Mayor Jerah Cordova called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Leona Vigil, City Clerk.

PRESENT: Councilor Frank Ortega  
Mayor Pro-Tem David Carter  
Mayor Jerah Cordova  
Councilor Darleen Aragon  
Councilor Wayne Gallegos

CITY MANAGER: Jay Ruybalid

CITY CLERK, CMC: Leona Vigil

CITY STAFF: See attached sign-in sheet

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE
Mayor Jerah Cordova led the Pledge of Allegiance.

APPROVAL OF AGENDA
Mayor Jerah Cordova asked for a motion to approve tonight’s Agenda. Councilor Wayne Gallegos made a motion to approve the Agenda. Mayor Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

- Councilor Wayne Gallegos: Yes
- Councilor Darleen Aragon: Yes
- Councilor David Carter: Yes
- Councilor Frank Ortega: Yes  
Motion carried

APPROVAL OF MINUTES
Mayor Jerah Cordova asked for an approval for the Minutes dated December 15, 2014. Councilor Ortega moved to approve the Minutes. Mayor Cordova asked for a second. Councilor Gallegos seconds the motion. Roll Call Vote:

- Councilor Wayne Gallegos: Yes
- Councilor Darleen Aragon: Yes
- Councilor David Carter: Yes
- Councilor Frank Ortega: Yes  
Motion carried

PUBLIC COMMENTS
Louie Chavez: He is with the Companions of Jesus of New Mexico. He was at the meeting to ask for participation from the City of Belen to help in recruitment efforts, specifically youths, for the Passion Play that is held during the Lenten season.

Carolyn Houston: She reported that there were two fatal crashes in 2014, and both crashes were reconstructed. Ms. Houston asked if all crashes will be reconstructed in the future. Mayor Cordova replied that they are working on it.
PRESENTATIONS
Mayor Jerah Cordova introduced Representative Baldonado and Fajardo who presented Ronnie Torres with a proclamation from the Legislature for the amazing Bugg Light Display held at the Harvey House. Representative Tripp was also part of obtaining the proclamation. Ronnie Torres acknowledged all his volunteers for their time and hard work. He had a couple hundred volunteers help in putting the display together. 10,000 people showed up to visit the display. Ronnie asked the Council for a storage container to keep the lights and another employee to help out at the Harvey House.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION
APPROVAL OR DISAPPROVAL OF THE AFFORDABLE HOUSING ORDINANCE 2014-03: STEVE TOMITA, P & Z DIRECTOR
Leona Vigil reported that Steve Tomita was out ill tonight. She informed the Council that this ordinance has already been heard and approved by the Council, but the appropriate publication was never processed. She explained that in order to codify the ordinance, proper notification must be held for the public hearing. Therefore, she is holding the public hearing once again since the proper notice was now sent out. The Mayor asked if there was anyone with questions or concerns on the matter. There were no questions or concerns. Leona reminded everyone that the ordinance was to formally adopt the Affordable Housing Plan which will help seek finding in the future and use such programs as LEDA. Councilor Gallegos asked if there were any changes; Leona answered no.

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega motioned to approve the Affordable Housing Ordinance. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Yes
Councilor David Carter        Yes
Councilor Frank Ortega        Yes    Motion carried

