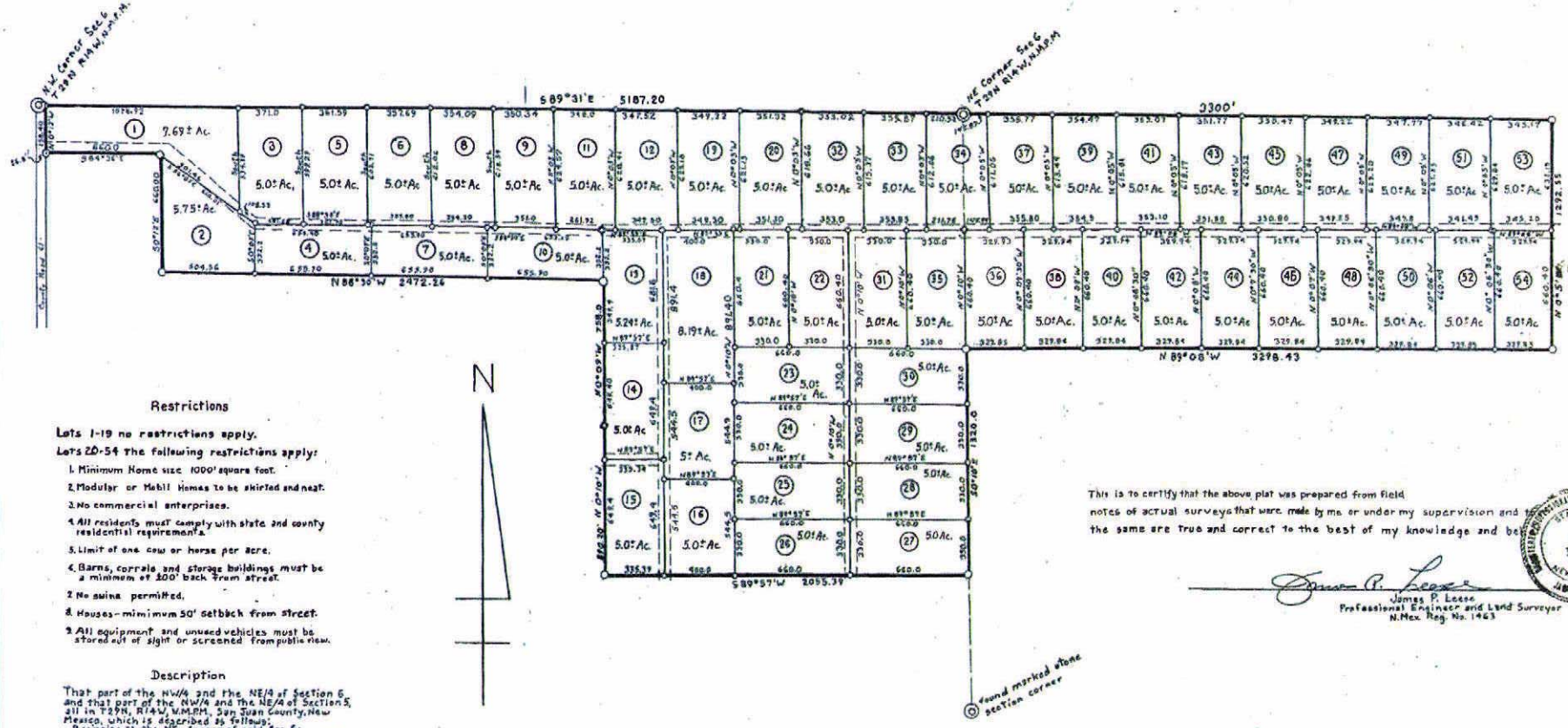
Motion passed 8-0



AREA UNDER CONSIDERATION
Petition No. PP 16-01

COMMUNITY
DEVELOPMENT
DEPARTMENT

Date: 2/4/2016



Restrictions

Lots 1-19 no restrictions apply.

Lots 20-54 the following restrictions apply:

1. Minimum Home size 1000 square feet.
2. Modular or Mobil Homes to be skirted and neat.
3. No commercial enterprises.
4. All residents must comply with state and county residential requirements.
5. Limit of one cow or horse per acre.
6. Barns, corrals and storage buildings must be a minimum of 200' back from street.
7. No swine permitted.
8. Houses - minimum 50' setback from street.
9. All equipment and unused vehicles must be stored out of sight or screened from public view.

Description

That part of the NW/4 and the NE/4 of Section 6 and that part of the NW/4 and the NE/4 of Section 5, all in T29N, R14W, N.M.P.M., San Juan County, New Mexico, which is described as follows:

Beginning at the NE Corner of said Sec 6;
THENCE N 89°31'W 5187.20' to the East R/W Line Co. Rd 61;
THENCE S 0°12'E 285.40' along said R/W Line;
THENCE S 84°36'E 660.0';
THENCE S 0°12'E 660.0';
THENCE S 88°30'E 2472.26';
THENCE S 0°09'E 758.0';
THENCE S 0°10'E 890.10';
THENCE N 89°57'E 2655.39';
THENCE N 0°10'W 1320.0';
THENCE N 89°08'W 3278.43';
THENCE N 0°05'W 1292.55';
THENCE N 89°31'W 3300.00 to the point of beginning.

This is to certify that the above plat was prepared from field notes of actual surveys that were made by me or under my supervision and that the same are true and correct to the best of my knowledge and belief.

James P. Leese
Professional Engineer and Land Surveyor
N.Mex. Reg. No. 1463

STATE OF NEW MEXICO NO. 1463 JAMES P. LEESE

158602 10/10/1973 06:00A
1 of 1 R 0.00
San Juan County, NM Clerk

FILED OR RECORDED
BOOK M-9 PAGE
SAN JUAN COUNTY, NEW MEXICO
Oct 10, 1973
AT 3 O'CLOCK P M
Carol Landy
Fee $5.00

SAN JUAN COUNTY CLERK

TRACT LAYOUT

for

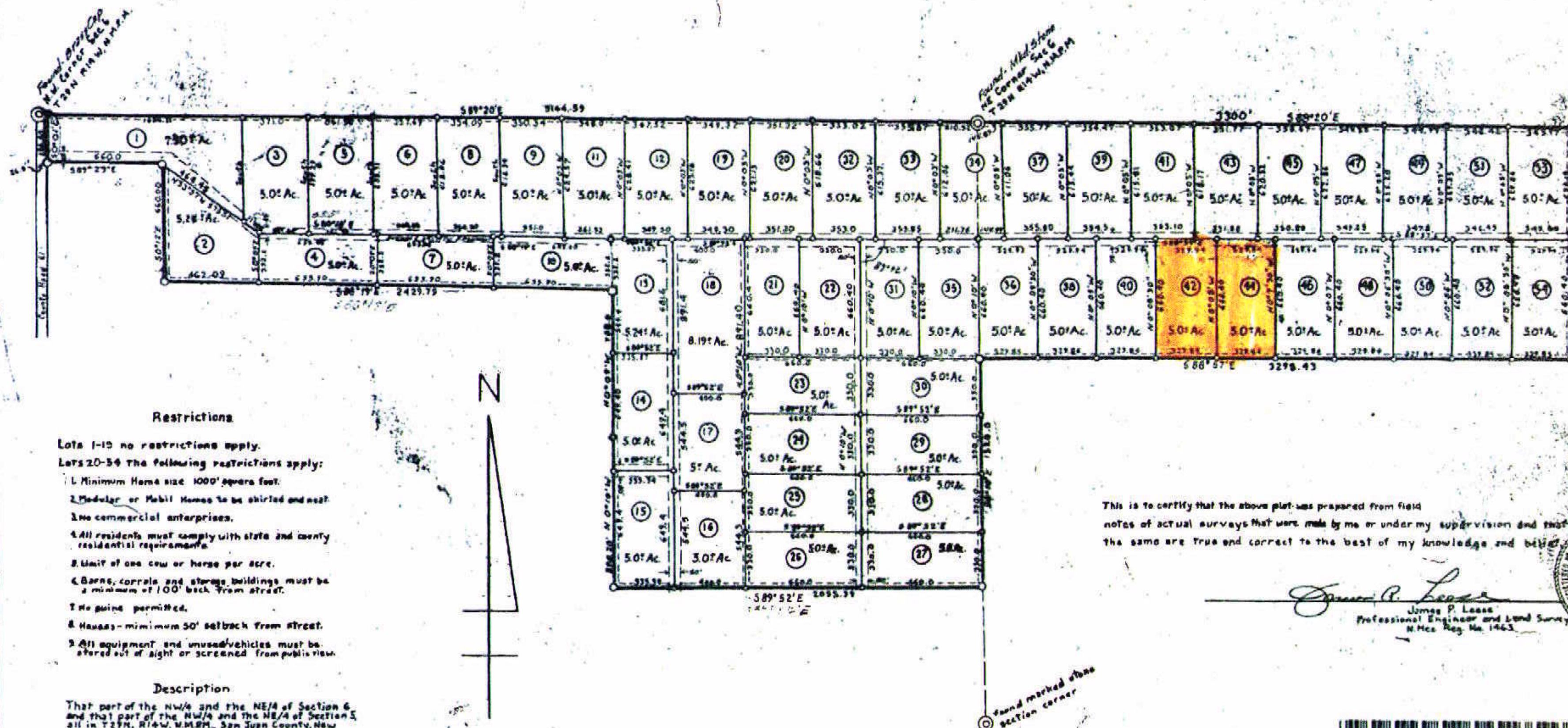
GEOFF McMAHON

located in

Sections 5 & 6, T29N, R14W, N.M.P.M.
San Juan County, New Mexico

Scale: 1"=400' Date: 3 Oct, 1973

San Juan Engineering Co. Farmington, N.M.



Restrictions

Lots 1-19 no restrictions apply.

Lots 20-54 The following restrictions apply:

1. Minimum Home size 1000' square feet.
2. Modular or Mobil Homes to be skirted and neat.
3. No commercial enterprises.
4. All residents must comply with state and county residential requirements.
5. Limit of one cow or horse per acre.
6. Barns, corrals and storage buildings must be a minimum of 100' back from street.
7. No swine permitted.
8. Houses - minimum 50' setback from street.
9. All equipment and unused vehicles must be stored out of sight or screened from public view.

Description

That part of the NW/4 and the NE/4 of Section 6 and that part of the NW/4 and the NE/4 of Section 5, all in T29N, R14W, N.M.P.M., San Juan County, New Mexico, which is described as follows:

Beginning at the NE Corner of said Sec 6;
THENCE N 89°20'W 3144.59 to the East R/W Line Co. Rd 61;
THENCE S 0°01'E 250.40' along said R/W Line;
THENCE S 89°25'E 660.0';
THENCE S 0°12'E 660.0';
THENCE S 88°19'E 2423.79;
THENCE S 0°04'E 735.0;
THENCE S 0°10'E 890.20';
THENCE N 89°52'E 2055.39';
THENCE N 0°10'W 1320.0';
THENCE N 88°57'W 3298.43';
THENCE N 0°03'W 1293.98;
THENCE N 89°20'W 3300.00 to the point of beginning.

50' Wide Access & Utility Easements shown by dashed lines - 25' on either side of Lot lines except for lots 1, 2, & 3 as shown.
10' Utility Easement shown around perimeter & interior lot lines.

This is to certify that the above plat was prepared from field notes of actual surveys that were made by me or under my supervision and that the same are true and correct to the best of my knowledge and belief.

James P. Leese
Professional Engineer and Land Surveyor
N. Mex. Reg. No. 1463

REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR, STATE OF NEW MEXICO, NO. 1463, JAMES P. LEESE

168599 03/15/1974 06:00A
1of1 R 0.00
San Juan County, NM Clerk

Original Plat Filing Date
FILED OR RECORDED
BOOK 4 PAGE
SAN JUAN COUNTY, NEW MEXICO

FILED & RECORDED
Book Page File M-47
Carol Barly
Bobbie J. Cornwell
Rec # 91913

SAN JUAN COUNTY CLERK

REPLAT

To Correct East-West Dimension of Sec. 6, & Acreage Correction on Lots 1 & 2, all in T29N, R14W, N.M.P.M.
Distances shown W/N.P. & with T.

TRACT LAYOUT

for

GEOFF McMAHON

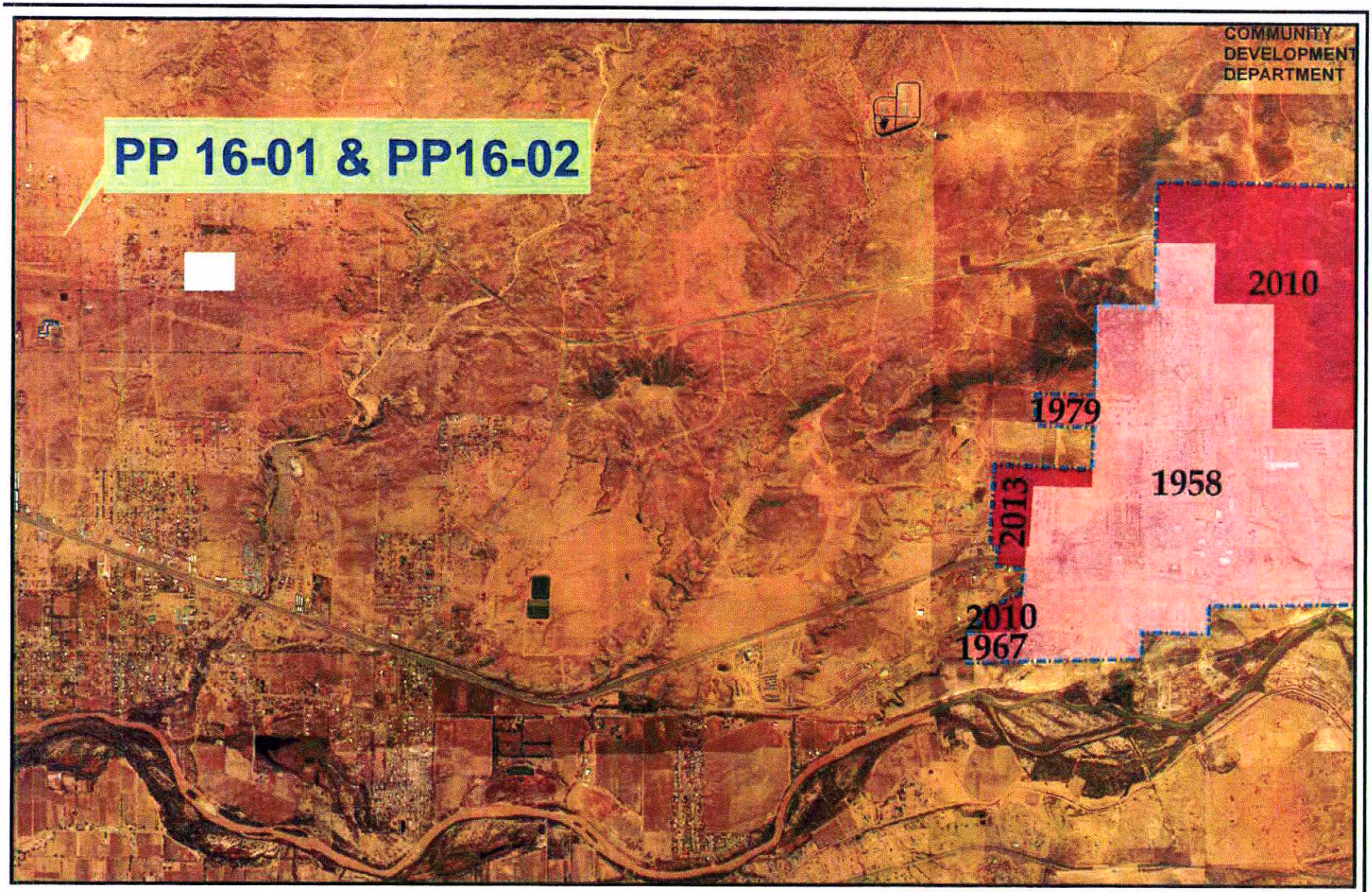
located in

Sections 5 & 6, T29N, R14W, N.M.P.M.
San Juan County, New Mexico

Scale: 1" = 400'

Revision Date: 9 Mar, 1974

San Juan Engineering Co. Farmington, N.M.


COMMUNITY DEVELOPMENT DEPARTMENT
PP 16-01 & PP16-02
2010
1979
1958
2013
2010
1967
CityAnnexations
year
1956 - 1961
1962 - 1970
1978 - 1981
2002 - 2010
2011 - 2014
FMTN City Limit
0
0.5
1
2
Miles
N
Date: 2/26/2016

PLANNING MEMO COMMENTS SUMMARY

PP 16-01 L&V SUBDIVISION #1

Deadline: 2/14/16

City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	Building Inspection has no comments on L and V SD No. 1
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Simms	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	
ELEC	Electrical Engineering - Luwil Aligarbes	-Existing power lines shown on the plat are inside the dedicated utility easement. -Pole met anchor on Road 6478 need to be relocated closer to the edge of the road to get equipment out of the traffic area. -See attached map.
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comments from the Fire Marshal's office.
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	Because Petitioner does not have an approved subdivision, the Petitioner cannot legally divide a lot in an illegal subdivision. After going through the proper plat process, legal sees no other issues.
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	Please show the septic system for Lot 5
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	Recommend to determine if leach lines cross adjacent property and rectify through NMED.

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	No comment
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

PETITION APPLICATION

RECEIVED
FEB 03 2016
COMM DEV DEPT

Incomplete applications will not be accepted.

RECEIVED

Return completed application to:

COMM DEV DEPT

Planning Division
Community Development Dept.
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- ☐ Annexation and / or Zoning
- ☒ Preliminary Plat
- ☐ Final Plan
- ☐ Summary Plat
- ☐ Special Use Permit
- ☐ Variance (ARB)
- ☐ Zone Change to _____District
- ☐ Temporary Use Permit
  Proposed Length of Use:_____

INFORMATION

Applicant's Name: Vernon Gladden	Project Location: County Road 6478
Address: P.O. Box 1065, Kirtland, NM, 87417	Existing Use: **Vacant**
E-Mail:	Proposed Use: **Residential**
Telephone: (505) 598-1329	Current Zoning:
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: **R0080179**

Legal Description of Subject Property: *See Attached Plat*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes ☐ No ☒
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)		MORTGAGE HOLDERS (If any)	
Name: Same as Applicant	Phone:	Name:	Phone:
Address:		Address:	

OWNER CERTIFICATION * *(Physical and Mailing)*

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Vernon Gladden	Address: P.O. Box 1065, Kirtland, NM, 87417
Owner's Signature: X	Phone / Email: (505) 598-1329

****** STAFF USE ONLY ******

Received By Steven Time _____
Date 2/3/16 Fee Received 100
Project File No. PP16-01
Date of Hearing/Meeting: PE 3/10/16 CC 3/22/16

- ☐ Blueline Copies of Plans _____
- ☐ Ownership Report (subject and surrounding properties)
- ☐ Legal Description _____
- ☐ Detailed Statement of Proposed Use _____

L AND V SUBDIVISION NO. 1
A SAN JUAN COUNTY TYPE III SUBDIVISION

A REPLAT OF LOT 42 OF THE TRACT LAYOUT FOR GEOFF McMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

MONUMENT NOTE:
ALL INTERIOR MONUMENTS SHALL BE SET ACCORDING TO THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, TITLE 12 CHAPTER 8 PART 2.17.

TELEPHONE AND ELECTRICAL NOTE:
CHENEY-WALTERS-ECHOLS INC. ASSUMES NO RESPONSIBILITY FOR THE INSTALLATION OF TELEPHONE AND ELECTRICAL SERVICES.

GAS LINE DISCLAIMER
CHENEY-WALTERS-ECHOLS INC. DOES NOT GUARANTEE THAT THE GAS LINES SHOWN ARE ALL LINES ON THE PROPERTY AND THOSE SHOWN ARE LOCATED FROM EXISTING MARKERS ASSUMED TO BE CENTERLINE OF THE PIPELINE AND FROM EASEMENT DESCRIPTIONS FURNISHED BY THE PROPERTY OWNER.

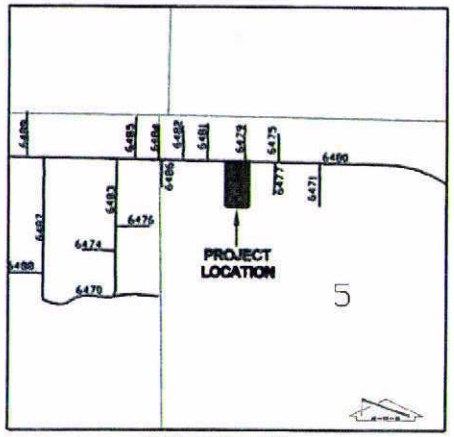
SETBACK DISCLAIMER
BUILDING SETBACKS FROM GAS WELLS AND GAS LINES MUST BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION.

SOILS NOTE:
CHENEY-WALTERS-ECHOLS INC. HAS MADE NO DETERMINATION AS TO THE STRUCTURAL STABILITY OF THE SOILS WITHIN THE SUBDIVISION AND MAKES NO RECOMMENDATION AS TO THE TYPES OF FOUNDATION OR FOOTINGS SUITABLE FOR BUILDING CONSTRUCTION WITHIN THE SUBDIVISION.

EPA CONSTRUCTION GENERAL PERMIT
THE DEVELOPER, EACH INDIVIDUAL LOT OWNER AND EVERY CONTRACTOR DOING WORK WITHIN THIS DEVELOPMENT SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE EPA'S CONSTRUCTION GENERAL PERMIT (CGP), EFFECTIVE JULY 1, 2003, WHICH WILL INCLUDE PREPARING, IMPLEMENTING, AND UPDATING AS NECESSARY A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). CHENEY-WALTERS-ECHOLS, INC. ASSUMES NO RESPONSIBILITY FOR THE COMPLIANCE WITH THESE REGULATIONS.

NOTE: ENTERPRISE FIELD SERVICES, LLC.:
NATURAL GAS RIGHT-OF-WAY
No deep rooted trees or shrubs are to be planted and no road, building, excavation, roof overhangs, or other structure or obstructions, including fencing or utilities are to be constructed within or across the right-of-way of Enterprise Field Services without its written consent. Additionally no road, reservoir or other structure or excavations may be constructed or maintained within the width of the easement as shown. Any approved construction over or across said right-of-way will then be in accordance with the specifications of Enterprise Field Services, LLC, 614 Reilly Ave., Farmington, New Mexico 87401, Attention: Right-of-Way Department. If any portion of the improvements located within Enterprise's right-of-way may become damaged or destroyed during required maintenance or construction operations by Enterprise or its contractors, Enterprise will not be held liable for the replacement thereof, unless, however, said damage or destruction resulted from the sole negligence of Enterprise or its contractors.

WATER RIGHTS DISCLAIMER
CHENEY-WALTERS-ECHOLS INC. HAS MADE NO DETERMINATION OF WATER RIGHTS FOR THIS PROPERTY. IF WATER RIGHTS ARE ADJUDICATED TO THIS PROPERTY THE OWNER RESERVES SAID WATER RIGHTS.



VICINITY MAP - N.T.S.

LEGAL DESCRIPTION

Lot Forty-Two (42)of the TRACT LAYOUT FOR GEOFF MCMAHON, as shown on the Replat thereof filed in the Office of the County Clerk of San Juan County, New Mexico on October 10, 1973, and re-filed on March 15, 1974.
LESS AND EXCEPT the South Ten (10) feet of the North Thirty-Five (35) feet thereof, which was conveyed to San Juan County by Warranty Deed recorded in Book 985, Page 483 of the San Juan County records, being more particularly described as follows:
A tract of land lying in the Northwest one-quarter (NW1/4) of Section 5 T29N R14W N.M.P.M., San Juan County, New Mexico.
Beginning at a point on the South right-of-way line of Road 6480 from which the Northwest corner of said Section 5 bears N55°15'02"W for a distance of 996.12 feet;
THENCE: S88°41'21"E for a distance of 329.93 feet along said South right-of-way;
THENCE: S00°08'57"W for a distance of 625.23 feet along the East line of and to the Southeast corner of said Lot 42;
THENCE: N89°39'39"W for a distance of 329.84 feet along the South line of and to the Southwest corner of said Lot 42;
THENCE: N00°08'20"E for a distance of 625.06 feet along the West line of said Lot 42 to the point of beginning.
Containing 4.73 ac.

ACCEPTANCE - SAN JUAN COUNTY

The plat of L & V SUBDIVISION NO. 1, shown hereon was duly submitted to the San Juan County Subdivision Review Officer and is hereby approved and accepted for recording this _____ day of _____, _____.

Approval of this plat does not restrict any regulatory official from thereafter requiring a correction of errors.

Signed:_____
Subdivision Review Officer

_____
San Juan County
Floodplain Manager

Approved pursuant to Senate Bill 406, that requires all taxes, penalties, interest and fees through the current taxable year be paid prior to the division or combining of any real property in San Juan County.

_____ _____
San Juan County Treasurer Date

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That L & V Mobile Home Park, LLC, being the sole owner and proprietor of the land hereon described have made a subdivision of said land, and that said subdivision is named and shall be known as:

L AND V SUBDIVISION NO. 1

That the said subdivision, as shown on this plat, is with the consent and in accordance with the desires of said Owner, and the streets and easements shown are dedicated for public use as such, together with easements for public utilities, including easements for overhang of service wires of pole type utilities, and easements for underground or buried service wires with the right to include necessary maintenance of the same, and right of ingress and egress to and from said easements.

_____
Vernon Gladden
Registered Agent,
L & V Mobile Home Park, LLC

AFFIDAVIT

Now comes L & V Mobile Home Park, LLC, first duly sworn upon their oath and states that the subdivision shown hereon lies wholly within the mutual planning and platting jurisdiction of San Juan County and the City of Farmington, New Mexico.

_____
Vernon Gladden
Registered Agent,
L & V Mobile Home Park, LLC

ACCEPTANCE

We the undersigned Mayor and City Clerk of the City of Farmington, County of San Juan, State of New Mexico, do hereby certify that the above and foregoing plat and dedication of the Little Creek Subdivision Phase III was duly submitted by the proprietors thereof to the City Council as the governing board thereof in the exercise of its planning and platting jurisdiction in and for said municipality and that said Subdivision is hereby approved and accepted for recording and filing.

Done at a regular meeting held this _____ day of _____, _____.

_____ _____
Mayor City Clerk

_____ _____
Farmington Electrical Utility SVCS City Engineer

_____ _____
CenturyLink New Mexico Gas Company

_____ _____
Water and Wastewater O&M Manager Enterprise Field Service, LLC

State of New Mexico)
) ss:
County of San Juan)

The foregoing dedication and affidavit were acknowledged before me by Vernon Gladden, the _____ day of _____, 2016.

