

**San Juan County Commission  
Regular Meeting  
April 4, 2023**

Chairman Lanier called the San Juan County Commission meeting to order on April 4, 2023 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Chairman Pro-Tem Beckstead gave the invocation and Chairman Lanier led the Pledge of Allegiance. Those present were:

CHAIRMAN	Steve Lanier
CHAIRMAN PRO-TEM	John T. Beckstead
MEMBER	Terri D. Fortner
MEMBER	GloJean Todacheene
MEMBER	Gary McDaniel
ASSESSOR	Jimmy Voita
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
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
JUVENILE SERVICES ADMINISTRATOR	Bowen Belt
FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	John Gilbert
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley

VISITORS:

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## **Regular Meeting**

### **Approval of Agenda**

Mike Stark, County Manager, stated that there was one change to the agenda. Old Business Item #1 will be presented by Joe Sawyer, County Attorney. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Beckstead to approve the agenda as amended. Upon voice vote the motion passed unanimously.

### **Consent Agenda**

1. Approval of Regular Meeting Minutes from March 21, 2023

2. Approval of Award of Bid No. 22-23-23 McGee Park Lift Station
3. Approval of FY23 Budget Adjustment #13, Resolution No. 22-23-56
4. Approval of Temporary Limited Use Agreement with Montezuma County Colorado to House a Female Juvenile Detainee
5. Approval of Contract with Harding County for Non-Guaranteed Bed Space to House Juvenile Detainees

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

### **Old Business**

1. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Burnin' Barrels Dispensary, 2210 W Aztec Blvd. Suite #1, Aztec NM**

A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to take from the table the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Burnin' Barrels Dispensary, 2210 W Aztec Blvd. Suite #1, Aztec NM. Upon voice vote the motion passed unanimously.

Joe Sawyer, County Attorney, indicated that Bryan Johnson of Burnin' Barrels Dispensary submitted a Variance Petition Application to the Community Development Department on February 8, 2023, to request a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120. Burnin' Barrels currently operates a dispensary retail facility on the property located at 2210 W. Aztec Blvd, Aztec NM, in which a variance for that portion of their business was approved on December 6, 2022. The applicant seeks to add a fenced-in cannabis consumption area and requested a variance for the life of the business. There are five residences within 300 feet of the proposed addition. Hearing Officer Miller submitted written findings and conclusions and recommended the request for variance be granted for 3 years. Mr. Sawyer briefly stated that the Commission will only be relying on evidence gathered at the March 2, 2023 hearing so as not to violate the due process rights of parties involved. A motion was made by Commissioner Todacheene, seconded by Commissioner Fortner to approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Burnin' Barrels Dispensary, 2210 W Aztec Blvd. Suite #1, Aztec NM for a 1-year variance. Chairman Lanier, Chairman Pro-Tem Beckstead, Commissioner Fortner, Commissioner Todacheene voted in favor and Commissioner McDaniel voted against. Upon voice vote the motion passed four to one.

### **New Business**

1. **Consideration of Approval of Resolution No. 22-23-57 Declaring "Septic Safe Spring" in San Juan County**

David Vega, Fire Chief, stated that since 2018, there have been 5 incidents of children falling in unsecured septic tanks and drowning, or near-drowning. These preventable accidents are a traumatic experience for the family, and difficult for first responders. San Juan County Fire & Rescue received commitments from 30 local septic companies, other first responders, and state

agencies to create a program to bring awareness and improve septic safety practices. Fire Chief Vega read the resolution aloud:

RESOLUTION No. 22-23-57  
Declaring spring season 2023, and each spring thereafter, as  
SEPTIC SAFE SPRING in San Juan County

WHEREAS, since 2018, San Juan County's public safety departments have responded to 5 incidents of drowning or near-drowning of a child in a septic tank; and

WHEREAS, there are an estimated 30,000 active septic systems in San Juan County and more which may be abandoned and unmaintained; and

WHEREAS, the loss of a child is tragic in any instance for the family and difficult for first responders; and

WHEREAS, a drowning death in a septic tank is preventable; and

WHEREAS, there are simple steps to make sure a septic tank cover is as safe as possible; and

WHEREAS, teaching children to not play around or on septic tank lids is the best method of prevention; and

WHEREAS, San Juan County is committed to fostering collaboration between local septic service companies, first responders, and regulatory agencies to address this issue, and;

WHEREAS, 30 septic companies have already committed support to this effort.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of San Juan County declare SEPTIC SAFE SPRING, and encourage residents to teach their children to not play around septic tank covers, encourage septic tank users and maintenance companies to redouble efforts to make covers safe and prevent needless suffering or child deaths.

