

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING / BUSINESS MEETING**

**SEPTEMBER 19, 2018**

<b>PRESENT</b>	<b>ABSENT</b>
Jhonathan Aragon, Chairman	
Charles D. Eaton, Vice-Chair	
David A. Hyder, Member	
David Carlberg, Member	
Helen Y. Cole, Member	
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Aragon at 5:01 P.M.

2) Mr. Miller led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Eaton moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

4) Approval of Minutes: August 24, 2018- Special Business Meeting ICIP Workshop  
September 5, 2018 Special Business Meeting  
September 5, 2018 Business Meeting

Commissioner Cole moved for approval of all 3 sets presented. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

**PRESENTATIONS(S):**

5) Presentation for the Western Spirit Transmission Project. Presenter: *New Mexico Renewable Transmission Authority*

Lynn Mostoller, general counsel for New Mexico Renewable Transmission Authority introduced Kim Sachtleben from Pattern Development. Ms. Sachtleben stated that Mesa Canyon Wind Project and the Western Spirit Transmission line were acquired from Clean Energy in May. The Mesa Canyon Wind Project is located in Lincoln County. The energy from the wind project is intended to be transmitted through the Western Spirit Transmission Line, they intend to interconnect with PNM's Rio Puerco substation. The transmission line will have the ability to deliver energy to New Mexico, Arizona and California. Projected start of construction is end of quarter 3 of 2019 with completion by end of 2020. Right of Entry permission have been sent out asking land owners for the right to go onto their property to survey from an environmental and constructability aspect. They are in the process of designing a few re-routes along the route in case adjustments need to be made. As of right now it is being proposed that 38 miles of the line will be routed in Valencia County.

Commissioner Carlberg asked what the height of the power lines will be. Ms. Sachtleben stated between 90-150 feet, the terrain and environment are what feed into dictating the structure. Commissioner Carlberg asked where the line will cross relative to the airport in Belen. Ms. Sachtleben stated that they are in the process of putting together FAA filings and if the FAA filings dictate that the transmission line has to be moved then they are looking at re-routes slightly to the west of the current location. Commissioner Carlberg asked what is the closest the line would be to the runway. Natalie who is the Permitting Specialist stated that the FAA filings will dictate if this is an acceptable route to them, where the line is proposed right now is right along the current El Paso electric existing line, so if that route was used we would try to have the structure height the same as the El Paso Electric line that was already approved. If we need to go higher then that's where we will work with FAA about going further west. We have to obtain FAA approval so if there is an issue we will deal with it. Commissioner Carlberg stated that this is a big deal

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to smaller aircraft as well as the military so has the military been contacted. Natalie stated yes, we have ongoing consultation with the air force bases, Clean Line started that conversation and we are continuing it. Commissioner Carlberg asked when do they expect approvals to come through. Natalie stated that they are working on the FAA file package right now and anticipate feedback from FAA within 1-2 months of submittal. Commissioner Eaton stated that he received emails from residents around Alexander Airport and he wants to know how many public meetings have been held in Valencia County. Lisa Dodds, Land Acquisition Manager, stated that there has been 1 meeting in Valencia. Commissioner Eaton stated that he hopes the City of Belen is involved in the discussion and process. He would like the power point presentation from tonight given to the commissioners for further information.

Chairman Aragon asked what the plan is to keep residents informed of the project. Ms. Dodd stated that there is the possibility of the team coming back at a later date with updates but typically the procedure is to stay along the project corridor. There is a project website where more information can be obtained as well as individuals can submit questions and they will be answered. [www. Westernspirittransmission.com](http://www.Westernspirittransmission.com) is the project website. Commissioner Cole asked if anyone had spoken to anyone with the City of Belen in regards to the project. Ms. Dodd stated that they are in the process of setting up more meetings, so a meeting with them is coming. There is a long list that they are working through. Commissioner Carlberg asked if the bird sanctuary in Bernardo will be impacted. Natalie stated that it is definitely already on the list to look at for the environmental study. Commissioner Hyder stated that residents of Tierra Grande, Casa Colorado, and Jarales will be impacted by this as well. He requested that there be more updates regarding the project in order to keep everyone informed.

