

REGULAR CITY COUNCIL MEETING

July 1, 2013

6:00 P.M.

Mayor Rudy Jaramillo called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Leona Vigil, Deputy Clerk.

PRESENT: Councilor David Carter
Mayor Pro-Tem Jerah Cordova
Mayor Rudy Jaramillo
Councilor Audrey Torres-Vallejos
Councilor Wayne Gallegos

CITY STAFF: Mary Lucy Baca, City Manager
Leona Vigil, Deputy Clerk
Lenore Pena, HR, Fire
Chief Dan Robb, Police Dept.
Eddie Jaramillo BPD
Bertha Flores, RSVP
Elena Garcia, Finance
Manny Garcia, Fire

REPORTER: Abigail Ortiz, VC News Bulletin

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE:
Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA
Mayor Jaramillo asked to add Executive Session at the beginning of Section IX. Councilor Wayne Gallegos moved approval of the Agenda with the change. Mayor Jaramillo asked if there was a second. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Torres-Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion carried

APPROVAL OF THE MINUTES DATED JUNE 17, 2013
Mayor Rudy Jaramillo asked for a motion to approve the minutes dated June 17, 2013. Councilor Audrey Torres-Vallejos moved to approve the minutes. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Torres-Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Abstained Motion carried

PUBLIC COMMENTS

Mike Wood. He agrees with the lady from the last meeting who stated “approve this man”, and he hopes the Council makes the proper zone change to give Robert Noblin a chance to help Belen grow.

Herman Tabet. He asked if this second public hearing was advertised. Lucy answered yes.

Linda Jenkins. She stated that the Council is doing a great job with the City. She wanted to stress her concern with the sprinklers at Eagle Park; they are running at 11:30 AM for about an hour. She is also concerned with the severe weed issue behind Auto Zone just north of the Car Wash.

There were no more public comments at this time; Mayor Jaramillo closed this section of the meeting.

Mayor Jaramillo recognized Toby Jaramillo from the Moose Lodge with a Certification of Appreciation. The Moose Lodge has donated a monetary donation to the City for the Summer Recreation Program and for the Police National Night Out that is held in August.

PUBLIC HEARING(S)

AMEND THE ZONE MAP FROM C-1 TO SU-1 FOR FURTHER EXPANSION OR ADDITION OF AN ON-SITE CREMATORY: Robert Noblin

Mr. Robert Noblin who is the owner of Noblin Funeral Home wanted to state for the record that this issue should be coming to the Council with a 2-2 Tie, and not a 3-2 against. He believes there was a conflict of interest with the P & Z Chairman who has a family member working for another local funeral home. He believes the emotions expressed at the last public hearing were driven out of fear and lack of understanding of the cremation process. He would like the Council to make their decision based on the factual information of the zone change.

Penny Griego: She stressed that in order to be successful you need to keep business within your City. She supports what Mr. Noblin wants to do for the community.

Katie Arisman: She has researched the safety of the proposed crematory and is in strong support of the on-site crematory.

Susan Vasquez: She lives at 217 Sunrise Bluffs which is better known as a gated, over 55, as God’s little holding area. The residents in that area have a vested interest in this. They have signed in favor of the on-site crematory.

Richard Jackson: Stated a crematory in his neighborhood should not be allowed.

Leslie Allgood: She is a member of the Belen Missionary Church located across the park next to Robert’s Funeral Home. She has done research on the safety of the crematory, and there is nothing that proves it will be harmful to the public. The Youth Group at her church plays at the park all the time and she has no problem with it.

Carolyn StClair: She is a homeowner of the 500 Block of North Fifth St., and she stressed that the crematory is against the will of many. She objects to the idea.

Ruby Glasscock: She lives in Sunrise Bluffs. She cannot believe anyone would be affected by living next to a crematorium. She believes Mr. Noblin should be given the opportunity to expand and make his business even better.

Sam Chavez: He stressed that this issue is an emotional topic. He believes a crematorium would be a benefit to the City, just not in that location. He proposed that the Council not allow the zone change.

Kenneth Sandlin: He lives in Rio Communities. He believes the crematory will create revenue for the City and he can't believe members are fighting it. He added, parents need to explain to their children that there is a cremation in the process, not that there are burning bodies in that building.

