

## San Juan County Commission Regular Meeting December 6, 2022

Chairman Fortner called the San Juan County Commission meeting to order on December 6, 2022 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Fortner 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 – 4:04 pm
MEMBER	GloJean Todacheene
MEMBER	Michael Sullivan
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
PARKS & FACILITIES ADMINISTRATOR	Daniel Hill
PUBLIC WORKS ADMINISTRATOR	Nick Porell
ADULT DETENTION ADMINISTRATOR	Daniel Webb
FIRE CHIEF	John Mohler
DEPUTY FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	Donovan Mack
COMMUNITY HEALTH & SOCIAL SERVICES DIRECTOR	Liza Gomez
SUBDIVISION REVIEW OFFICER	David Barnett
COMMUNICATIONS DIRECTOR	Nicole Brown
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley

VISITORS: 53

### Presentations

1. Proclamation Honoring the Bloomfield High School Football Team, Resolution No. 22-23-29

Chairman Fortner proclaimed December 6, 2022 as "Bloomfield High School Football Team Day" in honor of the BHS Bobcats winning the 2022 4A State Football Championship on November 26, 2022. Chairman Fortner read the following proclamation aloud:

**SAN JUAN COUNTY, NEW MEXICO  
RESOLUTION NO. 22-23-29**

**A PROCLAMATION HONORING THE  
BLOOMFIELD HIGH SCHOOL FOOTBALL TEAM**

**WHEREAS**, the Bloomfield High School Football Team won the 2022 4A State Football Championship on November 26, 2022; and

**WHEREAS**, the Bloomfield High School Bobcats defeated the Silver High School Fighting Colts 13-7 at Bobcat Stadium; and

**WHEREAS**, this championship is the first championship for Bloomfield High School in 56 years since defeating Jal in 1966.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of San Juan County, New Mexico, hereby declares December 6, 2022, as "Bloomfield High School Football Team Day" in San Juan County, New Mexico in recognition of their first State football championship in 56 years.

The Commission congratulated the Bloomfield High School Football Team and presented a plaque to Coach Mike Kovacs and the football team.

2. Yard of the Month

Shana Wells, Code Compliance Officer, presented Renee Zittel with the "Yard of the Month" award for her attractively groomed property located at 14 Road 2400, Aztec NM. Ms. Zittel has inspired county residents to strive for a clean and beautiful community where natural resources are protected and the environment is enhanced.

3. Presentation of 2021 PGA of America Player Development Award to Tom Yost

Tina Pacheco, First Tee Four Corners Life Skills Director, provided a presentation highlighting the achievements of Tom Yost, a 24-year PGA Member in the San Juan County PGA Section. He is the recipient of the 2021 PGA Player Development Award, and this honor bestows special recognition to a PGA Member who has displayed extraordinary and exemplary contributions and achievements in the area of player development. Mr. Yost, a teacher of life skills and character values at First Tee Four Corners in Kirtland, New Mexico, has an extensive track record of success in developing/managing creative programs focused on adults, juniors, seniors, disabled golfers and college-level athletes throughout New Mexico and in parts of Colorado. He has inspired numerous PGA Professionals to create and bolster growth-of-the-game initiatives within junior golf and adult development. He is deeply committed to the Golf in Schools program and introduced the game to 26 elementary schools across San Juan County, New Mexico, including two on the Navajo Nation Indian Reservation. Among his key programs are the Clubs for Kids program, PGA Jr. League and the Special Olympics programs. Throughout the years he was honored with the 2012, 2013 and 2015 Youth Player Development Award; the 2014, 2016, 2020 and 2021 Player Development Award; and the 2018 National Conrad Rehling Award. Riverview Golf Course is the home to the First Tee Program which uses the game of golf as a platform to

teach young people essential and enduring life skills by providing educational programs that build character, instill life-enhancing values, and promote healthy choices.

## **Regular Meeting**

### **Approval of Agenda**

Mike Stark, County Manager, stated that there is one change to the agenda. Line Item #5 will be presented by Ellen Wayne. A motion was made by Commissioner Sullivan, seconded by Commissioner Todacheene to approve the agenda as amended. Upon voice vote the motion passed unanimously.