Chairman Aragon stated that he will now open the floor for discussion from the public but he requested that they be concise with questions.

Romy Baca commented that there is a petition circulating opposing the project. The lines will effect property and there are harmful health effects. She asked that the board vote no to this project. Do not destroy property and farm lands.

Bernadette Baca commented that the structures will ruin the land that people live on, there are health concerns and there are no maps online showing were the project will go.

John Thompson commented that he is the Belen Airport Manager and is concerned about the plans for a new runway and how the lines would interfere with those plans. The end of the runway would be close to the power lines and there is the possibility of flight school coming to the airport so having students flying close to the power lines is dangerous.

Vickie Husbands commented that she is not in favor, the lines are ugly, will ruin views, and destroy property values. Lives have already been lost with the lines that are currently there. This will be safety issue and the land of enchantment will be ruined.

Martin Baca commented that his family has lived in the area for many years and he doesn't want to walk out in the morning to the view of power lines, there is a petition with a lot of signatures of people that don't want the project.

Donald Auge commented that the airport is federally funded so how will that funding be effected by this project also, low flying airplanes in the dark will not be able to see the structure.

Steven Tomita commented that he would like the consultant to come and meet with Belen. He has some questions about the contract with the air force and as the Planning and Economic Director for the city he would like to discuss this matter.

Earl James Chavez commented that it should be rerouted through Bernardo, it's better to go through Bernardo because the power lines are already there.

Tamara Arneson commented that she owns a business in the county and she is concerned that many people had no idea about the project, she asked that there be more community wide meetings.

Joseph Salazar commented that if 150 ft. power lines are put at the airport surely someone is going to hit them. There is also the possibility of losing funding for the airport so move the lines or keep them low.

Ronnie Torres commented that the airport is something that is a big deal to the city and to the county and power lines that close will ruin any expansion plans. The city needs to be kept informed of the project.

Ms. Sachtleben thanked the commission for allowing them the opportunity to present, they will listen to feedback. There is a website for information but they will be more proactive about providing updates. She also mentioned that base transmission line route is on the website. Mr. Nance stated that the New Mexico Rural Energy Transmission Authority has requested that the county zoning department review if the particular utility poles to be used for the project are effected by the county's zoning ordinance. Planning and zoning will do the analysis and respond but that does not mean the Valencia County is for or against the project.

*Chairman Aragon called for a break @ 6:04 P.M.*

**6) Presentation of Final Budget approved by DFA/LGD. Presenter: *Loretta Trujillo***

Ms. Trujillo stated that she received a letter from DFA and the third paragraph states that the approved budget is required to be made part of the minutes. Ms. Trujillo stated that some of the changes to the budget include the General Fund beginning cash balance investment changed by \$31,872 the GRT for roads funds, EMS and Fire Excise needed to be placed with line items and the Law Enforcement Protection Fund award letter was received after the board approved the budget and the award amount was a little higher than anticipated. (See Exhibit A)

**DISCUSSION (NON-ACTION) ITEM(S):**

**7) Commissioners, Committees and Reports.**

Mr. Rustin Porter reported on the hospital RFP. The county is currently in negotiations with the highest proposed offeror, no records can be made public until the negotiations are complete. The contract can be presented once the 15-day protest period is up. Mr. Monette stated that county legal and the offeror's legal team have been in contact with each other, everyone is working together. They want to move quickly but it also needs to be done right.

**PUBLIC HEARING (NON-ACTION ITEMS):**

County Clerk Carabajal administered the oath to those individuals who wished to give testimony on public hearing items.

**8) Consideration of a request for a Zone Change by Amy E. Joy and Daniel R. Gray from Rural Residential 1 (RR-1) to Community Commercial 2 (C-2) at Lot 1, Land of Unit P LLC & Bobsons LLC, Sec 26, T7N, R2E; MRGCD Map 72; Zoned Rural Residential 1 (RR-1) also known as 20 El Cerro Rd., Los Lunas, New Mexico 87031, 0.94 acres. Presented by: *Gabriel Luna***

Mr. Luna stated that the applicants Amy E. Joy and Daniel R. Gray are requesting the zone change from RR-1 to C-2 to allow for the proposed use as an acupuncture office. At their August 28<sup>th</sup> meeting the Planning and Zoning commission voted 4-0 to recommend approval of the zone change. Mr. Luna stated that the section of land had come before the board for a zone change around 2009 but this one particular piece of property fell through the cracks, and by the mistake of the planning and zoning department the legal description was incorrect. All the surrounding area is zoned C-2 this piece of property is the only one that is RR-1.