Flyers and door hangers will be utilized to help families start conversations about the locations of septic tank covers and teach children that it is not a play-place. Fire Chief Vega recognized retired Fire Chief Mohler, Captain Shay Aurnhammer, and Devin Neeley, Public Relations and Film Manager, for their assistance in devising Resolution No. 22-23-57. Commissioner Fortner asked if the program will be implemented in schools. Fire Chief Vega indicated that the program will be displayed at the 2023 County Fair and hopes that septic safety will become a part of the school's fire prevention program. Chairman Pro-Tem Beckstead asked how the committed septic companies are assisting with the program. Fire Chief Vega stated they are assisting in identifying legacy tanks that are not in compliance, educate customers on proper septic safety, and offering new septic tank lids at a reduced cost. The Commission made various comments. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner McDaniel to approve Resolution No. 22-23-57 Declaring "Septic Safe Spring" in San Juan County. Upon voice vote the motion passed unanimously.

**2. Consideration of Adoption of Amended and Restated Ordinance No. 6, San Juan County's Fire Code**

Joe Sawyer, County Attorney, indicated that currently Ordinance No. 6 utilizes the 2015 International Fire Code and the proposed amendment and restatement updates the Ordinance to the 2021 International Fire Code, satisfying New Mexico Administrative Code 10.25.5. The Notice of Intent to Amend and Restate was approved by the Commission at the March 7, 2023 Regular Meeting and was published on Sunday, March 12th in the Farmington Daily Times. Chairman Lanier opened the floor for public comment, no public comments were made. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the Adoption of Amended and Restated Ordinance No. 6, San Juan County's Fire Code. Upon voice vote the motion passed unanimously.

**3. Consideration of Request to Appoint Freeholders Committee**

Joe Sawyer, County Attorney, explained that a petition was received from a resident of Crouch Mesa to abandon a portion of Road 3784 so that the cul-de-sac could be moved forward. Pursuant to Section 67-5-9 NMSA 1978 the Commission must appoint a board of three freeholders (landowning citizens) to view the portion of the road to be abandoned and file a report on the proposed abandonment with the County Clerk. Staff recommended three willing candidates for the Freeholders Committee David Rogers, Aaron Chavez, and John Mohler. The Commission asked various questions. A motion was made by Commissioner Fortner, seconded by Commissioner Todacheene to approve the Request to Appoint Freeholders Committee. Upon voice vote the motion passed unanimously.

**4. Consideration of Approval of Resolution No. 22-23-55, Proclaiming the Month of April as National County Government Month**

Devin Neeley, Public Relations & Film Manager, stated that each April, National County Government Month is celebrated by counties to raise public awareness and understanding of the roles and responsibilities of county government. The County will be celebrating by inviting approximately 500 high school students to the County complex on April 11th and 12th. On April 19th, 71 employees will be awarded at the annual service awards luncheon for their combined 750 years of service. The Commission made various comments. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve Resolution No. 22-23-55, Proclaiming the Month of April as National County Government Month. Upon voice vote the motion passed unanimously.

**5. Consideration of Proclamation Declaring April 2023 as Sexual Assault Awareness Month**

Commissioner GloJean Todacheene introduced Aliana Butler, Executive Director of Sexual Assault Services of Northwest New Mexico. Ms. Butler announced that April is Sexual Assault Awareness Month and read the proclamation aloud:

PROCLAIMING APRIL 2023 AS  
"SEXUAL ASSAULT AWARENESS MONTH"

**WHEREAS**, Sexual Assault Awareness Month (SAAM) calls attention to the fact that sexual violence is widespread and impacts every person in the community. SAAM aims to raise public awareness about sexual violence and educate communities about how to prevent it; and