### **Consent Agenda**

1. Approval of Regular Meeting Minutes of November 1, 2022
2. Approval of Regular Meeting Minutes of November 15, 2022
3. Approval of FY23 Budget Adjustment #6 – Resolution No. 22-23-30

A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve the Consent Agenda. Upon voice vote the motion passed unanimously.

### **New Business**

#### **1. Consideration of Radio Console Upgrades for the 911 Dispatch Center**

Nicole Brown, Communications Authority Director, requested a budget adjustment in the amount of \$544,972.37 which includes an additional project contingency of 10% to purchase 14 radio console upgrades for the Dispatch Center, 4 radio console upgrades for the backup center, and 3 spares. The 911 dispatch center serves the fire department, EMS, and law enforcement agencies. The current units were purchased in 2005; Motorola no longer supports the hardware and associated software. The Communications/ EMS GRT Fund would allow for funding of the equipment which will be presented at a future Commission meeting for a budget adjustment approval by the Commission. Commissioner Beckstead asked why the equipment was not included in the 30-year capital outlay and is now being requested. Mike Stark, County Manager, explained that the Communications Authority is not included in the capital outlay. The equipment is outdated and no longer under warranty. Chairman Fortner asked how much training will be needed to learn the new equipment. Charles Rash, Communications Supervisor stated that the training provided is three days. A motion was made by Commissioner Beckstead, seconded by Commissioner Sullivan to approve the Radio Console Upgrades for the 911 Dispatch Center. Upon voice vote the motion passed unanimously.

#### **2. Consideration of Approval of Resolution No. 22-23-31, Approving Amendments to the Lease Agreements pertaining to the Industrial Revenue Bonds for San Juan Solar I, LLC Replacement Power Project Relative to the San Juan Generating Station**

Joe Sawyer, County Attorney, explained that the developer, D. E. Shaw Renewable Investments, L.L.C., acquired the three San Juan Solar projects from Photosol in 2021. They requested that the IRB Lease Agreements be amended to extend the completion date from June 1, 2024 to December 31, 2024; and to update the notice information for the Developer. To simplify funding, the Developer requested the County consent to the assignment of the Series B project from San Juan Solar Project LLC to San Juan Solar 1, LLC. Peter Kelton, San Juan County Bond Attorney reiterated the amendment would give more time for project completion and secure tax exemptions under the IRB Act, update the notice information from Photosol to D.E. Shaw Renewable Investments LLC, and assign the Series B project to the Series A project. Commissioner Beckstead questioned the possibility of another extension. Noah Eckert, D. E. Shaw Renewable Investments, LLC Director, responded that if the project was not completed by the amended deadline penalties could be imposed. Chariman Fortner and Chairman Pro-Tem Lanier asked about the cost of the project and how many employment opportunities would be available. Mr. Eckert stated that the estimated cost of the project is \$400 million and would employ between 200 and 250 employees for construction and 2 to 4 employees to maintain the facility. A motion was made by Commissioner Beckstead, seconded by Commissioner Sullivan to approve Resolution No. 22-23-31 pertaining to the Industrial Revenue Bonds for San Juan Solar I, LLC Replacement Power Project Relative to the San Juan Generating Station. Upon voice vote the motion passed unanimously.

**3. Consideration of Preliminary Plat for Sunset Ridge Subdivision Replat "A", and Paving Variance**

David Barnett, Subdivision Officer, stated that Sunset Ridge Subdivision Replat A located at the intersection of Morning Star Drive (Road 3000) and Road 3950 consists of 58.03 acres being subdivided into 38 lots. The subdivision will be developed in phases; a phasing schedule and a road development schedule was provided by the developer's engineer. Opinions on the proposed subdivision were received from San Juan County Public Works, San Juan County Fire & Rescue, New Mexico Environment Department, San Juan Soil and Water Conservation District, the Office of the State Engineer and the New Mexico Department of Transportation. The developer's engineer has responded to and satisfied the concerns of the various agencies. The proposed road construction is double chip seal in lieu of the asphalt surfacing required by the Road Policy. The necessary information to request a paving variance has been provided as per the Road Policy and Subdivision Regulations with no objection from Staff to the variance. A Public Hearing was conducted by the County on November 28, 2022. Staff hereby requested approval of the preliminary plat and paving variance. A motion was made by Commissioner Sullivan, seconded by Chairman Pro-Tem Lanier to approve the Preliminary Plat for Sunset Ridge Subdivision Replat "A", and paving variance. Upon voice vote the motion passed unanimously.