APPROVAL OR DISAPPROVAL OF ORDINANCE 2015-01 TO AMEND THE ZONE MAP C-R TO INCLUDE AN SU-1 ZONE FOR THE PURPOSE OF PLACING A CREMATORIUM IN AN EXISTING STRUCTURE LOCATED AT 109 SOUTH FIRST STREET, BELEN NM: STEVE TOMITA, P & Z DIRECTOR
Lisa Miller presented for Steve Tomita. Lisa informed the Council that this matter was heard at the P & Z Meeting on December 2, 2014. At that meeting, Mr. Merrell explained why he wished to do this and provided all the information then. Lisa reported that the P & Z did recommend approval to proceed with the changing. Lisa explained that Mr. Noblin plans on purchasing the property. There are two existing shed structures on the property; Mr. Noblin plans on using the back corner one or the other on to place a crematorium. She reported that none of the surrounding property owners have a problem with the change. The property is surrounded by the Santa Fe Railroad, an empty lot, the doodle bug, through the Flower and Gojuryu. She added that Pete’s Café does not have a problem with the change either. Councilor Gallegos asked if there was anyone opposed; Lisa answered no. Councilor Gallegos asked if everyone received their notices on time; Lisa answered yes. Councilor Gallegos asked if there was anyone there in favor; Lisa answered there were a few. Councilor Carter asked if the City is required to have two public hearings; Leona answered no. Councilor Ortega asked if we are asking for a zone change or for the crematorium itself. Mayor Cordova replied that the approval of the zone change will approve the crematorium. Councilor Gallegos asked if there were any issues with the prior request being in court. Lisa replied that the prior request is a whole separate issue and involves a different location. Charles Rennick, City Attorney, confirmed with Lisa that this is a separate application and a different location. Charles asked Lisa, to confirm, if people within the notification area had no problem with this, Lisa replied yes. Charles asked if she received statements that they did not have a problem with this, or was there just no response. Lisa answered most of them were verbal; however Steve received an email from a couple. Charles asked how the verbal statements were received; Lisa answered that Steve was going around speaking to individuals to get an idea from the individuals in the notification area to see if
they had problems with it. Charles asked for verification, that people did not come to object; Lisa answered no, they did not. Councilor Carter referred to the Ordinance regarding a Special Use Zone Permit, and it says that the City Council may not grant a SU permit unless satisfactorily provision have been made for (a) assure the degree of compatibility of property uses shall be maintained with respect to the special use and the surrounding use as the property in the general area (b) to preserve the integrity and character of the zone in which the use will be located in, and the utility and value of property in the special use zone an in adjacent zones (c) to assure the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare. Councilor Carter understands that these issues were addressed at the P & Z hearing for the first zone change request, but since this is a different location he wants to know if these items were satisfactorily addressed at the recent hearing. Lisa answered not directly but indirectly they were. She advised Councilor Carter that she does not do her minutes verbatim. Councilor Carter stressed that these three items need to be addressed. He stated if they were not addressed and the P & Z Meeting, then they will need to be addressed tonight. Councilor Ortega asked the City Manager if the three criteria issues have been met. Jay Ruybalid believes all three items have been met, and his recommendation is to proceed with a vote from the Council.

Leona Vigil swore in all individuals that were going to testify during the quasi judicial hearing.

Mike Merrell: He stated that he was skeptical at first when Mr. Noblin approached him with the idea of putting the crematory on this property. He reported that he went to see the crematory that is right across from the City line. He also drove around five of the ones in Albuquerque, and those crematories were next to schools, churches and shopping centers.

Councilor Carter: Asked Mr. Merrell to address the three criteria items for the Special Use Permit. Councilor Carter believes that he already addressed the degree of compatibility in that area. Mike Merrell informed the Council that the property is zoned CR. Councilor Carter asked what about preserving the character. Mike answered that the crematorium will be going in one of the existing structure; therefore there will be no change. Councilor Carter then asked about the use which would become a detriment to the health and welfare of the community. Mike answered that his son is a mechanical engineer. His son reviewed the chemicals and gave his blessing.

Robert Noblin: He informed the Council that crematories are highly regulated by environmental protection agencies. In New Mexico crematoriums are looked at by the air quality bureau. He stated that emissions of the crematory are processed by combustion of the fossil fuel, in this case being natural gas. He went on to inform the Council that in the State of New Mexico crematories are regulated by the Department of the Board of Funeral Service for inspections and complaints. Mr. Noblin advised the Council that they were actually issued a No Permit Required Designation by the Department of the Air quality Bureau. He handed out a list of emissions; a copy of which was entered into the record and attached to and made an integral part of these minutes by reference. In regards to the integrity of property and surrounding properties i.e. properties values; he handed out a copy of property values that was done June 2014 in Atlanta GA; it is a 39 page analysis and review of potential impact of crematorium installation of residential real estate values. A copy of the book is entered into the record and made an integral part of these minutes by reference. He explained that an independent appraisal group in GA looked at 5 existing crematories in the Atlanta Metro area. In all 5 cases, they could not find any evidence that found a raise or lower in property value. He does not believe this crematory will have any negative effect to the community or the property itself.

