

May 11, 2011
Agenda
5:00 p.m. Public Hearing/Business
Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners

Georgia Otero-Kirkham, Chair	District II
Mary J. Andersen, Vice-Chair	District I
Lawrence R. Romero	District III
Ron Gentry	District IV
Donald E. Holliday	District V

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda

A handwritten signature in cursive script, likely belonging to George Otero-Kirkham, the Chair of the Board of County Commissioners.

SWEARING IN OF PARTICIPANTS

PUBLIC HEARING ITEM(S):

- 4) Request to amend the Zoning Map from Rural Residential-2 (RR-2) to Community Commercial (C-2) to allow for a custom meat processing facility made by Frank Gallegos; T6N, R2E, Section 1; NMPM; Map 78; Tract 53-A-2-A; filed in Book 307, Page 2017, of the Office of Valencia County Clerk; also known as 04 El Cerro Mission Road, Los Lunas, NM. **Eric Zamora/Jacobo Martinez**
- 5) Request of Application #A-661871 for a Restaurant Beer & Wine License for on premise consumption Only for Spa "N" Cuisine, Inc. dba Green House Bistro & Bakery, 5 Thomas Road, Los Lunas, NM; location is zoned PD (Planned Development). **Sally Perea**

PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

NEXT COMMISSION MEETING:

- ♦ **May 18, 2011- Business Meeting @ 9:30A.M.**
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.

Please Silence All Electronic Devices – Thank You!

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

MAY 11, 2011

PRESENT	
Georgia Otero-Kirkham, Chair	
Mary J. Andersen, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Donald E. Holliday, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

- 1) The meeting was called to order by Madam Chair Otero-Kirkham at 5:00 P.M.
- 2) Madam Chair led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Holliday moved for approval of the agenda. Seconded by Commissioner Andersen. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS

County Clerk Sally Perea administered the oath to those individuals wishing to give testimony at tonight's Public Hearing Meeting.

PUBLIC HEARING ITEMS:

- 4) Request to Amend the Zoning Map from Rural Residential-2 (RR-2) to Community Commercial (C-2) to Allow for a Custom Meat Processing Facility Made by Frank Gallegos; T6N R2E Section 1 NMPM Map 78, Tract 53-A-2-A, Filed in Book 307 Page 2017 of the Office of Valencia County Clerk, also Know as 04 El Cerro Mission Road, Los Lunas, NM – Eric Zamora / Jacobo Martinez

County Planner Jacobo Martinez stated the applicant is requesting the above change to open a shop for the butchering of livestock and the preparation of fresh meat. The bulk of the clients will be ranchers and hunters. There will be fewer than five employees and estimated 8-10 customers per day. All aspects of the business will be conducted indoors but there will be holding pens. The subject property is currently zoned RR-2 and is just south of the Chical Lateral. The surrounding properties are RR-2 and RR-1 with residences surrounding the subject property.

Packets were handed out for department review on March 1, 2011. Code Enforcement, Public Works Department, Sheriff's Department, Rural Addressor and Fire Department had no issues.

The proposed use is defined as a custom processing establishment (defined as a stationary establishment wherein slaughtered meat animals or meat caused by delivery by the owners thereof are prepared for compensation, payment or remuneration of any kind and are thereafter returned to the owner). The proposed use would be similar to a retail store in which incidental to the retail operation may be manufactured permissive in a C-2 zone. The applicant has paid for engineered plans to build a building that would meet all local, state and federal requirements. All waste would be stored inside the building and will be disposed of by state and federal regulations. The applicant could hold up to ten animals at a time, USDA would not allow the applicant to carry anymore animals than what the cooler could hold, this would need a license through the State of New Mexico to do this type of work. The proposed pond area should be placed as far away from other properties as possible. Four pens are going to be built to hold up to four animals for slaughter and Mr. Gallegos will not be placing storage units on the site. The Planning and Zoning Commission recommended approval of the zone change specifically for a custom meat processing facility by a 4-0 vote.