Barbara Horton: She is not opposed to business coming into Belen; she is opposed to the location.

Susan Coudert: She lives in Las Maravillas, and she claimed that this issue affects her and all the area that Noblin Funeral Home serves. She does not want the body of her loved one to travel to another location for cremation. She wants the loved one to stay on one property. She is in favor of the zone change.

Tom Greer: He is a member of the P & Z Commission. He moved to send the recommendation for approval of the SU Permit to the Council. He proclaimed that the Commission's responsibility is to look at the quality, environment, inconsistency, hazard to welfare, and appropriate use of land issues when making these decisions, and, all of those conditions were met. He stated that right now the building is a funeral home and mortuary; there are already dead bodies there. He added that this is not a new thing; it is simple extension of the service. The crematory is proposed to go on the other side of the funeral home, and it will not be visible to anyone at the park.

Martin Callahan: He is the President of the Los Lunas Chamber of Commerce. He stated that Robert Noblin also sits on the Chamber, and is an outstanding business man.

Terry Maynor: He lives at 309 N. Fifth Street, and is located closest to the proposed crematory than anyone else at the meeting meeting. He is not opposed to business, but stated there needs to be a better place to put it. Mr. Maynor was concerned with how the bodies were going to get from the funeral home to the crematory. Mr. Noblin answered that the individuals would be transported from the embalming room to the garage by vehicle.

Jake Kettenacher: He asked that the Council eliminate all the emotion, and stick to the statutes.

Kenny Maestas: He stated that the issue is the location, and the neighbors do not want it.

Clarke Metcalf: He is in favor of the crematory, and if Belen doesn't want it Rio Communities would welcome Mr. Noblin's business.

Ronnie Torres: He lived in a home located 50 ft from the funeral home. He bought the home for \$70,000 and he sold it for \$165,000. The funeral home had no effect on his property value. He has no problem with it.

Al Padilla: He stressed that the P & Z Commission has already did the work on this issue and voted it down. The Council needs to listen to their P & Z Commission.

Herman Tabet: He is a former P & Z commissioner for the County. If this property is allowed the zone change it will set precedence and then the City will have a service station next to the car wash. He stressed that this location is just not the place. He will donate 5 acres by the airport to Mr. Noblin if he would like to put the crematory up there.

Kimberly Johnston: She is the daughter of Corrine Pachecho-Johnston of Belen. In 2004 she had a huge tragedy in their family. She does not want her family members driven somewhere else to be cremated when it can be done at the same location. She stated Mr. Noblin should be able to get his permit.

Russ Silcott: He lives in Sunrise Bluffs. He stressed that towns thrive when business come not when they go.

Dicky Romero: He owns Romero Funeral Home. He is definitely not against Mr. Noblin putting in a crematory just not at that location. He proclaimed that he got involved with the issue due to so many individuals approaching him that were in opposition to the crematory. He educated the individuals as to what is going to take place there.

Maxine Scriptor: Stated we need to keep the business in the city.

Regina Trujillo: She stressed that the location doesn't matter. She doesn't see the difference between embalming and cremation. She asked the Council to vote for the crematory.

Frank Storey: He stressed that there are zoning laws in place to protect the integrity of the Anna Becker Historical Park. He doesn't believe that the crematory will create any more gross receipt tax for the City in any way. He does not think the Council should approve it.

Carolyn Houston: She handed out a copy of her presentation; a copy is attached hereto. She is in support of the on-site crematory.

Will Arisman: He lives at 91 Lopez Road, and he is in favor of approving the crematory.

Jacque Graves: She is opposed of the crematory. She stated there is already one, we don't need another one.

Terry Maynor: He lives on Fifth Street. He stated that the crematory should be attached to the funeral home.

Mike Wood: He stressed the location is important, and Mr. Noblin needs to consolidate his business.

Dicky Romero: He claimed that the property value might not be lowered with the proposed crematory, but he stressed it will be a lot harder to sell a home in that area.

David Guerrero: He is the Pastor at the First Baptist Church, and he passes the funeral home every day. His children comment how beautiful the property is. He is in full support of the crematory.

Jay Shiplet: He stressed that the people who should decide on the crematory are the people who are neighbors of the funeral home not anybody else.