My Commission Expires:_____

_____
Notary Public

CERTIFICATION

I, George T. Walters, a New Mexico Professional Surveyor certify that I conducted and am responsible for this Boundary Survey Plat, that this Boundary Survey is true and correct to the best of my knowledge and belief, and that this Boundary Plat meets the Minimum Standards for Surveying in New Mexico.
I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

_____ _____
Date George T. Walters
Professional Land Surveyor No. 8159
State of New Mexico

CHENEY·WALTERS·ECHOLS INC.
ENGINEERS · SURVEYORS
501 W. APACHE · FARMINGTON, NEW MEXICO 87401 · (505)327-5351

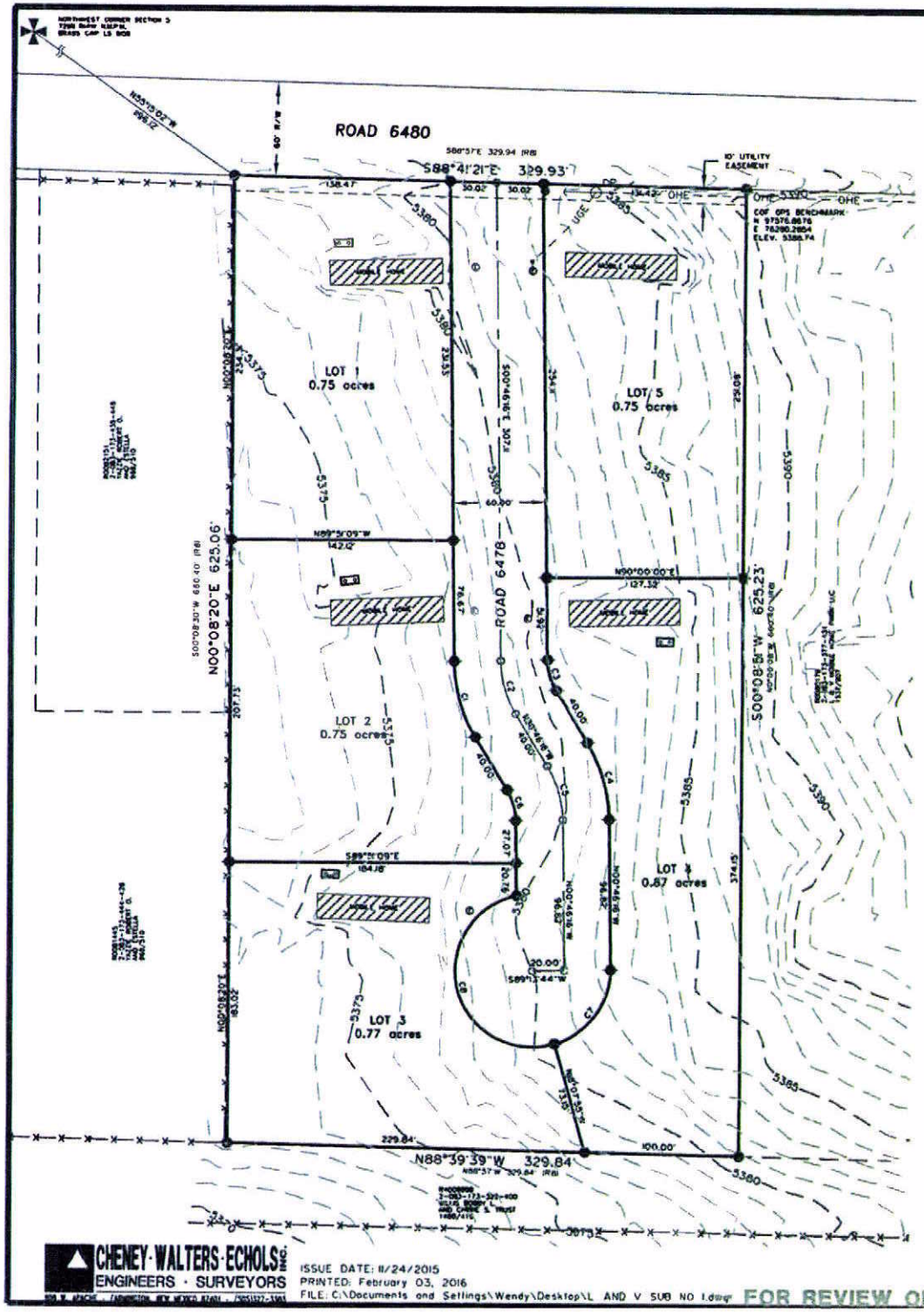
ISSUE DATE: 11/24/2015
PRINTED: February 03, 2016
FILE: C:\Documents and Settings\Wendy\Desktop\L AND V SUB NO 1.dwg

-- FOR REVIEW ONLY --

L AND V SUBDIVISION NO. 1

A SAN JUAN COUNTY TYPE III SUBDIVISION

A REPLAT OF LOT 42 OF THE TRACT LAYOUT FOR GEOFF McMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO



LEGEND

- SET 1/2"x18" REBAR WITH CAP MARKED 6159
- SECTION CORNER, AS NOTED
- EXISTING FENCE LINE
- SEPTIC TANK
- ELECTRIC METER
- WATER METER

PLAT NOTES:

BASIS OF BEARING IS THE CITY OF FARMINGTON GPS CONTROL NETWORK

DATE OF FIELD SURVEY, NOVEMBER 20, 2015

APPROVAL OF THIS PLAT DOES NOT IMPLY AUTHORIZATION TO BUILD DRIVEWAYS CONNECTING TO THE COUNTY ROAD. LOT OWNERS MUST FILE AN APPLICATION WITH THE SAN JUAN COUNTY ROAD DEPARTMENT.

REFERENCE NOTES:

R1. SPECIAL WARRANTY DEED BOOK 1537, PAGE 907
R2. WARRANTY DEED BOOK 1538 PAGE 588
R3. QUITCLAIM DEED BOOK 1480, PAGE 419
R4. REAL ESTATE CONTRACT BOOK 1440, PAGE 42
R5. QUITCLAIM DEED BOOK 1407, PAGE 918
R6. QUITCLAIM DEED BOOK 1363, PAGE 710
R7. RIGHT OF WAY BOOK 972 PAGE 425

CURVE TABLE						
NUMBER	R =	L =	D =	T =	LC =	CD =
C1	100.00	52.36	30°00'00"	26.79	51.76	S15°46'16"E
C2	70.00	36.65	30°00'00"	18.76	36.23	S15°46'16"E
C3	40.00	20.94	30°00'00"	10.72	20.71	S15°46'16"E
C4	100.00	52.36	30°00'00"	26.79	51.76	N15°46'16"W
C5	70.00	36.65	30°00'00"	18.76	36.23	N15°46'16"W
C6	40.00	20.94	30°00'00"	10.72	20.71	N15°46'16"W
C7	50.00	65.13	74°38'20"	38.12	60.63	N36°32'54"E
C8	50.00	160.42	183°49'27"	1497.73	99.94	S14°13'12"E

SCALE: 1" = 50'

50 25 0 50 100 150

SCALE IN FEET

CHENEY·WALTERS·ECHOLS INC.
ENGINEERS · SURVEYORS

ISSUE DATE: 11/24/2015
PRINTED: February 03, 2016
FILE: C:\Documents and Settings\Wendy\Desktop\L AND V SUB NO 1.dwg

FOR REVIEW ONLY

COMMUNITY DEVELOPMENT ACTION SUMMARY
Preliminary Plan for L and V Subdivision No. 2
Petition No. PP 16-02

A. STAFF REPORT, March 10, 2016

PROJECT INFORMATION

Applicant	Vernon Gladden
Representative	Cheney-Walters-Echols Inc.
Date of Application	February 02, 2016
Requested Action	Preliminary Plan approval
Location	County Road 6480 and Road 6478
Existing Land Use	Recreation Vehicle Park
Existing Zoning	None
Surrounding Zoning & Land Use	Unincorporated Rural Residential
Subdivision Class	Class 2
Notice	Preliminary Plans do not require notice.
Staff Planner	Steven Saavedra, Associate Planner

SUBDIVISION INFORMATION

Number of Lots	5
Acres of Land	4.73 acres
Minimum Lot Size	0.75
Utilities	Water: Existing / Lower Valley Water Users Cooperative Association Sewer: Existing / Septic Electric: Existing / City Of Farmington
Access & Circulation	Access to County Road 6480
Street Lights	To County Standards
Street Signs	To County Standards
Fire Hydrants	To County Standards
Drainage	Per San Juan County Standards

GENERAL INFORMATION

The petitioner requests a preliminary plan approval of a Class 2 subdivision of 5-lots. The area is approximately 4.73 acres and is located at the intersection of County Road 6480 and Road 6478. The lots are 0.75-acres to 0.84-acres in size. The preliminary plan alters Road 6478 from a U-shaped road into a cul-de-sac. The cul-de-sac will keep the same road name. Road 6478 is not maintained as a County Road. This property is in unincorporated San Juan County and has no zoning.

Background

This preliminary plan is originally part of a survey tract layout for Geoff McMahon of 1973. A survey tract layout does not establish a legal lot. Per COF Staff communication with San Juan County staff, neither the City of Farmington nor San Juan County approved this survey tract layout. Pursuant to Section 6.3B of the Unified Development Code, a legal "lot of record" must be reviewed and approved by the City of Farmington if established after June 22, 1971.

Process

The UDC requires that preliminary plans be approved by City Council, after which, a final plan is submitted to the Planning and Zoning Commission only for *final* approval, provided all conditions and issues are reflected in the final plan.

Section 6.6.1 of the UDC states the requirements of section 6.4, subdivision design standards, shall apply to subdivisions in Tier 3 of Farmington's Planning and Platting Jurisdiction, as described in the Farmington Comprehensive Plan (see Article 14, appendix section 13.3), with the following modifications:

- Block length shall not exceed 1,500 feet (UDC 6.6.2).
- Streets. Streets shall be in conformity with the requirements of section 6.4.7, streets and alleys; provided, however, that lesser street/ road improvement standards may be considered for minor subdivisions; i.e., those divisions of land that satisfy one of the "exemptions" of the most recent San Juan County Subdivision Regulations (UDC 6.6.3).
- Pedestrian and biking facilities. Pedestrian and biking facilities are not required (UDC 6.6.4).
- Water supply: the subdivider shall provide an adequate supply of potable water to each lot that is sufficient in terms of quality, quantity, and dependability for the proposed development and approved by the New Mexico Environmental Department. B. Where a private water system is provided, each lot shall be served from a minimum eight-inch water main, unless a lesser diameter is specified by the city engineer, but not less than six-inches (UDC 6.6.5).

However, the City of Farmington usually waves these considerations in favor of

subdivision standards set forth by the San Juan County.

ISSUES

Engineering: Toni Sitta - 505-599-1399

- Please show the septic system for Lot 5.

Engineering: Manual Tso - 505-599-1315

- Recommend determining if leach lines cross-adjacent property and rectify through NMED.

Legal: Deputy City Attorney-Russel Frost 505-599-1124

- Because Petitioner does not have an approved subdivision, the Petitioner cannot legally divide a lot in an illegal subdivision. After going through the proper plat process, legal sees no other issues.

Associate Planner: Steven Saavedra - 505-599-1282

- The subject property is originally part of a survey tract layout for Geoff McMahon in 1973. A survey tract is not a platted subdivision, but is a survey layout for the property owners benefit only to determine the boundaries. Neither the City of Farmington nor San Juan County signed off on the plat.
- Please show all septic and leach lines. All lines must be contained with the appropriate lot(s).

STAFF CONCLUSION

A final plat will legally establish the boundaries of this lot while also subdividing the parcel into 5 lots. This petition will rectify the preliminary plan as a new legal subdivision. The Community Development Department recommends approval.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition PP 16-02, a request from Vernon Gladden, represented by Cheney-Walters-Echols Inc., for the Preliminary Plan for the L and V Subdivision No. 2, a 5-lot subdivision on 4.73 acres located at County Road 6480 and Road 6478 subbject to:

On March 10, 2016, the Planning and Zoning Commission held a public meeting for PP 16-02 and made the following findings:

1. The owner of the subject property is Vernon Gladden.

2. The petition is for a preliminary plan approval of a Class 2, 5-lot subdivision., with the smallest lot 0.75-acres, The total area is approximately 4.73 acres.

3. The property is in Tier 3 of Farmington's Planning and Platting Jurisdiction and is located at the intersection of County Road 6480 and Road 6478 6478 (non-maintained By San Juan County)

4. The subdivision is required to comply with the Subdivision Design Standards of Section 6.6.1 of the UDC which states the requirements of section 6.4, subdivision design standards, shall apply to subdivisions in Tier 3 of Farmington's Planning and Platting Jurisdiction, as described in the Farmington Comprehensive Plan. However, the City of Farmington will defer to San Juan County requirements.

5. The petitioner' was present at the meeting and spoke in favor of this petition.

Planning & Zoning Commission Discussion of Petitions PP 16-02 on March 10, 2016

Senior Planner Cindy Lopez presented the staff report for PP 16-02, requests from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for Preliminary Plans for L & V Subdivision No. 1 and L & V Subdivision No. 2. These are 5-lot subdivisions, each on 4.73 acres located at the intersection of County Road 6480 and 6478. All of the lots are 0.75-acres to 0.87-acres in size.

These properties do not meet subdivision standards because they were subdivided by deed in 1974. They were required to be reviewed and approved by the City of Farmington. The review and approval had been required for subdivisions in the City's Planning and Platting Jurisdiction since 1971. The Preliminary Plans will establish the two large lots as legal lots and allow them to further subdivide as proposed.

Staff recommends approval.

Commissioner Freeman asked if the petitioner would be required to pave the road. Ms. Lopez stated that the properties are in the county and would follow county standards.

Vernon Gladden of P.O. Box 1065, Kirtland, NM commented that he has spoken with Dave Burnett from the county and paving of the road would not be required.

Planning & Zoning Commission Action of Petition PP 16-02 on March 10, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Jaquez to **approve** Petition PP 16-02, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L & V Subdivision No. 1, a 5-lot subdivision on 4.73 acres located at the intersection of County Road 6480 and 6478.

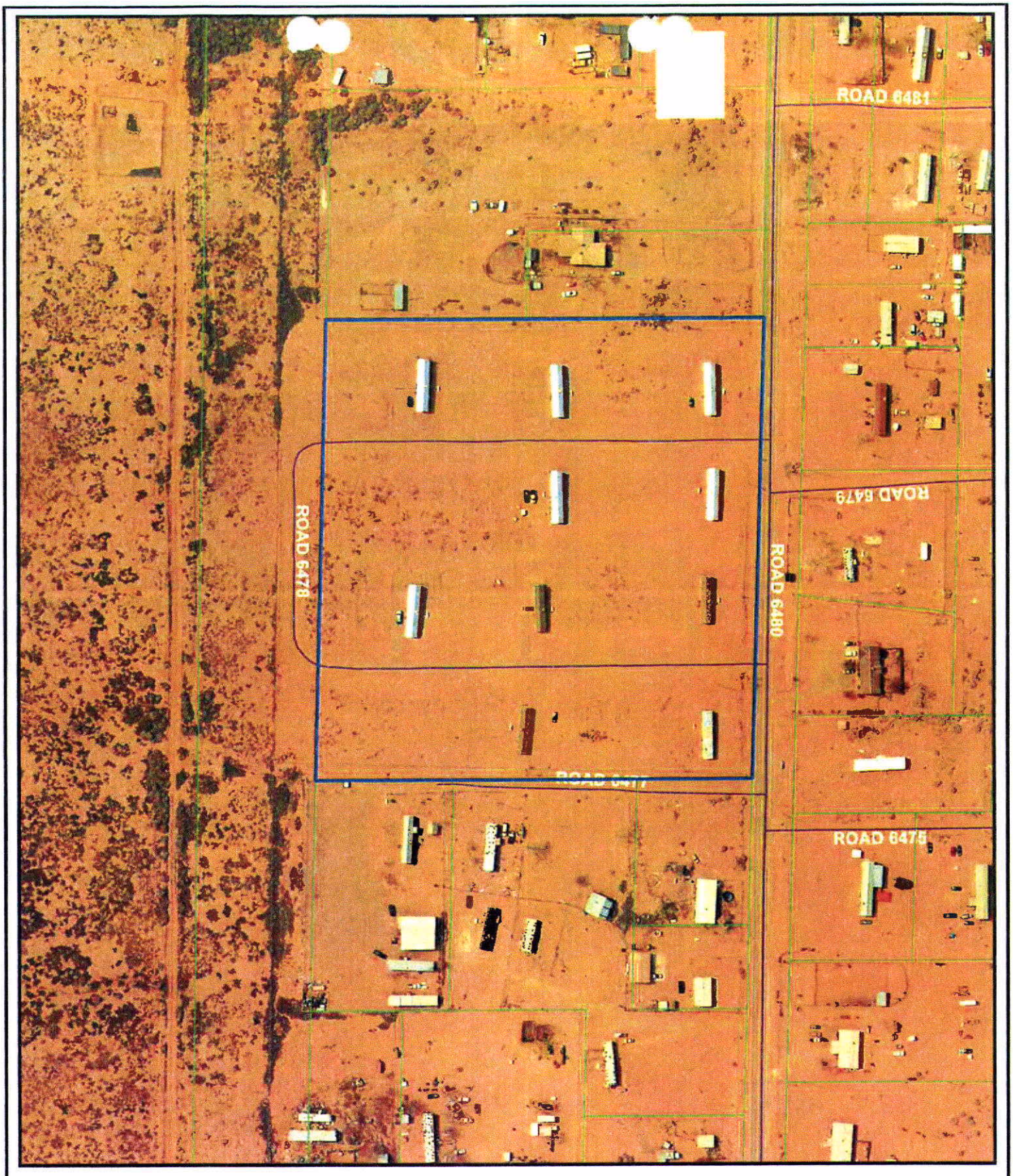
AYE: Vice Chair Thompson, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Cardon and Ragsdale.

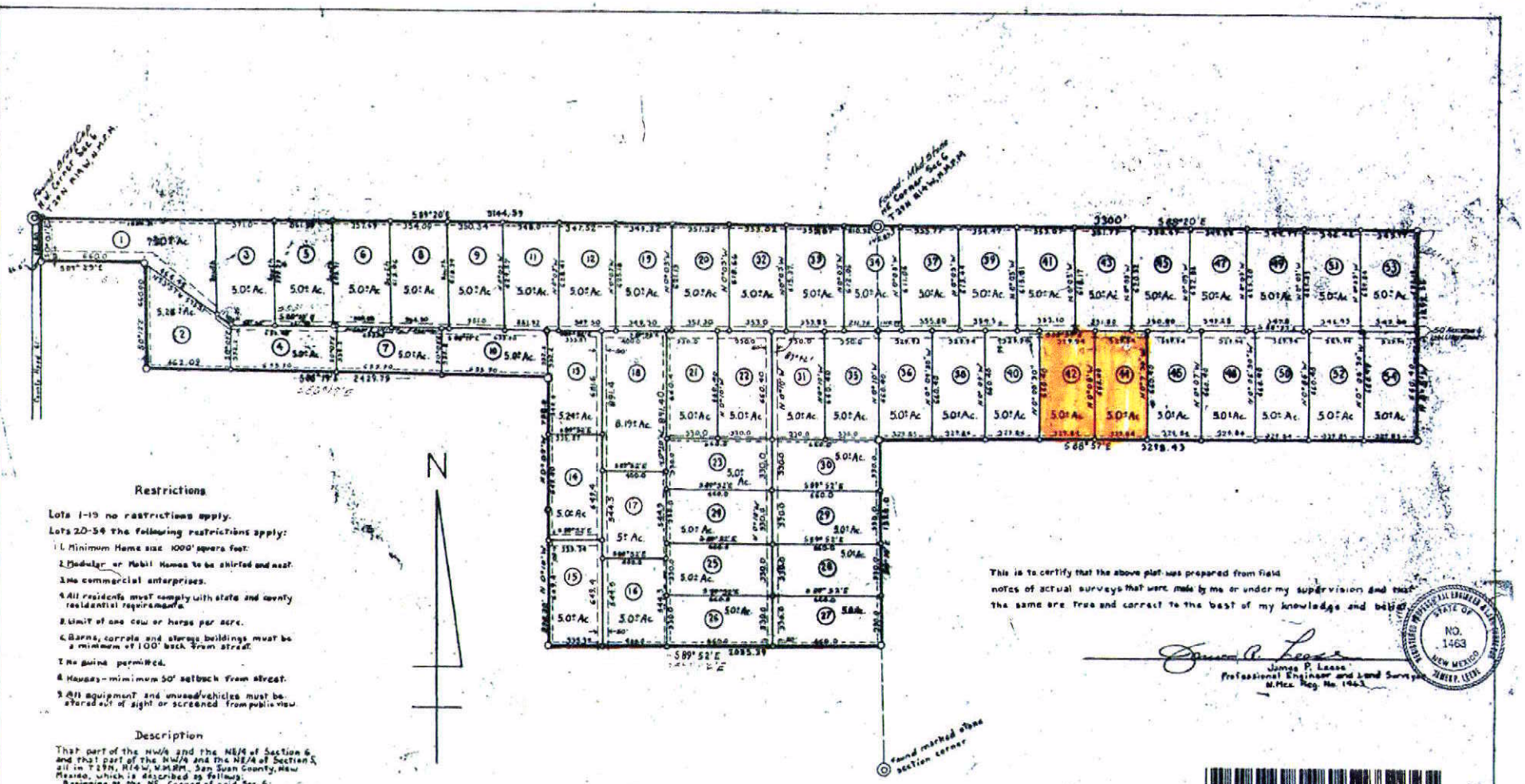
Motion passed 8-0

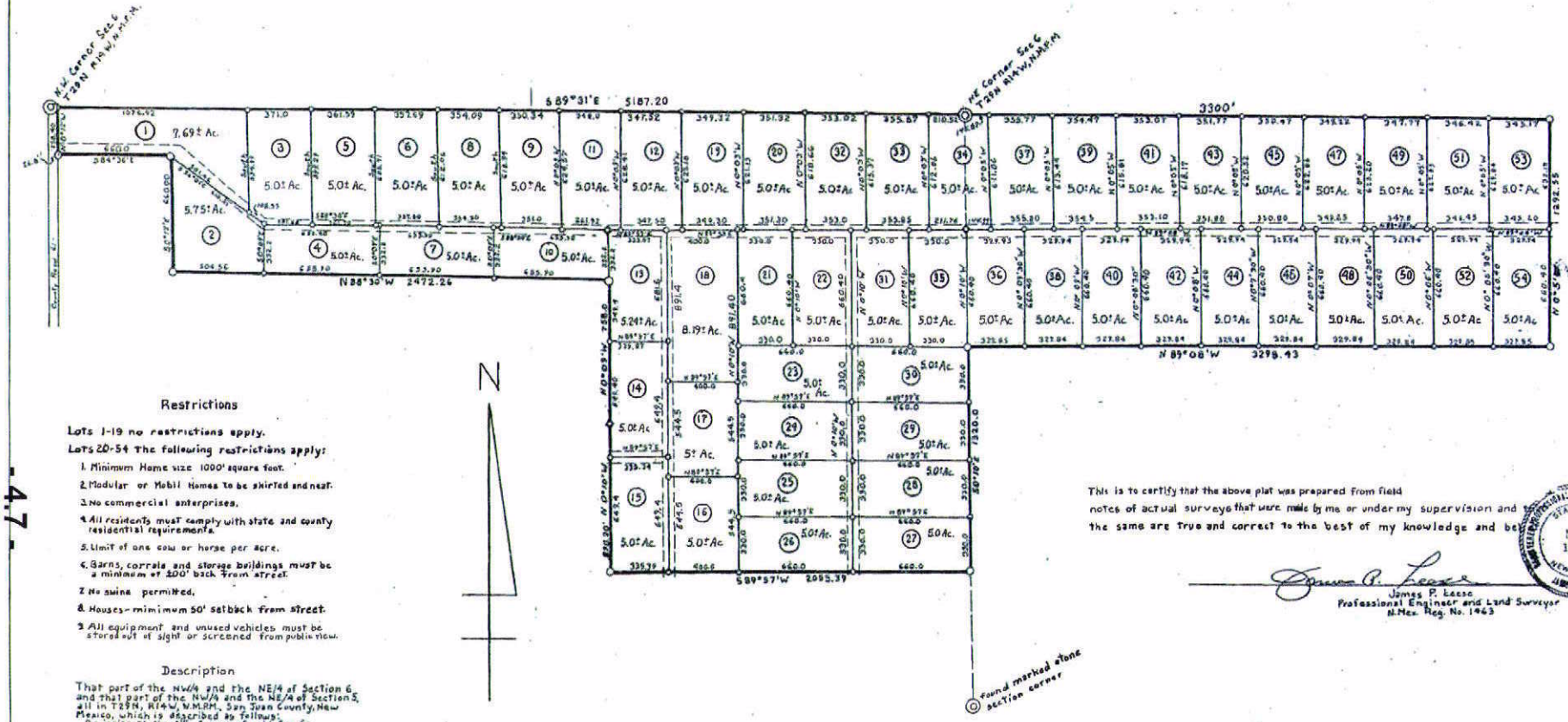


AREA UNDER CONSIDERATION
Petition No. PP 16-02

COMMUNITY
DEVELOPMENT
DEPARTMENT

Date: 2/4/2016


Found Aluminum Cap NW Corner Sec. 6 T29N R14W, N.M.P.M.
Found Mag Nail NE Corner Sec. 6 T29N R14W, N.M.P.M.
S 89°20' E 5144.59
5300'
S 88°20' E
S 88°19' E 2429.79
S 88°57' E 3298.43
S 89°52' E 2085.39
Found marked stone section corner
N
Restrictions
Lots 1-19 no restrictions apply.
Lots 20-54 the following restrictions apply:
1. Minimum Home size 1000 square feet.
2. Modular or Mobil Homes to be skirted and neat.
3. No commercial enterprises.
4. All residents must comply with state and county residential requirements.
5. Limit of one cow or horse per acre.
6. Barns, corrals and storage buildings must be a minimum of 100' back from street.
7. No guns permitted.
8. Houses - minimum 50' setback from street.
9. All equipment and unused vehicles must be stored out of sight or screened from public view.
Description
That part of the NW/4 and the NE/4 of Section 6 and that part of the NW/4 and the NE/4 of Section 5, all in T29N, R14W, N.M.P.M., San Juan County, New Mexico, which is described as follows:
Beginning at the NE Corner of said Sec. 6;
THENCE N 89°20'W 5144.59' to the East R/W Line Co Rd 61;
THENCE S 0°01'E 225.40' along said R/W Line;
THENCE S 89°25'E 660.0';
THENCE S 0°12'E 660.0';
THENCE S 88°19'E 2429.79';
THENCE S 0°09'E 758.0';
THENCE S 0°10'E 890.20';
THENCE N 89°52'E 2085.39';
THENCE N 0°10'W 1320.0';
THENCE N 88°57'W 3298.43';
THENCE N 0°03'W 1982.96';
THENCE N 89°20'W 2300.00' to the point of beginning.
50' Wide Access & Utility Easements shown by dashed lines - 25' on either side of Lot lines except for Lots 1, 2 & 3 as shown.
10' Utility easement shown around perimeter & interior Lot lines.
This is to certify that the above plat was prepared from field notes of actual surveys that were made by me or under my supervision and that the same are true and correct to the best of my knowledge and belief.
James P. Lease
Professional Engineer and Land Surveyor
N.Mex. Reg. No. 1463
STATE OF NEW MEXICO NO. 1463
168899 03/15/1974 06:00A
1of1 R 0.00
San Juan County, NM Clerk
SAN JUAN COUNTY CLERK
Original Plat Filing Data
FILED OR RECORDED
BOOK 4 PAGE
SAN JUAN COUNTY, NEW MEXICO
AT 8:00 O'CLOCK A.M.
Fee $3.00
Fee # 87366
Filed in Book Misc. File M-47
March 15, 1974
At 8:00 A.M.
Carol Barty
Bobbie J. Crowell
Fee # 11913 Fee $3.00
REPLAT
To Correct East-West Dimension of Sec. 6, & Acreage Correction on Lots 1 & 2, all in T29N, R14W, N.M.P.M.
Distances shown with a ~ are
TRACT LAYOUT
for
GEOFF McMAHON
located in
Sections 5 & 6, T29N, R14W, N.M.P.M.
San Juan County, New Mexico
Scale: 1"=400'
Revision Date: 9 Mar, 1974
San Juan Engineering Co. Farmington, New Mexico



Restrictions

Lots 1-19 no restrictions apply.

Lots 20-54 the following restrictions apply:

1. Minimum Home size 1000 square feet.
2. Modular or Mobil Homes to be skirted and neat.
3. No commercial enterprises.
4. All residents must comply with state and county residential requirements.
5. Limit of one cow or horse per acre.
6. Barns, corrals and storage buildings must be a minimum of 200' back from street.
7. No swine permitted.
8. Houses - mimimum 50' setback from street.
9. All equipment and unused vehicles must be stored out of sight or screened from public view.

Description

That part of the NW/4 and the NE/4 of Section 6 and that part of the NW/4 and the NE/4 of Section 5, all in T29N, R14W, N.M.P.M., San Juan County, New Mexico, which is described as follows:

Beginning at the NE Corner of said Sec 6;
THENCE N 89°31'W 5187.20 to the East R/W line Co. Rd 61;
THENCE S 0°12'E 285.40' along said R/W Line;
THENCE S 84°36'E 660.0';
THENCE S 0°12'E 660.0';
THENCE S 88°30'E 2472.26';
THENCE S 0°09'E 789.0';
THENCE S 0° 10'E 890.10';
THENCE N 89°57'E 2655.39';
THENCE N 0°10'W 1320.0';
THENCE N 89°08'W 3298.43';
THENCE N 0°05'W 1292.55';
THENCE N 89°31'W 3300.00 To the point of beginning.

