



VILLAGE OF CORRALES
GOVERNING BODY
FINAL Minutes
February 23rd, 2016
6:30 P.M.
COUNCIL/MUNICIPAL COURT CHAMBERS

GOVERNING BODY PRESENT:

Present: Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer, Scott A. Kominiak.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Motion: Approval of Agenda, **Action:** Approve, **Moved by** Councilor Hoyt Hart, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

PETITIONS:

** Mayor thanks Councilor Hart for his service over the past 4 years as Councilor for District 2.

VILLAGE ADMINISTRATORS REPORT:

1. Department Reports
2. Committee Minutes
3. AARCC Quarterly report

Sandy Rasmussen of Mainstreet and Mary Davis with the Historical Society present Tessa and Matt Davidson an award for their restoration work on their office building on Corrales Road.

SWEARING IN OF:

4. Reed Goss – Police Officer

Chief Mangicapra swears in Officer Goss to the Corrales Police Department.

CONFIRMATION OF APPOINTMENT:

5. Michelle Frechette – Interim Judge

Motion: To approve appointment of Interim Judge Michelle Frechette, **Action:** Approve, **Moved by** Councilor Pat Clauser, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

** Village Attorney John Appel swears in Michelle Frechette as Interim Judge.

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.*

Councilor Gasteyer – PNM Open House – Would like to Thank PNM for the information.
No Changes in the ICIP.

Councilor Alsobrook – Mr. Bevoni would like to set up meeting to speak about the Petition.

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

Larry Sjoberg – In the words of Evelyn, “Thank you Councilors”.

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

6. Resolution no. 16-005, authorizing adjustments of various funds for fiscal year 2015-2016.
7. Approval to enter into Governmental Cooperative Management Agreement Among the City of Albuquerque, Village of Corrales, Sandoval County and State of new Mexico for Casa San Ysidro Partnership.
8. Approval of Resolution No.16-006, a resolution adopting amended permit fees for processing applications relating to zoning and platting subdivisions.
9. Resolution No. 16-007, Resolution for approval to participate in the 2016/2017 local government road fund co-op agreement program.

Motion: To approve the consent agenda, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Ennio Garcia-Miera.

Alsobrook remove item 8
Gasteyer remove 6 and 9

Motion: To approve item seven on the consent agenda, **Action:** Approve, **Moved by** Councilor Pat Clauser, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

ITEMS REMOVED FROM CONSENT AGENDA:

6. Resolution no. 16-005, authorizing adjustments of various funds for fiscal year 2015-2016.

Motion: To approve Resolution 16-005, **Action:** Approve, **Moved by** Councilor Philip Gasteyer, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

8. Approval of Resolution No.16-006, a resolution adopting amended permit fees for processing applications relating to zoning and platting subdivisions.

Motion: To approve Resolution 16-006, **Action:** Approve, **Moved by** Councilor John Alsobrook, **Seconded by** Councilor Jim Fahey.

Motion: To move fees for the following items from \$650.00 back as follows, Summary Plat fee \$600.00, Final Plat \$600.00, and Zone Map Amendment \$600.00, **Action:** Amend, **Moved by** Councilor Philip Gasteyer, **Seconded by** Councilor John Alsobrook.

Councilor Gasteyer withdrew his amendment after further discussion.

Vote: Motion to approve Resolution 16-006 carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

9. Resolution No. 16-007, Resolution for approval to participate in the 2016/2017 local government road fund COOP agreement program.

Motion: To approve Resolution 16-007, **Action:** Approve, **Moved by** Councilor John Alsobrook, **Seconded by** Councilor Jim Fahey. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

Mayor Kominiak – Working on list of future agenda items to be worked on.
Councilor Fahey – Dave Gatterman would like to meet with the village about MS4 Permit.

OLD BUSINESS:

10. Public hearing, discussion, consideration and final action on Ordinance no. 16-03, An ordinance relating to village laws; adopting And ordaining a revised and amended code of ordinances for the Village of Corrales; providing for the repeal of any inconsistent provisions of prior ordinances; Providing a general penalty for violation of ordinances and the village code.

Motion: To approve Ordinance 16-03, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Ennio Garcia-Miera.

Councilor Hart read a statement (attached)

Motion: The last sentence in section 3 be removed in its entirety,(see attachment #1) **Action:** Amend, **Moved by** Councilor Hoyt Hart, **Seconded by** Councilor Pat Clauser. **Vote:** Motion failed (**summary:** Yes = 1, No = 5). **Yes:** Councilor Hoyt Hart. **No:** Councilor Ennio Garcia-Miera, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

Motion: section 3 deleted, **Action:** Amend, **Moved by** Councilor John Alsobrook, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion passed (**summary:** Yes = 5, No = 1). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer. **No:** Councilor Jim Fahey.

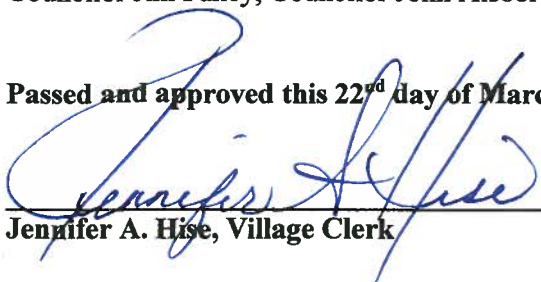
Vote: Motion to approve Ordinance 16-03as amended carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

NEW BUSINESS:

ADJOURN:

Motion: To adjourn, **Action:** Adjourn, **Moved by** Councilor Hoyt Hart, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 6). **Yes:** Councilor Ennio Garcia-Miera, Councilor Hoyt Hart, Councilor Jim Fahey, Councilor John Alsobrook, Councilor Pat Clauser, Councilor Philip Gasteyer.

Passed and approved this 22nd day of March.



Jennifer A. Hise, Village Clerk

Councilor Harts Statement

Section 1-6 of the Code, referenced in Section 3. of this ordinance is not included here for consideration by the Council. I object to blind cross-referencing.

Therefore, "I move the last sentence in Section 3. be removed in its entirety. I further move that **any** penalty in **any** ordinance in the revised Code be stated **specifically** in that ordinance, and that those ordinances that may involve **continuing offence** considerations, for whatever reasons, include grace periods allowing sufficient time for offenders to **cure their deficiencies** before additional fines or jail terms are imposed."

Furthermore,

In my opinion as a professional planner:

"Undefined, cumulative, penalties – for any reason – constitute bad law and are **totally** inappropriate in small, diverse communities like Corrales.

Our Code should be short and to the point, easy to understand, cross-referenced as little as practicable and enforced gently with fair and reasonable punishments as last resorts."

I'm sure our newly sworn Interim Judge, who must consider these ordinances, would agree.

Thank you.