Rod Storey: He is the chairman of the P & Z Commission. He was not there to debate his integrity or have his vote to be challenged. He stated that this is a planning and zoning issue not an economic development issue. He sits on the Chamber of Commerce with Mr. Noblin on the Board of Directors which could have been seen as a conflict of interest as well. He asked that the Council take in to consideration that this is a Planning and zoning issue. He will continue to serve on the P & Z Commission with integrity.

Mayor Jaramillo asked if there was anyone else with public comments. There were no more at this time, and Mayor Jaramillo called up Mr. Noblin.

Mr. Noblin gave a handout of specs from a local real estate agent regarding property value, a copy is attached hereto.

Councilor Audrey Torres-Vallejos asked Mr. Noblin if the information for the application was provided by him or a third party. Mr. Noblin answered by a third party on behalf of the State with the Small Business Assistance Coalition. She then asked Mr. Noblin if he realized that he is subject to one state regulation which sets a limit of no visible emission smoke from the furnace equal to a rate of 20 percent. Mr. Noblin answered

that State does allow that amount if it occurs, but the unit he is purchasing is smokeless and odorless when operated correctly by trained personnel.

Councilor David Carter wanted clarification as to why Mr. Noblin does not believe the crematory is relevant to kids playing at the park. Mr. Noblin answered that he has shown factually that there is nothing coming from this crematory that is harmful to anyone in the park. Councilor Carter is concerned with the permitting requirements; 10 tons annually of a particular element can be submitted before you require having a permit. He then asked Mr. Noblin if he can guarantee that there will be no particulates deposited on that park. Mr. Noblin can only speak on what the crematory manufacture claims, which is under proper operation, that the parts per million of carbon monoxide is less than vehicles or other business operating in that area. Councilor Carter advised Mr. Noblin that he is in charge of transportation and nutrition at the Schools, and there are kids being fed at that park just about every day during summer. Councilor Carter stated that there are many chemicals that are emitted during the cremation process which would be emitted through his system also and fall onto the park. Mr. Noblin answered those are some of the byproducts of cremation, and he did not know if they were emitted in solid form to fall. Councilor Carter is very concerned with the location, but if Mr. Noblin can guarantee him that these emissions will not be ingested by the kids at that park he would not see a problem.

There were not more questions. Mayor Rudy Jaramillo closed the Public Hearing

DISCUSSIONS WITH ACTION REQUIRED

APPROVAL OR DISAPPROVAL OF THE AMENDMENT TO THE ZONE MAP FROM C-1 TO SU-1 FOR FURTHER EXPANSION OR ADDITION OF AN ON-SITE CREMATORY: Robert Noblin, Owner

Councilor Cordova described on how he intended to make his decision tonight. A copy of his document regarding this issue is attached hereto and made an integral part of these minutes by reference. He is in favor of the crematory. Councilor Carter is in disagreement in some of Councilor Cordova's analogy. Councilor Carter stated that the issue of the integrity and character of the zone is very subjective. Councilor Carter stated that it has not been proven that the crematory is in the best interest of the children playing in that park, since it cannot be proven that the cremation process is not harmful to the kids; therefore, he cannot approve this special use. Councilor Cordova stated that it was demonstrated, through the facts that were presented, that the environmental impact from the emissions is less than traffic. Councilor Gallegos is taking into consideration the impact of the public interest within the immediate area.

Councilor Jerah Cordova made a motion to approve the amendment to the zone map from C-1 to SU-1. Mayor Rudy Jaramillo asked for a second. There was no second. Motion Died.

Mayor Jaramillo asked for a motion to disapprove the amendment to the zone map from C-1 to SU-1 for further expansion or addition of an on-site crematory. Councilor Audrey Torres-Vallejos motioned to disapprove the zone change. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	No	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE SURPLUS PROPERTY FOR AUCTION: Lenore Pena, Risk Manager

Lenore informed the Council that on the second page there are two electric saws however, there is only one. On the 7 vehicle emergency lights; it's only one light with 7 lights on them. There are 8 flat screen monitors listed but she is going to add 8 more. There is one more antenna that will be added also. She informed the Council that there are two paper bags of wires which would be more lucrative to send out for recycling than auction.