This is to certify that the above plat was prepared from field notes of actual surveys that were made by me or under my supervision and the same are true and correct to the best of my knowledge and be

James P. Leese
Professional Engineer and Land Surveyor
N.Mex. Reg. No. 1463

STATE OF NEW MEXICO NO. 1463 JAMES P. LEESE

168602 10/10/1973 06:00A
1of1 R 0.00
San Juan County, NM Clerk

FILED OR RECORDED
BOOK: 0-44 PAGE
SAN JUAN COUNTY, NEW MEXICO
Oct. 10, 1973
AT 2:00 O'CLOCK P M.
COUNTY CLERK
Fee # 67366

SAN JUAN COUNTY CLERK

TRACT LAYOUT

for

GEOFF McMAHON

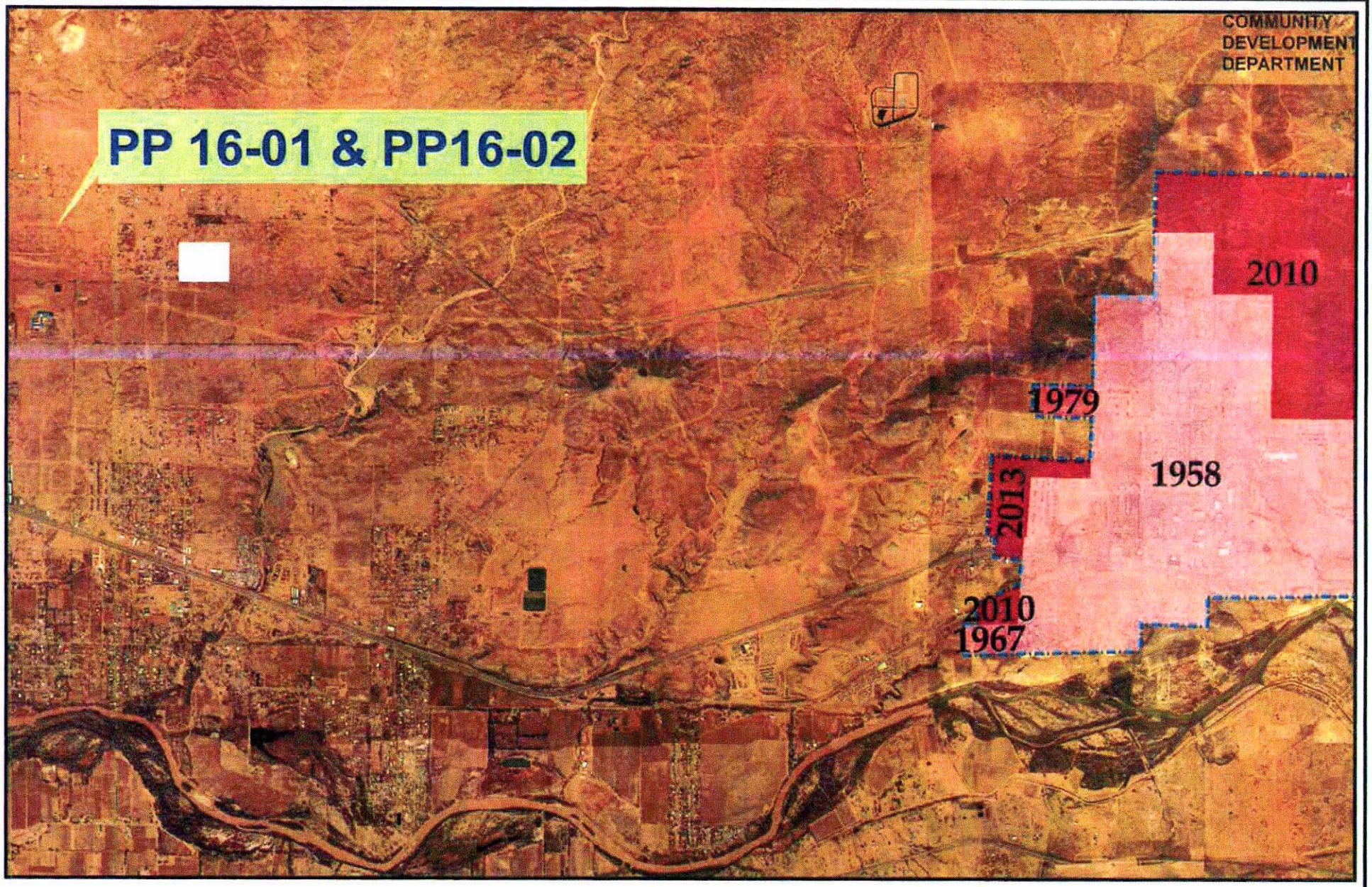
located in

Sections 5 & 6, T29N, R14W, N.M.P.M.
San Juan County, New Mexico

Scale: 1"=400' Date: 3 Oct, 1973

San Juan Engineering Co. Farmington, N.M.

-4.7-


COMMUNITY DEVELOPMENT DEPARTMENT
PP 16-01 & PP16-02
2010
1979
1958
2013
2010
1967
CityAnnexations
year
1956 - 1961
1962 - 1970
1978 - 1981
2002 - 2010
2011 - 2014
FMTN City Limit
0
0.5
1
2
Miles
N
Date: 2/26/2016

PLANNING MEMO COMMENTS SUMMARY

PP 16-02 L&V SUBDIVISION #2

Deadline: 2/14/16

City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Simms	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	
ELEC	Electrical Engineering - Luwil Aligarbes	-Existing power lines shown on the plat are inside the dedicated utility easement. -Pole met anchor on Road 6478 need to be relocated closer to the edge of the road to get equipment out of the traffic area. -See attached map.
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comments from the Fire Marshal's office.
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	I have no comments in regards to this plat
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	Recommend to determine if sewer leach lines cross adjacent properties, rectify with NMED.

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	No comment
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

PETITION APPLICATION

RECEIVED
FEB 03 2015
COMM DEV DEPT

Incomplete applications will not be accepted.

Return completed application to:

Planning Division
Community Development Dept.
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- ☐ Annexation and / or Zoning
- ☒ Preliminary Plat
- ☐ Final Plan
- ☐ Summary Plat
- ☐ Special Use Permit
- ☐ Variance (ARB)
- ☐ Zone Change to _____District
- ☐ Temporary Use Permit
  Proposed Length of Use:_____

INFORMATION

Applicant's Name: Vernon Gladden	Project Location: County Road 6478
Address: P.O. Box 1065, Kirtland, NM, 87417	Existing Use: **Vacant**
E-Mail:	Proposed Use: **Residential**
Telephone: (505) 598-1329	Current Zoning:
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: **R0080179**

Legal Description of Subject Property: *See Attached Plat*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes ☐ No ☒
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)		MORTGAGE HOLDERS (If any)	
Name: Same as Applicant	Phone:	Name:	Phone:
Address:		Address:	

OWNER CERTIFICATION ** (Physical and Mailing)*

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Vernon Gladden	Address: P.O. Box 1065, Kirtland, NM, 87417
Owner's Signature: X	Phone / Email: (505) 598-1329

****** STAFF USE ONLY ******

Received By _____ Time_____
Date _____ Fee Received _____
Project File No. _____
Date of Hearing/Meeting:_____

- ☐ Blueline Copies of Plans _____
- ☐ Ownership Report (subject and surrounding properties)
- ☐ Legal Description _____
- ☐ Detailed Statement of Proposed Use_____

L AND V SUBDIVISION NO. 2
A SAN JUAN COUNTY TYPE III SUBDIVISION

A REPLAT OF LOT 44 OF THE TRACT LAYOUT FOR GEOFF McMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

MONUMENT NOTE:
ALL INTERIOR MONUMENTS SHALL BE SET ACCORDING TO THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, TITLE 12 CHAPTER 8 PART 2.17.

TELEPHONE AND ELECTRICAL NOTE:
CHENEY-WALTERS-ECHOLS INC. ASSUMES NO RESPONSIBILITY FOR THE INSTALLATION OF TELEPHONE AND ELECTRICAL SERVICES.

GAS LINE DISCLAIMER
CHENEY-WALTERS-ECHOLS INC. DOES NOT GUARANTEE THAT THE GAS LINES SHOWN ARE ALL LINES ON THE PROPERTY AND THOSE SHOWN ARE LOCATED FROM EXISTING MARKERS ASSUMED TO BE CENTERLINE OF THE PIPELINE AND FROM EASEMENT DESCRIPTIONS FURNISHED BY THE PROPERTY OWNER.

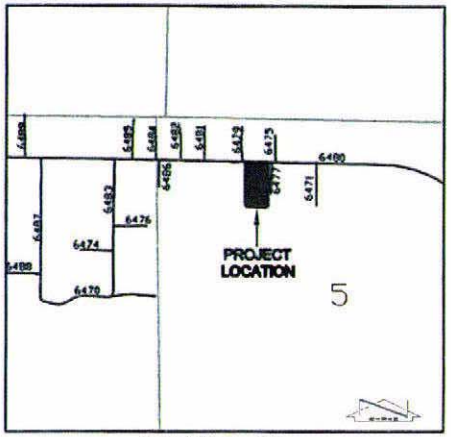
SETBACK DISCLAIMER
BUILDING SETBACKS FROM GAS WELLS AND GAS LINES MUST BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION.

SOILS NOTE:
CHENEY-WALTERS-ECHOLS INC. HAS MADE NO DETERMINATION AS TO THE STRUCTURAL STABILITY OF THE SOILS WITHIN THE SUBDIVISION AND MAKES NO RECOMMENDATION AS TO THE TYPES OF FOUNDATION OR FOOTINGS SUITABLE FOR BUILDING CONSTRUCTION WITHIN THE SUBDIVISION.

EPA CONSTRUCTION GENERAL PERMIT
THE DEVELOPER, EACH INDIVIDUAL LOT OWNER AND EVERY CONTRACTOR DOING WORK WITHIN THIS DEVELOPMENT SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE EPA'S CONSTRUCTION GENERAL PERMIT (CGP), EFFECTIVE JULY 1, 2003, WHICH WILL INCLUDE PREPARING, IMPLEMENTING, AND UPDATING AS NECESSARY A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). CHENEY-WALTERS-ECHOLS, INC. ASSUMES NO RESPONSIBILITY FOR THE COMPLIANCE WITH THESE REGULATIONS.

NOTE: ENTERPRISE FIELD SERVICES, LLC.:
NATURAL GAS RIGHT-OF-WAY
No deep rooted trees or shrubs are to be planted and no road, building, excavation, roof overhangs, or other structure or obstructions, including fencing or utilities are to be constructed within or across the right-of-way of Enterprise Field Services without its written consent. Additionally no road, reservoir or other structure or excavations may be constructed or maintained within the width of the easement as shown. Any approved construction over or across said right-of-way will then be in accordance with the specifications of Enterprise Field Services, LLC, 614 Reilly Ave., Farmington, New Mexico 87401, Attention: Right-of-Way Department. If any portion of the improvements located within Enterprise's right-of-way may become damaged or destroyed during required maintenance or construction operations by Enterprise or its contractors), Enterprise will not be held liable for the replacement thereof, unless, however, said damage or destruction resulted from the sole negligence of Enterprise or its contractors.

WATER RIGHTS DISCLAIMER
CHENEY-WALTERS-ECHOLS INC. HAS MADE NO DETERMINATION OF WATER RIGHTS FOR THIS PROPERTY. IF WATER RIGHTS ARE ADJUDICATED TO THIS PROPERTY THE OWNER RESERVES SAID WATER RIGHTS.



VICINITY MAP - N.T.S.

LEGAL DESCRIPTION

Lot Forty-Four (44)of the TRACT LAYOUT FOR GEOFF MCMAHON, as shown on the Replat thereof filed in the Office of the County Clerk of San Juan County, New Mexico on October 10, 1973, and re-filed on March 15, 1974.
LESS AND EXCEPT the South Ten (10) feet of the North Thirty-Five (35) feet thereof, which was conveyed to San Juan County by Warranty Deed recorded in Book 985, Page 483 of the San Juan County records, being more particularly described as follows:
A tract of land lying in the Northwest one-quarter (NW1/4) of Section 5 T29N R14W N.M.P.M., San Juan County, New Mexico,
Beginning at a point on the South right-of-way line of Road 6480 from which the Northwest corner of said Section 5 bears N62°17'39"W for a distance of 1482.63 feet;
THENCE: S88°41'21"E for a distance of 329.93 feet along said South right-of-way;
THENCE: S00°09'22"W for a distance of 625.39 feet along the East line of and to the Southeast corner of said Lot 44;
THENCE: N88°39'39"W for a distance of 329.84 feet along the South line of and to the Southwest corner of said Lot 44;
THENCE: N00°08'5"E for a distance of 625.23 feet along the West line of said Lot 44 to the point of beginning.
Containing 4.73 ac.

ACCEPTANCE - SAN JUAN COUNTY

The plat of L & V SUBDIVISION NO. 1, shown hereon was duly submitted to the San Juan County Subdivision Review Officer and is hereby approved and accepted for recording this _____ day of _____, _____.

Approval of this plat does not restrict any regulatory official from thereafter requiring a correction of errors.

Signed:_____
Subdivision Review Officer

_____
San Juan County
Floodplain Manager

Approved pursuant to Senate Bill 406, that requires all taxes, penalties, interest and fees through the current taxable year be paid prior to the division or combining of any real property in San Juan County.

_____ _____
San Juan County Treasurer Date

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That L & V Mobile Home Park, LLC, being the sole owner and proprietor of the land hereon described have made a subdivision of said land, and that said subdivision is named and shall be known as:

L AND V SUBDIVISION NO. 2

That the said subdivision, as shown on this plat, is with the consent and in accordance with the desires of said Owner, and the streets and easements shown are dedicated for public use as such, together with easements for public utilities, including easements for overhang of service wires of pole type utilities, and easements for underground or buried service wires with the right to include necessary maintenance of the same, and right of ingress and egress to and from said easements.

_____
Vernon Gladden
Registered Agent,
L & V Mobile Home Park, LLC

AFFIDAVIT

Now comes L & V Mobile Home Park, LLC, first duly sworn upon their oath and states that the subdivision shown hereon lies wholly within the mutual planning and platting jurisdiction of San Juan County and the City of Farmington, New Mexico.

_____
Vernon Gladden
Registered Agent,
L & V Mobile Home Park, LLC

ACCEPTANCE

We the undersigned Mayor and City Clerk of the City of Farmington, County of San Juan, State of New Mexico, do hereby certify that the above and foregoing plat and dedication of the Little Creek Subdivision Phase II was duly submitted by the proprietors thereof to the City Council as the governing board thereof in the exercise of its planning and platting jurisdiction in and for said municipality and that said Subdivision is hereby approved and accepted for recording and filing.

Done at a regular meeting held this _____ day of _____, _____.

_____ _____
Mayor City Clerk

_____ _____
Farmington Electrical Utility SVCS City Engineer

_____ _____
CenturyLink New Mexico Gas Company

_____ _____
Water and Wastewater O&M Manager Enterprise Field Service, LLC

State of New Mexico)
) ss:
County of San Juan)

The foregoing dedication and affidavit were acknowledged before me by Vernon Gladden, the _____ day of _____, 2016.

My Commission Expires:_____

_____
Notary Public

CERTIFICATION

I, George T. Walters, a New Mexico Professional Surveyor certify that I conducted and am responsible for this Boundary Survey Plat, that this Boundary Survey is true and correct to the best of my knowledge and belief, and that this Boundary Plat meets the Minimum Standards for Surveying in New Mexico.

I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

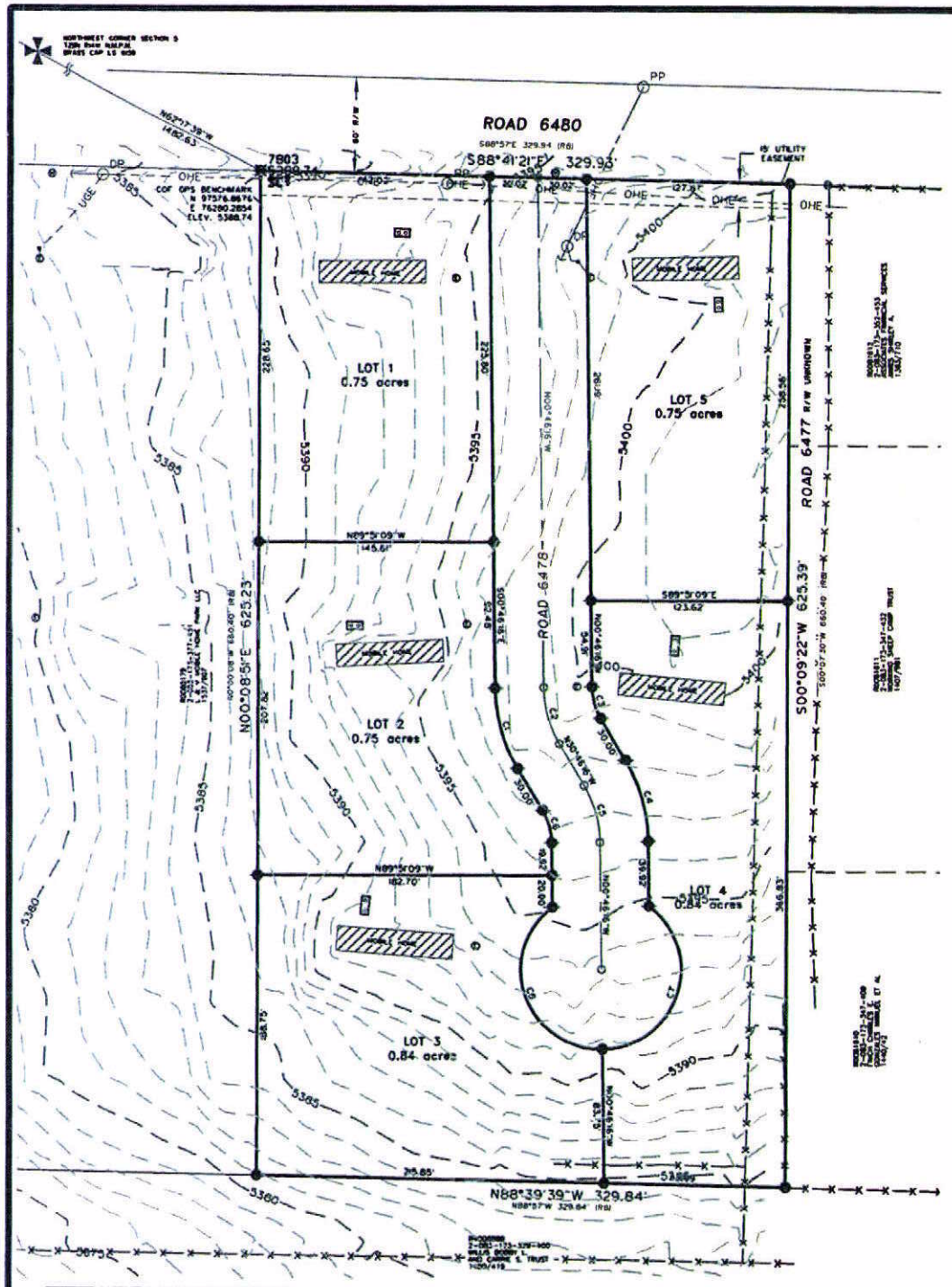
_____ _____
Date George T. Walters
Professional Land Surveyor No. 6159
State of New Mexico

CHENEY-WALTERS-ECHOLS INC.
ENGINEERS • SURVEYORS
605 N. ALLEN • FARMINGTON, NEW MEXICO 87401 • (505)327-4331

ISSUE DATE: 11/24/2015
PRINTED: February 03, 2016
FILE: C:\Documents and Settings\Wendy\Desktop\L AND V SUB NO 2.dwg

FOR REVIEW ONLY

SHEET 1 OF 2



L AND V SUBDIVISION NO. 2

A SAN JUAN COUNTY TYPE III SUBDIVISION

A REPLAT OF LOT 44 OF THE TRACT LAYOUT FOR GEOFF McMAHON
AS FILED FOR RECORD ON OCTOBER 10, 1973
LYING IN THE NW1/4 OF SECTION 5 T29N R14W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

LEGEND

- SET 1/2"x18" REBAR WITH CAP MARKED 6159
- SECTION CORNER, AS NOTED
- EXISTING FENCE LINE
- SEPTIC TANK
- ELECTRIC METER
- WATER METER

PLAT NOTES:

BASIS OF BEARING IS THE CITY OF FARMINGTON GPS CONTROL NETWORK

DATE OF FIELD SURVEY, NOVEMBER 20, 2015

APPROVAL OF THIS PLAT DOES NOT IMPLY AUTHORIZATION TO BUILD DRIVEWAYS CONNECTING TO THE COUNTY ROAD. LOT OWNERS MUST FILE AN APPLICATION WITH THE SAN JUAN COUNTY ROAD DEPARTMENT.

REFERENCE NOTES:

R1. SPECIAL WARRANTY DEED BOOK 1537, PAGE 907
R2. WARRANTY DEED BOOK 1538 PAGE 588
R3. QUITCLAIM DEED BOOK 1480, PAGE 419
R4. REAL ESTATE CONTRACT BOOK 1440, PAGE 42
R5. QUITCLAIM DEED BOOK 1407, PAGE 98
R6. QUITCLAIM DEED BOOK 1363, PAGE 710
R7. RIGHT OF WAY BOOK 972 PAGE 425
R8. TRACT LAYOUT FOR GEOFF MCMAHON 10/10/73

CURVE TABLE

NUMBER	R =	L =	D =	T =	LC =	CD =
C1	100.00	52.36	30°00'00"	26.79	51.76	S15°46'16"E
C2	70.00	36.65	30°00'00"	18.76	36.23	S15°46'16"E
C3	40.00	20.94	30°00'00"	10.72	20.71	S15°46'16"E
C4	100.00	52.36	30°00'00"	26.79	51.76	N15°46'16"W
C5	70.00	36.65	30°00'00"	18.76	36.23	N15°46'16"W
C6	40.00	20.94	30°00'00"	10.72	20.71	N15°46'16"W
C7	50.00	124.90	143°07'48"	150.00	94.87	N17°39'50"E
C8	50.00	124.90	143°07'48"	150.00	94.87	S19°12'21"E

SCALE: 1" = 50'

50 25 0 50 100 150

SCALE IN FEET

CHENEY·WALTERS·ECHOLS
ENGINEERS · SURVEYORS

ISSUE DATE: 11/24/2015
PRINTED: February 03, 2016
FILE: C:\Documents and Settings\Wendy\Desktop\L AND V SUB NO 2.dwg

FOR REVIEW ONLY --

COMMUNITY DEVELOPMENT
ACTION SUMMARY
Petition SUP 16-01
Special Use Permit for a Nonconforming Use located at 4307 Hannon Drive

A. STAFF REPORT March 1, 2016

PROJECT INFORMATION

Applicant	Martha and Alexander Wu, Sy Ming Deng, Kang Ho
Representatives	Martha Wu
Date of Application	2/2/16
Requested Action	Approval of a Special Use Permit for a nonconforming residence in an Industrial District to be rebuilt if destroyed by more than 50%
Location	4307 Hannon Drive
Existing Land Use	Residential
Existing Zoning	IND Industrial
Surrounding Zoning and Land Use	**North:** IND: Industrial/ Non-Conforming residence **South:** IND: Industrial/ Storage Yard- Ralph Miller Inc. **East:** IND: Industrial/ Storage and Vacant Land **West:** IND: Industrial/ Storage Yard- Ralph Miller Inc.
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, February 21, 2016 . Property owners within 100 feet were sent notice by certified mail on Wednesday, February 17, 2016 and a sign was posted on Friday, February 26, 2016.
Staff Planner	Keith M. Neil, Associate Planner

STAFF ANALYSIS

Project Description:
The petitioners are requesting a Special Use Permit for a nonconforming residential use in the IND- Industrial District to allow all structures to be rebuilt if destroyed by more than 50% for the property located at 4307 Hannon Drive. The petitioners were initially attempting to refinance the property when they were made aware of the non-conforming status. In order for the petitioner to gain refinancing and insurance for this property, certain stipulations must be met. An insurance company would not insure the property due to the potential situation in which the property would be destroyed by more than 50% of its value, and cannot be rebuilt as it exists currently. If destroyed by more than 50% it must come into conformity with the Unified Development Code. Additionally, financing companies are unlikely to provide financing toward a residential purchase

knowing that their investment is unable to be reconstructed in the event of more than 50% destruction.

The property is a residential parcel of land totaling approximately 0.3031 acres that was part of an area east of East Main Street annexed into the City of Farmington in 1956. The annexed area was zoned IND Industrial at the time. The annexation and zoning encompassed several residential properties.

The residence is a one-story ranch house of approximately 1,650 square feet that was built in 1940. The property also contains additional accessory structures: a 408 sq. ft. detached garage and 192 sq. ft. storage shed. It is on the south side of Hannon Drive, approximately 250 feet east of Best Street. The property is surrounded on three sides (west, east and south) by the Ralph W. Miller Inc. Company. To the northeast of the property are additional residences located within the SF-7 Single Family zoning district. Directly to the north is another legal, non-conforming residence located in the IND district. On the western portion of Best Street are located numerous residences zoned SF-7 Residential, with an overlay of the Special Mobile Home Area.

With the approval of this Special Use Permit, all structures on the property (the principle residence, garage, and storage shed) would be allowed to be rebuilt to the current size and in the exact same location. These structures will not be allowed to be expanded.

Section 9.2.4 of the Unified Development Code states: "If a nonconforming use or structure containing a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformity with the provisions of this UDC. In the case of partial destruction of such a use not exceeding 50 percent of its replacement value, reconstruction may be permitted by special use permit, provided: the size and function of the nonconforming use shall not be expanded; and work on the restoration of the use must begin within six months and be completed within 12 months of the time of the calamity." However, Section 9.2.6(A) states: "Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this Code upon application and approval of a special use permit. In order to grant a special use permit, the City Council must find:

- The use is compatible, in terms of scale, building size and intensity of land use, with the existing and permitted uses in the local neighborhood;
- The use does not create excessive additional traffic in the neighborhood; and
- The use does not generate noise, smoke or other environmental pollutants that are foreign to the neighborhood."

The residential uses generate less traffic than the industrial properties to the south. It will generate the same amount of traffic as the residential property to the immediate north. A residential use will not create excessive noise, smoke or other environmental pollutants. It will have a much less impact of the surrounding neighbors than the industrial uses that currently exist in the area.

The Future Land Use Plan of the City's Comprehensive Plan identifies the area of this request as Commercial in nature.

STAFF CONCLUSION

Staff concludes that approval of SUP 16-01 is appropriate. The petitioner's request is in compliance with Section 9.2.6(A) of the Unified Development Code. The residence existed prior to the annexation and Industrial zoning by the City of Farmington.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 16-01, a request from Martha and Alexander Wu, Sy Ming Deng, Kang Ho to allow a nonconforming residential use and accessory structures to be rebuilt to the same size and location of the existing nonconforming use but not be expanded if destroyed by more than 50% in the IND Industrial District for property located at 4307 Hannon Drive.

FINDINGS OF THE PLANNING AND ZONING COMMISSION

On March 10, 2016, The Planning and Zoning Commission held a public meeting for SUP 16-01 and made the following findings:

1. The petitioners are Alexander and Martha Wu, Sy Ming Deng, and Kang Ho who are the property owners of a residence at 4307 Hannon Dr. in the IND Industrial District.

2. The property is a legal nonconforming residence. The petitioners are attempting to refinance the property and are requesting a Special Use Permit to allow the rebuilding of the structures on the property to the same size and in the same location in case they are destroyed by more than 50% of their value.

3. Section 9.2.4 of the Unified Development Code states: "If a nonconforming use or structure containing a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformity with the provisions of this UDC. In the case of partial destruction of such a use not exceeding 50 percent of its replacement value, reconstruction may be permitted by special use permit, provided: the size and function of the nonconforming use shall not be expanded; and work on the restoration of the use must begin within six months and be completed within 12 months of the time of the calamity."

4. Section 9.2.6(A) states: "Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this Code upon application and approval of a special use permit. In order to grant a special use permit, the City Council must find:
    - The use is compatible, in terms of scale, building size and intensity of land use, with the existing and permitted uses in the local neighborhood;
    - The use does not create excessive additional traffic in the neighborhood; and
    - The use does not generate noise, smoke or other environmental pollutants that are foreign to the neighborhood.

5. The use is compatible with the scale, building size and intensity of land use with the surrounding area. It will not create excessive additional traffic and it will not

generate noise, smoke or other environmental pollutants that are foreign to the neighborhood.

Planning & Zoning Commission Discussion of Petition SUP 16-01 on March 10, 2016

Associate Planner Keith Neil presented the staff report for SUP 16-01, a request from Martha and Alexander Wu, Sy Ming Deng, and Kang Ho for a Special Use Permit for a nonconforming residential use in the IND Industrial District to allow the structure to be rebuilt if destroyed by more than 50% for property located at 4307 Hannon Drive.

Mr. Neil explained the petitioners were attempting to refinance the property when they were made aware of the non-conforming status. The property is a residential parcel of land that was part of an area annexed into the City of Farmington in 1956. The annexed area was zoned IND Industrial at that time. The residence was built in 1940. The property also contains additional accessory structures. Mr. Neil noted the property is surrounded on three sides (west, east and south) by the Ralph W. Miller Inc. Company. To the northeast of the property are additional residences located within the SF-7 Single Family zoning district. Directly to the north is another legal, non-conforming residence located in the IND district.