Amy Joy stated that she and her husband have operated an acupuncture business in Los Lunas, directly across the street for 5 years. The property in question was purchased in May and the MLS listing had it listed as C-2 zoning, after the property was purchased and permits were being pulled it was then noticed that it was still zoned residential. Ms. Joy stated that they are trying to get everything straightened out so the business can be moved across the street.

Chairman Aragon opened the floor for public comment. No one wished to speak on the item. Chairman Aragon stated that this item is now closed.

**9) Consideration of a request for a zone change by Dennis Chavez and Tamara J. Arneson from Rural Residential 1 (RR-1) to Community Commercial 2 (C-2) at Tract A and B Land of Highland Meadows Estates LLC and D. Randy Baker and Denise Baker, Sec 5, T8N, R3W, zoned Rural Residential 1 (RR-1), 2.00 ac. Presenter: *Gabriel Luna***

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Mr. Luna stated that the applicants Dennis Chavez and Tamara Arneson are requesting a zone change from RR-1 to C-2 to allow for the proposed use of a food mart. At their meeting on August 28<sup>th</sup> the planning and zoning commission voted 4-0 to recommend approval of the zone change.

Chairman Aragon opened the floor for comment on this item.

Commissioner Eaton asked if there was a designation of neighboring properties historically in that area before.

Mr. Luna stated that as for the zoning goes they are RR-1 except for a section to the west of the property, a portion of that is zoned C-2 where a bar used to be.

Anabelle Dodd stated that she has been a resident of the Highland Meadows for 24 years and she helped facilitate the sale of the property between Mr. Chavez and the previous owner of the property. They were under the impression that the property was zoned C-2 not residential. Highland Meadows is a growing community of around 500 families and right now there is no business there for the residents to purchase basic household needs. The mini-mart will provide items that someone may have forgot to pick up on the way home from work. There was a Pronto Mart at the location many years ago but shut down around 2013 due to the crash of the economy. Mr. Chavez wants to be able to provide basic household needs, he has also obtained a liquor license which he would like to transfer to the business to sell packaged liquor.

Tamara Arneson stated that she and Mr. Chavez own Southwest Livestock Auction and Southwest Event Center on HWY 6 which holds its own liquor license, they have never been cited for anything and have a good reputation.

Chairman Aragon opened the floor for the public to speak about the zone change or ask questions.

Kim Roberts stated that she is not opposed or against the zone change but just wants to know if they plan on buying more property in that section then just the two. Also do they have any plans for the 118 acres they just bought in Cibola County as it just across the county line from the mini mart property.

Dennis Chavez stated that he just purchased 118 acres north of it and trying to purchase another 50 acres, he doesn't have any plans for it right now but wants to have it since it adjoins the other 8 acres.

Tamara Arneson stated that when their facility was going up they had neighbors saying they didn't want a bar but she would like to say that they don't want a "bar" open every night as a honky-tonk. Special events are held at their facility and 2 wedding a month but to put everyone's mind at ease nothing like that is going to be put out there,

Commissioner Cole stated that Annabelle mentioned that there was a mini mart out there that had closed, but has there been more residents moving out there where a little store would be successful and needed now.

Annabelle Dodd stated that the mart closed in 2013 but since then the community has become more stable and just by the traffic stopping to park on their way through HWY 6 there is a visible need for this in the community.

Commissioner Aragon stated that this item is closed and action will be taken at a later date.

**Board Convenes as Indigent Board**

Commissioner Hyder moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

**10) Approval of Indigent Report. Presenter: Maria Garcia; Sponsor: County Manager for Regular County Business**

Ms. Garcia presented the indigent report and asked for approval of \$23,562.93 she also reported that as of August 31<sup>st</sup> the indigent fund balance was \$233,827.65.

