

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, April 26, 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 PRO TEM	Gayla A. McCulloch
COUNCILORS	Linda G. Rodgers Sean E. Sharer Nate Duckett
THOSE ABSENT	Tommy Roberts, Mayor

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Julie Baird
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

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

INVOCATION: The invocation was offered by Pastor Nathan Wheeler of East Side Church of Christ.

Police Officer Jonathan Covarrubias led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor Pro Tem 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. She 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 April 12, 2016.

*BID: The Acting Procurement Officer recommended that the bid for purchase of an electronically-controlled line recloser (Electric) be awarded to Cooper Power Systems, LLC on its low bid of \$81,558. Bids opened April 19, 2016 with two bidders participating.

*WARRANTS PAYABLE for the time period of April 10, 2016 through April 23, 2016, for current and prior years, in the amount of \$8,823,474.43.

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.

NAOSH WEEK AND OCCUPATIONAL SAFETY AND HEALTH PROFESSIONAL DAY
PROCLAMATION

Mayor Pro Tem McCulloch read a Proclamation declaring May 1 through 7, 2016 as "NAOSH Week" and May 4, 2016 as "Occupational Safety and Health Professional Day."

RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendation marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on without discussion by one motion. She asked that if the item proposed did not meet with approval of all Councilors or

if a citizen so requested, the item would 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. SUP 16-02 from Johnny O's Spudnuts, represented by Kyle Stowell, requesting a Special Use Permit to allow a drive-through window for a restaurant at 509 East 20th Street in the LNC, Local Neighborhood Commercial, District, subject to the petitioner revising the parking plan to accommodate the stacking spaces, circulation plan and solid waste collection which will be further assessed with the building permit application.

Councilor Sharer announced for the record that his family has a financial interest in the subject property and, as a result, he disqualified himself from voting on Petition No. SUP 16-02.

There being no requests to remove the item, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Planning and Zoning Commission Consent Agenda, as presented. The roll was called with the following result:

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

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

UNFINISHED BUSINESS

Closure of Brookside Pool

Utilizing the same Powerpoint presentation that was displayed at the April 12, 2016 regular City Council meeting, Parks, Recreation & Cultural Affairs Director Cory Styron reported that staff is recommending that Brookside Pool be closed because of the poor condition of the pipes, inlets, outlets, deck and pool liner.

Responding to a question from Councilor Sharer, Mr. Styron stated that it is his opinion that staff has prudently explored all possible options for sustaining operation of the pool.

There was no response to Mayor Pro Tem McCulloch's request for comments from the audience.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to close Brookside Pool and to direct staff to pursue options for replacement, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Tour of the Animas-La Plata Project

Councilor Duckett thanked Public Works Director David Sypher and the San Juan Water Commission for yesterday's tour of the Animas-La Plata Project located in Durango, Colorado. He announced that during the tour there was discussion about the possibility of the City constructing a pipeline from Lake Nighthorse to provide an additional source of water in the event that the Animas River becomes contaminated.

Roadway Construction on 20th Street

Councilor Duckett thanked the Streets Division for keeping traffic flowing along 20th Street during construction. City Manager Rob Mayes pointed out that the Public Works Department continues to work with the contractor on the project and noted that a majority of the work is being conducted at night in an effort to disrupt traffic as little as possible.

CITY ATTORNEY BUSINESS

City Attorney Jennifer Breakell requested permission to publish an ordinance pertaining to a loan from the New Mexico Environment Department for improvements to the City's wastewater treatment facility. The title of the proposed ordinance being:

AN ORDINANCE AMENDING ORDINANCE NO. 2015-1274 AND THE LOAN AGREEMENT AND NOTE AUTHORIZED THEREBY, ALL RELATING TO THE WASTEWATER CONSTRUCTION LOAN FROM THE NEW MEXICO ENVIRONMENT DEPARTMENT TO THE CITY OF FARMINGTON FOR THE PURPOSE OF FINANCING THE COST OF BETTERING AND IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY EXTENDING, ENLARGING, BETTERING, REPAIRING AND OTHERWISE IMPROVING THE CITY'S EXISTING WASTEWATER TREATMENT FACILITY; AND OTHERWISE RELATING TO SUCH LOAN, LOAN AGREEMENT, NOTE, PROJECT AND THIS ORDINANCE.

Acknowledging that the purpose of the proposed ordinance is to increase the loan amount from \$14 million to \$22 million, City Manager Rob Mayes explained that the bids came in higher than expected and staff is proposing to include an option to rough-in the second concrete basin even though it is not needed at this time because this is an area where costs are continuing to increase year after year.

In response to inquiry from Councilor McCulloch, Water/Wastewater Administrator Jeff Smaka reported that he anticipates construction to start this fall with completion of the project being scheduled for 2019.

There being no further discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct staff to publish a notice of intent to consider an ordinance relating to a loan for improvements at the City's wastewater treatment facility, and upon voice vote the motion carried unanimously.

Ms. Breakell also requested permission to publish an ordinance dealing with the regular meetings of the Animal Services Advisory Commission. The title of the proposed ordinance being:

AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE DEALING WITH MEETINGS OF THE ANIMAL SERVICES ADVISORY COMMISSION.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Sharer to direct staff to publish a notice of intent to consider an ordinance that will amend the regular meeting schedule of the Animal Services Advisory Commission from monthly to quarterly, and upon voice vote the motion carried unanimously.

Ms. Breakell presented for discussion a proposed ordinance dealing with recreational swimming in designated areas at Lake Farmington. The title of such proposed ordinance being:

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

There being no discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the May 10, 2016 regular City Council meeting.