Mr. Neil pointed out that Section 9.2.4 of the Unified Development Code states: "If a nonconforming use or structure containing a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformity with the provisions of this UDC. However, Section 9.2.6(A) states: "Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this Code upon application and approval of a Special Use Permit."

Staff recommends approval.

Commissioner Thompson asked if there was any other option to protect residential properties located in IND. Ms. Lopez explained that a Special Use Permit was the best option for these types of situations. It allows the property owner to obtain financing and insurance for their property, but also allows the property to remain IND. This is beneficial if the market changed and the property required the IND zoning.

Commissioner Freeman asked if the Special Use Permit stayed with the property forever. Mr. Neil confirmed that it did stay with the property forever.

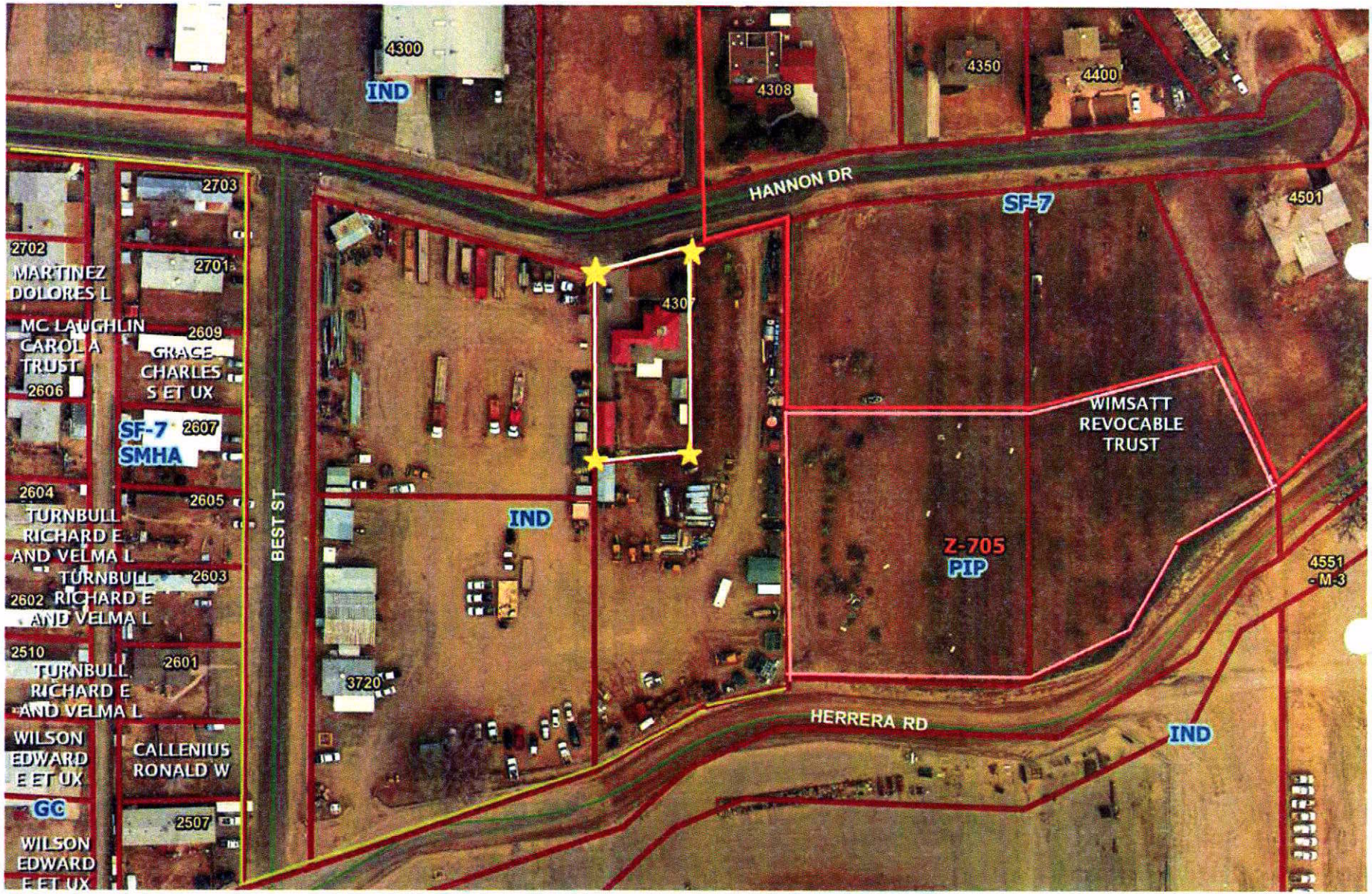
Mario Marquez of 5208 Hallmark informed the Commissioners that he was speaking for the Wu family. Mr. Marquez indicated that when the Wu's went to refinance their house, they were informed by the bank that a loan would not be approved with the current nonconforming issue.

Planning & Zoning Commission Action of Petition SUP 16-01 on March 10, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition SUP 16-01, a request from Alexander and Martha Wu, Sy Ming Deng, and Kang Ho to allow non-conforming residential uses (primary residence, carport and storage shed) to be rebuilt to the same size and location as the existing uses but not to be expanded if destroyed by more than 50% in the Industrial District for property located at 4307 Hannon Drive.

AYE: Acting Chair Thompson, Commissioners Brown, Davis, Freeman, Jaques, Langenfeld, Waldroup and Washburn.
NAY: None
Abstained: None
Absent: Chair Cardon and Commissioner Ragsdale.

Motion passed 8-0


4300
IND
4308
4350
4400
HANNON DR
SF-7
4501
2703
2702
MARTINEZ DOLORES L
2701
4307
MC LAUGHLIN CAROL A TRUST
2609
GRACE CHARLES S ET UX
2606
SF-7
SMHA
2607
WIMSATT REVOCABLE TRUST
2604
2605
TURNBULL RICHARD E AND VELMA L
BEST ST
IND
Z-705
PIP
4551
- M-3
TURNBULL RICHARD E AND VELMA L
2603
2602
2510
TURNBULL RICHARD E AND VELMA L
2601
3720
HERRERA RD
IND
WILSON EDWARD E ET UX
CALLENIUS RONALD W
GC
2507
WILSON EDWARD E ET UX

30 Feet

N

AREA UNDER CONSIDERATION
4307 Hannon Drive

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 2/2/2016

PLANNING MEMO COMMENTS SUMMARY

SUP 16-01 4307 HANNON DR

Deadline: 2/12/16

City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	Building inspection has no comments on SUP 16-01 Hannon drive
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Simms	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	No comment
ELEC	Electrical Engineering - Luwil Aligarbes	No comment or conflict
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	The Fire Marshal's office is in approval.
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	I have no comments in regards to SUP 16-01 4307 Hannon Dr.
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	No comment

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	No comment
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

PETITION APPLICATION

RECEIVED FEB 02 2016 COMM. DEV. DEPT.	...mplete applications ...ill not be accepted. Return completed application to:	Comm... ...y Development Department City of Farmington 800 Municipal Drive Farmington, NM 87401 (505) 599-1317 (505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

☐ Annexation and / or Zoning ☐ Preliminary Plat ☐ Final Plan	☐ Summary Plat ☒ Special Use Permit ☐ Variance (ARB)	☐ Zone Change to _____District ☐ Temporary Use Permit Proposed Length of Use: _____ ☐ Well site equipment modification

INFORMATION

Applicant's Name: Martha Wu	Project Location: 4307 Hannon Dr.
Address: 4307 Hannon Dr.	Existing Use: Residence
E-Mail:	Proposed Use: Residence
Telephone: 505-686-0473	Current Zoning: IND
Relationship to Property Owner: SAME	Assessor's Parcel I.D. and/or Tax I.D. Number: 2073173142209
Legal Description of Subject Property: T29N, R13W, Sec. 1 PT. NW1/4SE1/4	
Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes ☐ No ☒ If Yes, please provide copy with application.	

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name:		E-Mail:	
Phone:	Address:		

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)		MORTGAGE HOLDERS (If any)	
Name: Alexander Wu Sy Ming Deng	Phone: 686-0473	Name:	Phone:
Address: Kang Ho Martha Wu		Address:	

OWNER CERTIFICATION * (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Martha Wu	Address: 4307 Hannon Dr
Owner's Signature: Martha Wu	Phone / Email: 505-686-0473

****** STAFF USE ONLY ******

Received By Keith Neil

Date 2/2/16 Fee Received 80.00

Project File No. SUP 16-01

Date of Hearing/Meeting: PEZ 3/10 CC 3/22

- ☐ Blueline Copies of Plans _____
- ☒ Ownership Report (subject and surrounding properties)
- ☒ Legal Description _____
- ☐ Detailed Statement of Proposed Use

Document2

CITY of FARMINGTON

Project: _____

Date: _____ Sheet _____ of _____

To Whom it may concern
I need a special use permit
If the need came up. For
Insurance porposes. like if
I were to have a Fire.

Thank You
Martha Wu

RECEIV
FEB 09
COMM DEV DEPT

2-9-16

To Whom it may concern:

The property at 4307 Hannon Dr, Farmington, NM is compatible with surrounding uses, as far as the current use. We reside at 4308 Hannon Dr.

Paul S Olguin
Sue Olguin

P&Z PLANNING & ZONING
COMMISSION NOTICE OF PUBLIC HEARING

Notice is hereby given that the following applications have been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. SUP 16-01 - a request from Martha Wu for a Special Use Permit for a nonconforming residential use in the Industrial District to allow the structure to be rebuilt if destroyed by more than 50%, for property located at 4307 Hannon Drive in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
T29N, R13W, Sec1, Pt. NW1/4SE1/4
Otherwise known as 4307 Hannon Drive

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on **Thursday, March 10, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on **Tuesday, March 22, 2016 at 6:00 p.m.** in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petitions.

Karen Walker
Administrative Assistant

Legal No. 72400 published in The Daily Times on February 21, 2016.

NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. SUP 16-01

February 17, 2015

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Martha Wu for a Special Use Permit for a nonconforming residential use in the Industrial District to allow the structure to be rebuilt if destroyed by more than 50%, for property located at 4307 Hannon Drive in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
T29N, R13W, Sec1, Pt. NW1/4SE1/4
Otherwise known as 4307 Hannon Drive

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, March 10, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, March 22, 2016 at 6:00 p.m.** in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Keith Neil at 505-599-1333 or kneil@fmtn.org.

Sincerely,

Karen Walker

Karen Walker
Administrative Assistant

GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF THE FOLLOWING DESCRIBED PROPERTY: **T29N, R13W, Sec. 1**
Pt. NW1/4SE1/4

OWNER: Wu, Alexander JH and Martha M.
Deng, Sy Ming
Ho, Kang
4307 Hannon Dr.
Farmington, NM 87402
1434/420, 1504/187

ADJOINING OWNER	ADDRESS	LEGAL DESCRIPTION
Johnson, Victor J. and Jackie M. Trustees 1442/242, 1564/929 1564/930,	303 Mc Donald Rd. Farmington, NM 87401	T29N, R13W, Sec. 1 Pt. NW1/4SE1/4 Pt. NE1/4SE1/4
Carman, Bobby V. and Betty J. Trustees 1378/790, 1378/791	4306 Hannon Dr. Farmington, NM 87402-8716	T29N, R13W, Sec. 1 Pt. NW1/4SE1/4 Pt. NE1/4SE1/4
Ferrari, Reed Joe and Barbara Irene Trustees 1588/697	1512 Diamond Cir. Gallup, NM 87301	T29N, R13W, Sec. 1 Pt. NW1/4SE1/4
Olguin, Paul S. and Sue A. 1298/1025	4308 Hannon Dr. Farmington, NM 87402-8716	Olguin-Baird Subdivision Tract 2-A

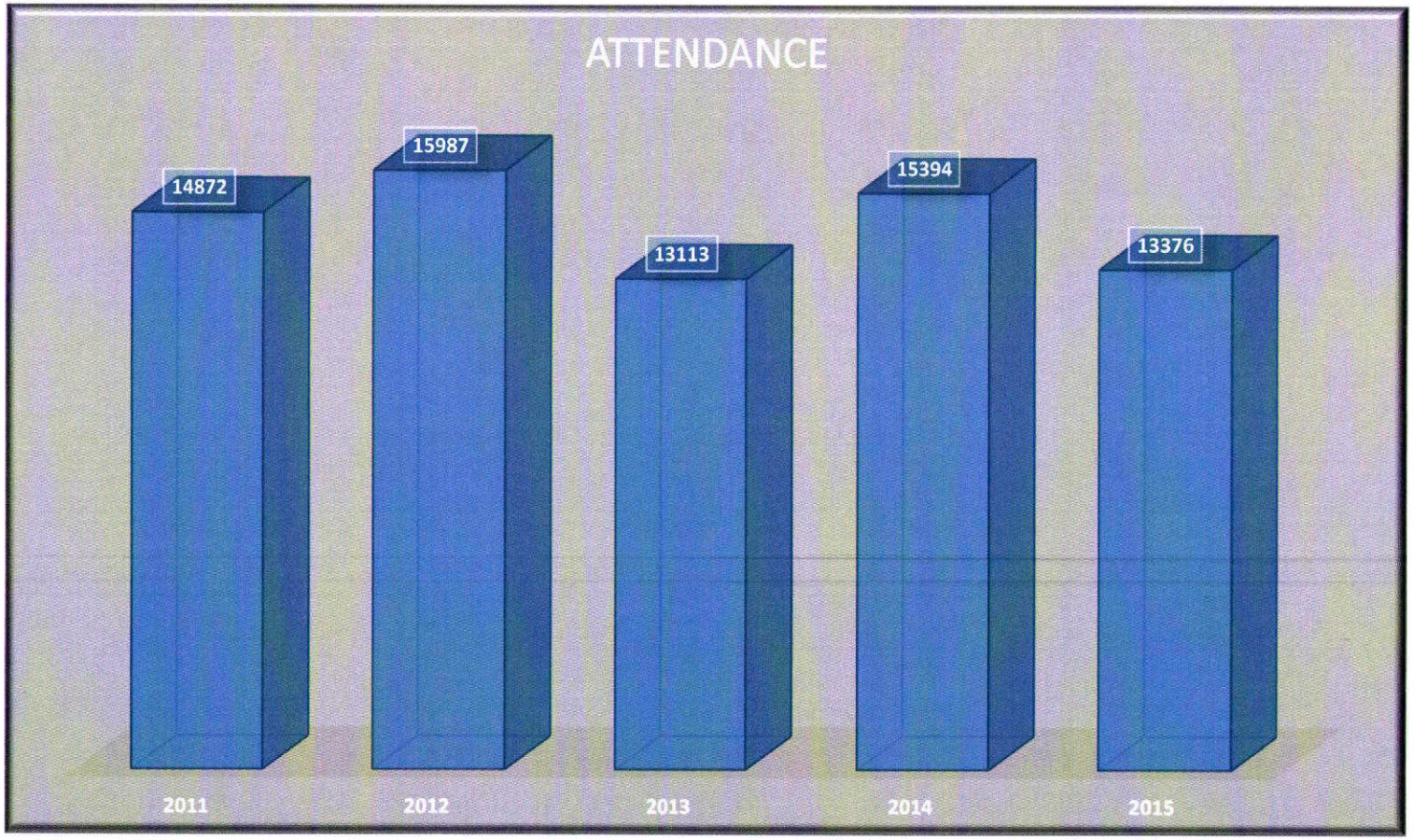
N
Not to Scale
HERRERA RD
HANNON DR
R0033332
WIMSATT REVOCABLE TRUST
1409 / 279
1.24 Ac.
R0030822
CARMAN BOBBY V AND BETTY J TRUSTEE S
1378 / 790
1.76 Ac.
R0022033
BAIRD STEPHEN J AND JULIE P
1528 / 140
0.57 Ac.
R0029014
OLGUIN PAUL S AND SUE A
1.68 Ac.
1298/1025
100'
100'
R0036236
JOHNSON VICTOR J AND JACKIE M TRUST-EES
1564 / 929
1.12 Ac.
Wu, Alexander & Martha
Deng, Sy Ming
HO, Keng
1534/420, 1504/187
100'
100'
R0021640
CARMAN BOBBY V AND BETTY J TRUST
1378 / 791
1.18 Ac.
100'
29 - 13 - 1 - 4
R0023963
FERRARI REED JOE AND BARBARA IRENE TRUSTEES
1588 / 697
2.01 Ac.
R0028567
JOHNSON VICTOR J AND JACKIE M TRUSTEES
1564 / 930
1.06 Ac.
R0028568
JOHNSON VICTOR J AND JACKIE M TRUSTEES
1564 / 930
1.5 Ac.

Brookside Pool and the Future of Aquatics in Farmington

Brookside Pool Historical Facts

- Brookside Pool provides seasonal aquatic programs during the summer months that include public swimming and lap swimming.
- Originally built in 1958.
- New Mexico Environmental Department (NMED) grandfathered designation for acceptable flow rate; however, regulations for this type of designation are not found in the NMED guidelines.

2010-2015 Participation Numbers



	Lap Swim	G.A.
Summer 2011	319	13472
Summer 2012	188	13333
Summer 2013	301	11907
Summer 2014	373	13768
Summer 2015	340	13376

Professional Assessment

- Architectural- ADA approach and entry, ADA locker room renovations, pool, deck, pool liner, and shade structure
- Mechanical- drain guards, backflow, exhaust fans, freeze protection
- Electrical-grounding and bonding, GFCI breakers, wiring in pump room, outdoor and pool lighting
- Aquatic-Chemical storage room, isolation valves, ADA path of travel to pool two means of access, sand filter, piping and decking, repair liner, racing platforms, fill line, surge gutter, filter equipment

Complete Renovation Estimate

Estimated Rehabilitation Cost of Brookside Pool

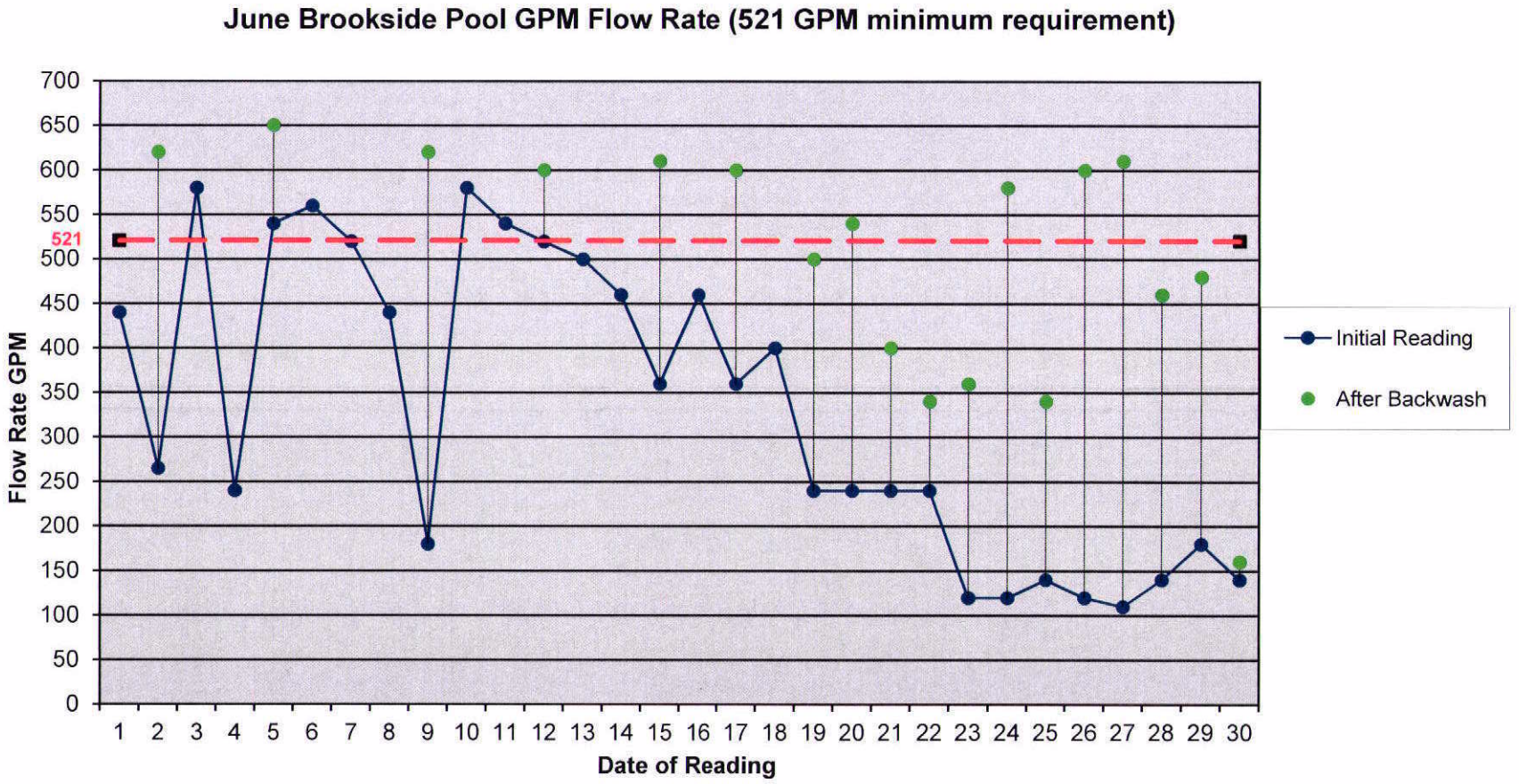
Complete List of Needed Upgrades	Cost
Locker room renovation (ADA requirement)	$28,000.00
New exterior pedestrian entry approach (ADA requirement)	$35,000.00
ADA compliant path of travel to pool and 2 means of access (ADA requirement)	$248,000.00
Install drain guards	$800.00
Install backflow preventer	$3,150.00
Install bathroom exhaust fans	$5,000.00
Insulate domestic water piping	$2,000.00
Correct grounding and bonding deficiencies	$8,440.00
Reconfigure chemical storage room	$32,000.00
Relocate fill line	$5,000.00
Install isolation valves for the controller	$500.00
Install GGCI circuit breakers for pool lights	$3,110.00
Replace sand filter and all lateral lines*	**$58,000.00**
Remove and replace piping and decking*	**$48,000.00**
Leak detection test and repair vinyl liner - (new liner is roughly $100,000)*	**$7,000.00**
Install NSF listed chlorine feed equipment*	**$10,000.00**
Upgrade and replace wiring in pool equipment	$2,950.00
Install surge gutter system	$350,000.00
Replace strainer basket	$3,000.00
Total in repairs	**$849,950.00**
Contingency and NMGRT 20%	**$170,990**
Total	**$1,020,940.00**

*Deficiencies highlighted in red are immediate needs in order to possibly open the pool for the season.

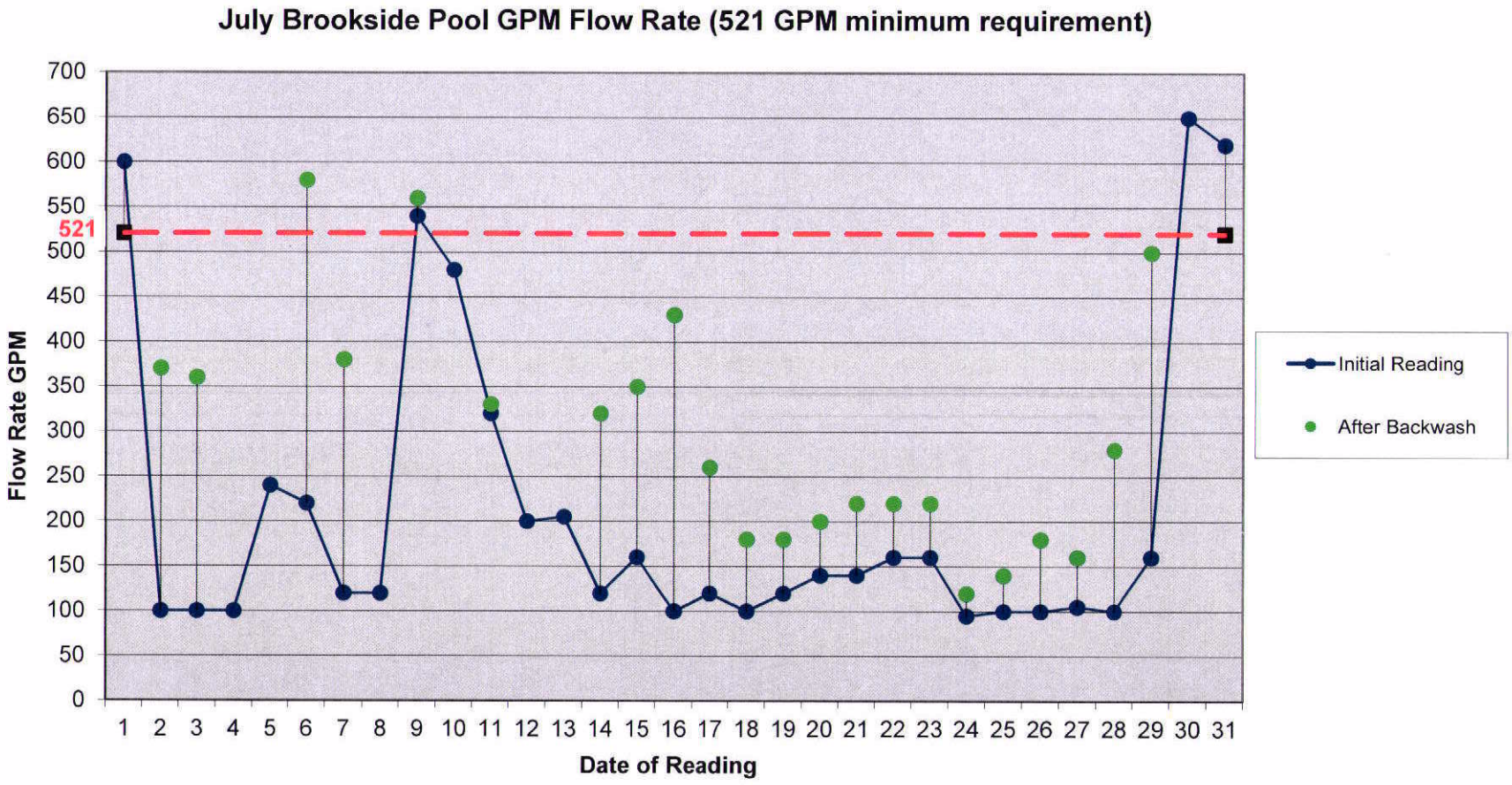
Flow Rate Issues

- Flow rate is the rate of time at which all of the water in the pool is filtered and treated and is one of the most important aspects of keeping a pool safe for patron use.
- The current regulation minimum flow rate is 694 gallons per minute (GPM) for a pool this size, which would result in a 6 hour turnover rate for full filtration. This past 2015 season, staff watched the flow rate drop to under the 521 GPM rate on several occasions making it at least 8 hours until full filtration.