**4. Consideration of Approval to Amend the Nominal Fees for Volunteer Firefighters**

John Mohler, Fire Chief indicated that there has been a decline in volunteer firefighters from 400 volunteers 20 years ago to 193 in the past year, but an increase in calls from 5,000 to 10,000. Since 2008, volunteer firefighters have received a nominal fee of \$10.00 per call and \$40.00 for a 5-hour block of time. Chief Mohler requested that the nominal fee be increased to \$15.00 per call and \$60.00 for a 5-hour block of time in the hopes that it would incentivize people to volunteer. Mike Stark, County Manager, also added that if the County were to have to employ

full time firefighters at each station it would cost approximately an additional \$3.75 million annually. A motion was made by Commissioner Beckstead, seconded by Commissioner Todacheene to approve to Amend the Nominal Fees for Volunteer Firefighters. Upon voice vote the motion passed unanimously.

**5. Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Burnin' Barrels II Dispensary, 5775 US 64, Farmington, NM.**

Ellen Wayne, Deputy Attorney, explained that Bryan Johnson of Burnin' Barrels Dispensary, submitted a Variance Petition Application to the Community Development Department on November 9, 2022, requesting a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 for the life of the business at the proposed location. The application was originally submitted the week of October 27th, however, due to corrections made at the request of staff, the applicant resubmitted the application with the new date of November 9th. Mr. Johnson is currently licensed and operating a cannabis retail establishment at 2210 W. Aztec Blvd. The proposed second location will operate under the same state license and will be retail only with no on-premise use permitted. Mr. Johnson desires to operate the cannabis dispensary retail facility in an existing commercial structure at 5775 US 64, Farmington, NM. The proposed retail establishment is within 300 feet of five (5) residences, ranging in distance from 188 feet to 287 feet. A public hearing was held before hearing officer Douglas A. Echols on November 16, 2022. No one appeared at the hearing to speak against the variance nor were any negative comments received by Community Development. Hearing officer Echols submitted written findings and conclusions and recommended the request for variance be granted. The Commission asked various questions. A motion was made by Commissioner Sullivan, seconded by Commissioner Beckstead to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Burnin' Barrels II Dispensary, 5775 US 64, Farmington, NM. Upon voice vote the motion passed unanimously.

**6. Consideration of Notice of Intent to Adopt Ordinance No. 123, Repealing Ordinance No. 70 Which Established the San Juan County Amateur Radio Emergency Communications Team**

Joe Sawyer, County Attorney explained that in 2009 Ordinance No. 70 was adopted to establish the Amateur Radio Emergency Communications Team. Under the direction of the Emergency Manager, EmComm (Ham) radio has served the citizens of San Juan County for over 15 years in the event of a communications emergency. Mike Maestas, Emergency Manager, has determined that due to improvements in technology, which included a FIRSTNET AT&T deployable cell tower that can generate area cellular, satellite and wi-fi the EmComm team is no longer needed. Mr. Maestas also indicated that now is an appropriate time to repeal Ordinance No. 70 due to stagnation of the group, the resignation of the team leader and to be fiscally responsible. Mr. Sawyer stated the Notice will be published if it is approved, then at the January 3rd Commission Meeting the adoption of Ordinance No. 123 will be put on the agenda for consideration. Commissioner Beckstead requested a report on the costs of the services and equipment that was provided. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Todacheene to approve the Notice of Intent to Adopt Ordinance No. 123,

Repealing Ordinance No. 70 Which Established the San Juan County Amateur Radio Emergency Communications Team. Upon voice vote the motion passed unanimously.

