

SPECIAL CITY COUNCIL MEETING

November 9, 2009

5:30 P.M.

Mayor Ronnie Torres called the Special Meeting of the Belen City Council to order at 5:30 P.M. Roll call taken by Sally G. Garley, City Manager.

PRESENT: Ronnie Torres, Mayor
Terese Ulivarri, Councilor
Mayor Pro-Tem David Lopez
Rudy Jaramillo, Councilor

ABSENT: Wayne Gallegos, Councilor

CITY STAFF: Sally G. Garley, City Manager
Audrey Torres, Procurement Specialist
Mike Chavez, Chief of Police
Michael P. Steininger, Finance Director
Manny J. Garcia, Fire Chief

OTHERS: Norman McDonald, City Attorney
Brent Ruffner, VCNB
Jerah Cordova, Our Tomorrow
Gilbert Tabet, Circle T
Dianne Mattson, Our Tomorrow
Jerah R. Cordova, Our Tomorrow
Albert & Alice Chavez, Citizens

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Dianne Mattson to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Ronnie Torres requested approval of tonight's agenda Councilor Rudy Jaramillo moved to approve the agenda. Councilor Terese Ulivarri seconds the motion, motion carried.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE GOVERNING OPEN BURNING WITHIN THE MUNICIPAL LIMITS OF BELEN TO ENSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AMENDING SECTION 10-01-040 OF THE CITY OF BELEN MUNICIPAL CODE: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item and opened the public hearing of intent to adopt an ordinance governing open burning within the municipal limits of Belen to ensure the public health, safety, and welfare: Amending Section 10-01-040 of the City of Belen Municipal Code as presented by Sally G. Garley, City Manager and Manny Garcia, Fire Chief. Fire Chief, Manny Garcia advised there was an ordinance done in the mid 90's. This is updating some verbiage and language to the ordinance. It is common knowledge that the residents do need a burn permit to allow them to burn on their property there has not been any problems however there have been some cases that we get called out to a house fire and someone is burning weeds. He asked the Valencia County News Bulletin to please advise citizens they do need a burn permit, he also suggested placing the information on the City website.

There are some restrictions they have been regulating but they do not have it on the current ordinance. The times of when the can burn, what they can and cannot burn and where they can burn, there are some other restrictions on Section 9 of the ordinance. Another thing they do not have in the current ordinance is the times that they can burn, for example: if the citizen is issued a burn permit and it gets windy they cannot burn even though they have a burn permit.

Councilor Terese Ulivarri asked how the code would relate to citizens that have a small fire pit. Chief Manny Garcia advised that was in Section 2 which states if you have a pit it has to be three feet in diameter and two feet less in height for pleasure. Religious ceremony, cooking, warmth or similar purpose falls under 4.7 under definitions and would be considered recreational fire.

Diane Mattson questioned permitting for fire pit. Chief Manny Garcia advised the ordinance did not apply as per 2.2 of the ordinance which states in part "this ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device" which the fire pit is. Her other question was in reference to farmers if they are allowed to burn in fields. Chief Manny Garcia advised that would not change it has to follow the same regulations as an open fire.

Councilor Rudy Jaramillo asked if there are citizens that actually burn when it is windy. Chief Manny Garcia advised there were citizens that burned in the wind. Councilor Rudy Jaramillo suggested the City place information in the City utility bills. Chief Manny Garcia presented a small brochure he prepared for citizen information (a copy of which is attached hereto and made an integral part of these minutes by reference) and could be sent to the City to copy and place in the next utility billing cycle.

Audrey Torres, advised that now in the County you need to call dispatch by 10:00 in the morning and they will tell you at that time if you are allowed to burn is the City following the same criteria? Chief Manny Garcia advised the permit has a phone number to call and the same criteria apply you also need to call each day the permit is valid.

Councilor Rudy Jaramillo asked what would apply, especially now in the winter, on construction sites some contractors place a 55 gallon drum and burn wood in order to keep warm how is that

affected by this ordinance? Chief Manny Garcia advised that is considered an open fire and it would regulate within the same provisions.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so closed the public hearing.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH THE NATIONALLY RECOGNIZED GOOD PRACTICE, USE OF HAZARDOUS MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE AND PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS, PROVISIONS TO ASSIST EMERGENCY RESPONSE PERSONNEL. PROVISIONS OF THIS CODE SHALL APPLY TO PERSONS WITHOUT RESTRICTION, PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS, AMENDING ORDINANCE 300, AMENDING SECTION 15.08 OF THE CITY OF BELEN MUNICIPAL CODE: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item in reference to intent to adopt an ordinance adopting a fire code prescribing regulations consistent with the nationally recognized good practice, use of hazardous materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings, provisions to assist emergency response personnel. Provisions of this code shall apply to persons without restriction, providing penalties for violations of code provisions, amending Ordinance 300 amending section 15.08 of the City of Belen municipal code as presented by Sally G. Garley, City Manager and Chief Manny Garcia who stated “I want to preface this by saying an ounce of prevention is worth more than a pound of cure.

We have been under the auspice of the State Fire Marshall in relation to fire prevention, code enforcement having to rely on them to do our inspections within our City. Last year we signed an agreement with them because the State Fire Marshall is short handed and they are allowing us to do more and more of the inspections especially in state building because they cannot respond.”

What this does is allow us to enforce our own fire prevention code the State Fire Marshall’s office is adopting the same code in January of next year so we will be consistent with them at that point. They are currently enforcing the 2006 editions of the building code, fire code and life safety and they will begin enforcing the 2009 editions. In the past couple of years they have worked with the building department any time there has been new construction. This year we have inspected 42 new businesses in town making sure they are fire safe.