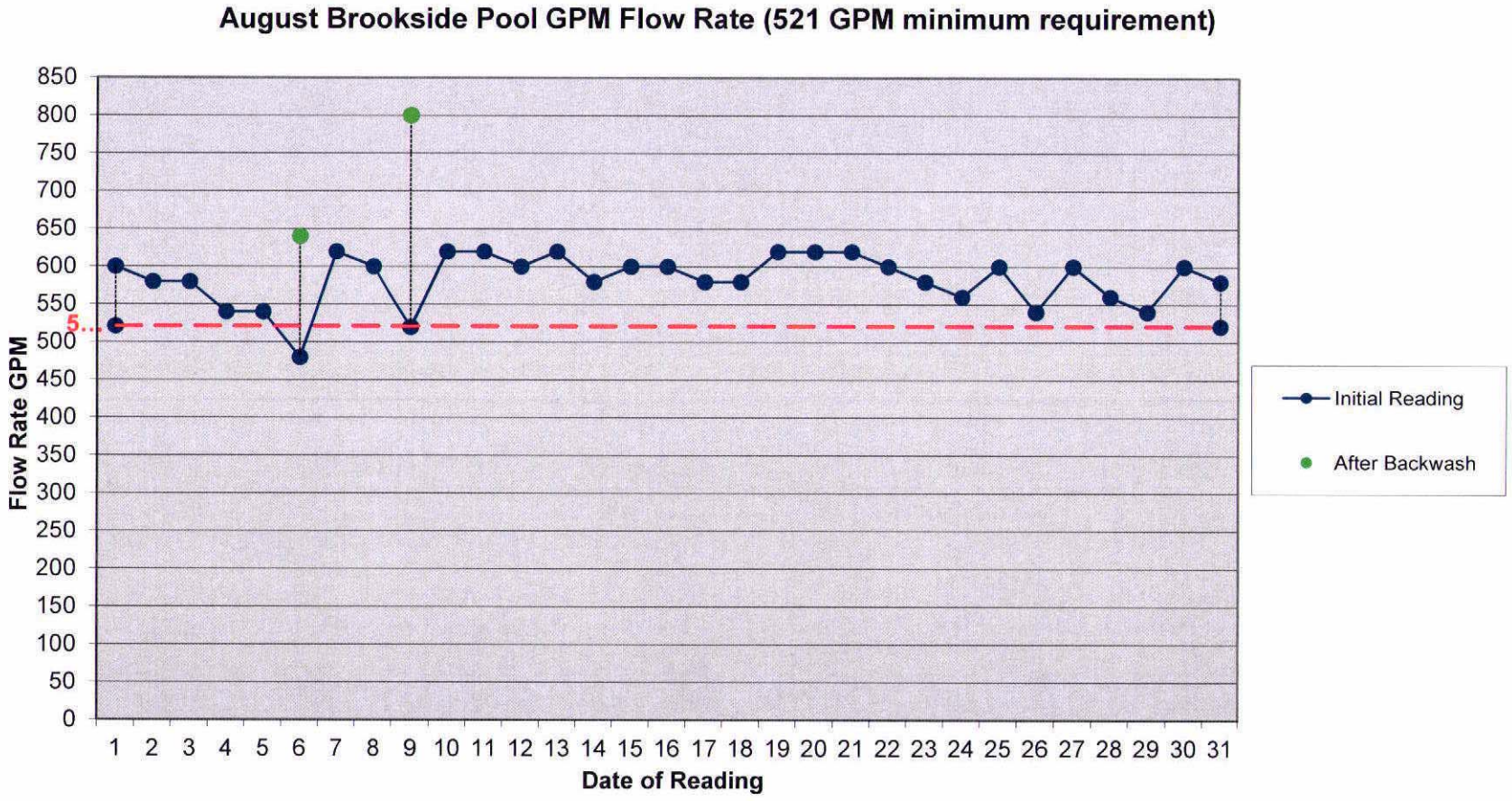
Flow Rate June 2015



Flow Rate July 2015

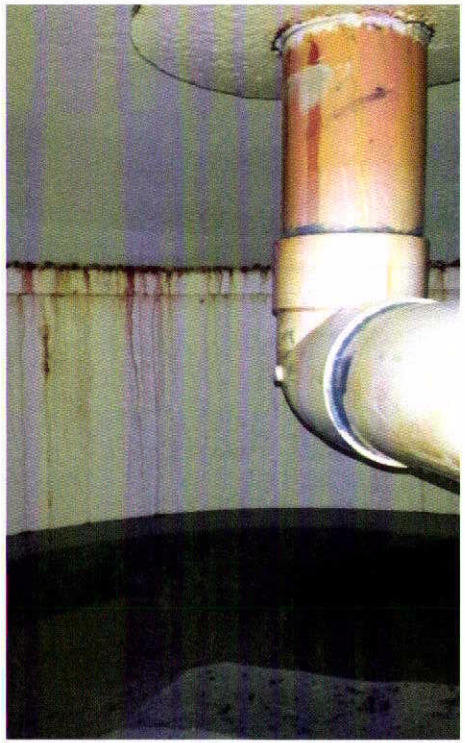


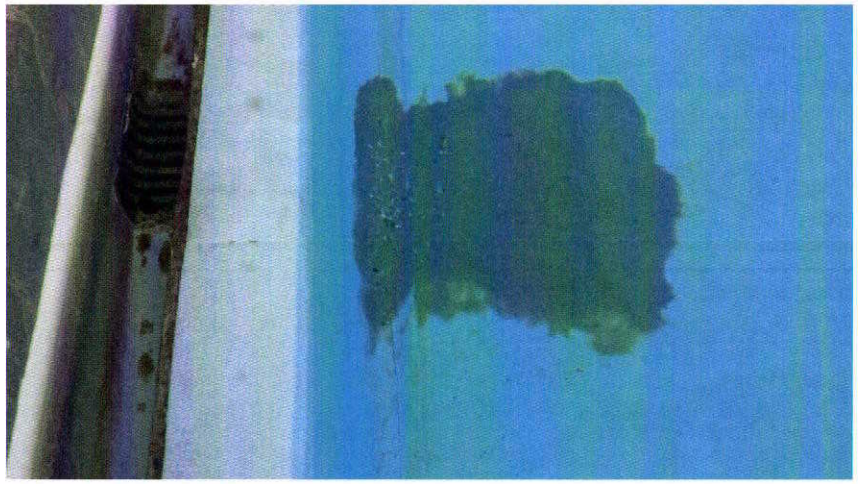
Flow Rate August 2015



Filtration Issues

- An evaluation of the sand filter revealed a loss of over 90% of its sand.
- Several aged pipes in the bottom of the sand filter fractured allowing sand to exit the filter and enter the pool.





Currently out of commission and would require significant repairs.

Water Loss Issues

Last year, Brookside Pool lost on average 12,800 gallons of water per day - on backwashing days over 15,000 gallons. Roughly 384,000 gallons per month and 1,152,000 gallons for the entire season.

This extreme water loss is the reason we must replace the pool liner and have a leak detection completed.

Infrastructure Issues

Pipe encased in the concrete underground has not been replaced since constructed. Cast iron pipes are no longer used in pool construction due to the corrosive nature of pool chemicals.

Mitigation Attempts for All Issues

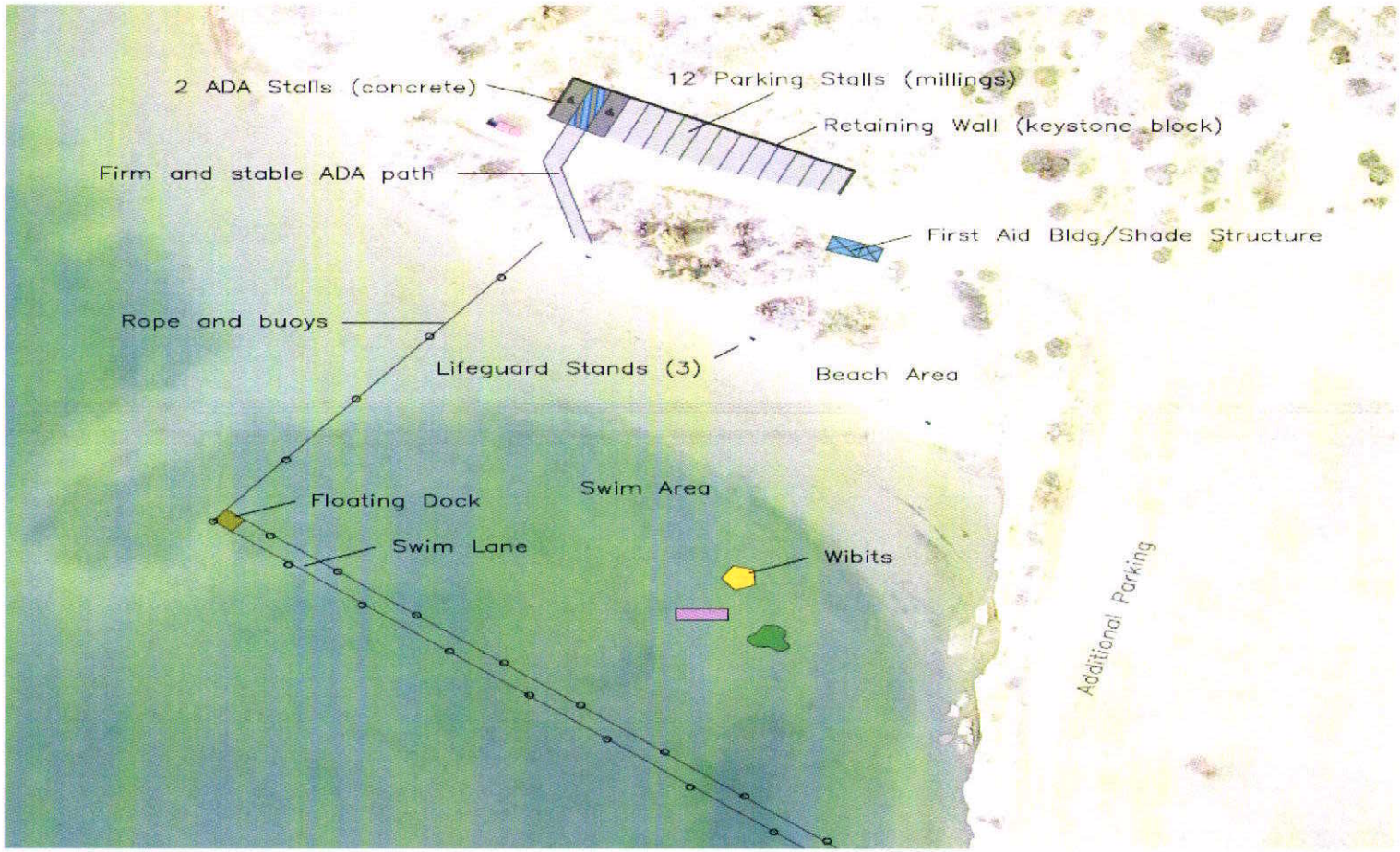
- Backwash schedule increased - a process that cleans the filter sand by pushing impurities out with a water discharge into the sanitary sewer.
- Pool closed on even numbered dates to provide additional time for the pool water to filter.

Recommendation for Brookside

- The age of the pool would not guarantee that the investment of the repairs would allow the pool to open or remain consistently open with the additional cost.
- Due to the age of the facility and the trend away from flat-water pools, recommendation is to close Brookside and not invest in further repairs.

Short Term Options

Conceptual Plan for Lake Farmington Public Swim



Initial Costs for Lake Farmington Public Swim

Elements	Quantity	Units	Unit Cost	Total
Excavation and grading	1	l.s.	$ -	$ -
Retaining wall - keystone block	600	ea	$ 6.00	$ 3,600.00
Milled asphalt (in house)	30	c.y	$ -	$ -
Concrete Parking spaces	8	c.y	$ 130.00	$ 1,040.00
Road Base 4"	14	ton	$ 14.00	$ 196.00
Signage	3	ea	$ 100.00	$ 300.00
Bench	1	ea	$ 3,200.00	$ 3,200.00
Trash Receptacles	2	ea	$ 1,000.00	$ 2,000.00
Chemical Toilets (4 mo)	3	ea	$ 25.00	$ 300.00
Pre-fab First-Aid Building/storage with shade structure	1	l.s.	$ 5,000.00	$ 5,000.00
Guard Stands and rope with buoy and floats	1	l.s.	$ 7,487.54	$ 7,487.54
Play Elements (Wibits)	3	ea.	$ 5,000.00	$ 15,000.00
Electric locate and run	1	l.s.	$ 2,000.00	$ 2,000.00
Post and Cable (materials as needed)	1	ls	$ 2,000.00	$ 2,000.00
Total				**$ 42,123.54**

COST COMPARISON

Brookside Operational Budget

Operational Cost

- Calcium Hypochlorite - $6,570.00
- CO2 - $2,520.00
- Cyanuric Acid - $1,750.00
- Maintenance supplies - $1,160.00

Total - $12,000.00

Staffing Cost

- Staff cost for summer - **$30,000.00**

Natural Gas – $12,000.00

E.W.S. Utilities - $10,000

Total Cost of Operation - $64,000

Lake Farmington Operational Budget

Operational Cost

- Calcium Hypochlorite – $0.00
- CO2 - $0.00
- Cyanuric Acid - $0.00
- Maintenance supplies - $250

Total - $250.00

Staffing Cost

- Staff cost for summer - **$30,000.00**

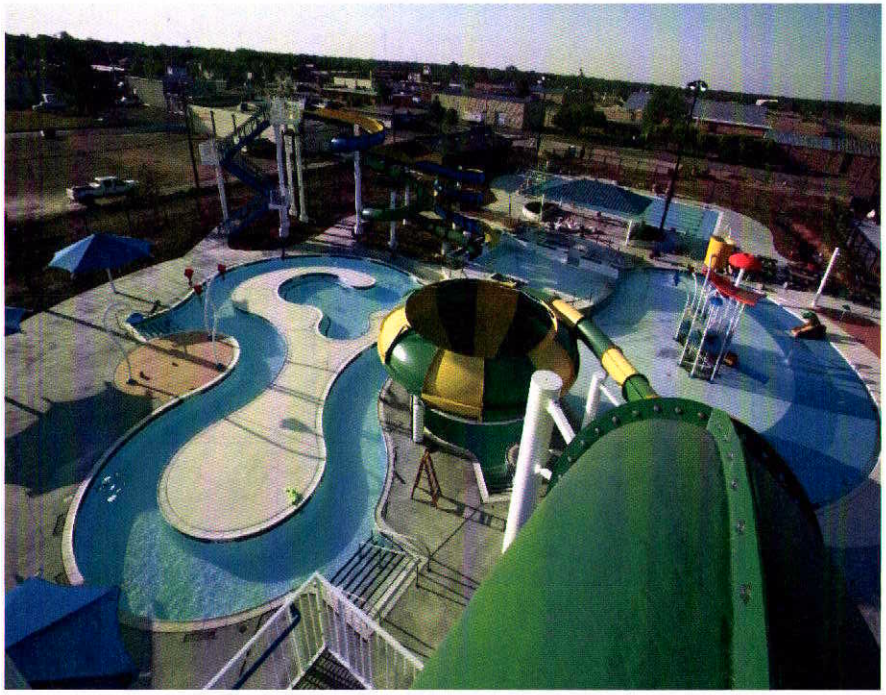
Natural Gas - $0.00

E.W.S Utilities - $0.00

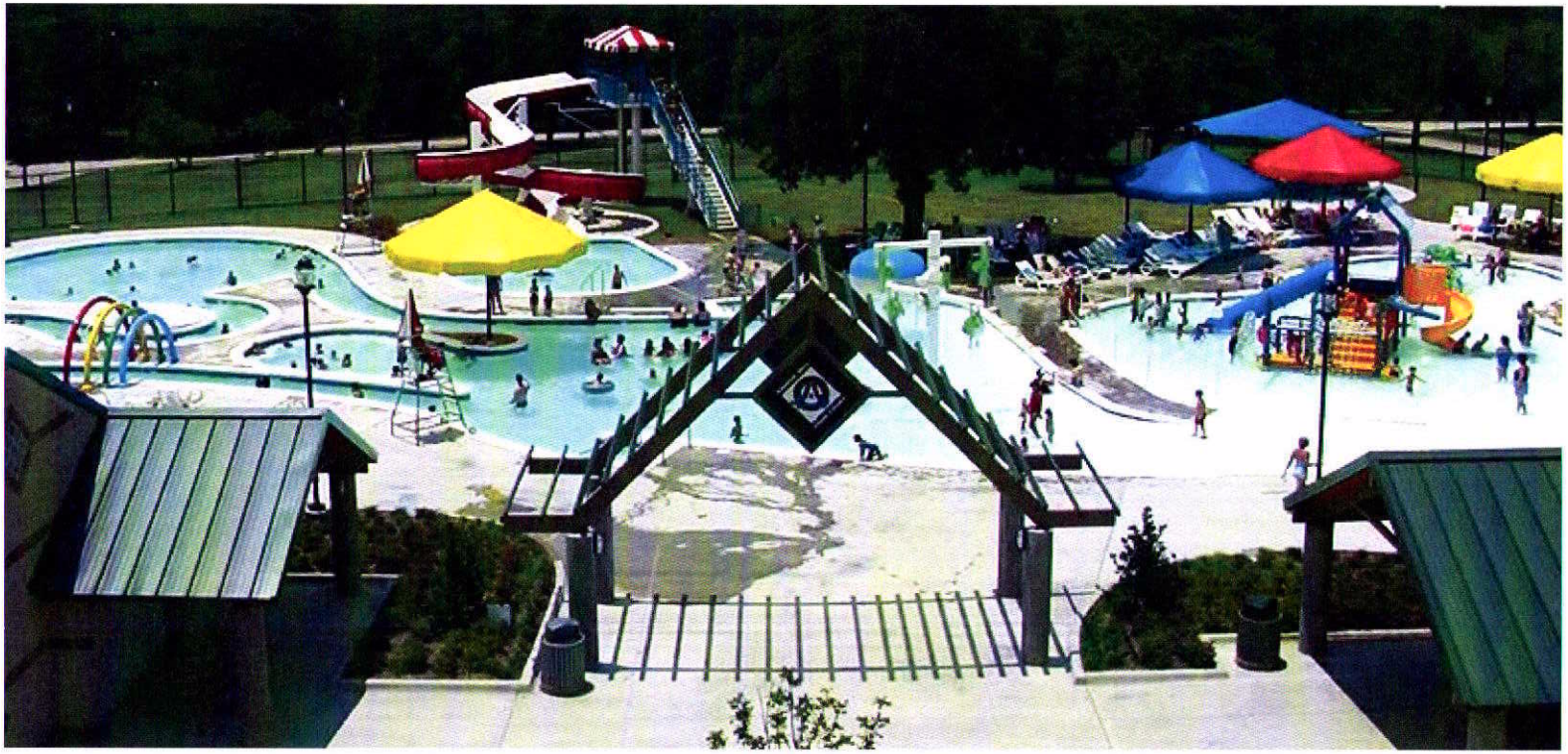
Total Cost of Operation - $30,250.00

- Replacing the outdoor experience provide by Brookside would be opening a swimming area at Lake Farmington
  - Guarded by current staff
  - A separate swimming lane included will give patrons an opportunity to improve their skills in a more open swim environment.

Future Thoughts for Aquatics in Farmington



Price Tag - $3M-$5M



Randol Mill FY14 Summer	Budgeted	Actual
Expense totals -	$211,763	$189,905
Revenue Totals -	$264,000	$259,831

Visitation - 37,558

Revenue on Admission - $209,473.00

Additional Recommendations

- A long term option to consider with future funding is a more interactive water experience with multiple activities that reach across all age groups.
  - Major trend for communities across the country.
  - Regional draw for tourist to our area.
  - Elements of slides, lazy rivers, wading pools and other water activities

RESOLUTION NO. 2016-1584

A RESOLUTION PROVIDING FOR THE ANNUAL DETERMINATION (IN A PUBLIC MEETING) OF REASONABLE NOTICE OF PUBLIC MEETINGS OF THE CITY OF FARMINGTON AS REQUIRED BY SECTION 10-15-1 ET SEQ. NMSA 1978 COMPILATION, AND READOPTING, RATIFYING AND AFFIRMING THE PROVISIONS OF RESOLUTION NO. 2013-1466, PROVIDING FOR NOTICE OF PUBLIC MEETINGS

WHEREAS, Sections 10-15-1 through 10-15-4 NMSA 1978 Compilation require that affected public bodies determine annually in a public meeting, the notice which shall be given of public meetings and the reasonableness thereof; and,

WHEREAS, the Farmington City Council has considered annually in a public meeting, as required by such statutes, what notice shall be reasonable when applied to meetings of the City of Farmington City Council and its boards, commissions, or policy making bodies and has further determined that procedures heretofore established under Resolution No. 2013-1466, for notice of public meetings should be continued in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

1. That the City of Farmington City Council does hereby find and determine that the procedures established for giving notice of public meetings in Resolution No. 2013-1466, as ratified, heretofore passed, approved, and adopted by the City Council of the City of Farmington, constitute reasonable notice of public meetings for the formation of public policy within the intent, purpose, and meaning of Sections 10-15-1 through 10-15-4 NMSA 1978 Compilation.

2. That the City of Farmington City Council does hereby establish, ratify, and confirm the provisions of Resolution No. 2013-1466, as the manner and method for giving reasonable notice of public meetings for the City Council of the City of Farmington and for each of its boards, commissions, committees, or policy making bodies.

3. That Resolution No. 2013-1466 of the City of Farmington, heretofore adopted on April 23, 2013, be, and the same hereby is readopted, passed, and approved as though here set forth verbatim and effective on the date hereof, as the proper manner, method, and procedure for giving notice of public meetings of the City of Farmington.

4. That all notices given and meetings held heretofore under the provisions of Resolution No. 2013-1466 be, and the same hereby are, ratified and approved.

PASSED, APPROVED, SIGNED AND ADOPTED this 22nd day of March, 2016.

_____
Tommy Roberts, Mayor

SEAL

ATTEST:

_____
Dianne Smylie, City Clerk

RESOLUTION NO. 2013-1466

A RESOLUTION ESTABLISHING THE PROCEDURES TO BE FOLLOWED AND NOTICE TO BE GIVEN IN REGARD TO PUBLIC MEETINGS OF THE CITY OF FARMINGTON PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS ACT AND REPEALING PRIOR INCONSISTENT RESOLUTIONS PERTAINING TO OPEN MEETINGS IN THE CITY OF FARMINGTON.

WHEREAS, the New Mexico Legislature enacted Laws 1974, Chapter 91, commonly referred to as the Open Meetings Act and codified in our present statutes at Section 10-15-1 NMSA 1978 et seq.; and

WHEREAS, the City Council of the City of Farmington, pursuant to said law, has adopted Resolution No. 753, Resolution No. 79-101, Resolution No. 94-781 and Resolution 96-844, in addition to other resolutions establishing appropriate notice of public meetings; and

WHEREAS, it is necessary to update such resolutions and incorporate in a resolution some of the changes that have occurred in regard to the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

SECTION 1. Declarations.

A. The City Council of the City of Farmington hereby declares and determines that notice, and the provisions for giving of notice as herein provided, are reasonable within the intent and purpose of the Open Meetings Act (Section 10-15-1 NMSA 1978) to insure that the discussion of public policy and the conduct of City business shall be conducted in meetings open to the public.

B. The City Council further declares and directs that the procedures contained in this resolution shall apply to the City Council of the City of Farmington and to each board, commission, committee or other policy-making body of the City of Farmington which falls within the provisions of such Open Meetings Act in order to provide clarity and uniformity in the transaction of City business.

C. Pursuant to the provisions of the Open Meetings Act, the City Council shall determine at least annually in a public meeting what notice of public meetings shall be reasonable when applied to the City and its policy-making bodies. One of the purposes of this resolution is to establish the annual determination of notice required for public meetings of the City and its policy-making bodies for the upcoming year. Future determinations shall be made by annual resolution.

SECTION 2. Notice of Regular Meetings - Minimum Standards.

A. Establishment of Regular Meeting Dates, Time and Places.

The City Council and each board, commission, committee or other public body of the City shall, not less than once each year, at a regular meeting of such body, notice of which shall have been given in accordance with the provisions of this resolution, establish a regular meeting day, time and place.

B. Preparation and Review of List or Schedule of Regular Meetings.

1. The City Attorney, with the advice and assistance of the City Clerk, shall annually prepare a list of all boards, commissions, committees and policy-making bodies of the City of Farmington which come within the provisions of the Open Meetings Act and shall provide such list to the City Clerk who shall post a copy as provided in Paragraph C below.

2. The list or schedule so prepared by the City Attorney shall include the name of each public body, the day, time, and place of the regularly scheduled meeting of each such body and the place at which a copy of the agenda of each regular meeting of each such body may be inspected at least seventy-two (72) hours in advance of such meeting by any interested person.

3. The City Attorney shall revise such schedule or list from time to time as may be necessary by addition, deletion or change in order that it shall be kept current at all times and shall properly reflect the regularly scheduled meetings of all affected public bodies of the City. Notice of any such addition, deletion or change of a regularly scheduled meeting shall be posted as provided below and published in a newspaper of general circulation in San Juan County, New Mexico.

C. Posting of Schedule of Regular Meetings.

1. The City Clerk shall permanently post the schedule of regular meetings on the bulletin board at the entrance to the council City Council Chambers in the Municipal Building, 800 Municipal Drive, Farmington, New Mexico, so that it shall be available for inspection by members of the public during regular City business hours. The City Attorney shall also publish such schedule not less than once each year in a newspaper of general circulation in San Juan County, New Mexico. The schedule of regular meetings will also be posted on the City's internet web site.

2. The posting of such schedule shall constitute reasonable notice of the regular meetings of each public body named therein for the purpose of the Open Meetings Act.

D. Regular Meeting Agendas.

Agendas containing a list of specific items of business to be discussed or transacted at the meeting shall be prepared for each and every regular public meeting held by the City's public bodies covered by this resolution. Such agendas shall be available for public inspection and use at least seventy-two (72) hours in advance of each regular meeting of such public bodies at the place shown on the list or schedule of regular meetings posted pursuant to paragraph C above. No action will be taken on any item not on the agenda unless such action pertains to an emergency as defined in the Open Meetings Act.

SECTION 3. Notice of Special Meetings - Minimum Standards.

A. Notice of a special meeting of any board, commission, committee or other public body of the City which falls within the provisions of the Open Meetings Act shall be given by posting a notice of such special meeting on the bulletin board described in Section 2, Paragraph C above, by faxing or emailing the notice to all newspapers of general circulation in the City of Farmington and to all commercial broadcasting stations with offices within the City limits of the City of Farmington, and by posting such notice on the City's internet web site not less than seventy-two (72) hours prior to the commencement of such special meeting. Where time allows, notice of such special meetings shall also be given by publication in a newspaper of general circulation on or before the date of the meeting.

B. Any such notice of a special meeting shall specify the name of the body affected, and shall contain the date, time, and place of such meeting, and shall specify that the meeting is a special meeting of such body.

C. Notice given as aforesaid shall constitute reasonable notice of the special meeting of such body for the purpose of the Open Meetings Act.

D. Agendas for special meetings shall be available at the place shown on the list or schedule of regular meetings described in Section 2 above and posted on the City's internet web site at least seventy-two (72) hours in advance of the special meeting.

SECTION 4. Recessed Meetings - Notice Thereof.

In the event any regular or special meeting of the City Council or any board, commission, committee or other public body of the City of Farmington subject to the Open Meetings Act is recessed, notice of the date, time, and place for the reconvention of such meeting shall be posted on or near the door of the place where the original meeting was held and on the bulletin board described in Section 2, Paragraph C above.

SECTION 5. Additional Notice.

Nothing herein shall prevent the use of means or methods of giving notice of regular or special meetings in addition to any means or methods provided by Sections 2, 3 or 4 of this resolution.

SECTION 6. Emergency Meetings.

A. Except as provided in Paragraph B below, notice of an emergency meeting of any board, commission, committee or other public body of the City which falls within the provisions of the Open Meetings Act shall be given by posting a notice of such emergency meeting on the bulletin board described in Section 2, Paragraph C above, posting a notice on the City's internet web site, by faxing or emailing the notice to all newspapers of general circulation in the City of Farmington and by faxing or emailing the notice to all commercial broadcasting stations with offices within the City limits of the City of Farmington not less than twenty-four (24) hours prior to the scheduled commencement of such emergency meeting. Any such notice of an emergency meeting shall specify the name of the body affected, and shall contain the date, time, and place of such meeting, and shall specify that the meeting is an emergency meeting of such body. Notice given as aforesaid shall constitute reasonable notice of the special meeting of such body for the purpose of the Open Meetings Act.

B. No resolution, rule, regulation or formal action adopted or taken by the City Council, at any public meeting of the City Council dealing with an emergency declared by the mayor, mayor pro-tem, or acting mayor of the City of Farmington, New Mexico, to be an emergency, is required to comply with the foregoing notice requirements of this resolution. As used herein, "emergency" refers to unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss to the City. Reasonable public notice as to any resolution, rule or regulation, or formal action adopted or taken by the City Council dealing with such emergency shall be deemed to be given by the declaration of the emergency by the mayor, mayor pro-tem, or acting mayor, which declaration shall constitute part of the minutes of the meeting at which the resolution, rule, regulation or formal action dealing with the emergency is adopted or undertaken by the City Council. No further notice shall be required for action on any resolution, rule, regulation or formal action dealing with an emergency as described in this paragraph. If any such action as described in this paragraph is taken, such action and the circumstances creating the emergency shall be reported to the attorney general of the state of New Mexico within ten (10) days of such action as required by the Open Meetings Act.

SECTION 7. Minutes.

Pursuant to the requirements of the Open Meetings Act, the City Council and any board, commission, committee or other policy-making body of the City shall keep written minutes of all of its meetings. The minutes shall include at a minimum the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policy-making body.

SECTION 8. Closed Meetings.

A. Meetings of the City Council or any board, commission, committee or other policy-making body may be closed pursuant to the provisions of the Open Meetings Act upon a finding that the matter to be discussed is within one of the exceptions to the Open Meetings Act allowing meetings to be closed.

B. If any meeting is closed pursuant to this section, such closure shall be made in accordance with the provisions of the Open Meetings Act. No matter may be discussed during any closed meeting unless such matter falls under one of the exceptions to public meetings as provided in the Open Meetings Act.

