

**San Juan County Commission  
 Regular Meeting  
 April 18, 2023**

Chairman Lanier called the San Juan County Commission meeting to order on April 18, 2023 at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Commissioner McDaniel gave the invocation and Joe Sawyer led the Pledge of Allegiance. Those present were:

CHAIRMAN	Steve Lanier
CHAIRMAN PRO-TEM	John T. Beckstead
MEMBER	Terri D. Fortner
MEMBER	GloJean Todacheene-ABSENT
MEMBER	Gary McDaniel
CLERK	Tanya Shelby
CHIEF DEPUTY TREASURER	Bryan Myers
COUNTY MANAGER	Mike Stark
DEPUTY COUNTY MANAGER	Jim Cox
ATTORNEY	Joe Sawyer
DEPUTY ATTORNEY	Ellen Wayne
CLAIMS MANAGER	Cynthia Singleton
EMERGENCY MANAGER	Mike Mestas
CHIEF FINANCIAL OFFICER	Kim Martin
PUBLIC WORKS ADMINISTRATOR	Nick Porell
FIRE CHIEF	David Vega
DEPUTY FIRE CHIEF	John Gilbert
DEPUTY FIRE CHIEF	Donovan Mack
COMMUNITY DEVELOPMENT DIRECTOR	Michele Truby-Tillen
SUBDIVISION REVIEW OFFICER	David Barnett
PUBLIC RELATIONS & FILM MANAGER	Devin Neeley

VISITORS:

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## **Regular Meeting**

### **Approval of Agenda**

Mike Stark, County Manager, stated that there were two changes to the agenda. New Business Item #3 will be presented by Michelle Truby-Tillen, Community Development Director and Item #1 is removed from Closed Executive Session. A motion was made by Commissioner Fortner, seconded by Chairman Pro-Tem Beckstead to approve the agenda as amended. Upon voice vote the motion passed unanimously.

## **Consent Agenda**

1. Approval of Treasurer Check Register for March 2023
2. Approval of Finance Check Registers for March 2023
3. Approval of FY23 Budget Adjustment #14-Resolution No. 22-23-59
4. Approval of Award of Bid No. 22-23-28, Purchase of Two (2) New Mowers for Riverview Golf Course
5. Approval of Resolution No. 22-23-58, Support for County Road 350 NMDOT Transportation Project Fund (TPF) Grant Application
6. Approval of Amended and Restated Memorandum of Understanding between the Town of Kirtland and San Juan County for Fire, Police and Road Maintenance Services
7. Approval of Extension of Lease Agreement with Process Equipment and Service Company Inc. (PESCO)

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

## **New Business**

### **1. Consideration of Final Plat for Little Creek Subdivision Phase VIII Replat "A"**

Dave Barnett, Subdivision Review Officer, stated that on December 20, 2022, the Commission approved the Preliminary Plat for Little Creek Subdivision Phase VIII Replat "A", which consists of 48 lots and is adjacent to the city limits of Farmington. The City is responsible for construction and maintenance of the streets/other public infrastructure. The developer has entered into Subdivision Improvement Agreements with the City and County to ensure that all public improvements are completed at the developer's expense. Per Sections 5.4.1 and 5.5.2 of the Subdivision Regulations, the developer has furnished a sample advertisement, and a purchase agreement will be used to convey an interest in the subdivided land. The Final Plat is in accordance with the approved Preliminary Plat and has been approved by the City. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the Final Plat for Little Creek Subdivision Phase VIII Replat "A". Upon voice vote the motion passed unanimously.

### **2. Consideration of Variance for Richard and Annette Davis**

David Barnett, Subdivision Review Officer, explained that Richard & Annette Davis requested a variance from the 0.75-acre minimum requirement in Section 8.11.1.b of the Subdivision Regulations for lots using individual liquid waste systems; their parcel is 0.51 acres in size. As per Section 7.3 of the Subdivision Regulations, the Commission shall consider variance requests caused by unusual conditions, not caused by the actions of the Subdivider or Property owner. The New Mexico Environment Department has approved using the existing liquid waste system after plat approval and have no objections to the variance. The Commission approved a similar variance on March 1, 2022 for Adolfo DeArmond. Mike Stark, County Manager, indicated that prior County Commissions have approved similar variances when the Environmental Department has given prior approval. A motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to approve the Variance for Richard and Annette Davis. Upon voice vote the motion passed unanimously.

