

San Juan County Commission
Regular Meeting
May 3, 2022

Chairman Fortner called the San Juan County Commission meeting to order on May 3, 2022, at 4:05 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Pro-Tem Lanier gave the invocation and Commissioner Todacheene led the Pledge of Allegiance. Those present were:

CHAIRMAN	Terri D. Fortner
CHAIRMAN PRO-TEM	Steve Lanier
MEMBER	John T. Beckstead
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan
CHIEF DEPUTY ASSESSOR	John Kuhn
CLERK	Tanya Shelby
UNDERSHERIFF	Cory Tanner
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
FIRE CHIEF	John Mohler
DEPUTY FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	Chris Cardin
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley
VISITORS:	11

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there were no changes to the agenda. A motion was made by Commissioner Beckstead, seconded by Chairman Pro-Tem Lanier to approve the agenda as presented. Upon voice vote this motion passed unanimously.

Consent Agenda

1. Approval of Regular Meeting Minutes of April 19, 2022

2. Approval of FY22 Budget Adjustment #10-Resolution No. 21-22-61
3. Approval to Proclaim May 17th, 2022, as "Four Winds Recovery Center Day"
4. Create a Special Revenue Fund, herein named the LG Abatement Opioid Fund (Fund 270)
5. Approval of Resolution No. 21-22-59, Disposition of County Surplus and Appoint a New Surplus Committee Member
6. Renewal of Request for Proposal No. 19-20-26, Residential Treatment Services for Adolescents to Amikids Inc. of Cuba NM
7. Approval for Submission of the Annual 2022 Emergency Management Performance Review Grant (EMPG)

A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Sullivan to approve the Consent Agenda. Upon voice vote this motion passed unanimously.

New Business

1. Update on District Court Pre-Trial Services Program

Judge Curtis Gurley, Chief Judge District Court, 11th Judicial District thanked the Commission for their support. Judge Gurley introduced Krista Lawrence, Programs Division Director to present an update regarding the funding the District Court Pre-Trial Services Program receives from the County. Ms. Lawrence highlighted the following:

- Pretrial Services missions is to provided objective, accurate information to the Court to assist with the release decision and to provide supervision and services that promotes public safety and future court appearances.
- The goal is to maximize public safety, law-abiding behavior of Pretrial defendants, release of defendants and minimize pre-trial detention, and maximize court appearance which provides a safe and fair pretrial system and safe community.
- 20 additional electronic monitoring bracelets were purchased and 24/7 GPS monitoring of 60 bracelets has been provided, and a portion of the Pretrial Program Manager's salary also was funded.
- From July 1, 2020 - September 30, 2021- 88% of defendants released appeared at all scheduled court hearings, 82% of defendants released did not have a new offense during the pretrial stage, and 95% of defendants released did not commit a new violent offense during the pretrial stage.
- The cost savings of Electronic Monitoring vs. Incarceration in 2021 equals to \$1,558,277.00
- From January 1, 2018-December 31, 2021, the number of defendants released to Pretrial supervision has risen from 220 per year to 2,743 per year.

Weldon Neff, Court Executive Officer, thanked the Commission for their continued support and announced that he will be retiring. Jodie L. Schwebel, the current Deputy Court Executive Officer, will be his replacement. The Commission asked various questions.

2. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Maydell Snell, #6 Road 2799, Aztec, NM

Michele Truby-Tillen, Community Development Director, indicated that Maydell Snell of Buckboards, Bullets, & Barstools submitted a Variance Petition Application to the Community Development Department on March 23, 2022. Ms. Snell requested a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 and is seeking a microbusiness permit for an outdoor grow on her property with up to 200 plants from the State. The area of the property that will become the cultivation area on the property located at 6 Road 2799 in Aztec, NM is within 300 feet of six (6) residences. Applicant is seeking a variance to last the life of the business. A public hearing was held before hearing officer Douglas A. Echols on April 12, 2022. Hearing Officer Echols submitted written Findings and Conclusions and recommended the request for variance be granted. Notice of the April 12th hearing was mailed by certified mail to all the properties within 300 feet of the subject property; all but one of the certified returns were received by staff prior to the hearing. The single property that did not receive their notice prior to the hearing was 8 Road 2799; staff posted a door hanging on this property with notice of the variance request and the commission meeting. After receiving notice, the property owners submitted a written comment in opposition to the variance. Chairman Fortner requested the item be tabled so that the written comment could be reviewed by the hearing officer. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Sullivan to table the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Maydell Snell, #6 Road 2799, Aztec, NM to the next Commission Meeting on May 24th. Upon voice vote this motion passed unanimously.

3. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Animas Cannabis, 15 Road 2085, Aztec, NM

Michele Truby-Tillen, Community Development Director, indicated that James Murch of Animas Cannabis submitted a Variance Petition Application to the Community Development Department on March 16, 2022. Animas Cannabis requested a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 and wishes to start a cannabis cultivation production facility on property located at 15 Road 2085 in Aztec, NM. The business is planning an outdoor grow with up to 2,000 plants. The area of the property that will become the cultivation area is within 300 feet of four (4) residences. Applicant requested a variance to last the life of the business. A public hearing was held before hearing officer Douglas A. Echols on April 12, 2022. Hearing officer Echols submitted written findings and conclusions and recommends the request for variance be granted. The Commission asked various questions. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Animas Cannabis, 15 Road 2085, Aztec, NM. Upon voice vote this motion passed unanimously.

4. Consideration of Adoption of San Juan County Ordinance No. 122, Approving an Application for an Economic Development Project Extending the Natural Gas Line to the San Juan County Industrial Park and Authorizing Execution of an Intergovernmental Agreement

Joe Sawyer, County Attorney, explained that the Ordinance would approve an application for a local economic development (LEDA) project to the New Mexico Economic Development Department (NMEDD) for \$1,820,000 to extend the natural gas line to the San Juan County Industrial Park. The Ordinance will also authorize execution of an intergovernmental agreement

with NMEDD to transfer the \$1,820,000 to the County to pay for the project. A Notice of Intent to Adopt was approved by the Commission at their April 5th meeting and the Notice was published in the Farmington Daily Times on Friday, April 8th. Mike Stark, County Manager, recognized Lorraine Ruggles from the New Mexico Economic Development Department. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Consideration of Adoption of San Juan County Ordinance No. 122, Approving an Application for an Economic Development Project Extending the Natural Gas Line to the San Juan County Industrial Park and Authorizing Execution of an Intergovernmental Agreement. Upon voice vote this motion passed unanimously.

5. Consideration of Adoption of Fireworks Proclamation

John Mohler, Fire Chief, explained that the previous year the County adopted a proclamation regulating the types of fireworks and the manner in which fireworks sales take place. Fire Chief Mohler stated that firework vendors in the area have been notified and indicated there was not an impact on their business last year. Joe Sawyer, County Attorney, stated the County may only restrict the use of certain fireworks if it first determines in a public hearing that extreme or severe drought conditions exist in the County. Mr. Sawyer highlighted the following indices and statements for approval by the Commission:

- Governor Lujan-Grisham has issued Executive Order 2022-022 declaring severe drought and fire conditions to exist throughout New Mexico.
- The U.S. Drought Monitor dated April 19, 2022, published by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Forest Service shows the County is in extreme and severe drought conditions.
- Southwest Forecast Fire Danger Class dated April 26, 2022, from the WFAS-MAPS National Interagency Fire Center shows above normal significant wildland fires potential for May and June
- The Monthly Precipitation Outlook, issued April 21, 2022, reports below normal chance for precipitation in May
- The Monthly Temperature Outlook reports above normal temperatures for San Juan County in May and the Seasonal Temperature Outlook reports above normal temperatures for the months of May, June, and July
- The State of New Mexico Energy, Minerals, and Natural Resources Department issued Order 2022-01 imposing Smoking, Firework, Campfire, and Open Fire Restrictions for non-municipal, non-federal, and non-tribal lands statewide in New Mexico.

Chairman Fortner opened the floor for public comment. Being no public comment, the public hearing was closed.

The Fireworks Proclamation will go into effect June 20 and be in effect for 30 days. If drought conditions were to improve, the Proclamation could be modified or rescinded before the 30 days are up. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to accept the indices and statements, and approve the Adoption of Fireworks Proclamation. Upon voice vote this motion passed unanimously.