Next year he wants to begin doing an annual inspection of all businesses it will help with insurance ratings, the less fires they have to respond to the better for us all. Mayor Ronnie Torres added that if inspections are done it would have to be consistent for “all” businesses if they intend to do annual inspections.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so closed the public hearing.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE AUTHORIZING THE CITY OF BELEN TO ENTER INTO A LOAN AGREEMENT WITH THE NM ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$150,000 DESIGNATING THE USE OF THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND MODIFYING AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE CITY OF BELEN'S JOINT WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM, DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES FROM THE WATER AND WASTEWATER COLLECTIONS: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item in reference to intent to adopt an ordinance authorizing the City of Belen to enter into a loan agreement with the NM Environment Department for the purpose of obtaining wastewater construction loan funds in a principal amount not to exceed \$150,000 designating the use of the loan funds for the purpose of acquiring, constructing and modifying and otherwise improving the wastewater facilities of the City of Belen's joint water and wastewater conveyance and treatment system, declaring the necessity for the loan; providing that the loan will be payable and collectible solely from the net revenues from the water and wastewater collections as presented by Sally G. Garley, City Manager and Manny Garcia, Fire Chief. Sally G. Garley, City Manger advised this was a result of some stimulus funding received in the amount of \$750,000.

The project that the City had submitted a request for was a \$900,000 project so they went ahead and made the offer of the \$750,000 and we had to come up with the loan agreement which is the ordinance which is allowing us to enter into the loan agreement. It is a 2% loan and a 20 year loan payments would be \$9,100 every year and the first payment would be due a year after the project is complete.

The project for this funding is the sanitary rehab on 11th Street between Castillo and Dillon, on Castillo Street, 10th Street west to the dead end and on Dillon Street between 11th and 13th Street. This money would give us the total funding needed to complete the project. This ordinance is authorizing us to go ahead and proceed with the loan.

Councilor Terese Ulivarri asked how much the yearly payments would be; Sally G. Garley, City Manager advised the Payments were \$9,173.51 and that is a twenty year loan and there is no prepayment penalty as twenty years sounds like a long time. Thinking back on some of the loans we have had and those were forty years.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so closed the public hearing.

ACTION ITEMS

INTENT TO ADOPT AN ORDINANCE GOVERNING OPEN BURNING WITHIN THE MUNICIPAL LIMITS OF BELEN TO ENSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AMENDING SECTION 10-01-040 OF THE CITY OF BELEN MUNICIPAL CODE: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item in reference to an ordinance governing open burning within the municipal limits of Belen to ensure the public health, safety, and welfare; amending section 10-01-040 of the City of Belen Municipal code.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so entertains a motion. Councilor Terese Ulivarri moved to adopt the ordinance as presented. Councilor David Lopez seconds the motion, motion carried.

INTENT TO ADOPT AN ORDINANCE ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH THE NATIONALLY RECOGNIZED GOOD PRACTICE, USE OF HAZARDOUS MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE AND PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS, PROVISIONS TO ASSIST EMERGENCY RESPONSE PERSONNEL. PROVISIONS OF THIS CODE SHALL APPLY TO PERSONS WITHOUT RESTRICTION, PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS, AMENDING ORDINANCE 300, AMENDING SECTION 15.08 OF THE CITY OF BELEN MUNICIPAL CODE: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item in reference to an ordinance adopting a fire code prescribing regulations consistent with the nationally recognized good practice, use of hazardous materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings, provisions to assist emergency response personnel, provisions of this code shall apply to persons without restriction, providing penalties for violations of the code provisions, amending Ordinance 300, amending Section 15.08 of the City of Belen Municipal Code.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so entertains a motion. Councilor Terese Ulivarri moved to adopt the ordinance. She commented, for clarification, that the fees were not a part of the ordinance and would be presented at a later date. Fire Chief, Manny Garcia clarified what he was asking to adopt is the 2009 Edition of the Fire Code and the Life Safety Code. Councilor Rudy Jaramillo seconds the motion, motion carried

INTENT TO ADOPT AN ORDINANCE AUTHORIZING THE CITY OF BELEN TO ENTER INTO A LOAN AGREEMENT WITH THE NM ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$150,000 DESIGNATING THE USE OF THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND MODIFYING AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE CITY OF BELEN'S JOINT WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM, DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES FROM THE WATER AND WASTEWATER COLLECTIONS: Sally G. Garley, City Manager; Manny Garcia, Fire Chief

Mayor Ronnie Torres read the next agenda item in reference to an ordinance authorizing the City of Belen to enter into a loan agreement with the NM Environment Department for the purpose of obtaining wastewater construction loan funds in a principal amount not to exceed \$150,000 designating the use of the loan funds for the purpose of acquiring, constructing and modifying and otherwise improving the wastewater facilities of the City of Belen's Joint water and wastewater facilities of the City of Belen's joint water and wastewater conveyance and treatment system, declaring the necessity for the loan; providing that the loan will be payable and collectible solely from the net revenues from the water and wastewater collections.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so entertains a motion. Councilor David Lopez moved to approve the ordinance. Councilor Terese Ulivarri seconds the motion, motion carried.

ADJOURNMENT:

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Rudy Jaramillo moved to adjourn this meeting. Councilor David Lopez seconds the motion, motion carried.

/ss
Ronnie Torres, Mayor

ATTEST:

/ss
Sally G. Garley, City Manager