Councilor Carter: He would like to see something entered into the records in reference to how clean burning the unit is.

Councilor Ortega: He asked what happens to the bones. Mr. Noblin answered that cremation reduces the body to a brittle skeletal remains. Those remains are removed from the crematory and placed into a 10 gal size processor and the steel blades will grind everything down to the consistency that they receive back as cremated remains. Councilor Ortega wanted verification that everything is contained. Mr. Noblin answered yes.
Councilor Gallegos: He mentioned that the unit can handle 4 to 5 cases per day, and he asked Mr. Noblin if that was his intent. Councilor Gallegos also asked if he was going to handle things local or import bodies from other areas. Mr. Noblin answered that this past year they has approximately 160 cremations. The unit will accomplish a cremation in one hour and forty minutes per cremation. Mr. Noblin reported that his business has grown, and the community preference for cremation has grown.

Charles Rennick: advised Mr. Noblin that the documents he handed out should be offered into evidence. The documents will receive an exhibit number from the City Clerk. Mr. Rennick informed the Council that the evidence received at the prior hearing will not suffice for this hearing.

Robert Noblin: He stated that at the last request hearing, the community had concerns with the location, so as a business owner, listening to the concerns of the community, he has compromised by finding another location.

Charles Rennick: He asked where the grinding process takes place. Mr. Noblin answered in the same room as the crematory. Mr. Rennick asked where the other unit was located that was mentioned earlier. Mr. Noblin answered 1200 W. Aragon. Mr. Rennick asked if they had the same unit as the one presented. Mr. Noblin answered no, and stated that they have three units there and the youngest unit they have is 16 years old.

Mayor Jerah Cordova opened the issue up for public comment.

Barbara Horton: She reported that Mr. Noblin has been telling people that the emissions will be safe, and she wanted to know how he is qualified to make such a statement. She reminded everyone that the issue was twice defeated by the Commission and Council. She wanted to know how code enforcement will enforce the operation of the crematory. She stressed that Mr. Noblin is not licensed through the Environmental Protection Agency. Lastly, she reported that the P & Z Meeting in December violated the Open Meetings Act; because the issue was voted on first then it was discussed later.

Mr. Rennick: He asked Barbara where she lives. Barbara answered on 10th and Castillo. Mr. Rennick asked her if she received a notice from the City on this issue. Barbara answered that she did not receive a notice, but she is a concerned citizen. She stated that she is concerned because there are so many older people in Belen that have respiratory problems.

Richard Long: He is at 101 Becker Ave. with Belen Gojuryu Karate along with his wife Cindy. He stated that he is the only direct neighbor of the property. He stated that they have been affected by obnoxious fumes from the railroad, but there are no obnoxious fumes from a crematory. He stressed the fact that “we have a business man that wants to bring more to the community, but is denied because of an ick factor”. He went on to say that in reference to air quality “We approve power plants”. He would like the city to move forward with the change.

Donald Woodman: He is also a boarding neighbor of the proposed location; he owns Through the Flower. He asked the question, is the City Council so against small business that they can’t approve a simple situation. He told Barbara Horton if you have asthma and you don’t want to be affected by particulates don’t live in a community that is one of the third largest railroad centers in America, because of the output of diesel from the railroad, “its common sense”. He wants his area of Belen to grow economically, and he has a neighbor that wants to invest in the community.