6. **Consideration of Approval of Resolution No. 21-22-60, Support for County Road 6480 NMDOT Transportation Project Fund (TPF) Grant Application**

Nick Porell, Public Works Director, indicated that during the 2021 legislative session, New Mexico Rule 18-27.6 was established for the Transportation Project Fund (TPF). During the 2022 cycle, an estimated \$5M is available to Local Governments within the Farmington MPO area for use on transportation projects. The funds will be administered by the New Mexico Department of Transportation (NM DOT) and a call for projects was issued by NMDOT on January 26, 2022. Staff prepared an application to NMDOT for \$1,500,000 through the program for the purpose of securing funding to complete a cold milling and asphalt overlay of County Road 6480 between Farmington City Limits and Kirtland Town Limits totaling 5.24 miles. The project is included as a F23 priority project in the current San Juan County ICIP. As is required by the rule, a 5% local match is required. A resolution of support from the SJC Commission and associated commitment to the required 5% local match is required as part of the application. Grant applications are due May 31, 2022. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Consideration of Approval of Resolution No. 21-22-60, Support for County Road 6480 NMDOT Transportation Project Fund (TPF) Grant Application. Upon voice vote this motion passed unanimously.

7. **Consideration for Award of Proposal No. 21-22-21, Engineering Services for Totah Subdivision Water and Wastewater Improvement to HDR Engineering, Inc. of Albuquerque, NM**

Diana Chapman, Chief Procurement Officer, stated that on March 20, 2022, Central Purchasing issued a request for proposals for a one-time contract with a qualified firm to provide engineering services for the Totah Subdivision Water and Wastewater Improvements in Farmington, NM. Twenty-seven (27) invitations were mailed out; two responses were received and opened On April 14, 2022. The Evaluation Committee, consisting of David Sypher of the City of Farmington, Mike Stark, Nick Porell, and Diana Chapman, evaluated the proposal responses in accordance with the evaluation criteria and recommended that HDR Engineering, Inc. of Albuquerque, NM, as the highest rated offerer. Staff requested approval to award the proposal to HDR Engineering, Inc. of Albuquerque, NM. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Lanier to approve the Award of Proposal No. 21-22-21, Engineering Services for Totah Subdivision Water and Wastewater Improvement to HDR Engineering, Inc. of Albuquerque, NM. Upon voice vote this motion passed unanimously.

Report from County Manager

Mike Stark highlighted the following:

- The County has been awarded a grant to assist in revitalizing and improving the San Juan Industrial Park
- Bridge 5500 Ribbon Cutting Ceremony will be held on May 10th at 3:00 p.m.
- Detention Center Officers were recognized for their dedication and service in honor of National Correctional Officers Week, which is May 1st through May 7th
- San Juan County Fire Departments were recognized for their service to the community in honor of Fire Fighter Appreciation Day on May 4th

Reports From Elected Officials And Department Heads

Tanya Shelby, County Clerk, announced that Early Voting begins May 10th in the Clerk's Office and at the alternate sites on May 21st. Ms. Shelby also stated that Same Day Voter Registration will be available at all voting convenience centers.

Comments / Input From The General Public

None

Closed Executive Session

A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Beckstead to go into closed executive session to discuss the Cal Stock Subdivision Water Rights and an Opioid Litigation update. Upon voice vote this motion passed unanimously. Upon return, Commissioner Beckstead stated that nothing other than what was stated in the motion to go into closed executive session was discussed. A motion was made by Commissioner Beckstead, seconded by Commissioner Sullivan to go back into open meeting. Upon voice vote this motion passed unanimously.

Adjourn

Being no further business, Chairman Fortner adjourned the meeting at 5:25 p.m.

APPROVED THIS 13TH DAY OF JUNE 2022

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:



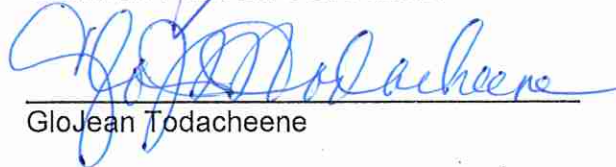
Chairman Terri D. Fortner



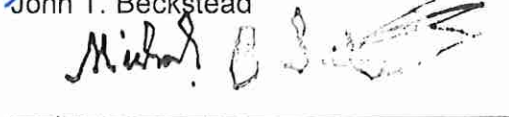
Chairman Pro-Tem Steve Lanier



John T. Beckstead



GloJean Todacheene



Michael Sullivan



Tanya Shelby, County Clerk