Valencia County Agricultural Producer and Cattle Grower Matthew Aragon said he's had the opportunity to do business with Mr. Jaramillo in the past and believes he is a hard working, honest home grown man that will give the community an outstanding job at an honest reasonable price and asks the commission to take his testimony into consideration and give Mr. Jaramillo the chance to construct the facility that he is

proposing so that he may be given the opportunity to provide a valuable service to the citizens of Valencia County.

Applicant Frank Gallegos stated he's trying to put in a quality business and be acceptable to all the surrounding neighbors. There is a three to five month wait now to have an animal butchered and cut. He and Joe Jaramillo will be working together in running the plant and have done all the research and everything they could think of to run a good clean business.

Jose Jaramillo stated he will be running the meat processing plant. He has been a meat processor for over twenty years and is familiar with all the regulations. Everything will be conducted indoors and will try not to keep the animals in the pen longer than one day.

Preston Roberts who resides at 21 Frances Road Los Lunas was opposed to amending the map and allowing the meat processing plant. He stated all the reasons; paperwork as far as getting an application was never turned in to the Planning and Zoning Commission, they are suppose to have a notice of intent to discharge the water when they put in for a permit like this and according to the state, this permit was supposed to be turned in with a civil engineered stamped application to show how much water will be discharged, the Planning and Zoning Commission failed on this because the state has said there should have been a 1/3 mile radius notification of the neighbors with this type of project, there will be noise and odor of blood and guts and the water on this property cannot be used for this type of operation, he does have rights for irrigation use but he needs subterranean water rights because this is a commercial business. Mr. Roberts asks that the commission take all of this into consideration and put it off until Mr. Gallegos gets the proper information for the commission. For the record Mr. Roberts asked Madam Chair to abstain from voting on this because of the parties involved.

Madam Chair stated Mr. Roberts had indicated that because she knows Mr. Gallegos and his family that she should not vote on this. She and Mr. Gallegos are not related, not even distantly related, so is this just a matter of knowing them, she asked Mr. Roberts. Mr. Roberts said that's part of it and he believes he wouldn't get a fair vote from Madam Chair, anyway, on any issue.

Stuart Zwicke who resides at 10 Frances Road, Los Lunas was also opposed to this meat processing plant being in his front yard. He's concerned with the water runoff and how it will affect their water table and asked if any environmental studies had been done. Also how does this affect his property value? When he bought this it was residential, not commercial and would like to know why he was not notified. Mr. Zwicke also for the record would like the vote held off until he can see some studies.

Robert Fink who resides at 08 Frances Road, Los Lunas said he also had not been contacted by the planning and zoning on this proposed project. Mr. Fink is in opposition of this and the fact that you can say a meat processing slaughter house can be like a retail store anywhere in a commercial district does not give him comfort. He had concerns that the commission would be opening a door to a problem that should not exist in a residential zoned area.

County Planner Jacobo Martinez stated Planning and Zoning did follow all ordinances as far as notifications and as far as accepting any information for the zone change.

Madam Chair stated she had received two calls from constituents that were against this, Heather Monistat who resides at 15 Frances Rd., Los Lunas and Ralph Miramontes whose concern was with the smell this would bring.

5) Request of Application #A-661871 for a Restaurant Beer & Wine License for on Premise Consumption Only for Spa 'N' Cuisine, Inc., DBA Green House Bistro & Bakery, 5 Thomas Road, Los Lunas, NM; Location is Zoned PD (Planned Development) Sally Perea

County Clerk Sally Perea presented the above request and stated as per Section 6-6B-4 NNMSA of the Liquor Control Act, within forty five days after receipts of a notice from the Alcohol and Gaming Division, the governing body shall hold a public hearing of whether the commission should approve or not approve the proposed request. All deadlines had been met and the applicant Ms. Suzette Lindemuth was present for questions. A letter from the Seventh Day Adventist Church opposing the request was submitted.

Madam Chair asked if anyone wanted to speak on this item. No one was present.