**WHEREAS**, the theme of this year's Sexual Assault Awareness Month campaign is "Drawing Connections: Prevention Demands Equity." The campaign calls on all individuals, communities, organizations, and institutions to change the systems surrounding us to build equity and respect within the community, workplace, and the future our youth hold; and

**WHEREAS** April 2023 marks the official 22nd anniversary of National Sexual Assault Awareness Month; and

**WHEREAS**, sexual violence (SV) is a widespread, preventable, public health problem in New Mexico; and

**WHEREAS**, nationally one (1) in three (3) women and one (1) in four (4) men have experienced sexual violence involving physical contact during their lifetimes; and

**WHEREAS**, nationally one (1) in eight (8) female rape victims report their sexual assault occurred before the age of 10 years and one (1) in four (4) male rape victims also report it occurred before the age of 10 years; and

**WHEREAS**, recent estimates put the cost of rape at \$122,461 per victim including medical costs, lost productivity, criminal justice activities, and other costs; and

**WHEREAS**, in 2022 there were 111 Sex Crimes reported to the San Juan County Sheriff's Department; and the statistics do not represent the true incidence and prevalence for multiple reasons including not all victims report the crime to law enforcement; and

**WHEREAS**, for 19 years Sexual Assault Services of Northwest New Mexico has provided services to sexual assault survivors, and in 2022 assisted 269 sexual assault survivors with the youngest survivor being under two (2) years old and the oldest survivor being 82 years old.

**NOW THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of San Juan County, New Mexico, does hereby proclaim the month of April 2023 as Sexual Assault Awareness Month in San Juan County, to keep our community members safe from this crime, to stand with victims and survivors, and to acknowledge that assaults cause severe physical, psychological, and emotional trauma.

Commissioner Todacheene announced that the Sassy Tortoise and Hare Run, benefiting the Sexual Assault Services of New Mexico, is on April 8th. Ms. Butler thanked the Commission for their contribution of \$3,100 to the fundraiser. A motion was made by Commissioner Todacheene, seconded by Commissioner Fortner to approve the Proclamation Declaring April 2023 as Sexual Assault Awareness Month. Upon voice vote the motion passed unanimously.

### **Report from County Manager**

Mike Stark, County Manager, reported the following:

- All three projects submitted to the Office of Natural Resources Trustee for facility and irrigation repairs have been recommended for funding.
- The County received \$1 million in funding for the wastewater improvements to the Totah Subdivision and \$681,440 for improvements at McGee Park and Lyons Park
- The New Mexico Counties Summer Conference Schedule was released. Mr. Stark publicly thanked Kim Martin, Ellen Wayne, Jim Cox, Bonnie Hopkins, Brenda McGaha and Melissa Wood for their work in putting together the conference.
- Dumpster Day will be April 15th for free use of the transfer stations.

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

Commissioner Todacheene stated that the Director of the San Juan Museum, Larry Baker, was featured in the New Mexico Magazine. Ms. Todacheene commended the recent renovations to the Totah Theater in Farmington.

Fire Chief Vega acknowledged Christopher Chavez with the New Mexico Environmental Department for his assistance in devising Resolution No. 22-23-57. John Gilbert was introduced as the new Deputy Fire Chief of Operations.

John Gilbert, Deputy Fire Chief, expressed his gratitude for the opportunity to work for the San Juan County Fire Department.

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

None

### **Adjourn**

Being no further business, Chairman Lanier adjourned the meeting at 4:47 p.m.

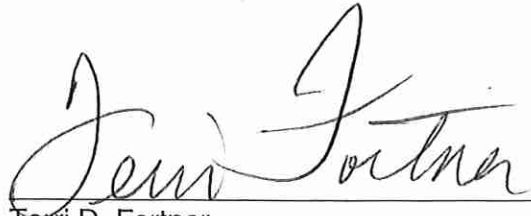
**APPROVED THIS 1ST DAY OF MAY 2023**

**BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:**

  
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Chairman Steve Lanier

  
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Chairman Pro-Tem John T. Beckstead

  
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Gio Jean Todacheene

  
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Terri D. Fortner

  
\_\_\_\_\_  
Gary McDaniel

ATTEST:  
  
  
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Tanya Sherry, County Clerk