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Commissioner Cole moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit B)

**Board Reconvenes as Board of County Commissioners**

Commissioner Hyder moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

**ACTION ITEM(S):**

**11) Approval of Accounts Payable and Payroll Disbursements. Presenter: *Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***  
Ms. Trujillo presented one accounts payable and asked for approval.

Commissioner Cole moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit C)

**12) Approval of Resolution 2018-\_\_\_: State Budget Adjustment Request. Presenter: *Loretta Trujillo*; Sponsor: *County Manager for Regular County Business (tabled on 9-5-18)***

Fire Chief Brian Culp stated that on September 7<sup>th</sup> the Valencia County fire department was awarded an Assistance to Firefighters grant in the amount of \$411,200 the federal match portion of that is \$373,819. Chief Culp stated that he would like to recognize Deputy Chief Davis, Assistant Chief Gonzales, Captain Barr and Assistant Chief Moya who all took part in writing the grant. This is a reimbursable grant will be used for the purchase of 59 air packs for the Jarales, Los Chavez, Highland Meadows, and Tome-Adelino fire stations. The ability to purchase the air packs will be a huge boost to the fire department and the safety of the firefighters.

Commissioner Eaton moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2018-53 (See Exhibit D)

**13) Approval of Resolution 2018-\_\_\_: Order Setting Tax Rates 2018 Tax Year. Presenter: *Michelle Milam*; Sponsor: *County Manager for Regular County Business***  
Ms. Milam asked for approval of the order from DFA setting property tax rates for 2018.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2018-54. (See Exhibit E)

**14) Request for Employee Raises. Presenter: *Deseri Sichler*; Sponsor: *County Manager for Regular County Business***

Ms. Sichler stated that Marilyn Silva has been replaced, she had been earning \$15.20 the new hire is currently making \$14.50. Ms. Sichler stated that Analicia Gomez and Anna Davis have taken on more duties so she is asking that 0.20 be given to Anna and Analicia be given 0.50 for the additional duties. Chairman Eaton asked if it would be permissive to discuss this matter in executive session since the names have been discussed. Mr. Pato stated yes, absolutely you can discuss promotions, demotions, and individual county employees in executive session.

Commissioner Eaton moved for approval for the item to be discussed in executive session at the next meeting. Seconded by Chairman Aragon. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

15) Consideration of Findings of Fact, Conclusions of Law & Order for approval of a Solar Field Overlay Zone #2018-074 by PNM for the Rio Del Oro Solar Energy Center, Rio Del Oro Subdivision, Regional Center, Unit 53, T6N, R2E, Sec 36; Zoned Planned Development (PD); 109.29 ac. Presenter: *Gabe Luna*; Sponsor: *County Manager for Regular County Business*

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit F)

16) Consideration of Findings of Fact, Conclusions of Law & Order for Zone Change ZC #2018-075 by Valencia County Cowboy Church from Outland District (OD) to Rural Residential 1 (RR-1) with a Conditional Use at Lot 37, Sec 22, T7N, R1E; Zoned Outland District (OD) also known as 1 AT&T Rd., Los Lunas, NM 87031. Presenter: *Gabe Luna*; Sponsor: *County Manager for Regular County Business*

Commissioner Cole moved for approval. Seconded by Commissioner Aragon. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit G)

**PUBLIC COMMENT:**

None

**NEXT COMMISSION MEETING:**

October 3, 2018- Business Meeting @ 5:00 P.M.  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031


October 17, 2018- Public Hearing/Hearing @ 5:00 P.M.  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

**17) Adjournment**


Commissioner Hyder moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. TIME: 6:55 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the September 19, 2018 Public Hearing/Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
JHONATHAN ARAGON, CHAIRMAN

  
\_\_\_\_\_  
CHARLES D. EATON, VICE-CHAIR

  
\_\_\_\_\_  
DAVID A. HYDER, MEMBER

  
\_\_\_\_\_  
DAVID CARLBERG, MEMBER

  
\_\_\_\_\_  
HELEN Y. COLE, MEMBER



  
\_\_\_\_\_  
PEGGY CARABAJAL, COUNTY CLERK

10-3-2018  
DATE