Commissioner Gentry asked if the applicant had met the state requirement on the distance from a church. They have, was Ms. Perea's response.

PUBLIC COMMENTS:

Valencia County resident Mike Wood expressed concerns on several items; one being the email from Ameris VP Frank Schupp stating "your politics in Valencia County are in some aspect not one he has encountered in his thirty years of developing hospitals"; two, the way the Chair had controlled the audience when assisting the request of Commissioner Holliday as he was interrupted by a person in the audience, Commissioner Holliday requested the person be required to leave the meeting, however the person could not be identified; three, the Chairperson failed to exercise her authority as the audience got upset when she allowed Commissioner Andersen to interrupt Commissioner Gentry who had the floor. Without being granted the floor by the Chair, it is rude and unprofessional and should never be allowed. In order to have a fair and consistent policy any commissioner that interrupts another commissioner should be required to leave the meeting.

Also in reference to the hospital project he had issues on commissioners contacting Ameris regarding a request regarding mileage definition for a hospital, requesting copies of documents, quotes referring to Mr. Davey in the Belen News-Bulletin. A more proper procedure should be that the Chairperson or the County Manager contact Ameris. The hospital project has been going on for over four years and it appears, in his opinion, that ex-commissioner Pedro Rael is possibly working with three of the existing commissioners and others to block the hospital project. Close to a million dollars in taxpayers money has been used on studies, defending county commissioner against pro-bono lawsuits, while the attorney (county commissioner) worked with his law partner of record. Yes commissioners, we the people do in fact need to get rid of the dishonest people and find out the names of who they are.

Tierra Grande resident Sue Moran said there is a difference between constructive criticism and disparaging nitpicking, judgmental, derogatory criticism. Ms. Moran expressed her disappointment and found Commissioner Holliday's attempt to interrupt Mr. Davey's response, rude, unprofessional and out of line for a commissioner. One might suspect that he had a personal stake in this issue, perhaps some coaching from an outside source, like Pedro Rael. She too can criticize Commissioner Holliday without having any facts to back up her words.

Valencia County resident Clarke Metcalf said he is more optimistic then ever that the county is going to have its own hospital exactly as planned. He agrees whole heartedly with Commissioner Andersen that there should be a public meeting, preferably a town hall format that includes Ameris, the Health Commons, the Commission, the City of Belen and Los Lunas, any attorneys interested and all of the citizens concerned with this issue. The badly needed transparency can no longer be delayed.

Valencia County resident Mary Wood thanked the commission for removing the railing in the commission room and also spoke on thoughts, deeds and the mind matters.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 18, 2011 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.


Adjournment

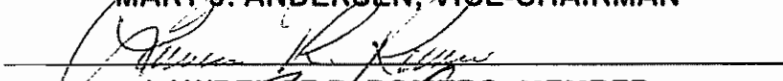
Commissioner Holliday moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. TIME 5:46 P.M.

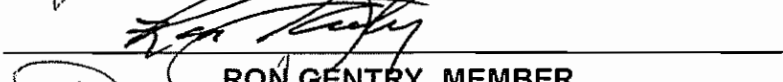
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 11, 2011 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

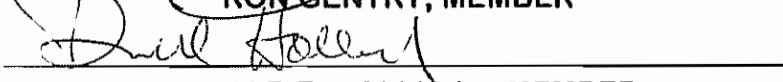
VALENCIA COUNTY BOARD OF COMMISSIONERS


GEORGIA OTERO-KIRKHAM, MADAM CHAIR

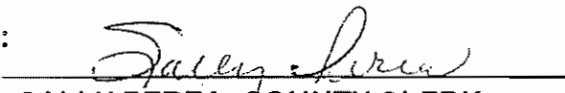

MARY J. ANDERSEN, VICE-CHAIRMAN


LAWRENCE R. ROMERO, MEMBER


RON GENTRY, MEMBER


DONALD E. HOLLIDAY, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

5/18/2011
DATE