Jay Kaynacker: He addressed the public welfare issue. He stated that over the next 10 years, half of the families in this City will be affected by death, and half of those will chose cremation. If the funeral director that they chose handles the cremation from start to finish without outsourcing is a comfort to those families. “If one family feels less stressed, because Robert can handle the cremation all the way through, it’s worth your vote”.

Heidi Green: She stated that her son passed away seven years ago in El Paso and his body had to be taken to Sunland Park for cremation. She would have felt better if it would have been done in one place.
Ronnie Torres: He stressed that nobody will even know there is a crematory there. He stated that all he sees is a beautiful restored historic building with a nice orchard in the front.

David Mintz: He stated that he is not in the notification area, but he wanted to know who will do the code enforcement for the crematory. He asked if the burning of heavy metals will be captured.

Tom Greer: He is the Chairman of the P & Z Commission. He stated, “the unit is built and is being operated in California; the state with the most stringent environmental regulations anywhere in this country and in the world”. Tom reported that at the last P & Z Hearing, Mr. Noblin brought this to the Commission as a new location. In reading the minutes from the previous meetings Tom noticed, the neighborhood impact, the property value, the ick factor, the park, and the visibility were the issues, but none of those are issues with the new proposed site. He also reported that the first time the issue came to the Council it came with a recommendation of a 2/2 vote and that same commission voted 4/0 recommendation on this second request.

Charles: He asked if Mr. Noblin had any rebuttal. Mr. Noblin had nothing further.

Mayor Cordova closed the Public Hearing.

Mayor Jerah Cordova asked for a motion. Councilor David Carter stated that these issues move slowly, because we have to take into consideration the needs of the community and the wants of the citizens. He stated the citizens didn’t want this by the park, and he didn’t want it by the park. He apologized to Mr. Noblin for making him jump through the hoops, but as he stated earlier, by ordinance, they had to clarify three points. He added that Mr. Noblin has ground to stand on because he has addressed the three points listed on the ordinance. Councilor Carter stated that he would have like to see a little more on emissions.

Councilor Carter advised Mr. Noblin that he satisfied the three points, and he moves for approval of the zone change. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

- Councilor Wayne Gallegos: Yes
- Councilor Darleen Aragon: Yes
- Councilor David Carter: Yes
- Councilor Frank Ortega: Yes

Motion carried

APPROVAL OF DISAPPROVAL OF ORDINANCE 2015-02 TO ALLOW THE ANNEXATION OF THE PROPERTY LOCATED AT 921 RIVER RD, BELEN NM: STEVE TOMITA, P & Z DIRECTOR

Lisa Miller informed this issue was brought up at the December 2nd P & Z Commission Meeting. She reported that the property in question is Fiorellos Restaurant which is now a bar and package liquor. Lisa advised the Council that the applicant is wishing to come in to the City and help the City with gross receipts. She also wants help from the Police and Fire Departments. Lisa explained that at the time that the area was annexed, the City had its limit per capita for liquor license; therefore she opted not to annex for that reason and the fact that there were no Sunday liquor sales. Lisa mentioned that the State has assured the applicant that she would not lose her liquor licenses. The P & Z Commission recommends the property be annexed into the City which will be zoned commercial. Councilor Ortega asked if they had City services; Lisa answered yes.

Mayor Jerah Cordova asked for a motion. Councilor Darleen Aragon made a motion to approve the annexation of the property located at 921 River Road. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

- Councilor Wayne Gallegos: Yes
- Councilor Darleen Aragon: Yes
- Councilor David Carter: Yes
Leona reminded the Mayor that the issue was scheduled for a public hearing. Mayor Cordova asked if there was anyone present to speak in favor or opposed to this item. There were no public comments or concerns.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE HISPANO CHAMBER OF VALENCIA COUNTY IN-KIND SERVICE REQUEST: FERNANDO SISNEROS, CHAIR**

Fernando Sisneros requested an in-kind sponsorship from the City by letting them use the Eagle Park for their 15th Annual Matanza. In return the HCVC will grant the City a team to participate in the Matanza to promote the City. Fernando reported that all the profits go back into the community in the form of scholarships to local students. Jay Ruybalid supports and recommends the approval of this request. Fernando reminded everyone that this event draws in 10,000 spectators, and it does impact local business. Last year the Hispano Chamber raised around a $103,000, and they were able to give out 26 $500.00 scholarships. Fernando explained that there are only 2 USDA facilities close to Belen, one being in Moriarty and one in Mountainair; therefore the pigs are purchased from there.