C. Notice of closed meetings shall be given in the same manner as those for regular or special meetings of such public bodies as provided in this resolution. No closed meeting of any public, policy-making body of the City of Farmington shall be conducted or held without such notice except in the event of an emergency as described in Section 6 above.

SECTION 9. Relationship to State Law.

In the event of any conflict between the language of this resolution and the language of the New Mexico Open Meetings Act as described herein, the provisions of the Open Meetings Act shall be paramount and shall supersede.

SECTION 10. Repealer.

This section supersedes and repeals Resolution No. 753, Resolution No. 79-101, Resolution No. 94-781, Resolution No. 96-844 and all other resolutions dealing specifically with notice to be given for meetings of the City Council and other policy-making bodies of the City which are inconsistent with this resolution. All by-laws, orders and resolutions, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any by-law, order or resolution or parts thereof, heretofore repealed.

PASSED, APPROVED, SIGNED AND ADOPTED this 23rd day of April, 2013.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk

RESOLUTION NO. 2016-1585

A RESOLUTION OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED ONSHORE ORDERS 3, 4 AND 5 AND "VENTING AND FLARING RULE" WHICH, IF APPROVED, WILL BECOME ONSHORE ORDER 9

WHEREAS, the Bureau of Land Management (BLM) has proposed Onshore Orders 3, 4 and 5 and "Venting and Flaring Rule," which, if approved, will become Onshore Order 9 ("proposed regulations"), that would add a profound and significant risk to the financial viability of a substantial portion of San Juan County's oil and gas industry resulting in accelerated closure of wells beyond what is already occurring naturally due to the stresses of low prices; and

WHEREAS, oil and gas production is a major driver of San Juan County's economy, together with approximately 25,000 associated direct and indirect jobs and tax revenue streams fund major portions of the budgets of our local governments, community college and public schools; and

WHEREAS, the New Mexico oil and gas industry has suffered due to record low prices. Oil prices have declined from over $100 per barrel in July 2014 to the mid $30's or less today and natural gas prices have been extremely low for years and recent prices are approaching $1.50 per MCF; and

WHEREAS, San Juan County's geographic isolation from major commodity market centers result in far higher transportation costs to get San Juan Basin oil and gas to market; and

WHEREAS, the number of active drilling rigs operating in the San Juan Basin has gone from 43 in 2007 to one or two today; and

WHEREAS, the number of completion and workover rigs operating in the San Juan Basin has gone from 126 in 2007 to 20 today; and

WHEREAS, capital spending associated with drilling is practically zero compared with 2007; and

WHEREAS, in 2015 Farmington had the highest rate of unemployment growth of any city in the country rising 2.1 percent with an estimated loss of 1,250 direct jobs and an unknown number of indirect and secondary jobs directly attributable to the fallout from low energy prices; and

WHEREAS, in the current low price environment, 25 percent of San Juan Basin's 20,000 gas wells are cash flow negative at $2.00 per MCF prices and another 12.5 percent would become cash flow negative with the addition of just a modest $5,000 per year in operating cost increases; and

WHEREAS, large numbers of operating wells in the San Juan Basin are at risk of premature closure; and

WHEREAS, fewer wells mean even fewer jobs, less production and lower tax and royalty revenues to Federal, State of New Mexico and local governments and agencies; and

WHEREAS, once a well is closed, plugged and abandoned, future employment and tax benefits of production, once prices recover, are lost forever; and

WHEREAS, ill-advised regulatory actions which add just $5,000 of annualized operating costs threaten to permanently and substantially shrink our regional economy; and

WHEREAS, the additional damage to the oil and gas industry that will occur from implementation of the BLM's proposed regulations (in their current form) threatens to not only put the northwest region of New Mexico into a state of long-term and potentially permanent economic decline, it also threatens the State of New Mexico's budget for years to come; and

WHEREAS, BLM's proposed regulations are of particular importance and potential negative impact to all of New Mexico and its economic vitality because 63 percent of New Mexico's natural gas production and 54 percent of oil production originates from federal mineral leases; and

WHEREAS, BLM regulations, both existing and proposed, effectively impact almost all industry activity regardless of whether that activity occurs on Federal, State or privately held land; and

WHEREAS, the proposed rules are duplicative and contradictory, the venting and flaring rule, by government estimates, imposes up to $161 million in costs to collect $17 million in royalties, which is about 0.4 percent of the $4.1 billion total value of federal and Indian mineral royalties; and

WHEREAS, the oil and natural gas industry has delivered significant greenhouse gas reductions through voluntary means; methane emissions from oil and gas production have declined by 21 percent since 1990 without federal regulation, even as natural gas production has increased by 47 percent and the industry is no longer the largest source of U.S. anthropogenic methane emissions; and

WHEREAS, the oil and natural gas industry has been continuously innovating and developing new technologies to reduce emissions, this success along with the market incentives to capture and sell as much natural as possible will continue without the proposed regulations from the BLM; and

WHEREAS, the BLM itself is a cause of higher levels of flaring and venting on federal and Indian lands because of delays in approving rights of way for gas gathering lines and could quickly and easily reduce flaring by simply processing rights of way in a timely manner rather than embarking on a time-consuming new regulatory process that will take years to complete; and

WHEREAS, a significant share of the $901 million of the 2015 federal mineral royalties collected from oil and gas production in New Mexico and the $432 million of that total revenue shared with the State

to the benefit of the employees and citizens served by communities in the San Juan Basin are at stake.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON, that the City opposes the implementation of the BLM's proposed regulations.

BE IT FURTHER RESOLVED that the City urges the BLM to consider the negative effects on the local economy that would be caused by the implementation of their proposed regulations.

BE IT FURTHER RESOLVED that City staff is directed to distribute a copy of this resolution to the BLM, Senators Tom Udall and Martin Heinrich and Congressman Ben Ray Lujan.

PASSED, APPROVED, SIGNED AND ADOPTED this 22nd day of March, 2016.

_____
Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Smylie, City Clerk

RESOLUTION NO. 2016-1586

A RESOLUTION DIRECTING THE REMOVAL OF A DANGEROUS AND DILAPIDATED BUILDING AND OF RUINS, RUBBISH, WRECKAGE AND DEBRIS FROM 2800 EDGECLIFF DRIVE IN THE CITY OF FARMINGTON, NEW MEXICO

The City Council of the City of Farmington, upon the report and recommendation of the Chief Code Compliance Officer, does hereby find and determine:

1. That an unsanitary and dangerous building located at 2800 Edgecliff Drive, Farmington, New Mexico, is in a broken down dilapidated condition with a large accumulation of refuse, trash and debris inside and about the property, water damage to the structure, asbestos siding needing repair, mildew in the interior of the building due to roof leaks and unsanitary trash in and about the building. Weeds, rubbish, wreckage and debris have been permitted to accumulate upon the property. The legal description of the property situated in the City of Farmington, County of San Juan and State of New Mexico, is as follows:

Lot twenty-two (22) in Block Four (4) of CHERRY HILLS SUBDIVISION to the City of Farmington according to the plate thereof filed for record in the Office of the San Juan County Clerk on August 28, 1958.

SUBJECT TO easements, reservations and restrictions of record including a Five foot (5') Utility easement on the Northwesterly side of the lot line thereof.

2. That the dilapidated building and wreckage and debris on the above described property in paragraph one above is a menace to the public comfort, health, safety and welfare.

3. That the owners, occupants or agents in charge of such property should be ordered to remove the dangerous, ruined and damaged and dilapidated building and to remove all ruins, rubbish, wreckage or debris from the above described premises.

4. That the owners, occupants or agents in charge of such property as disclosed by an investigation of the county records of the premises are:

The estate of Richard Y. Taketa and Eloina Taketa and
Surviving heirs: Glenn Taketa and Olivia Fisher
Last known address: 615 E. Murray B
Farmington, NM 87401

5. That by reason of the property being covered by such ruins, rubbish, wreckage, debris and dilapidated structure, the premises are a menace to the public comfort, safety and welfare of the municipality.

6. NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

A. That the Estate of Richard Y. Taketa and Eloina Taketa and surviving heirs Glenn Taketa and Olivia Fisher, and all owners or reputed

owners, occupants or agents in charge of the property and premises herein described are hereby ordered to remove the dangerous, ruined and damaged and dilapidated building and to remove all ruins, rubbish, wreckage or debris from the following described premises in the City of Farmington, San Juan County, New Mexico, to wit:

Lot twenty-two (22) in Block Four (4) of CHERRY HILLS SUBDIVISION to the City of Farmington according to the plate thereof filed for record in the Office of the San Juan County Clerk on August 28, 1958.

SUBJECT TO easements, reservations and restrictions of record including a Five foot (5') Utility easement on the Northwesterly side of the lot line thereof.

B. That the Estate of Richard Y. Taketa and Eloina Taketa and surviving heirs Glenn Taketa and Olivia Fisher, the persons named above, and all owners or reputed owners, occupants or agents in charge of the property or premises above described are further ordered to commence the removal of the dangerous, ruined and damaged and dilapidated building and to remove such ruins, rubbish, refuse, wreckage or debris within ten days of the date of receipt by such persons of a copy of this resolution or of the date of posting and publishing of a copy of this resolution unless such persons shall file a written objection within said time period with the City Clerk asking for a hearing upon this resolution before the City Council of the City of Farmington.

C. If the owners, occupants or agents in charge of such premises file a written objection with the City Council as aforesaid, the City Council shall fix a date for hearing upon this resolution and all objections thereto presented by the owners, occupants or agents of the premises and at such hearing shall determine if the resolution should be enforced or rescinded.

D. Following the hearing aforesaid, the owners, occupants or agents in charge of such premises may appeal to the District Court from any determination of the City Council by giving Notice of Appeal to the City Council within five days after such determination by the City Council and by filing a petition in the District Court within twenty days after determination made by the City Council.

E. The owners, occupants or agents in charge of such property are further notified that if they fail to commence the removal of such ruins, rubbish, wreckage or debris and the removal of the dangerous and dilapidated building thereon:

a. within ten days of being served a copy of this resolution or of the posting and publishing of the resolution; or
b. within five days of the determination by the governing body after a hearing as specified in paragraph C above and the order of the City Council that such resolution shall be enforced; or
c. after the District Court enters judgment sustaining the determination of the governing body upon any appeal,

that the City will remove such ruins, rubbish, wreckage or debris at the cost and expense of the owners of such property and that the reasonable cost of such removal shall constitute a lien against the above described

real property from which it was removed which lien shall be subject to foreclosure in the manner provided by law.

F. The Chief Code Compliance Officer is hereby directed to serve a copy of this resolution upon the owners, occupants or agents in charge of the property or premises described herein, and in the event the owners, occupants, or agents cannot be served personally within the municipality, to post a copy of this resolution upon such premises and to publish a copy of this resolution one time in a newspaper of general circulation in the City of Farmington.

PASSED, SIGNED, APPROVED and ADOPTED this 22nd day of March, 2016.

_____
Tommy Roberts, Mayor

SEAL

ATTEST:

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Dianne Smylie, City Clerk

December 15, 2015

Dear Council Members:

The City is recommending condemnation for the property located at 2800 Edgecliff Drive. Several citizen complaints have been reported to our department voicing their concerns about the neighborhood children getting hurt and the safety of the neighborhood in general. The missing sliding door at the front of the structure allows for unauthorized access to the interior of the dwelling. Due to the inebriate and vagrant population issues the city faces, there is a high concern of a fire and additional damage to the property. The property possesses a public hazard and nuisance for the neighboring properties in its current condition.

The City feels it has made every effort to work with Mr. Taketa to bring the property into compliance. The City sent multiple Notice of Violation letters, on more than one occasion verbally explained the violations and offered suggestions on how to correct them. Phone calls were made to other agencies that could offer assistance. In May 2013, Mr. Taketa made an agreement with a representative from Adult Protective Services to attend an appointment with the Veteran Affair's Clinic. Mr. Taketa failed to show up to the appointment. After multiple attempts to assist and no cooperation from Mr. Taketa, the case worker from Adult Protective Services closed the case, and found Mr. Taketa of mental capacity.

In February 2014, Code Compliance sought an inspectorial search warrant for the property. Mr. Taketa was served and resisted the Inspectorial Search Warrant that resulted in his arrest. He was allowed an Order to Show Cause by Municipal Court which he did not meet. A bench warrant was then issued for failure to appear on April 7, 2014. Mr. Taketa was arrested on April 24, 2014. Deputy City Attorney – Jennifer Breakell, recommended the case be referred to District Court in an effort to review Mr. Taketa's competency.

A report from the former Chief Building Inspector, Leo Hardie, will note his findings and professional opinion regarding the structural integrity of the building. Mr. Hardie observed water damage to the roof, asbestos siding needing repair and observed roof and ceiling damage. He also notes, mildew in the interior of the structure due to roof leaks. He believes without repair, interior damage will increase. The trash, weeds and garbage on the property pose a fire hazard. Mr. Hardie's recommendation is to have the structure repaired or demolished.

In March 2014, Olivia Fisher, Mr. Taketa's sister, contacted Code Compliance. Ms. Fisher requested information on violations and what she needed to do to comply. Ms. Fisher was asked to secure all open access doors, clear yard of weeds, trash and other

debris. Ms. Fisher was then transferred to building inspection for instruction on proper plumbing connection, and to clear up any questions regarding the structure.

In April and May 2014, Code Compliance received multiple citizen complaints about the condition of the property. Area property owners worry about vagrants frequenting the property and the continued neglect of the property. The complainants also voiced concerns of danger to the area and neighborhood children.

In June 2015, Code Compliance met with outside agencies to include: Adult Protective Services, Veteran Affairs, and the District Attorney. Also in attendance were the Chief of Police, Deputy Chief, District Coordinator Lieutenant and Sergeants and City Attorney. The meeting encompassed efforts from all agencies to assist Mr. Taketa in bringing his property into compliance while taking his safety and wellbeing into consideration. Because Mr. Taketa's competency was raised, the District Attorney's office started on a Civil Commitment Process. Mr. Taketa was assigned a case/social worker through Adult Protective Services and Veteran Affairs made a plan to contact him. On June 30, 2015 another Inspectorial Search Warrant was executed, Mr. Taketa was not found in the home or on the property.

In July 2015, Mr. Taketa went in front of Judge Brad Dalley for a Mental Commitment hearing. Mr. Taketa was appointed a temporary Treatment Guardian from Honor Guardianship of Albuquerque, a program through PMS. He would receive assistance in applying for SSI, Disability, Food Stamps, Housing and a cell phone. Mr. Taketa would live with his sister, Olivia Fisher until approved for housing or finding a permanent place to live. After the court hearing, Code Compliance and the City Attorney met with Ms. Fisher and Fran Hampton, Treatment Guardian for a plan to bring the property into compliance.

Concluding the Commitment Hearing in July 2015, phone calls and meetings occurred between Ms. Fisher, Ms. Hampton and Mr. Taketa regarding the condition of the property. To date, the property remains in violation of City Code and remains a nuisance and safety hazard to neighboring properties. Multiple attempts have been made to try to work with Mr. Taketa to no avail and that is why at this time, the City recommends the property be condemned.

TIMELINE: 2800 EDGECLIFF DR

Resident/Executor of Estate: Glenn Taketa, DOB: 01/19/1970, Asian Pacific Male, DL: NM 033460902, SSN: 525-63-7212

04/11/13	Notice of Violation letter by Code Compliance Officer M. Romero, Violations: broken sliding front door, no plumbing connection (no active, running water or sewer), cardboard, wood, furniture, trash, junk and cut tree branches, req. to post street address and remove fallen structure pieces. Due to comply by 05/14/13.
05/09/13	Attempt to contact Mr. Taketa by M. Romero and Code Compliance Supervisor T. Johnston accompanied by Ofc. L. Monclova and Ofc. B. Cox. Officers Monclova and Cox entered the residence after negative contact by Romero and Johnston and approval by the shift supervisor. Taketa refuse to speak to CCOs so the notice of violation letter was hand delivered to Taketa by Monclova. Adult Protective Services were contacted by Romero to report Taketa's living conditions.
07/10/13	Municipal Citation issued to Glenn Taketa by M. Romero for 24-7-2 Street Address, 23-1-2 Cleanliness of Property, 23-1-4 Nuisance, 23-2-15 Accumulation of Junk and Appliance, 12-2-27 Accumulation of Refuse. Case 13-34763, request to appear by 07/18/13. **Case was DISMISSED without prejudice, may be refilled by COF if probable cause is shown.
02/13/14	Citizen compliant to dispatch: Becky Gustin 505 330-5859, Reporting Officer S. Kennedy. Ms. Gustin reported seeing someone going into house, described him as a small Asian man. She advised she heard he is either a child molester or related to a child molester and doesn't want him in the neighborhood. Ofc. Kennedy reported the outside of the house looked to be in bad condition with trash in the front and back yards of the residence. The large sliding glass window in the front of the residence was broken, and had a sheet and plywood blocking the

windows. He observed a large amount of trash in the living room and kitchen areas of the house. He made contact with Glenn Taketa who stated it was his house and he lived there and gets mail there. Mr. Taketa confirmed he did not have any electricity, water or heat. He advised he stays warm with a blanket and eats out for his meals. Ofc. Kennedy contacted Mr. Taketa's sister who stated Mr. Taketa has lived at the house since their father passed away 10 years ago. Ofc. Kennedy asked if Glenn suffered from any mental illness or if he took medication and she stated "he didn't take any medication and she did not know of any mental illness". Mr. Taketa denied any help or assistance from police. Ofc. Kennedy advised Mr. Taketa he would be notifying Code Compliance and would be contacted by them in the near future.

Issue was forwarded to Todd Johnston.

02/20/14 I, Code Compliance Officer, Laura Avendaño, took over the case.
9 a.m. meeting with Legal (Jennifer Breakell)

02/20/14 Phone calls to:

Adult Neglect	1-866-654-3219
Regional Manager, Rudy Grano	505 287-1306
Ambrose Oliver	505 327-5316 x1110

02/20/14 Inspection of property and photos:
Weeds, miscellaneous trash, dry/dead vegetation, tarps (weathered and torn), dilapidated wood (fencing), open sliding door. The backyard is not very visible from the street. No active COF utilities as of 03/21/13.

02/24/14 Spoke to Nicky Begay, Case Worker at Adult Protective Services 505 327-5316 x1113. She said she attempted to contact Taketa to offer assistance four times. She left cards and sent a certified letter that went unclaimed. She suggested we attempt to contact and encourage sister, Olivia Fischer 505 324-0676 to work to help Glenn Taketa.

When Begay last contacted Taketa in May 2013 she made an agreement with Taketa to seek help through VA Clinic; he did not comply. He was very private about his income so she could not offer any additional assistance or see if he would qualify for more help. She stated if he denies support he cannot be forced to accept help if he shows mental capacity. Per Begay, APS will make three attempts to offer assistance before closing the case. Taketa would have to be seen by two doctors and report statements to consider Glenn incapacitated. Per Begay, will mostly likely close the case today since she has made four attempts to assist him.

As of 3/21/13 there are still no active utilities – Electricity, Sanitation, Water, and Sewer

Notice of Violation sent for Accumulation of Weeds 12-2-26; Refuse 12-2-27, Cleanliness of Property 23-1-2, Place of Human Habitation/Proper Plumbing Connection 7-4-4, Public Nuisance 18-5-11 and dilapidated buildings. To: Glenn Taketa at 2800 Edgecliff Dr, Fmtn. NM 87402, CC: Olivia Fisher 615 E Murray Dr B, Fmtn. NM 87401

City's request - remove weeds from the entire property, also removing dry/dead vegetation, misc. trash, dilapidated wood and tarps. In addition, secure or replace sliding door.

02/25/14 Per Compliance Connections – owners of record are: Richard and Eidena Taketa (both deceased).

Meeting with Judge Liese, Jennifer Breakell, Todd Johnston, Mark Romero for inspectorial search warrant for property.

02/27/14 At approximately 9 a.m. Code Compliance, along with FPD (J. Thornberg, L. Monclova), Fire Dept. Building Inspection (Leo Hardy, Derrick Childers), Zoning Compliance (Leona Simms) and Deputy City Attorney – Jennifer Breakell served inspectorial search warrant.

Glenn Taketa was contacted and served warrant but resisted so was handcuffed and arrested for resisting/obstructing by J Thornberg. Taketa was cited for 7-4-4 Proper Plumbing Connection/Place of Human Habitation, 18-5-11 Public Nuisance and 1-1-10; Synopsis: front sliding door is broken and unsecure, Mr. Taketa confirmed he is living at the residence with no running water, sewer or any other active utilities. Weeds, misc trash and yard debris are evident on the exterior of the property. Photos were taken of inside of home and outside of property. Outside - weeds, misc. trash and junk, front sliding door was broken and missing, front door does not lock, building material, computer screen, wood chair, blankets or tarps, dilapidated wood, siding from house fallen, pillows, plastic containers, tire, torn tarps, plastic. Inside – food wrappers, cups, empty food cans, abundant trash, empty plastic bottles and cups, clothes, piles of newspapers, mail correspondence and other papers, water stains on ceiling. House was left as secure as possible – poly carts were moved to their original position, in front of the sliding door; front door was closed but does not lock.

02/27/14 Memo/Supplement from Leo Hardie – Chief Bldg Inspector = water damage to roof, asbestos siding needing repair, roof and ceiling damage observed, mildew due to roof leaks, without repair interior damage will increase, fire hazard due to trash, weeds and garbage in the exterior of the house and accumulation of garbage of the interior. Recommendation to be repaired or demolished: "If the owner is unwilling to take corrective action, we recommend the house be condemned, demolished and removed. Without corrective action, the house will continue to deteriorate and become more dilapidated."

02/28/14 Inspectorial search warrant was turned in with Bernice for Judge Liese

03/04/15- phone messages for Rudy Grano – NW Regional

03/14/15	Manager for Adult Protective Services 505 287-1306 / 287-8836. 3/4, 10:29 a.m. – left message 3/5, 8:50 a.m. – received phone message from Rudy G 3/5, 10:58 a.m. – left message 3/10, 12:09 p.m. – left message 3/13, 10:37 a.m. – left message
03/10/14	Spoke to Olivia Fisher (Glenn Taketa's sister) 324-0676, cell 360-3802. She is currently living and being evicted from Mesa Properties. She called to find out what she needed to do to move back in to Edgecliff. Instructed: needs to connect utilities, secure doors and clear yard of weeds, trash and other debris. Transferred to building inspector for instruction on proper plumbing, condition of pipes and structure questions.
03/13/14	email from Rudy Grano – copy of APS Act.
04/03/14	Per Sherry (x1242) at Municipal Court – Glenn has order to show cause until 4/3/14.
04/07/14	1st complaint since inspectorial search warrant - Joan Eaton from 2801 Edgecliff (325-8756), called concerned about AC unit flying off the roof and concerned about neighborhood kids getting hurt. She has not seen Glenn recently or staying/living at 2800 Edgecliff Dr. Municipal court – bench warrant issued for failure to appear
04/08/14	Reinspected property, took pictures – no change
04/23/14	Per Matilda (court clerk) at Municipal Court – bench warrant for Glenn Taketa still active Met with Jennifer Breakell at Legal for next steps – continue with steps toward condemnation. Breakell recommends we try to get him in front District Court to try

to get a competency hearing to see if Mr. Taketa can get help he needs.

Photos: tarps, dilapidated wood, weeds, fallen siding, open front sliding door.

04/24/14 Taketa arrested by R. Velarde

04/28/14 2nd complaint since inspectorial search warrant - email from Sharon Bass: Joan Eaton from 2801 Edgecliff (325-8756), called concerned about the vacant house, has a lot of trash and other issues. Called Ms. Eaton back and informed of active case, she said for the last two weeks the front door has been opened twice. On 4/27/14, she called 911 about the front door being open, officers responded. She feels property is a danger to the area and worried about the neighborhood kids.

Spoke to Olivia Fisher 360-3802. She is working on title transfer and does plan to move back into the house. Current mailing address: 615 E Murray B, Farmington, NM 87401. She stated she and Glenn are the only children of Richard Y and Eidena Taketa, deceased. She is waiting on some unclaimed property funds to help in restoring home to move back in. She has no contact information for or a way of contacting Glenn. She will await letter and I highly recommended she contact me with questions or concerns upon receiving letter.

Certified Mail – Notice of Violation/Condemnation Letter mailed to

Glenn Taketa	Olivia Fisher
2800 Edgecliff Dr	615 E Murray B
Farmington, NM 87402	Farmington, NM 87401

Violations from 04/23/14 with compliance date of 05/29/14

04/30/14 Meeting with Chief of Police, Westall – got verbal okay to present condemnation in front of City Council.

05/01/14	Return receipt for Olivia Fisher
05/08/14	Phone call with Jennifer Breakell – competency was raised, evaluation can take up to 3 mos, hearing will be a closed hearing - lawyers, judge and Taketa. Breakell will update us or let us know if we will be called to testify. Condemnation has been delayed/postponed.
05/12/14	Olivia Fisher 505 360-3802 spoke to M. Romero – getting estimate for work on exterior of the home wanted to know if needs to fix interior to be in compliance. Asked if she could have more time. Returned her call and left a message.
05/27/14	Letter returned unclaimed/returned certified mail from Glenn Taketa.
06/23/14	photos: front yard has been cleaned; sliding door has been taped or sealed off
06/25/14	Phone call to Olivia Fisher to inquire on progress – left message
06/26/14	per Olivia – talked to AMF Clean-up to continue work. Will go by house to close/lock front door and secure sliding door (open access)
05/05/15	3rd Complaint since inspectorial search warrant from Joan Eaton 505 325-8756 – part of siding or roof is ready to fall. Took photos: new weeds, junk & trash in backyard, possible access through sliding door.
05/12/15	Todd – meeting with Police Chief Hebbe on condemnation plan = recommended to start process all over again, they will make contact with outside agencies to seek help for Glenn Taketa.
05/14/15	photos

05/19/15 Olivia Fisher 505 324-0676 – not a working number, 505 360-3802 – left message 9:20 a.m.

Per Chris Allen Newlon (Mary Newlon Trustee) for 615 E Murray Dr S-B (last known address for Olivia) 505 330-8836. Per Chris, Olivia Fisher only lived there for 2 mos. and does not have a frwd address for Olivia

Per Rhonda at Mesa MH Park 505 327-2755, Olivia did go to court on Eviction Notice but paid rent up to date which cancelled eviction. Olivia currently resides at 2011 Troy King Rd #358, Fmtn, NM 87401

NEW CONDEMNATION NOTICE mailed (regular and certified) to: Glenn Taketa cc: Olivia Fisher 2800 Edgecliff Dr, Farmington, NM 87402

Olivia Fisher 2011 Troy King Rd Sp 358, Farmington, NM 87401

Violations: front sliding door, weeds, cleanliness of property, accumulation of refuse, proper plumbing connection, place of human habitation; Compliance date of 06/19/15

06/17/15 1:30 p.m. meeting at FPD, Star Chamber
Attendees: Adult Protective Services (APS) – Spvr. Margaret Cesena; Veteran Affairs (VA) – Shantel Mitchell-Cooley, Linda Shannon, Robert Lewis; COF – City Attorney Jennifer Breakell, FPD Chief of Police Steve Hebbe, FPD Deputy Chief Keith McPheeters, FPD Lt. Joshua Laino, FPD Sgt. Baric Crum, FPD Sgt. Chad Byers, Crpl Todd Johnston Code Compliance Spvr, Code Compliance Ofc. Laura Avendaño; District Attorney (DA) Brant Capshaw

Copies of photos of each inspection and copies of Notice of Violation Letters (04/11/13, 04/28/14, and 05/19/15) for outside agencies: APS, VA, DA

06/18/15 Per Lt. Laino, Joe Petrelli from DA's office to start on Civil Commitment Process.

06/19/15 Letter from Margaret Cesena, APS Spvr., report of Glenn Taketa reviewed and will be assigned case worker/social worker.

06/23/15 Phone call from Cesena, APS requesting photo for Glenn Taketa. Per Cesena, plan on searching for Taketa at his home, they don't usually look for people in public places (Dunkin Donuts, where he is frequently seen), but will run by her supervisor. They plan to contact Taketa alone and without plain clothes officer or rep from VA, as previously discussed in group meeting.

Citizen Complaint to Nate Duckett frwd to Jennifer Breakell regarding cats going into house at 2800 Edgecliff.

Per Lt. Laino, to Sgt. Byers make arrangements to get civil commitment process moving.