**7. Consideration to Reinstate Retention Bonus Program for the San Juan County Adult Detention Center (SJCADC)**

Daniel Webb, ADC Administrator, communicated that at the July 6, 2021 Commission Meeting the initial SJCADC Retention Bonus Program was ratified in an effort to increase recruiting and retention and expired May 30, 2022. The previous retention program allowed for a \$500 bonus at 6-months and \$1,000 at the 12-month mark. As staffing shortages are still a huge issue, Mr. Webb requested to reinstate the program and increase the amounts to \$1,000 at 6 months and \$2,000 at 12 months. The goal is to provide an additional incentive to retain the existing staff while recruiting of new staff continues. In addition, he recommended the bonuses extend to currently active fulltime officers, sergeants, lieutenants, training supervisor, safety/security compliance officer, and camera monitors. Funding for the program would come from FY23 vacancy savings and anticipated FY24 vacancy savings associated within the ADC fulltime positions line. The retention program effective date is December 12, 2022, allowing staff that are active on or by that date to be eligible for bonuses on June 12, 2023 and December 12, 2023. Chairman Fortner asked if the previous bonus program was beneficial and if recruitment efforts will continue. Mr. Webb stated that the bonus program will be beneficial in retention and that recruitment has been difficult. A motion was made by Commissioner Todacheene, seconded by Commissioner Beckstead to approve to Reinstate Retention Bonus Program for the San Juan County Adult Detention Center (SJCADC). Upon voice vote the motion passed unanimously.

**8. Consideration of Limited Alcohol Sales at Riverview Golf Course**

Daniel Hill, Parks & Facilities Director indicated that the county acquired Riverview Golf Course from the Central Consolidated School District in 2009 and has proved to be a great recreational amenity for residents. With the closure of Pinon Hills Golf Course for renovations in 2022, it brought new players and tournaments to Riverview, as well as a new expectation to offer alcohol sales. A full evaluation has been completed of potential revenues, additional expenditures, liability concerns, and a statutory review of 60-60A-10 which allows liquor license at government-owned golf courses. Concern had previously been raised about liquor license requirements for establishments within 300 feet of churches or schools. However, Section F of 60-60A-10 exempts golf courses owned by a governmental entity. Limited alcohol sales are anticipated to bring in between \$25,000 to \$40,000 in additional revenue to the golf course. Mike Stark, County Manager added that the Mayor of the Town of Kirtland, Mark Duncan, is in support for Riverview offering alcohol sales. Mr. Hill requested that a governmental liquor license be procured for a trial during the golf season from April to November of 2023 with sales beginning April first with a limited menu of beer, wine coolers, mocktails and hard seltzers. All staff will be trained under New Mexico Safe Serve and hours of alcohol sales will be limited to the grill business hours. After the first year, operating results would be reviewed by the Commission to determine if sales may continue on a permit basis. The Commission asked various questions. A motion was made by Chairman Pro-Tem Lanier, seconded by Commissioner Todacheene to approve of Limited Alcohol Sales at Riverview Golf Course. Chairman Fortner, Chairman Pro-Tem Lanier, Commissioner Beckstead and Commissioner Todacheene voted in favor and Commission Sullivan voted against. Upon voice vote the motion passed four to one.

### **Report from County Manager**

Mike Stark, County Manager, reported that he and Jim Cox, Deputy County Manager will be presenting the State of the County Update to each department.

### **Reports From Elected Officials And Department Heads**

Devin Neeley, Public Relations & Film Manager announced that the county billboards at the Spencerville Fire Station, the Water Commission Building and the Kirtland Fire Station are all operational.

Liza Gomez, Community Health & Social Services Director, reported the Mental Wellness Resource Center (MWRC) increased 134% in community interest and 83% in clients between December 2021 to May 2022 and June 2022 to November 2022.

Mike Mestas, Emergency Manager, communicated that there is an increase in hospitalizations due to RSV, influenza and COVID.

Commissioner Sullivan requested an update on Road 5500 and Largo Bridge. Nick Porell, Public Works Administrator, stated in late February early March he will have a final report that will be ready for the Commission.

Commissioner Todacheene encouraged the community to attend the various festivities going on in San Juan County this holiday season.

### **Comments / Input From The General Public**

Nanette Pinckney, Economic Council Helping Others Inc. (ECHO) CEO awarded San Juan County with the Mr. Potato Head award. Ms. Pinckney commented this year's collection of food and monetary donations doubled from last year.


### **Adjourn**

Being no further business Chairman Fortner adjourned the meeting at 5:26 p.m.


APPROVED THIS 20TH DAY OF DECEMBER 2022


BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:

  
Chairman Terri D. Fortner

  
Chairman Pro-Tem Steve Lanier

  
John T. Beckstead

  
Glodean Todacheene

  
Michael Sullivan

ATTEST:

  
Tanya Shelby, County Clerk