Mayor Cordova asked for a motion. Councilor Frank Ortega moved to approve the In-Kind Service Request. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

- Councilor Wayne Gallegos: Yes
- Councilor Darleen Aragon: Yes
- Councilor David Carter: Yes
- Councilor Frank Ortega: Yes

Motion carried

**APPROVAL OR DISAPPROVAL OF THE PROPOSED BELEN MAINSTREET MOU: JAY RUYBALID, CITY MANAGER**

Jay advised the Council that the MOU expired on June of this past year. He has been working with Rhona and Councilor Aragon to develop a new MOU. The previous MOU stipulated a compensation to be made by the City to Belen MainStreet, but the only compensation made was $5,000.00 a month ago. This MOU will stipulate a $25,000 compensation and $10,000 of in-kind services to Belen MainStreet for the activities they perform on behalf of the City of Belen. This will meet the $35,000.00 threshold that is expected by New Mexico MainStreet.

Rhona went over the grants that MainStreet has received since 2009 when MainStreet was first developed. She reported that there are 29 official MainStreet Partnerships in New Mexico. One of the stipulations of being a certified partner in New Mexico MainStreet is that there needs to be some financial obligation from the municipality. Councilor Ortega had concerns with the MOU, because of the City’s budget. He reported that on December 31, 2014 the City received a lodger’s tax payment of $4,162.78 and total for the year was $24,453.95; the City is in the red $3,048.00. Councilor Ortega asked how we are able to pay this compensation; Mayor Cordova answered that in the past if the City didn’t have the money they simply didn’t pay it. Councilor Carter asked if this was budgeted for in this current year; Jay answered no. Jay explained that this MOU states that the first payment would take place after July 1st which would before the next fiscal year so that it can be budgeted. Councilor Carter asked Jay if Roseann thinks this is feasible for the City. Jay answered yes, and she doesn’t think there is a problem. Councilor Carter noticed in the agreement that expenses are $30,000, and he would like to know where the other $5,000 goes. Mayor Cordova stated if he remembers right, when the MainStreet budget was created; it took in to account additional monies that MainStreet received from grants and other sources. Councilor Carter asked if the amount is negotiable. Rhona answered that the City Manager already made negotiations; going from $35,000 cash to $25,000 cash and $10,000 in-kind services. Councilor Ortega asked if it would be feasible to table the issue until a workshop can be held. Jay agreed with a workshop. Rhona informed the Council the reason there is a $35,000 minimum is because this money is to be use solely for an executive director. She stated that she is the only part-time executive director in the State. Tom Greer and Rhona reported the various duties that MainStreet perform. Councilor Ortega stressed there is no doubt they deserve it; he just wants to make sure the money is in place.
Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega moved to table the Belen MainStreet MOU. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Abstained
Councilor David Carter      Yes
Councilor Frank Ortega      Yes  Motion carried

EXECUTIVE SESSION:
AN EXECUTIVE SESSION TO DISCUSS THE PURCHASE OR TRANSFER OF WATER RIGHTS AS ALLOWED IN THE OPEN MEETINGS ACT UNDER SECTION H, ITEM 8

Mayor Jerah Cordova asked for a motion to move into Executive Session for the discussion of the purchase or transfer of water rights. Councilor Gallegos moved to go into Executive Session. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Yes
Councilor David Carter      Yes
Councilor Frank Ortega      Yes  Motion carried