**3. Consideration of Application for Variance from San Juan County Cannabis Ordinance No. 120 for Workhorse Operations, 1040 S Main Ave, Aztec, NM**

Joe Sawyer, County Attorney, briefly stated that in regards to the Cannabis Ordinance Variance the Commission will only be relying on evidence gathered at the original hearing so as not to violate the due process rights of parties involved. Michelle Truby-Tillen, Community Development Director, indicated that Workhorse Operations submitted a Variance Petition to the Community Development Department on February 28, 2023, to request a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 to establish an indoor cannabis production (grow) facility. There is a residence within 300 feet of the proposed cannabis facility approximately 279 feet away. On March 22, 2023 a public hearing was held before Hearing Officer F. Chester Miller III, where one citizen appeared and spoke in opposition to the variance. Staff recommended to the hearing officer the variance be denied based on not meeting the first criteria, which states that "Special circumstances exist which are peculiar to the land, structure or building involved that are not self-imposed, self-created or otherwise the result of actions by the applicant." Hearing Officer Miller submitted written findings and conclusions and recommended the request for variance be denied. Chairman Pro-Tem Beckstead asked if construction of the building was complete. Ms. Truby-Tillen explained that only the framing had been completed and could be moved 21ft to comply with the Ordinance. A motion was made by Commissioner McDaniel, seconded by Commissioner Fortner to deny the Application for Variance from San Juan Cannabis Ordinance No. 120 for Workhorse Operations, 1040 S Main Ave, Aztec, NM. Upon voice vote the motion passed unanimously.

**4. Largo Canyon Access/5-Mile Bridge Alternatives Evaluation**

Nick Porell, Public Works Director, indicated that in 1928 Bridge 8118 (5-Mile Bridge) was constructed as a crossing for the San Juan River in Blanco. In 1966, El Paso Corporation, San Juan County, and the New Mexico State Highway Department (NMDOT), coordinated to relocate the bridge to its current location between Road 4990 and Road 4450 crossing Largo Wash. Currently the bridge operates under reduced vehicle loads and is closed during runoff events due to unmanageable deterioration of embankments/abutments. Despite numerous engineering studies and repair efforts, in 2018 a scheduled NMDOT bridge inspection revealed critical scouring on the west bridge abutment resulting in a sufficiency rating of 2/100, which was the lowest bridge sufficiency rating of all inspected bridges. In 2021 the County received \$150,000 in Capital Appropriation funding to complete an evaluation of transportation alternatives within Largo Canyon to bypass Bridge 8118. Mr. Porell introduced Chris Rosol, Professional Engineer with AECOM. Mr. Rosol presented the following transportation alternatives within the Largo Wash area pending retirement of the existing structure:

1. Replace Bridge 8118: the existing bridge would be removed and a new bridge placed in a part of the channel to accommodate water flow, scour and erosion. Since the bridge is located on land owned by the Bureau of Land Management permits would be required. Estimated cost is \$13.3 Million.
2. Construct a New Connection to US 64: a new crossing would be constructed to connect US 64 to Road 4990. However, this requires numerous studies and the acquisition of easements/right of ways. Estimated cost is \$16.9 Million.
3. Close the Existing Crossing, Remove the Bridge, and Reroute Traffic to Road 4990: this uses existing roadways and connections to Largo Canyon currently used by traffic that

exceed the reduced vehicle loads, but road upgrades would be required. Estimated cost \$3.5 Million.

4. Close the Existing Crossing, Remove the Bridge and Reroute Traffic to Road 7225/7007: this also uses existing roadways and connections to Largo Canyon currently used by traffic that exceed the reduced vehicle loads, but road maintenance would need to be increased and adds around an hour of travel time. Estimated cost \$5.1 Million.

