



VILLAGE OF CORRALES  
GOVERNING BODY  
**APPROVED MINUTES**

January 9, 2018  
6:30 P.M.

COUNCIL/MUNICIPAL COURT CHAMBERS

GOVERNING BODY PRESENT:

**Present:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer, Mayor Scott A. Kominiak

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

**Motion:** To approve the agenda, **Action:** Approve, **Moved by** Councilor David Dornburg, **Seconded by** Councilor Jim Fahey.

**Motion:** remove item 6, **Action:** Amend, **Moved by** Councilor George Wright, **Seconded by** Councilor Pat Clauser. **Vote:** Motion passed (**summary:** Yes = 2, No = 4). **Yes:** Councilor George Wright, Councilor Pat Clauser. **No:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor Jim Fahey, Councilor Philip Gasteyer.

**Vote:** Motion to approve agenda as amended carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

PRESENTATION BY VISITORS:

MainStreet Art & Cultural District – Sandy Rasmussen

REPORTS BY OFFICERS:

1. Administrators Report

SWEARING IN OF: INTRODUCTION OF:

Gilberta Linda Milane - New Police Officer – Sworn in by Chief Mangiacapra

Liz Staley – Alternate Judge for the Municipal Court

**Motion:** To Confirm Elizabeth Staley as Alternate Judge, **Action:** Approve, **Moved by** Councilor Philip Gasteyer, **Seconded by** Councilor Pat Clauser. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

COUNCILORS FORUM: *This section is for information purposes only, not for discussion and debate, to inform the Governing Body of an issue/concern that would not be addresses on the agenda during the business session.*

53 Councilor Clauser – Book for Casa San Ysidro  
54 Councilor Dornburg – West Meadowlark couple concerns, make sure we are kept up and keep in line  
55 with funding and ready for phases as they come.  
56 Councilor Gasteyer – Other communities are cooking up ICIP request and would like us to do the same.  
57 Councilor Fahey – Republicans – Rio Rancho Library at 6:30, Thursday the 11<sup>th</sup>.  
58 Councilor Wright – Salce Basin Funding, Thank you for tweet on PNM outage  
59

60 PETITIONS:

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62 CORRALEÑOS FORUM: *This section is for information purposes only, not for discussion and debate,*  
63 *to inform the governing body of an issue or concern that would not be addresses on the agenda during*  
64 *the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.*  
65

66 Roger Finzel – Generally favors marijuana use, but explained that a U.S. Court of Appeals Ninth  
67 Circuit, case number 839 F.3d 885 (U.S. Vs. Nixon) affirms that it is illegal: Notwithstanding U.S.  
68 Congress legislation that withholds funding of medical marijuana prosecution in states that have medical  
69 marijuana laws, all use of marijuana remains illegal at the Federal level. The U.S. Congress law that  
70 withholds prosecutorial funding expires on January 19, 2018.

71 Marta Weber – Hurricane relief projects, Thank you Village. Not possible without the Mayor and the  
72 village administration.

73 Steve Gutierrez – does want ordinance 18-002 to pass.

74 Eileen Gutierrez – letter from daughter  
75

76 CONSENT AGENDA: *All matters listed under the Consent Agenda are considered to be routine by*  
77 *the Village Council and will be enacted by one motion. There will not be separate discussion of these*  
78 *items. If discussion is desired, that item will be removed from the Consent Agenda and will be*  
79 *considered separately.*  
80

81 2. Approval of Resolution No.18-003, a resolution authorizing adjustments of various funds for  
82 fiscal year 2017-2018.  
83

84 3. Approval of Resolution No.18-004, a resolution confirming the Village of Corrales policy that  
85 the Village shall be represented by counsel in all municipal court cases where the defendant is  
86 represented by counsel.  
87

88 **Motion:** To approve Consent Agenda, **action:** approve, **moved by** Councilor Jim Fahey,  
89 **seconded by** Councilor David Dornburg.  
90

91 **Motion:** To remove item #3 from the consent agenda, **action:** amend, **moved by** Councilor Pat  
92 Clauser, **none seconded.**  
93

94 **Vote:** motion carried by unanimous roll call vote (**summary:** yes = 6).

95 **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright,  
96 Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.  
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100 ITEMS REMOVED FROM CONSENT AGENDA:  
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102 Approval of Resolution No.18-004, a resolution confirming the Village of Corrales policy that  
103 the Village shall be represented by counsel in all municipal court cases where the defendant is  
104 represented by counsel.

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**Motion:** To approve Resolution 18-004, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor David Dornburg.

Councilor Gasteyer would like the advice of Randy VanVleck

**Vote:** Motion passed (**summary:** Yes = 3, No = 3). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor Jim Fahey. **No:** Councilor George Wright, Councilor Pat Clauser, Councilor Philip Gasteyer. Mayor Kominiak break tie and votes Yes to pass Resolution 18-004.

ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

Mayor will run for 2<sup>nd</sup> term  
Dark Skies Ordinance  
Hearing for Ordinance 18-002  
Hearing for the Gutierrez Appeal

OLD BUSINESS:

4. Public hearing, discussion, consideration and final action Ordinance 17-019, Authorizing the Village of Corrales (“borrower”) to enter into a loan agreement with the New Mexico Environment Department (“NMED”) for the purpose of obtaining project loan funds in the principal amount of \$190,000 plus accrued interest at 2.375%; and loan subsidy grant funds in the amount of \$10,000; the total funding amount is \$200,000; designating the use of the funds for the purpose defined in the most current project description form as approved by NMED; declaring the necessity for the loan; providing that the loan will be payable and collectible solely from the borrower’s pledged revenues defined below; prescribing other details concerning the loan and the security.

**Motion:** Approval of Ordinance 17-019, **Action:** Approve, **Moved by** Councilor David Dornburg, **Seconded by** Councilor Jim Fahey. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

5. Public hearing, discussion, consideration and final action on Ordinance no. 18-001, An ordinance adopting a municipal infrastructure gross receipts tax of one-eighth of one percent (0.125%) pursuant to section 7-19d-11, NMSA 1978.

**Motion:** Approval of ordinance 18-001, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Philip Gasteyer. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

NEW BUSINESS:

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156 6. Discussion and Consideration to Publish and Post Ordinance No, 18-003, An Ordinance relating  
157 to buildings and building regulations; amending section 8-34 and 8-46 of the code of ordinances  
158 of the Village; Providing for appeals to the Governing body by applicants or contractors;  
159 providing for stop work orders by appropriate officer of the Village.

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161 **Motion:** To publish and post Ordinance 18-003, **Action:** Approve, **Moved by** Councilor David  
162 Dornburg, **Seconded by** Councilor Jim Fahey.

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164 **Motion:** or immediate adjacent property owner, **Action:** Amend, **Moved by** Councilor George  
165 Wright, **Seconded by** Councilor Philip Gasteyer. **Vote:** Motion passed on the amendment  
166 (**summary:** Yes = 5, No = 1). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera,  
167 Councilor George Wright, Councilor Pat Clauser, Councilor Philip Gasteyer. **No:** Councilor Jim  
168 Fahey.

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170 **Vote:** Motion failed (**summary:** Yes = 3, No = 3). **Yes:** Councilor David Dornburg, Councilor  
171 Ennio Garcia-Miera, Councilor Philip Gasteyer. **No:** Councilor George Wright, Councilor Jim  
172 Fahey, Councilor Pat Clauser. Mayor Kominiak breaks tie votes is no.

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174 ADJOURN:

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177 **Passed and approved this 13<sup>th</sup> day of February.**

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Jennifer A. Hise, Village of Corrales