06/24/15 2-3 p.m. welfare check on Glenn Taketa, negative contact. T. Johnston accompanied by: Ofc. P. Mondragon, R. Decker, Sgt. C. Byers

Call from Joe Petrelli DA's office 505 609-3539 (work cell) – he spoke to sister, Olivia Fisher, who gave family history. She is offering him a place to live. I provided case information and timeline (verbally)

Call and email to Shantell Mitchell-Cooley (505 259-2023, shantel.mithcell-cooley@va.gov) to update on case action and invite to inspectorial search warrant.

06/26/15 Prepared application and documents for inspectorial search warrant, M. Romero to submit and present to judge.

06/30/15 Email to VA to join at Inspectorial Search Warrant at 9 a.m.; reply from Linda Shannon – will not be able to attend.

Inspectorial Search Warrant by: CCO M. Romero, L. Avendaño, Sgt. C. Byers, Ofc. R. Decker, Ofc. E. Cole; also present APS Spvr Margaret Cesena, COF Building Inspector Larry McLey. Glenn Taketa was not present, warrant executed. Supplements by M. Romero and L. Avendaño

Per SJC Treasures Office – taxed owed for 2014 $520.15

07/06/15 District Court, Aztec No. D-1116-S1-201500084 with Judge Brad Dalley / State of NM vs. Glenn Taketa – Mental Commitment

Judgment – Appointed temporary Treatment Guardian – Fran Hampton with Honor Guardianship out of Albuquerque/PMS for Psychological Evaluation/Care. Glenn will get assistance applying for SSI, Disability, Food Stamps and cell phone. Veteran Affairs (VA) will assist with Section 8 Housing/HUD. Glenn will stay with sister Olivia Fisher, temporarily. According to Olivia, Glenn has not had any mental/medical follow-up in the last 12 yrs; she too suffers from mental issues.

After court met with Olivia who had questions about the condemnation process and how to go about removing belongings from home. City Attorney, J. Breakell advised her to call non-emergency dispatch and request for a civil standby since there was an active trespass authorization for the property. I gave her my card to set up meeting to discuss condemnation. She said she had a realtor friend who wanted to help her sell the property.

07/07/15 Inquire on case with Adult Protective Services - per Margaret Cesena/APS has not met with Glenn but has spoken to Olivia

07/13/15 Spoke with Michael (Olivia Fisher's son) *505-360-3802 or 505-716-7784; who called to find out what needs to be done to comply and be able to rent the house. I went over the code compliance violations in the exterior of the

property then transferred to Derrick Childers (Child Building Official) to discuss plumbing, structure, and interior issues. Will start on exterior this week and will call back to notify once complete.

07/21/15 Received a Request to Inspect Public Records from Fran Hampton, Treatment Guardian (Due 07/24/15).

08/05/15 Spoke with Fran Hampton 505-360-0006 – Glenn and Olivia have a meeting with DNA Legal Services to try to switch property into their name through probate. Fran spoke to Linda at United Way, who denied help from United Way Day of Caring. Fran is waiting on a call back from Georgette Alan who offered help on cleaning the property. Per Fran, Glenn wants to hold off on condemnation.

08/06/15 At 3:30 p.m. T. Johnston (Code Compliance Supervisor) and I met with Fran Hampton and Glenn Taketa. Code Compliance gave 30 day extension to comply; new compliance date 09/06/15. Made violations very clear and explained a plan of action or compliance is required by extension date or condemnation process will continue.

08/12/15 Emailed a copy of a clean-up assistance list Code Compliance has on file. Later spoke to Fran over the phone who said Glenn was living at P.A.T.H. Sister, Olivia is getting evicted at the end of the month (August 2015). Glenn is still working on getting assistance for clean-up but it doesn't seem likely. Fran may just have someone clean to delay/stop condemnation. Fran mentioned they think someone might be breaking into the home, I suggested they call police to do report if she thinks someone has been in the home.

09/09/15 photos for inspection on last extension (09/06/15) – no changes, all violations still exist

09/11/15 phone with Fran Hampton 505-360-0066

- Sister, Olivia was evicted as of 09/01/15

- Glenn is living at P.A.T.H.
- She contacted City Attorney, J. Breakell and DA, Joe Petrelli to provide update on Glenn
- Glenn has no game plan
- VA wants him housed by the end of the month
- Glenn is most likely to be assigned a new case manager but Fran to do follow up as per court for 1 year

10/06/15 photos

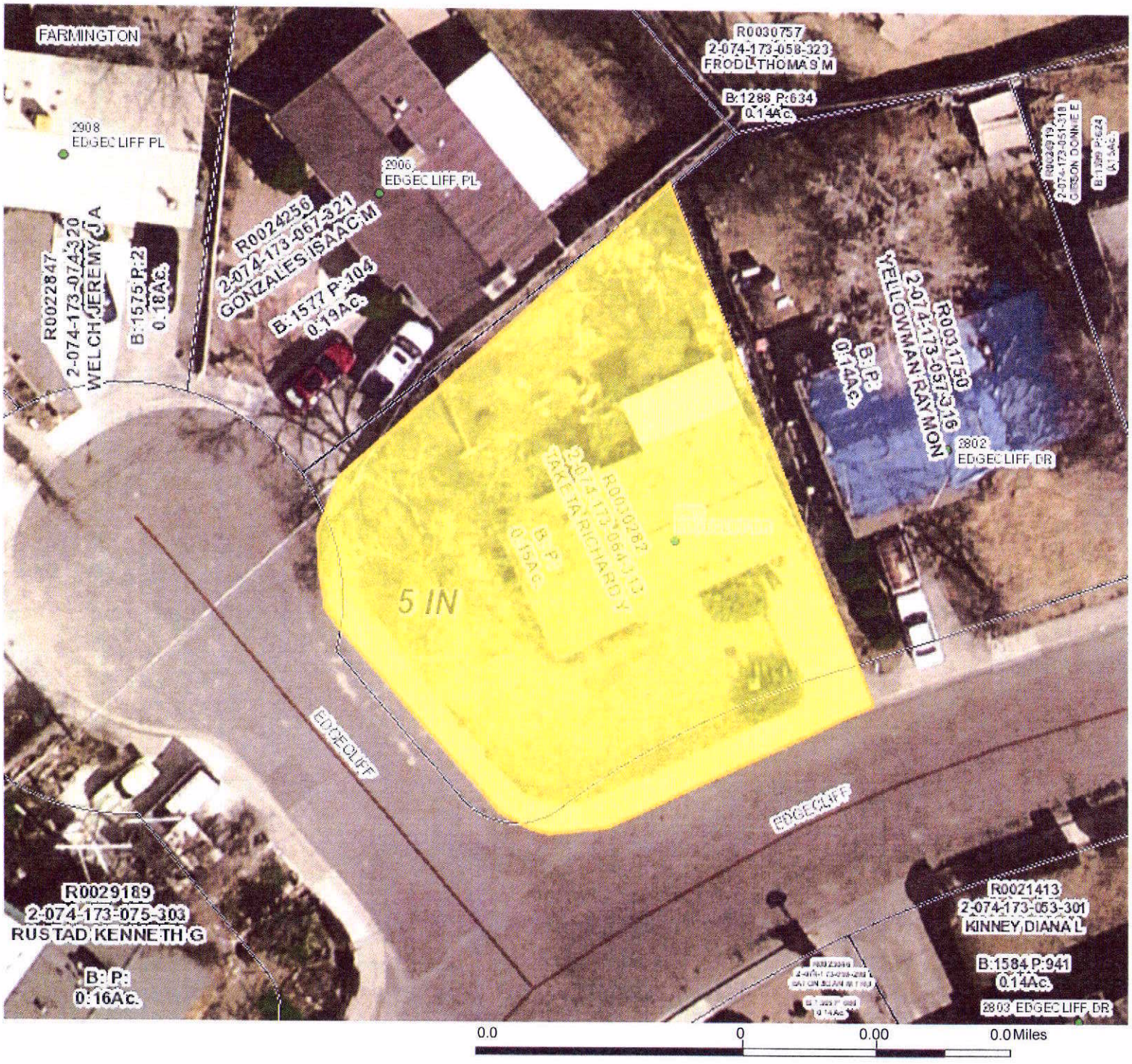
10/29/15 Code Compliance Officer – Leonard Longhorn obtained an Inspectorial Search Warrant for inspection before continuing condemnation process. Warrant to be executed on 11/4/15

11/04/15 photos; Inspectorial Search Warrant – exterior code violations remain

11/18/15 Code Compliance was frwd a citizen complaint from J. Breakell who was contacted by Councilor Duckett. Complaint about someone living in the house. Inspection of property was done by T. Johnston (Code Compliance Spvr), and Sgt. C. Byers open access from front sliding door was found and left as found on the I.S. Warrant. Exterior code violations remain and it did not appear anyone had entered the dwelling or was found inside.

11/24/15 Meeting with Deputy Chief, McPheeters, received verbal approval to present condemnation of structure to City Council.

12/15/15 Received call from Maragaret Cesena, APS re: Glenn Taketa wanting to go onto property to gather winter clothing. Informed she should call for FPD Civil Stand by when at the property. Per Ms. Cesena, Glenn has been relocated through HUD Housing to an apartment in Aztec. He now has a case worker through PMS and attends classes for social and life skills three times a week. He is also under doctor's care through the VA, is now on medication and has been diagnosed with schizophrenia.



SAN JUAN COUNTY
NEW MEXICO
SINCE 1887

Legend

- Full Address - County & City
- Searchable Parcels
- Parcels - No Labels
- City Roads
- Other Roads
  - County Maintained
  - Lesser County Maintained
  - Navajo Route
  - Oilfield Roads
  - Private Roads
- Lakes
- Rivers
- Aztec City Limits
- Bloomfield City Limits
- Farmington City Limits
- School Districts
- San Juan County Bounds
- Reservation

1: 300

The San Juan County Assessor's Office provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of furnished data. This map is not intended to be used as a survey. For assessment purposes only.

11/ 4/2015

-919-
11/ 4/2015

DURAC

COOLER

318

WARRANTY DEED (Joint Tenants)

RALPH W. HERRICK and NELDA L. HERRICK, husband and wife

for consideration paid, grant

to RICHARD Y. TAKETA and ELOINA TAKETA, husband and wife.

whose address is 2800 Edgecliff Drive

Farmington, New Mexico 87401

~~XXXX~~

~~whose address is~~

as joint tenants the following described real estate in San Juan County, New Mexico:

Lot Twenty-two (22) in Block Four (4) of CHERRY HILLS SUBDIVISION to the City of Farmington according to the plat thereof filed for record in the Office of the San Juan County Clerk on August 28, 1958.

SUBJECT TO easements, reservations and restrictions of record including a Five foot (5') Utility easement on the Northwesterly side of lot line thereof.

with warranty covenants.

WITNESS our hands and seals this 3rd day of May, 1979

(Seal) RWH Ralph W. Herrick (Seal)

(Seal) NLH Nelda L. Herrick (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

The foregoing instrument was acknowledged before me this 3rd day of May, 1979

by Ralph W. Herrick and Nelda L. Herrick, husband and wife.
(Name or Names of Person or Persons Acknowledging)

My commission expires: 5-16-82

(Seal)

Signature Marsha Gae Kight
Notary Public

MARSHA GAE KIGHT
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 5-16-82

FOR RECORDER'S USE ONLY

FILED OR RECORDED
BOOK 321 PAGE 318
SAN JUAN COUNTY, NEW MEXICO
MAY 4 1979
AT 8:25 O'CLOCK A M
COUNTY CLERK
FEE $6.00

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____.

by _____ (Name of Officer)

_____ (Title of Officer) of _____ (Name of Corporation Acknowledging)

_____ corporation, on behalf of said corporation.
(State of Incorporation)

My commission expires: _____

_____
Notary Public

ORDINANCE NO. 2016-XXXX

AN ORDINANCE REVISING CERTAIN SECTIONS OF THE FARMINGTON CITY CODE PROVIDING FOR CLARIFICATION AND ADDITIONS TO PROVISIONS IN CHAPTERS 24 AND 25, RELATING TO HOUSE NUMBERING AND STREET ADDRESSING AND INDIVIDUAL USED VEHICLE SALES

WHEREAS, several sections of the City Code are in need of clarification to better serve the methods and procedures of enforcement in dealing with house numbering and street addressing and individual used vehicle sales; and

WHEREAS, the City Council finds it necessary to amend certain provisions of the Farmington City Code to allow a clearer interpretation of the Code and to benefit the public and compliance officers by providing clarity to these sections.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

Section One: Sec. 24-7-2 *Street address required*, is amended to read as follows:

"Sec. 24-7-2 *House number and street address required.*

(a) All properties within the city or its address jurisdiction shall have a house number and street address assigned by the director of the community development department consisting of a street name and number designating its position relative to the address grid. Addresses shall be posted on all properties in accord with standards adopted by the city.

(b) Each property owner/occupant shall place an assigned house number in a readily visible location upon the principal structure(s) facing the street from which the property is addressed, e.g., at the front entrance to the home or structure. Interior units of an apartment, condominium project, mobile home park or the like, shall post the appropriate designation at each individual unit.

(c) House numbers shall be in numeric form, at least three and one-half (3 ½) inches in height, and be posted in plain sight at least six (6) feet above grade and in contrasting color to the background upon which they are mounted. If the structure is set back from the principal roadway over fifty (50) feet, the address shall be posted at a driveway leading to the structure, at least three (3) feet above grade and in manner of color, size and visibility specified above.

Section Two: Article 7 of Chapter 25, Sale of Motor Vehicles, be repealed and replaced with the following:

Article 7. Individual Used Vehicle Sales

Sec. 25-7-1. Authority of private individual.

"(a) *Definitions.*

Display for sale means any vehicle parked and signed for the purpose of sale.

Vehicle means a motorized craft of any kind designed to transport persons or things over land, water or air, and includes, but is not limited to, cars, trucks, trailers, boats, airplanes and heavy equipment.

(b) *Unlawful practices.* It shall be unlawful to display for sale any vehicle on a property not specifically permitted for sales of vehicles, except as otherwise provided herein.

(c) *Exceptions.* The following vehicles, subject to the conditions provided herein, shall be excepted from the prohibition on display for sale:

(1) Any personal vehicle owned by the property owner or lessee, and which is parked in an area designated for parking;

(2) Any personal vehicle owned by an employee of the property owner or lessee and used for transportation to and from work, and which is parked in an area regularly designated by the property owner or lessee as employee parking; or

(3) Any vehicle temporarily parked on the premises for a reasonable period of time and for the purpose of conducting business, visiting or engaging in other lawful use of the property.

(d) *Conditions of display for sale.* The owner of any vehicle which qualifies for exception under paragraphs (c)(1) or (2) above shall provide notice visible on the vehicle of the owner's name and telephone number, and whether that person is the owner/lessee of the premises, or an employee of the business.

Sec. 25-7-2. Penalties and towing.

(a) *Violations.* Any vehicle displayed for sale in violation of the provisions of this section shall be subject to citation and shall subject the owner of the vehicle to the penalty provisions of section 1-1-10. Each day that the vehicle is unlawfully displayed for sale shall be considered a separate violation.

(b) *Warning of violation; removal of vehicle.* In addition to issuing a citation, a law enforcement, code compliance or animal control officer is authorized to place a warning sticker on any motor vehicle, trailer or recreational boat displayed in violation of subsection (a) or (b) of this section and to provide for its removal if it is at the same location 24 hours after the warning sticker is placed on it.

(1) The warning sticker shall contain the following information:

a. The date and time the warning sticker was affixed to the vehicle;

b. A statement that pursuant to this violation, if the vehicle is not removed within 24 hours after the sticker is affixed, the vehicle shall be towed away and stored at the owner's expense and

if the vehicle is moved to another unlawful location at any time after such sticker is affixed, it will be subject to immediate removal without further warning; and

c. The location and telephone number where additional information may be obtained.

(2) If a vehicle on which a warning sticker has once been issued and affixed is found in another unlawful location at any time after the warning sticker is affixed, the law enforcement, code compliance or animal control officer may immediately without further warning provide that the vehicle be towed away and stored at the owner's expense.

(3) After a vehicle is taken into custody and stored pursuant to this article, the affixing department shall initiate notification and hearing procedures as set forth in sections 25-6-5 and 25-6-6.

PASSED, SIGNED, APPROVED AND ADOPTED this day of , 2016.

_____

Tommy Roberts, Mayor

SEAL

ATTEST:

_____

Dianne Smylie, City Clerk

Sec. 24-7-2. —House number and street address required.

(a) All properties within the city or its address jurisdiction shall have a house number and street address assigned by the director of the community development department consisting of a street name and number designating its position relative to the address grid. Addresses shall be posted on all properties in accord with standards adopted by the city.

(b) Each property owner/occupant shall place an assigned house number in a readily visible location upon the principal structure(s) facing the street from which the property is addressed, e.g., at the front entrance to the home or structure. Interior units of an apartment, condominium project, mobile home park or the like, shall post the appropriate designation at each individual unit.

(c) House numbers shall be in numeric form, at least three and one-half (3 ½) inches in height, and be posted in plain sight at least six (6) feet above grade and in contrasting color to the background upon which they are mounted. If the structure is set back from the principal roadway over fifty (50) feet, the address shall be posted at a driveway leading to the structure, at least three (3) feet above grade and in manner of color, size and visibility specified above.

Sec. 25-7-1. – Authority of private individual.

~~Any vehicle may be displayed for sale and actually sold by a private individual, not a dealer, as described in NMSA 1978, § 66-1-4.19B, only at the current home or work address of the owner. However, a vehicle may be displayed for sale at another location which satisfies the Unified Development Code if permission is obtained from the owner or lessee of such property. Any person charged with a violation of this section who claims to fit within this exception has the burden of so proving. This section is not intended to prohibit the routine use of a vehicle to which a for sale sign is affixed. Any person who takes motor vehicles on consignment for sale must have ownership of the vehicle assigned to such person upon taking possession of any vehicle for such purpose. Any such person must also be licensed as a dealer and bonded with the motor vehicle division of the state transportation department. Motor vehicle shall mean motor vehicle as defined in NMSA 1978, § 66-1-4.11I.~~

(a) *Definitions.*

Display for sale means any vehicle parked and signed for the purpose of sale.

Vehicle means a motorized craft of any kind designed to transport persons or things over land, water or air, and includes, but is not limited to, cars, trucks, trailers, boats, airplanes and heavy equipment.

(b) *Unlawful practices.* It shall be unlawful to display for sale any vehicle on a property not specifically permitted for sales of vehicles, except as otherwise provided herein.

(c) *Exceptions.* The following vehicles, subject to the conditions provided herein, shall be excepted from the prohibition on display for sale:

(1) Any personal vehicle owned by the property owner or lessee, and which is parked in an area designated for parking;

(2) Any personal vehicle owned by an employee of the property owner or lessee and used for transportation to and from work, and which is parked in an area regularly designated by the property owner or lessee as employee parking; or

(3) Any vehicle temporarily parked on the premises for a reasonable period of time and for the purpose of conducting business, visiting or engaging in other lawful use of the property.

(d) *Conditions of display for sale.* The owner of any vehicle which qualifies for exception under paragraphs (c)(1) or (2) above shall provide notice visible on the vehicle of the owner's name and telephone number, and whether that person is the owner/lessee of the premises, or an employee of the business.

Sec. 25-7-2. - Penalties and towing.

~~(a) Every violation of this article shall be a petty misdemeanor subject to the penalty specified in section 1-1-10.~~

~~(b) A vehicle displayed for sale in a location in violation of this article may be towed no sooner than 24 hours after a warning sticker is placed on the vehicle. The warning sticker shall contain the following information:~~

~~(1) The date and time the warning sticker was affixed to the vehicle;~~

~~(2) A statement that pursuant to this article, if the vehicle is not removed within 24 hours of the time the sticker is affixed, it may be taken into custody and stored at the owner's expense or if the vehicle is located being displayed for sale in a location in violation of this article, within the 24 hours from receipt of the warning sticker, the vehicle shall be taken into custody and stored pursuant to this article;~~

~~(3) A statement that if the vehicle is towed pursuant to this article, the owner will have the opportunity to challenge the action at a hearing, and a written notice of the procedure for the hearing will be mailed to the owner's address as provided by the state motor vehicle division files or the files of the appropriate motor vehicle regulatory agency of another state;~~

~~(4) The location and telephone number where additional information may be obtained; and~~

~~(5) The identity of the affixing person.~~

~~(c) After a vehicle is taken into custody and stored pursuant to this article, the affixing department shall initiate notification and hearing procedures as set forth in sections 25-6-5 and 25-6-6.~~

(a) *Violations.* Any vehicle displayed for sale in violation of the provisions of this section shall be subject to citation and shall subject the owner of the vehicle to the penalty provisions of section 1-1-10. Each day that the vehicle is unlawfully displayed for sale shall be considered a separate violation.

(b) *Warning of violation; removal of vehicle.* In addition to issuing a citation, a law enforcement, code compliance or animal control officer is authorized to place a warning sticker on any motor vehicle, trailer or recreational boat displayed in violation of subsection (a) or (b) of this section and to provide for its removal if it is at the same location 24 hours after the warning sticker is placed on it.

(1) The warning sticker shall contain the following information:

a. The date and time the warning sticker was affixed to the vehicle;

b. A statement that pursuant to this violation, if the vehicle is not removed within 24 hours after the sticker is affixed, the vehicle shall be towed away and stored at the owner's expense and if the vehicle is moved to another unlawful location at any time after such sticker is affixed, it will be subject to immediate removal without further warning; and

c. The location and telephone number where additional information may be obtained.

(2) If a vehicle on which a warning sticker has once been issued and affixed is found in another unlawful location at any time after the warning sticker is affixed, the law enforcement officer, code compliance officer or animal control officer may immediately without further warning provide that the vehicle be towed away and stored at the owner's expense.

(3) After a vehicle is taken into custody and stored pursuant to this article, the affixing department shall initiate notification and hearing procedures as set forth in sections 25-6-5 and 25-6-6.

CITY OF FARMINGTON
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Kristi Benson, CPPO, CPPB
Purchasing Supervisor

DATE: March 17, 2016

SUBJECT: RFP Cost of Service and Rate Study, RFP #16-113272R

USING DEPARTMENT: Electric Utility

==========

A proposal opening was held on February 24, 2016 for the Cost of Service and Rate Study. Twelve (12) proposals were submitted.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to begin negotiations with NewGen Strategies and Solutions, LLC the top evaluated firm. The in-state or Veterans preference was given to qualified Offerors. The final rankings are listed below:

NewGen Strategies and Solutions, LLC – Denver, CO
GDS Associates, Inc. – Marietta, GA
Burns & McDonnell – Kansas City, MO
Leidos Engineering, LLC – Denver, CO
Utility Financial Solutions – Holland, MI
Guernsey & Company – Oklahoma City, OK
The Prime Group, LLC – Crestwood, KY
Schneider Electric – Andover, MA
Willdan Financial Solutions – Plano, TX
Schneider Engineering, Ltd. – Boerne, TX
Northpoint Consulting Group – Hanover, NH
Moss Adams, LLP – Albuquerque, NM

Kristi Benson (Presenter)
Council Meeting 3/22/15, Close/Reopen

xc: H. Andrew Mason – Administrative Services Director
Rodney Romero – Acting, Electric Utility Director
Sue Nipper – Utility Business Operations Manager
File – 16-113272R/EM

Evaluation Committee:

Sue Nipper, Electric Utility
John Armenta, Electric Utility
Brandon Hill, Electric Utility
Nicki Parks, Electric Utility
Sheree Wilson, Administrative Services

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, March 8, 2016. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Pastor Jerry Strickler of Crossroads Community Church.

Councilor Rodgers led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

*MINUTES: The minutes of the Regular Meeting of the City Council held February 23, 2016 and the minutes of the Regular Work Session of the City Council held February 16, 2016.

*SURPLUS PROPERTY: The Chief Procurement Officer recommended that worn-out, unusable or obsolete scrap and surplus electric reclosers (Administrative Services, Central Warehouse, Electric Utility and Transmission and Distribution) be declared surplus to the needs of the City and not essential for municipal purposes, and that the City Manager or his designee be authorized to dispose of such surplus property pursuant to State Statutes.

*BID: The Chief Procurement Officer requested that the bid for purchase of a power transformer for the Cottonwood Substation (Electric) be awarded to Stuart C. Irby on its low bid meeting specifications after application of five percent in-state preference of $1,139,098, and that the primary bid received from Virginia Transformer, MVA and the alternate bid received from Western United be rejected for being non-responsive and not meeting specifications. Bids opened February 17, 2016 with seven bidders participating.

*PURCHASE AGREEMENT BETWEEN THE CITY AND SCOTT A. MICHLIN for purchase by the City of 0.14 acres of property abutting the Palmer House located between 206 and 210 North Allen (purchase price of $21,500 less $3,500 donation from seller).

*PURCHASE AGREEMENT BETWEEN THE CITY AND JOHNNIE COBURN HARPER for purchase by the City of 37.09 acre-feet of diversionary water rights from the Animas River delivered through the Farmers Mutual Ditch (purchase price $1,500 per acre-foot).

*RESOLUTION NO. 2016-1582 ACCEPTING AND APPROVING A CERTAIN GRANT AGREEMENT (Project No. FMN-16-03) between the City and the Aviation Division of the New Mexico Department of Transportation for reconstruction of taxiways E, F and G at the Four Corners Regional Airport.

*WARRANTS PAYABLE for the time period of February 21, 2016 through March 5, 2016, for current and prior years, in the amount of $7,368,395.40.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

APPOINTMENT TO THE METROPOLITAN REDEVELOPMENT AGENCY COMMISSION

The Mayor asked the Council's consideration of the appointment of Doug Dykeman (term to September, 2020) as a member to the Metropolitan Redevelopment Agency Commission.

Thereupon, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the appointment of Doug Dykeman as a member to the Metropolitan Redevelopment Agency Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Recognition of Former City Councilor Mary Fischer

Mayor Roberts announced that City Manager Rob Mayes contacted former City Councilor Mary Fischer to ask her to attend tonight's meeting to receive a plaque in honor of her 28 years of service, but reported that she declined the invitation. As a result, Mayor Roberts commended her for her responsiveness to her constituents and her desire to serve the community.

Councilor McCulloch echoed the Mayor's comments and thanked Councilor Fischer for her faithfulness to public service. She also welcomed newly-elected Councilor Sean Sharer.

Councilor Duckett suggested that staff consider planting a tree in honor of Ms. Fischer and Councilors Rodgers, McCulloch and Sharer agreed.

CITY MANAGER BUSINESS

Community Solar Project Update

City Manager Rob Mayes introduced Fred Wellington and Andy Reger of Leidos who are present at tonight's meeting for the purpose of giving an update on the proposed community solar program.

Utilizing a Powerpoint presentation, Mr. Wellington reminded the Council that the first phase of the proposed community solar program was initiated in October 2015 when Leidos presented the pros and cons to the members of the Public Utility Commission, the City Council and interested customers. He reported that since that time a survey has been completed to gauge customer interest in the program at different price points and stated that the final phase of the project will be to determine 1) a structured framework for evaluating program design options; 2) quantification of impacts of the program on the Electric Utility's revenue; and 3) the impact of customer pricing and demand. Reviewing the results of the customer survey, he reported that 966 customers responded with 266 expressing support for a customer-utility shared solar project; stated that 409 respondents indicated that they believe that the Farmington Electric Utility System ("FEUS") should support rooftop solar; noted that 505 respondents indicated that they have considered a rooftop solar system; pointed out that 291 respondents (which appear to be average or slightly larger than average FEUS customers) indicated that they would pay a premium greater than $11 per month for solar; and reported that the survey also indicated a preference for paying a monthly price premium versus a lump-sum, up-front cost with monthly bill savings. Continuing with his presentation, Mr. Wellington reported that it has been determined that FEUS should not construct a community solar project utilizing City staff but explained that it could contract with a company that is experienced in these types of projects in an effort to procure lower costs for interested customers, gain experience in operating a

solar facility and maintain the simplicity in project ownership and programmatic structure. Furthermore, he explained how lower cost solar can be achieved with a Federal tax credit through the direct purchase of power through a power purchase agreement or by entering into a joint venture ownership arrangement with an entity that can monetize Federal tax credits. He reviewed the options for the procurement process, noting that the key to appropriate cost recovery in program pricing is flowing the solar costs and benefits to the individual customers. He explained that the cost of solar is straight-forward, but noted that calculating the value of solar is more complex because the comparison between participation pricing (what the customer pays to participate in the program) and the customer's bill credit (what the customer receives for participation in the program) defines the program's economics to the customer. Mr. Wellington responded to numerous questions from the Council concerning the potential pricing structure. In closing, he summarized the key points by stating that 1) the results of the customer survey indicate that there is interest in solar and in community solar in Farmington; 2) customers are willing to pay a premium for solar and prefer to pay extra each month rather than paying a large lump-sum for savings over time; 3) the tradeoffs between lower solar cost, project ownership and operational and maintenance services can be better understood through a procurement process; 4) program participation pricing and resulting customer economics can only be finalized through soliciting actual solar bids; and 5) the value of solar and the customer bill credit can be updated and finalized with further analysis.