Mr. Rosol recommended the third alternative since it has the fewest potential impacts and still provides access to Largo Canyon. Mike Stark, County Manager, stated that organizations that use the bridge, such as Hilcorp, Sheriff's Office and Fire Department, have been contacted to ensure that they would not be adversely affected by the bridge closing. Chairman Lanier asked if Hilcorp would be willing to help with funding. Mr. Stark indicated that asking Hilcorp for assistance could be an option. The Commission asked various questions.

#### 5. Permit Fees from DE Shaw Renewable Investments

Joe Sawyer, County Attorney, introduced Peter Kelton, Bond Attorney with Rodey Law Firm. Mr. Kelton explained that the Commission has been given updated versions of previously approved agreements between the County and DE Shaw Renewable Investments (DESRI). Noah Eckert, DESRI Project Manager, gave a brief overview of the cost and permit types required for the San Juan Solar Project 1, as well as fee comparisons from other states and counties. Chairman Pro-Tem Beckstead asked if any other projects were planned for the area. Mr. Eckert indicated that a portion of San Juan Solar Project 2 will take place in the area and would like to plan future developments.

#### Report from County Manager

Mike Stark, County Manager, reported the following:

- Recognized Chairman Lanier, the County Clerk, Deputy Assessor, Fire Department, Sheriff's Office, Public Works, Devin Neeley and Brenda McGaha in assisting with Local Government Day.
- The annual service awards banquet will be held April 19th at McGee Park from 11:30 a.m. to 1:30 p.m. to celebrate 71 employees for their combined 750 years of service to San Juan County
- The Assessor's Office and Veteran's Affairs are currently hosting an in-office service day to assist Veterans with property tax exemptions and will be open until 7:00 p.m.
- The ribbon cutting ceremony for the Cedar Hill boat launch will be Tuesday, May 16th at 2:00 p.m.

#### Reports From Elected Officials And Department Heads

Tanya Shelby, County Clerk, stated the New Mexico Counties Board of Directors Election was conducted and Commissioner Fortner will be representing San Juan County.

Commissioner Fortner indicated that she attended the You Matter Event where 15 seniors who participated in the program were recognized.

Michelle Truby-Tillen, Community Development Director, stated that the stream gauges are up and can be viewed on the Community Development website. Ms. Truby-Tillen indicated that Emergency Management will be providing 250,000 sandbags, which can be picked up at the Pepsi Building.

Commissioner McDaniel expressed his appreciation for the Sherriff's Office

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

Joe Hubbard, citizen, expressed his concerns for protecting 2nd Amendment rights.

### **Closed Executive Session**

A motion was made by Chariman Pro-Tem Beckstead, seconded by Commissioner Fortner to go into closed executive session to discuss the following threatened or pending litigation in which the County is a participant:

1. Navajo Nation Redistricting Lawsuit Pursuant to Section 10-15-1 (H)(7) - **Removed**
2. Jemez Mountain Electric Co-Op vs New Mexico Taxation & Revenue Department Litigation Pursuant to Section 10-15-1 (H)(7).

Upon voice vote the motion passed unanimously. Upon return a motion was made by Chairman Pro-Tem Beckstead, seconded by Commissioner Fortner to go back into open meeting. Upon voice vote the motion passed unanimously. Chairman Pro-Tem Beckstead stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

**Adjourn**

Being no further business, Chairman Lanier adjourned the meeting at 5:56 p.m.

**APPROVED THIS 2 DAY OF MAY 2023**

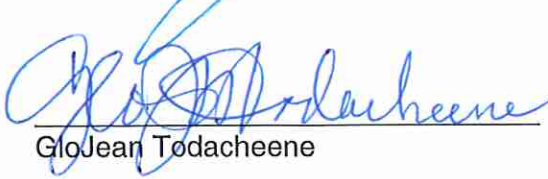
**BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:**



Chairman Steve Lanier



Chairman Pro-Tem John T. Beckstead



Glojean Todacheene



Terri D. Fortner



Gary McDaniel



Tanya Shelby, County Clerk