There are 150-200 water meter with brass that she also would like to recycle. Mayor Jaramillo asked if these items had to go to auction before they can go for recycling. Mary Lucy answered no. Lenore stated that she can put the items for auction at a set amount, and if they don't sell she can then take them to recycle. There are 50 big metal filing cabinets also that can go for auction, or recycle at 10 cents a pound. Councilor Audrey Torres-Vallejos asked why the items are being placed on public surplus.com and not taken to the local auctioneer. Lenore answered the local auctioneer takes a high percentage of the total sales whereas public surplus gives the City 100 % of the sales. Councilor Wayne Gallegos asked how Public Surplus makes their money. Lenore answered that they charge the buyer a service fee. Councilor Gallegos asked if the approval tonight was for the list of items to be auctioned or which service to use. Leona answered only for the approval of the items on the list to be disposed.

Mayor Jaramillo asked if anyone from the public had any comments. Jan Johnson stated that she has used the local auctioneer and stated that someone made money off her auction, but it wasn't her. She stated that this isn't the best way for the City to get the most money back for their auction.

Mayor Jaramillo asked to entertain a motion to approve or disapprove of the items for auction. Councilor Wayne Gallegos made a motion to approve the disposal of the listed items. Councilor Audrey Torres-Vallejos second the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	No	
Councilor David Carter	Yes	Motion Carries

APPROVAL OF DISAPPROVAL OF THE OUT OF TOWN TRAVEL REQUEST: Bertha Flores, RSVP Director

Bertha is seeking approval to attend the RSVP training in Colorado from the 23rd-25th of July. The training will help with her with grant writing. She applied for \$1500.00 from the federal to help with training and she received it. Mayor Jaramillo asked for a cost; a copy of the cost is attached hereto. Councilor Wayne Gallegos asked if the cost was going to be covered by the federal. Bertha answered yes.

Mayor Jaramillo asked for a motion to approve or disapprove the out of town travel request for Bertha Flores. Councilor Audrey Torres-Vallejos made a motion to approve. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE PROPOSED RESOLUTION TO PARTICIPATE IN GRANT FUNDING THROUGH THE NEW MEXICO FINANCE AUTHORITY: Steve Tomita, P & Z Director

Steve informed the Council that when he was talking to New Mexico Finance Authority (NMFA), there was no process or criteria to participate in this type of funding. There are some funds set up for what is being asked for; however there were no application forms. Steve and Tom Greer submitted a letter asking for the grant, NMFA notified Steve and let him know that the letter sufficed for an application; however, he needed to submit a resolution with his application. That is why he is here tonight after the fact for approval of the resolution.

Tom Greer informed the Council that this project began with Mr. Storey who is an investor in the subdivision up by Cemco off the Freeway. Mr. Storey asked Tom what he should do with his property; at the same time Tom met Benjamin Graham who is an international scientist brought up and educated in the Netherlands. Tome informed the Council that the proposed Eco-Plant can produce enough fresh vegetables and fish to feed 40,000

people on 16 acres. Tom has taken this to the Lt. Governor of the State of New Mexico. NM State University has signed a letter of intent to participate in this project through their department of agriculture. Tom also met with the Director of the US Department of Agriculture who is looking forward to getting together with everyone. The opportunity to bring the entire technology package to Belen is something Tom has been working on since he wrote a project called putting NM back to work in 2010. Tom mentioned that there is an international technology exchange set up with the Netherlands with Belen as the sister city. Tom informed the Council that he is not sure if there is a match necessary for the grant, but Rick Storey who owns the infrastructure that is already in the ground on the 16 acres has already committed to put up a match if necessary. Steve Tomita went over a short presentation of the proposed Eco-Plant; a copy is attached hereto and made an integral part of these minutes by reference. Councilor Carter asked who the operator would be of this facility. Tom answered EcoPlex the company that Benjamin owns whose office is in Englewood Colorado. Councilor Carter verified that the resolution to participate in the grant is for the study, and development, but he wanted to know how much it would cost to build this plant. Proctor from Proctor and Gamble had a discussion with Benjamin and they would like to be involved. Tom went on to say that they need a commitment from the City which will be proved by the seed money. Tom advised there will be private and federal money in building the facility. Steve informed the Council that the City of Belen had to be the applicant for the grant which was is the fund for private business use. Linda Jenkins and Jan Johnson from the audience were both in favor of the project.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the proposed resolution to participate in grant funding through the New Mexico Finance Authority. Councilor Jerah Cordova moved approval with the correction of the spelling on “study” at the last whereas. Councilor Audrey Torres-Vallejos second the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Mayor Jaramillo asked for a motion to leave an open meeting and go in to an Executive Session for pending litigation, personnel matter, and land acquisition. Councilor Wayne Gallegos motion to do so. Mayor Jaramillo asked for a second. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Mayor Jaramillo asked for a motion to leave the Executive Session and return to the open meeting. Councilor Audrey Torres-Vallejos moved the motion. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Attestation that the Executive Session was limited to discussion of personnel matters, land acquisition, and pending litigation, and no action was taken. Councilor Wayne Gallegos made a motion that no action was taken and discussion was limited to land acquisition. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