Mr. Mayes pointed out that staff will be meeting with representatives from San Juan Regional Medical Center tomorrow concerning their proposed solar project, but noted that they have indicated that they might be interested in partnering with the City on a community project. In closing, he reported that Mr. Wellington will be providing future updates on the proposed community solar project as things progress.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell presented a proposed ordinance dealing with training, special events and maintenance at Lake Farmington and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978 Compilation. She recommended the ordinance, if adopted, be given the number 2016-1283. The title of the ordinance being:

AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE DEALING WITH LAKE FARMINGTON.

After consideration of Ordinance No. 2016-1283, a motion was made by Councilor Duckett, seconded by Councilor McCulloch that said ordinance be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
Those voting nay:	None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Ordinance No. 2016-1283 was duly passed and adopted.

CLOSED MEETING

A motion was made by Councilor Rodgers, seconded by Councilor McCulloch to close the meeting to discuss request for qualification-based proposals for professional landscape architectural services for Americans with Disability Act (ADA) improvements at park sites, pursuant to Section 10-15-1H(6) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch

Nate Duckett

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 7:08 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 7:12 p.m. with all members of the Council being present.

REQUEST FOR QUALIFICATION-BASED PROPOSALS/PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES FOR ADA IMRPROVEMENTS AT PARK SITES

Purchasing Supervisor Kristi Benson reported that proposals for professional landscape architectural services for ADA improvements at park sites (Community Development and Parks, Recreation & Cultural Affairs) opened on February 11, 2016 with two offerors participating. She recommended that the proposal be awarded to FBT Architects/Groundworks Studio as the top evaluated offeror based on the pricing schedule for services.

Thereupon, a motion was made by Councilor Rodgers, seconded by Councilor Duckett to award the proposal for professional landscape architectural services for Americans with Disability Act improvements at park sites to FBT Architects/Groundworks Studio, as recommended by the Purchasing Supervisor, and upon voice vote the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:13 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 22nd day of March, 2016.

Entered in the permanent record book this day of March, 2016.

_____
Tommy Roberts, Mayor

SEAL

ATTEST:

_____
Dianne Smylie, City Clerk

Public Swearing-In Ceremony and Organizational Meeting of the 2016-2018 Governing Body of the City of Farmington, New Mexico held on March 7, 2016 at 6:00 p.m. in the Council Chamber of City Hall. The open session was held in full conformity with the law and ordinances and rules of the municipality.

RECOGNITION OF VISITORS

Relatives and friends who were present in the audience were recognized by the current and newly-elected officials and also by the officers of the City (City Manager, City Attorney and City Clerk).

OATHS OF OFFICE

Pursuant to the provisions of Section 3-8-33, New Mexico Statutes Annotated, 1978 Compilation, as amended, the candidates elected in the Regular Biennial Municipal Election for the City of Farmington, New Mexico held March 1, 2016 appeared before City Clerk Dianne Smylie on this date, the sixth day following said election.

Ms. Smylie administered Oaths of Office to Councilor-elect Linda G. Rogers and Councilor-elect Sean E. Sharer. Each candidate executed written statements that they are legally qualified to hold their respective office and also acknowledging receipt of the Certificate of Election. The candidates were deemed to have taken office and the Organizational Meeting of the 2016-2018 Governing Body of the City of Farmington, New Mexico then followed.

ORGANIZATIONAL MEETING

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

There were also present:

CITY MANAGER	Rob Mayes
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Andrea Jones

The Meeting was convened by the Mayor. Thereupon, the following proceedings were duly had and taken, to wit:

INVOCATION

The invocation was offered by Reverend George Harris of Fellowship of Spirit.

PLEDGE OF ALLEGIANCE

Councilor Sharer led the Pledge of Allegiance.

ELECTION OF MAYOR PRO TEMPORE

The Mayor requested the re-election of Councilor McCulloch as Mayor Pro Tempore.

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to re-elect Councilor McCulloch as Mayor Pro Tempore, and upon voice vote the motion carried unanimously.

CONFIRMATION OF CITY OFFICERS

City Treasurer

The Mayor requested the confirmation of the appointment of Administrative Services Director Andy Mason as City Treasurer.

A motion was made by Councilor Rodgers, seconded by Councilor McCulloch to confirm the appointment of Andy Mason as City Treasurer for the City of Farmington, and upon voice vote the motion carried unanimously.

City Clerk

The Mayor requested confirmation of the reappointment of Dianne Smylie as City Clerk.

A motion was made by Councilor McCulloch, seconded by Councilor Rodgers to confirm the reappointment of Dianne Smylie as City Clerk for the City of Farmington, and upon voice vote the motion carried unanimously.

City Attorney

The Mayor requested confirmation of the reappointment of Jennifer Breakell as City Attorney.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to confirm the reappointment of Jennifer Breakell as City Attorney for the City of Farmington, and upon voice vote the motion carried unanimously.

City Manager

The Mayor requested confirmation of the reappointment of Rob Mayes as City Manager.

A motion was made by Councilor Rodgers, seconded by Councilor Duckett to confirm the reappointment of Rob Mayes as City Manager for the City of Farmington, and upon voice vote the motion carried unanimously.

CLOSED MEETING

A motion was made by Councilor Duckett, seconded by Councilor Rodgers to close the meeting to discuss a limited personnel matter (City Manager Employment Agreement), pursuant to Section 10-15-1H(2) NMSA 1978. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
Those voting nay:	None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting at 6:12 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor at 6:32 p.m. with all members of the Council being present.

AMENDMENTS TO THE EMPLOYMENT AGREEMENT/CITY MANAGER ROBERT J. MAYES

Mayor Roberts announced that the existing employment agreement between the City and City Manager Rob Mayes has been in place since May 22, 2012 and pointed out that Mr. Mayes has received annual salary increases in accordance with the City's pay plan since that time. Noting

that Mr. Mayes requested renegotiation of the terms of his agreement in October 2015, Mayor Roberts reported that staff has since conducted an in-depth analysis of benchmarking data that compared entities of similar population, number of employees and total budget with that of Farmington and he contended that Mr. Mayes is not receiving the appropriate salary based on the value that he provides. As a result, Mayor Roberts made the following recommendation and asked that it be recorded verbatim in the record of tonight's meeting:

[Begin verbatim Record]

Mayor Roberts: The recommendation specifically is that in Section 3: Compensation of this agreement, change Subparagraph A to read in its entirety as follows: "Employer agrees to pay Employee a base salary of $159,585 annually to be paid in installments at the same time and manner as regular employees of the Employer." The second proposed revision to the contract is in Subparagraph A of Section 10: Severance...change the word "four" to "six". Now, I'll diverge from talking about the specific proposed changes to explain this one. This has to do with the severance package that currently exists in the contract if Rob were to be terminated by the Council at a time when he is ready, willing and able to continue to serve in that capacity. Currently he would get a severance package equal to four months of his then current salary and I'm proposing that we change that to six. Six is very common in our industry, in municipal governments, county governments. Probably 50 percent of those who would be surveyed would be in that six months' severance package range. Certainly, there would be some less than that, but there would be many more higher than that and I feel this is a fiscally conservative number to settle on. So moving forward with other proposed changes, in Section 10: also Severance, change Subparagraph B to read in its entirety as follows: "In the event Employee is terminated by Employer during the six months immediately following the seating and swearing-in of one or more new members of the governing body of Employer, or in the event Employee is terminated by Employer during any meeting of the governing body at which there are fewer than five members in attendance at the time of the decision and, if at the time of any such termination, Employee is willing and able to perform his duties under this Agreement, then the severance pay to which Employee shall be entitled shall be in an amount equal to eight months of the Employee's then current salary." Again, to diverge and to explain that proposal, this is simply a situation that would provide a bit of a disincentive to the Council trying to take action when any one of its members was not present...and that is simply the basis for it. I don't think this provision of the contract would ever come into play, but just in the event that things got bad enough that there was a manipulation occurring and someone said that, well, Councilor Duckett is going to be gone and the Manager only has a 2-2 support, we might be able to get him out on a vote next Tuesday night. It would be a disincentive to doing that. And then the final change is in Subparagraph C of Section 10: Severance also. We just change the word "four" to "six" and change the word "six" to "eight" to represent what I have already discussed. So, again, it is my opinion that these proposed contract amendments are reasonable and necessary. They have been earned by performance at a high level as evidenced by Rob's annual job performance evaluations over the past four years. Furthermore, they will place Rob in a more competitive position on both a local and regional basis. So Council, I want to open it up to discussion. If there are any comments, those would be appropriate at this time or any questions.

[End verbatim Record]

Councilor Duckett thanked Mayor Roberts for the benchmark data provided and echoed his support for Mr. Mayes. He applauded Mr. Mayes and his team in managing the City appropriately and expressed his appreciation for Mr. Mayes' leadership, vision and strategic thinking. Additionally, Councilor Duckett expressed support for providing Mr. Mayes with a salary that keeps him employed with the City and contended that he believes that the Mayor's proposal is fair.

Mr. Mayes thanked Mayor Roberts for taking his renegotiation request seriously and investing the time to collect all of the pertinent benchmark data. He expressed his appreciation for the recommended amendments to the contract and stated that he loves living here in Farmington and has no desire to leave.

Following further consideration, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to approve the amendments to the Employment Agreement between the City and Robert J. Mayes effective April 1, 2016, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Recognition of Samantha Chang

Mayor Roberts reintroduced Farmington High School Senior Samantha Chang, noting that she is a volunteer participant of the San Juan Mentors Program and stated that she has been job-shadowing him for approximately one month. He noted that Ms. Chang has an interest in politics and will spend 16 hours learning about local government through this program.

There being no further business to come before the Council, the meeting was adjourned at 6:52 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 22nd day of March, 2016.

Entered in the permanent record book this day of March, 2016.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Smylie, City Clerk

Work Session of the City Council, City of Farmington, New Mexico, held Tuesday, March 15, 2016 at 9:00 a.m. in the Executive Conference Room at City Hall, 800 Municipal Drive, Farmington, New Mexico, in full conformity with the rules, regulations and ordinances of the municipality.

At such meeting the following were present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett

constituting all the members of the Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie
DEPUTY CITY CLERK	Andrea Jones

PROCUREMENT MONTH PROCLAMATION

Mayor Roberts presented Chief Procurement Officer Eddie Smylie with a Proclamation declaring March 2016 as, "Procurement Month." He recognized the staff of the Purchasing Division for their dedication and commitment to the City of Farmington. Mr. Smylie thanked the Mayor and Council for their continued support and introduced Purchasing Supervisor Kristi Benson; Buyers II Jennifer Rowland, Emily Foucault and Kay Rose; Buyers I Sharron Dunn and Christine Tyler; Administrative Aide Jeanette McCoy; and Contracts Administrator Rosalyn Potter.

2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Community Development Director Mary Holton reintroduced Associate Planner Teresita Clashin and explained that the purpose for today's discussion is to receive direction from the Council in regards to possible capital and public service projects utilizing the Community Development Block Grant ("CDBG") funding. Ms. Clashin reported that the City will receive $368,653 in CDBG funding beginning October 1, 2016 and noted that in previous years the funding was divided between planning and administration (20 percent), public service (15 percent) and capital projects (65 percent). In response to Mayor Roberts' inquiry, she confirmed that 15 percent of the award amount is $55,298 which could be used for public service projects. Additionally, City Manager Rob Mayes reminded the Council that public service projects would be open to the public utilizing the request for proposals ("RFP") process.

It was the consensus of the Council to direct staff to proceed with the RFP process for public service projects. Mayor Roberts requested that staff rank each proposal based on the RFP criteria (as it was done the previous year) and Councilor Duckett requested that the RFP require each entity to be present at the City Council meeting when the funding is finalized.

Ms. Clashin reported that Section 108 of the Housing and Community Development Act of 1974 ("Section 108 Loan") provides for a loan guarantee component of the CDBG Program which allows an entitlement city to apply for a loan up to five times the approved CDBG entitlement amount with a maximum repayment period of 20 years for capital projects. In response to the Mayor's inquiry, Ms. Clashin reported that the City could apply for a Section 108 Loan of approximately $1.2 million. Mr. Mayes pointed out that it is staff's intention to inform the Council of the Section 108 Loan opportunity and stated that more information can be compiled upon request. Furthermore, he emphasized that the Council does not have to select the project today if the Section 108 Loan is of interest. Councilor McCulloch voiced her support of applying for the Section 108 Loan and contended that the annual award amounts are not

enough to cover many of the large-scale capital projects needed by the City. Councilor Rodgers suggested that sidewalks along Bluffview Avenue be considered as a capital project and stated that she is not opposed to the Section 108 Loan. Mayor Roberts declared that funding the Metropolitan Redevelopment Agency's Complete Streets project will be a challenge and suggested that the Section 108 Loan could be a good funding source.

Following further discussion, it was the consensus of the Council to direct staff to pursue an analysis of the Section 108 Loan program and to compile a list of possible capital projects including Complete Streets and Bluffview Avenue sidewalks for Council's review.

PROPOSED POLICY REVISIONS TO THE NAMING GUIDELINES FOR PARKS, RECREATION AND CULTURAL AFFAIRS' FACILITIES AND ASSETS

Parks, Recreation and Cultural Affairs Director Cory Styron reported that the existing Facilities Naming Policy & Guidelines was an administrative policy implemented in the 1990s and he introduced Parks, Recreation and Cultural Affairs ("PRCA") Commission Chairman Tyson Snider. Mr. Snider explained that current policy is more of a general philosophy and stated that the PRCA Commission has revised the policy to be less subjective with more guidelines. He noted that specific changes include naming facilities or elements after individuals and purchasing naming rights and explained that the PRCA Commission has developed criteria and a step-by-step process for naming facilities or elements which includes an application.

Mayor Roberts recalled that it has been the general philosophy that naming a facility or element after an individual has been the exception to the rule rather than the standard and expressed his confliction in regards to changing it. He pointed out that it is a process that can get very emotional and the result can be quite divisive in determining someone's "worthiness". Mr. Styron reiterated that the proposed revisions include the PRCA Commission vetting each application and then providing a recommendation to the Council. He also stated that the ultimate goal is to provide a standard process for future staff and Commissioners to follow.

In response to Councilor McCulloch's inquiry, Mr. Styron reported that a current situation has risen regarding naming an exhibit hall at the Museum after Cassie Dallas which has prompted the revision of this administrative policy. Councilor McCulloch expressed her discontent at having to determine whether someone meets the proposed subjective criteria and recognized that it could be quite troublesome in making the determination. Noting that she is uncomfortable with some of the verbiage, Councilor Rodgers pointed out that interpretation of what a "significant contribution" constitutes will vary widely amongst community members and stated that the document may be more appropriately utilized as guidelines instead of policy. Mr. Snider pointed out that the PRCA Commission continues to receive naming requests and stated that they would like to have an updated document with some structure to consult when making these difficult decisions. Mr. Mayes noted that the Council does not have to take action on this item today and suggested that it may be prudent for staff to review the document based on today's discussion and provide revisions to the PRCA Commission for further consideration.

At the Mayor's request, Mr. Styron reviewed the current process applicants follow when making a naming request and agreed that the best answer may be to use the proposed revisions as guidelines instead of policy. Mayor Roberts suggested implementing minimum standards for contribution levels would be appropriate in an effort to quantify the proposed criteria and pointed out that it is incumbent upon each Councilor to provide any suggested revisions to staff. Councilor Rodgers commended Mr. Styron and the PRCA Commission for recognizing that revisions were needed and working through the enormous task of revamping the current administrative policy.

Following further discussion, it was decided to utilize broad terms rather than criteria minimums when revising the proposed guidelines and for the PRCA Commission to continue processing naming requests in its current manner.

PRESENTATION/BROOKSIDE POOL AND AQUATIC OPTIONS

Utilizing a Powerpoint presentation, Parks, Recreation and Cultural Affairs Director Cory Styron reported that Brookside Pool has been an

institution in the community for nearly 60 years, noting that it was built in 1958. He reported that the New Mexico Environment Department ("NMED") has been able to "grandfather" the pool's circulation system which operates at an 8-hour flow rate (current standard is a 6-hour flow rate) but stated that passing the annual inspections at the 8-hour flow rate has been difficult over the past four years. Mr. Styron reported that approximately 4-6 lap swimmers and an average of 160-170 swimmers utilize Brookside pool on a daily basis; noted that the diving boards were removed in 2014 due to the inadequate depth of the diving wells; and pointed out that the pool is losing a significant amount of water each day. He stated that Dekker/Perich/Sabatini performed a comprehensive assessment of all the City's pools in conjunction with the Aquatic Design Group and he highlighted the key findings for Brookside pool. Mr. Styron reported that the total estimated rehabilitation cost is approximately $1 million and noted that replacement of the sand filter and lateral lines ($58,000), removal and replacement of piping and decking ($48,000), performing leak detection test and repairing the vinyl liner ($7,000) and installation of NSF listed chlorine feed equipment ($10,000) are all immediate repairs that are needed in order to open Brookside pool this year. Furthermore, he emphasized that passing the annual NMED inspection is not guaranteed after performing all of the necessary repairs and explained that there is a possibility that the filtration and/or return systems could leak as a result of pressuring the systems back up after completion of the repairs.

Responding to the Mayor's inquiries, Mr. Styron confirmed that as long as nothing else failed that Brookside pool could be reopened and operated after the $125,000 worth of immediate repairs are completed and he reported that annual revenue produced from the pool averages between $12,000 and $17,000. Additionally, Aquatics Manager Mike Duke stated that admission rates are $1.00 for children and $1.50 for those over the age of 13.

Continuing with the presentation, Mr. Styron explained that the biggest failure at Brookside pool is the flow rate, reiterating that the current standard is a 6-hour turnover rate for full filtration but the pool is operating at an 8-hour rate. He reviewed the flow rates for the 2015 operating season, noting that the flow rate began to decline in mid-June, and explained that the decline in filtration of the water puts patrons at risk for contracting recreational water illnesses such as cryptosporidium or giardia which present flu-like symptoms. Mr. Styron reported that NMED would close the pool if the water's chlorine level tested less than one or if the flow rate was less than the grandfathered 8-hour filtration rate. Furthermore, he reported that NMED performs one annual inspection prior to the pool opening for the season. In response to Councilor Duckett and Rodgers' inquiries, Mr. Styron stated that the 2014 season was the last season the pool was fully operational and noted that the sand filter failed at the end of July 2015 which increased the flow rate but actually pushed sand out of the filter and into the pool. He also pointed out that the pool is losing approximately 12,000 gallons of water per day which is not a huge expense but is quite wasteful in our high desert community and noted that the location of the leak is unknown at this time. Mr. Styron detailed the 2015 season flow rate mitigation attempts which included an increased backwash schedule and closure of the pool on even numbered dates to provide additional time for the water to filter. Mr. Styron stated that due to the age of the pool and the uncertainty of the success of the necessary repairs it is staff's recommendation that Brookside pool remain closed and that other short-term outdoor swimming options be explored. He reported that a possible short-term option is to provide a swimming area at Lake Farmington on the north shore near the boat ramp that would include a rope-and-buoy perimeter, swimming lane, wibits, a beach area, a shade structure and lifeguards and stated that the initial cost to implement this option is approximately $42,123. Mr. Styron noted that operational costs for outdoor swimming at Lake Farmington ($30,250) are estimated at approximately half of the operational costs for Brookside pool ($64,000) over the same season (Memorial Day weekend through Labor Day weekend) and stated that additional portable restrooms could be provided.

Councilor Sharer pointed out that Lake Farmington is not as centrally located as Brookside pool and suggested that children that walk to the pool would not be able to utilize Lake Farmington for summertime swimming which would reduce attendance. Noting that it is a short-term alternative, City Manager Rob Mayes emphasized that allowing swimming at Lake Farmington is not a replacement for Brookside pool and stated that it does fit into the long-term vision of Lake Farmington. Furthermore, he noted that if Brookside pool remains closed, staff would begin the

process of obtaining community input to determine the most desirable replacement option, such as a similar flat-water pool or an interactive aquatic park, to be built at the same location. He pointed out that the type of structure to be built would determine the funding level needed and the timeframe required to obtain the funding. In response to the Mayor's inquiry, Mr. Styron reported that outdoor interactive aquatic parks are typically open the same season as outdoor flat-water pools and highlighted an example in Arlington, Texas where the aquatic park actually produces more revenue than its operational costs.

Councilor Duckett expressed his support for swimming at Lake Farmington to be a permanent, long-term option for the community and requested that the signage on Highway 516 be improved to better guide the public to Lake Farmington. Mr. Mayes reported that the recent revision to the City Code could grant authority at the Council's direction for the City Manager to allow swimming at Lake Farmington on a yearly basis but stated that a new ordinance could be considered to allow swimming permanently. Councilor McCulloch announced that it is her opinion that the community will enjoy swimming at Lake Farmington so much that it will demand that it remain a permanent option.

Concluding the presentation, Mr. Styron explained that if Council endorses staff's recommendation for Brookside pool to remain closed and to allow swimming at Lake Farmington that the process moving forward would include a public media release of Brookside pool's closure, the purchase of supplies to construct the swimming site at Lake Farmington, the pursuit of open-water certifications for lifeguards and the initiation of the conceptual element phase for the Brookside pool replacement project.

The Mayor called for comments from the members of the audience.

Sarah Menapace-Walker read from a prepared statement expressing her support of Brookside pool and suggested that the community would be supportive of an increase in taxes to fund the repairs. Ms. Menapace-Walker relayed her fond memories of swimming at the pool over the past 29 years and urged the Council to keep the pool open as long as possible.

Also speaking in support of reopening Brookside pool, Stephanie Nevarez stated that she has been swimming at the pool for 30 years and would be very disheartened if the City did not pursue any other outdoor swimming options than at Lake Farmington. In response to Ms. Nevarez's question, Mayor Roberts announced that the ban on swimming at Lake Farmington has only been a philosophical policy rather than an underlying prohibition of swimming in the City's drinking water reservoir and explained that the current Council is taking a more progressive stance on the economic development benefits that Lake Farmington has to offer. Ms. Nevarez questioned the slope of the bottom of the lake and whether there would be enough shallow water for young kids to play in. Mayor Roberts noted that the lifeguards would have a significant responsibility and stated that staff will answer these questions once the Council has determined the direction it will pursue for outdoor swimming. As a final note, Ms. Nevarez pointed out that Brookside pool lost participation after the reduction in operational days was implemented.

Julie Firestone expressed her love of Brookside pool and noted that she has taught her children and neighborhood children to swim in the pool. She acknowledged that social trends are moving toward "play parks" but emphasized that swimming is valuable and kids learn to swim in pools that have a depth of four feet or more.

Noting that she is a lap swimmer, Patti Glover stated that approximately 20 swimmers utilize the pool for lap swimming and pointed out that Brookside pool is a safe place for lower income children to get a "feel" for the water because it is shallow and inexpensive. She expressed her excitement for the possibility of swimming in Lake Farmington because she is an open-water swimmer and loves swimming outdoors.

Leslie Thompson, a member of the Parks, Recreation and Cultural Affairs ("PRCA") Commission, noted that she swam at Brookside pool as a child when it first opened and agreed that she would also miss the historical aspect of swimming there. However, she pointed out that the data has shown that there is a much higher health concern in not replacing the facility and stated that this a great opportunity to get public input to redesign a water concept for the community.

Mayor Roberts pointed out that these types of decisions have a true element of nostalgia which makes it more difficult but stated that the Council cannot ignore the aging infrastructure and will have to make a decision. Mr. Mayes summarized the items that staff would like to receive direction on today and Mr. Styron noted that the PRCA Commission voted unanimously at their meeting in February to keep Brookside pool closed, recommended swimming at Lake Farmington and to consider a long-term aquatic facility.

Following further discussion, a motion was made by Councilor Rodgers, seconded by Councilor Sharer to table the subject item to the March 22, 2016 regular City Council meeting, and upon voice vote the motion carried unanimously.

At the request of Councilor McCulloch, it was the consensus of the Council to direct staff to schedule and facilitate a public meeting regarding Brookside pool and the proposed options prior to the March 22, 2016 regular City Council meeting.

RESOLUTION NO. 2016-1583 APPROVING THE THIRD REVISION TO THE FY16 BUDGET AND REQUESTING STATE APPROVAL.

Administrative Services Director Andy Mason provided a brief explanation of the proposed budget revisions and recommended adoption of Resolution No. 2016-1583.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor McCulloch to pass and adopt Resolution No. 2016-1583, as presented. The roll was called with the following result:

Those voting aye:	Linda G. Rodgers Sean E. Sharer Gayla A. McCulloch Nate Duckett
Those voting nay:	None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried and Resolution No. 2016-1583 was duly passed and adopted.

BID/PURCHASE OF THE CITY OF AZTEC STATION REVENUE METERING POINT

Purchasing Supervisor Kristi Benson reported that bids for the purchase of the City of Aztec Station revenue metering point (Electric) opened on March 8, 2016 with three bidders participating. She recommended that the bid be awarded to Integrated Power Company on its low bid meeting specifications of $75,446.50 and that the bid received from Industrial Mechanical Inc. be rejected for not registering with the State of New Mexico Workforce Solutions Public Works Division.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to award the bid for purchase of the City of Aztec Station revenue metering point to Integrated Power Company as the lowest responsible bidder and that the bid received from Industrial Mechanical Inc. be rejected for not registering with the State of New Mexico Workforce Solutions Public Works Division, and upon voice vote the motion carried unanimously.

PROPOSED ORDINANCE REVISING CHAPTERS 24 AND 25 OF THE CITY CODE RELATING TO HOUSE NUMBERING AND DISPLAY OF MOTOR VEHICLES FOR SALE

City Attorney Jennifer Breakell requested permission to draft a proposed ordinance revising certain sections of the City Code providing for clarification and additions to provisions in Chapters 24 and 25 relating to house numbering and the display of motor vehicles for sale. Noting that the City Code does not clearly state how a residence must be numbered, Corporal Todd Johnston pointed out that it is difficult for safety responders and code enforcement officers to locate residences in some neighborhoods because of the lack of house numbering and stated that the proposed ordinance would include language that clearly identifies how a residence must be numbered including street numbering if the residence is located further than a specified distance from the roadway. He also reported that the proposed ordinance would include language that would require written permission from the property owner or to have a legal

interest in the property where a motor vehicle is to be displayed for sale.

Following brief discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct the City Attorney to draft a proposed ordinance in accordance with State Statutes, and upon voice vote the motion carried unanimously.

DANGEROUS AND DILAPIDATED BUILDING AND ACCUMULATION OF WEEDS, RUBBISH, RUINS, WRECKAGE AND DEBRIS ON PROPERTY LOCATED AT 2800 EDGECLIFF DRIVE

City Attorney Jennifer Breakell reported that staff is requesting that the condemnation process be initiated for property located at 2800 Edgecliff Drive and stated that the next step is to draft a resolution directing the owner and/or executor of the estate to remove the dangerous and dilapidated building and weeds, rubbish, ruins, wreckage and debris from the property. She briefly reviewed the history surrounding the property and thanked Police Chief Steve Hebbe and staff for their support in obtaining the necessary resources for the inhabitant of the structure. In response to the Mayor's inquiry, Ms. Breakell confirmed that staff has gone above and beyond typical procedure to ensure that the property owners were given a fair opportunity to come into compliance with City Code and she stated that the structure's foundation is no longer in a stable condition.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Rodgers to direct the City Attorney to draft a resolution directing the owner and/or executor of the estate to remove the dangerous and dilapidated building and weeds, rubbish, ruins, wreckage and debris from the property located at 2800 Edgecliff Drive, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Draft Resolution opposing the Bureau of Land Management's proposed Onshore Orders 3, 4, 5 and 9

At the request of Councilor McCulloch, it was the consensus of the Council to direct staff to draft a resolution opposing the Bureau of Land Management's Onshore Orders 3, 4, 5 and 9 and to schedule it for adoption at the March 22, 2016 regular City Council meeting.

Senate Bill 270

Councilor Duckett informed the Council that he has developed a steering committee to compile safety regulations in conjunction with the core provisions of Senate Bill 270 (which allows recreational off-highway and all-terrain vehicles to drive on paved roads) and reported that these regulations will be brought forward for consideration in the form of an ordinance at a future City Council meeting.

There being no further business to come before the Council, the meeting was adjourned at 11:21 a.m.

APPROVED this 22nd day of March, 2016.

_____
Tommy Roberts, Mayor

SEAL

ATTEST:

_____
Dianne Smylie, City Clerk