Mayor Jerah Cordova asked for a motion to return to an open meeting from Executive Session. Councilor David Carter motioned to return to the open meeting. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Yes
Councilor David Carter      Yes
Councilor Frank Ortega      Yes  Motion carried

Mayor Jerah Cordova asked for attestation that discussion was limited to the purchase or transfer of water rights and no action was taken. Councilor David Carter motioned that discussion was limited and no action was taken. Councilor Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Yes
Councilor David Carter      Yes
Councilor Frank Ortega      Yes  Motion carried

APPROVAL OR DISAPPROVAL OF THE PURCHASE OR TRANSFER OF WATER RIGHTS FROM NEW MEXICO DEVELOPMENT PARTNERS LP: JAY RUYBALID, CITY MANAGER

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega moved to table the issue. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos    Yes
Councilor Darleen Aragon    Yes
Councilor David Carter      Yes
Councilor Frank Ortega      Yes  Motion carried

Mayor Jerah Cordova left the Council Meeting and turned the meeting over to Mayor Pro-Tem David Carter.

INFORMATIONAL ITEMS
CITY MANAGER'S REPORT
Jay Ruybalid reported that he met with Dale and Roseann to discuss a Small Projects Plan; they are considering Lorraine and Barboa Court. They also have a Large Projects Plan for Aragon Road. He has discussed moving monies for Eagle Lane to Aragon Road. He met with Rhona on December 18th to discuss the MOU. He met with Roberta Merrick, who recently did a Human Resources Audit, and he is looking into asking them to possibly provide an automated payroll system; the cost is $6,000 per year. The houses on 408 S. Sixth, 312 W Aragon and 925 Cavalier have been demolished. The Solar Dish Company has gone into bankruptcy and Charles has advised him if the City sells the dishes, the money would go directly to the company. Chief Garcia had an ISO Survey done this week. He mentioned that the Street Crew did a good job in clearing the roads after the snow storm. The City has received an official notice of an unqualified opinion for our annual audit. It was reported to Jay that Martha Jean Road needs to be graded. Councilor Ortega asked the status of the annexation of Craig’s Tires and the Campaign Sign Ordinance. Charles answered he has tried to get Craig Tire to petition to be annexed in to the City. Charles also answered that the Sign Ordinance is drafted, but he is not sure if he sent it to Jay yet. Jay advised the Council that a contractor for the State is going to come out tomorrow and work on the property at the Old Armory to take care of the ground water contamination. Once that process is taken care of they can deed the property over to the City.

COMMUNICATION FROM CITY COUNCIL

COUNCILOR WAYNE GALLEGOS: On the 23rd the Belen Seniors had their Christmas Party which turned out great. Representative Tripp and Baldonado along with Senator Sanchez were present at the Senior Christmas Party; He and Councilor Ortega were pitching for the City. He called the City Manager to alert him of the snow storm and encouraged him to be prepared. He mentioned that the ISO rating for the Fire Department is very important and anything anyone can do to assistant the Fire Department is appreciated.

COUNCILOR DARLEEN ARAGON: She attended the MainStreet Board Meeting where they started preparing for the coming year. She volunteered at the Harvey House. She also had a MainStreet Budget Meeting for the coming year.

COUNCILOR FRANK ORTEGA: He also called the City Manager in reference to the snow storm. He saw a Galles Advertisement Sign which is located on Lomas and University on Main Street. Councilor Gallegos said the sign has been there but now there is new advertisement.

COUNCILOR DAVID CARTER: He talked to a few constituent in reference to the crematory.

ADJOURNMENT:
Mayor Pro-Tem David Carter asked for a motion to adjourn tonight’s Regular City Council Meeting. Councilor Frank Ortega motioned to adjourn. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Darleen Aragon Yes
Councilor David Carter Yes
Councilor Frank Ortega Yes Motion carried

/s/ Jerah Cordova, Mayor

/s/
Leona Vigil, City Clerk, CMC