Ms. Breakell also presented for discussion a proposed ordinance dealing with off-highway motor vehicles ("OHVs"). The title of such proposed ordinance being:

AN ORDINANCE ENACTING A NEW CHAPTER 25, ARTICLE 3, DIVISION 5 OF THE CITY CODE REGARDING OFF-HIGHWAY MOTOR VEHICLES.

Ms. Breakell directed the Council's attention to a Memorandum outlining proposed amendments from herself and Mayor Roberts concerning the subject ordinance. Furthermore, she announced that the New Mexico State Highway and Transportation Department ("NMDOT") made the following recommendations late this afternoon: 1) amend Section 25-3-137(D) to require all operators and riders of OHVs to wear eye protection and safety helmets regardless of their age; 2) include Section 66-3-1010.3(4) of State Statutes which restricts the use of an OHV in excess of 10 miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling unless the person operates the vehicle on a closed course or track; and 3) prohibit

individuals under the age of 12 from being a passenger on an OHV or all-terrain vehicle ("ATV").

In response to inquiry from Councilor Duckett, Ms. Breakell explained that the City cannot ignore State law concerning the 10 mile per hour speed limit, but stated that she suspects that Senator Steve Neville will propose an amendment to Section 66-3-1010.3(4) during the next Legislative Session. She did note, however, that the other two items are not State law and are merely a suggestion from NMDOT.

Councilor Sharer stated that he is not supportive of the recommendation to restrict passengers to 13 years of age and older and contended that he believes that OHVs traveling at a speed that is less than the posted speed limit may pose a danger to other drivers. In response, Ms. Breakell pointed out that the drivers of OHVs are supposed to pull to the extreme right when traveling on a roadway.

Councilor Duckett recognized Daryl Dunlap, owner of Dunlap Motor Sports, who was present in the audience and announced that Mr. Dunlap has been instrumental in drafting the proposed ordinance. Addressing the Council, Mr. Dunlap reported that he is on the Board of Directors for the Off-Highway Vehicle Alliance and the Convention & Visitors Bureau. He explained that side-by-side OHVs are equipped with seats and seatbelts that are compatible with infant and toddler car restraints, but noted that it is his opinion that there is no safe way to travel with an infant or toddler on an ATV. However, he noted that State law is subjective because it authorizes "age appropriate" passengers and he strongly urged the Council to not further restrict the age of riders on OHVs. Furthermore, Mr. Dunlap pointed out that the dimensions of an OHV exceed those of a Smart Car and a Fiat 500 which are allowed to operate at full speed on a roadway and stated that he believes that requiring them to operate at a slower rate of speed will be dangerous. Lastly, Mr. Dunlap agreed that it was not the intent of the law to require all drivers and passengers to wear eye protection and helmets and suggested that proposed Section 25-3-137(B) be amended to allow OHVs to be driven to off-road related activities and businesses, such as a meeting point for a rally and a gas station. In closing, Mr. Dunlap pointed out that it costs between \$350 and \$500 to modify an OHV to street legal regulations and speculated that owners will not spend an inordinate amount of time driving on paved streets because of the wear and tear on the tires. In response to further inquiry from the Council, Mr. Dunlap confirmed that OHV drivers must wear seat belts while traveling on roadways and stated that they must also be properly licensed and insured.

Debby Abbott, 1204 Chaco Avenue, questioned whether the accident and fatality rates from other states have been analyzed as a result of OHVs traveling on the roadways. In response, Ms. Breakell stated that staff has not reviewed such data.

City Manager Rob Mayes announced that the Parks, Recreation & Cultural Affairs Department wants assurance that such vehicles will not be allowed on walking trails. In response, Ms. Breakell stated that she believes that it is clear in the proposed ordinance but reported that she is not opposed to including a direct restriction.

Councilor Duckett initiated discussion on whether ATVs should be included in the ordinance. Police Chief Steve Hebbe stated that he would prefer for the ordinance to have as few exceptions as possible and stated that he would also prefer to retain the verbiage authorizing travel directly to the trailhead.

Following further discussion and consideration, it was the consensus of the Council to direct the City Attorney to amend the proposed ordinance to 1) limit the use to only OHVs; 2) set a maximum speed limit of 45 miles per hour; 3) remove the verbiage in Section 25-3-137(B) requiring only direct access to or from a private or public area; and 4) incorporate a direct restriction on walking trails. Furthermore, Ms. Breakell announced that she will be adding verbiage related to Section 66-3-1010.3(4) since this is State law that must be adhered to and assured Councilor Rodgers that she will also remove the provision requiring only those drivers and passengers 18 years of age or younger to wear eye protection and helmets.

Councilors McCulloch and Rodgers expressed support for including a provision on the minimum age of a passenger, but there was no consensus from the Council.

There being no further discussion, Ms. Breakell announced that the proposed ordinance will be presented for final action at the May 10, 2016 regular City Council meeting.

Lastly, Ms. Breakell presented a proposed ordinance dealing with house numbering/street addressing and the individual sale of used cars 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 2016-1284. The title of the ordinance being:

AN 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 STREET ADDRESSING AND INDIVIDUAL USED-VEHICLE SALES.

After consideration of Ordinance No. 2016-1284, a motion was made by Councilor Duckett, seconded by Councilor Rodgers 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. 2016-1284 was duly passed and adopted.

There being no further business to come before the Council, the meeting was adjourned at 7:01 p.m.

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

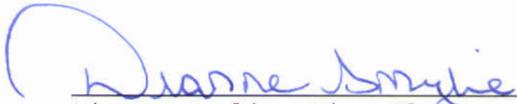
Approved this 10th day of May, 2016.

Entered in the permanent record book this 11th day of May, 2016.


Gayla A. McCulloch, Mayor Pro Tem

SEAL

ATTEST:


Dianne Smylie, City Clerk