INFORMATIONAL ITEMS

City Manager’s Report: A copy of the City Manager’s Report and the Project’s Report is attached hereto. The All American Festival is July 6th; at the festival the City will be holding a 50/50 to benefit the City’s Librarian, Debbie Graham. The Country American is Saturday August 17th from 11 AM to 9 PM; The City opened a separate account for the Celebrate Belen Team. Tree services will be done on an on-call basis. Lenore will be making a list of trees that are a safety hazard right now. The drains are all clean and ready for rain. Christopher Road Construction is underway despite issues with design. Paving between the old school crossing and Romero’s funeral home is complete. Becker construction will begin after the filming is complete. The airspace was approved by FWHA. The Annual NMML Conference is in Taos from August 27-30. She had a meeting the County regarding animal control; they plan on raising fees substantially. She has put the Chamber Agreement Draft together and will go over it with Rhona. The property behind the old recreation is now fenced, gated, and surveillance cameras are up. Debbie Graham is seriously ill; Stephanie Wallace is in charge. There are retaliation concerns with the employees regarding the personnel policy. She is looking in to removing the solar dishes at City Hall. The School of Dreams is looking at moving into the Solo Cup Building. Councilor Carter reported a buckled sidewalk on Reinken between 11th and 12th Street. Councilor Cordova asked about the street lights on North Main from Mesa Inn to Sonic. Lucy answered that a gentlemen hit one of the poles in that area and has already went to court however he doesn’t have the money to pay.

Councilor Jerah Cordova: He attended a MainStreet Meeting where they discussed board insurance and support in different events. He has been weeding and watering the Community Garden Park.

Mayor Rudy Jaramillo: He attended the Albuquerque Economic Development Luncheon where he was able to get some sponsors for the special events. On the 25th he attended the Quarterly Meeting with the Environment Department. He attended the Appreciation BBQ at Bargain Square. He had a meeting with NMML to discuss committee policies. The Fourth of July Celebration will be held at Eagle Park this year. Boy’s All Stars start Friday at Enchantment in Los Lunas.

Councilor Wayne Gallegos: He attended the Senior Advisory Meeting on June 19th where they discussed different municipalities and what they do; they also discussed Capital Outlay. He attended a meeting with the Central Rio Grande Veterans to discuss the Americana Festival. He attended a RSVP Board Meeting on the 24th; some discussion was held on the shade structure at the RSVP Park.

Councilor David Carter: He attended the ICIP training in June. He met with the Fire Department regarding the MOU on June 12th. He met with the School Board on the 25th to discuss the lease of the old bus compound. On June 26th, he met with David Castillo regarding the adoption of fields 3 and 4 for softball; however, Robert has advised them that the fields would not be ready this season because the grass hasn’t to take root. He went to watch the Softball Minors play at Westgate.

Councilor Audrey Torres: She attended the RSVP Advisory Meeting on the 24th.

ADJOURNMENT

Mayor Rudy Jaramillo asked for a motion to adjourn tonight’s meeting. Councilor David Carter motioned to adjourn the meeting. Councilor Audrey Torres-Vallejos seconds the motion.

Councilor Wayne Gallegos	Yes
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Councilor Audrey Torres-Vallejos
Councilor Jerah Cordova
Councilor David Carter

Yes
Yes
Yes

Motion Carries

/s/ _____
Rudy Jaramillo, Mayor

ATTEST:

/s/ _____
Mary Lucy Baca, City Manager, CMC