

**MINUTES OF THE
SANTA FÉ COUNTY
COUNTY OPEN LAND AND TRAILS PLANNING AND ADVISORY COMMITTEE
(COLTPAC)**

Thursday, November 18, 2010

1. CALL TO ORDER

A regular meeting of the Santa Fé County Open Land and Trails Planning and Advisory Committee (COLTPAC) was called to order on the above date at approximately 6:00 p.m. by Chair Matthew McQueen at the Santa Fé County Community Projects Conference Room, 901 West Alameda, Santa Fé, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

Members Present

Matthew McQueen, Chair
Sam Pallin, Vice Chair
Brent Bonwell
Jan-Willem Jansens [arriving later]
Sandra Massengill
Judy McGowan
Jerry Rogers

Members Absent

Jack Frost
Stephen Schoninger
Scott Stovall
One Vacancy

Staff Members Present

Beth Mills
Colleen Baker [arriving later]

Others Present

Bill Baxter

3. APPROVAL OF THE AGENDA

Dr. Mills asked to wait for Ms. Baker to arrive in considering Bentley to know if there was a change.

Ms. McGowan asked where the Santa Fé River projects were to be considered.

Dr. Mills asked that they be deleted from item 7 and left under item 6.

Mr. Bonwell moved to approve the agenda as amended. Dr. Pallin seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF MINUTES

Dr. Mills requested a correction on page one about Santa Fé Rail Trail. She explained that the NM Central Trail was part of SFCC Planning District and not part of the college.

On page 2, 3rd paragraph 3rd sentence, "Commonwealth" should be changed to "Commonweal Trust."

Mr. Jansens arrived at this time and had some changes to the minutes.

On page 2, 4th paragraph, "was (owned by Gene Thornton) should be changed to "were."

On page 4 in the motion about Tesuque Triangle - the word "of" was not necessary there.

Mr. Bonwell moved to approve the October 7, 2010 minutes as amended. Dr. Pallin seconded the motion and it passed by unanimous voice vote.

5. MATTERS FROM THE PUBLIC

There were no matters from the Public.

6. ACTION ITEMS – FINAL RECOMMENDATIONS ON:

A. Bentley

Ms. Baker said they didn't need to make a recommendation now. She indicated that Mr. Bentley did respond within the sixty days. He got a new appraisal. She just got it yesterday late and hadn't read it. She needed to review it and have TRD review it too. She had some serious concerns. His appraisal was \$335,000 and the County's was \$175,000. Something was in error. The County's appraisal was reviewed by TRD and found to be acceptable.

She said Don Howden did the appraisal for Mr. Bentley.

Chair McQueen felt that appraisal was not accurate.

Ms. Baker clarified that lots with or without utilities was not designated in the appraisal. She wanted to go out there and review other options. She had not told Mr. Baker that the County was not interested.

Chair McQueen asked if she would have TRD look at it. Ms. Baker agreed.

Chair McQueen noted that TRD often took too much time to review the appraisals before rejecting them. He thought they had rejected all of Mr. Howden's appraisals.

Ms. Baker thought they should evaluate other options.

Mr. Bonwell suggested they could offer \$175,000 to Mr. Bentley as their final offer.

Ms. Baker asked if she should get a third appraisal.

Mr. Bonwell asked who certified the appraisers.

Chair McQueen said it was the State Appraisal Association but that was not the issue.

Ms. Baker clarified that she wouldn't accept anything that wasn't certified.

Chair McQueen said they recommended \$175,000 so if TRD didn't reject the appraisal it would come back with that.

B. Santa Fé River Greenway (Mollenbeck, Hillgendorf and McMillan)

Mollenbeck -

Ms. Baker reported they had gotten closer to final prices that seemed to be okay. Mollenbeck was the property near Cottonwood Mobile Home Park that once was appraised at \$1.57 million and now was at \$1.4 million. It reverted back to Mr. Mollenbeck. He has been good to work with. He said he should accept \$1,000,050 but he wanted to keep the corner lot and allow county access at the edge of the corner lot. The City didn't want to split it unless the County made the purchase. The top figure he had was \$770,000 for the remainder which was below the appraisals and included the 5% donation.

Chair McQueen said they would have to get an appraisal of that remainder.

Ms. Baker said the appraisal separated the developable portion from the undevelopable portion. She thought she could ask him to make the adjustment. She explained that the appraiser cut in half the value of the undevelopable part.

Dr. Pallin said while it was one property, the highest and best use applied to the whole property but in slicing it up, there should be a difference.

Ms. Baker said the developable was 8 acres and he wanted to keep 4.

Dr. Pallin said they were not equal.

Chair McQueen understood it was below appraised value but wanted to see it discounted. The Committee would want to make sure the appraisal reflected what the County was purchasing and then negotiate with land owners.

Mr. Bonwell asked when the River Trail money would become available.

Ms. Baker said it was available now.

Ms. Baker said as staff, we were not comfortable negotiating a long time on these parcels.

Dr. Pallin asked if committee members could help her with it.

Ms. Baker explained that what Mr. Mollenbeck gave her was his bottom line. The County would have to pay for the appraisal update. She clarified that the amount was really \$1,050,000.

Chair McQueen suggested that a subcommittee could meet with him.

Hilgendorf -

Ms. Baker said the Hilgendorf property was very different. There was no access right now and the appraisal was at \$42,500. But there were significant overlaps in the property and she told him the County would only pay for the part that had no overlaps at \$20,000. One of the owners thought he could put a house on it and get access. That would change the appraisal.

McMillan -

Ms. Baker reminded them this property had the house and accessory and the Committee decided on requesting a lot split. 10.4 acres was to be split off and cost \$65,000. The owner was willing to do that.

Dr. Pallin asked if there was any access problem.

Ms. Baker thought they had that cleared up. The City of Santa Fé purchased the Richards Avenue right of way.

Ms. Baker said the price would amount to \$10,000 per acre. It was a little over 2 acres for Hilgendorf. She explained the lot split rationale. The City would grant the County an easement over the City's easement for ROW. She was comfortable with the layout.

Ms. Baker clarified that they were not getting a developable lot. The lot was 2.55 acres and was not in a historic district so the minimum lot size was 2.5 acres. If the new family stayed, they could split the lot in five years but not now because it now has 2 structures on it. So the County would need a variance to the Agua Fria ordinance for river public space.

The appraisal would have been over \$120,000 if it had been developable. He appraised it as taking a portion of the lot from the vacant lot.

Mr. Jansens asked if she had talked with the owner about taking less than appraised value.

Ms. Baker said the owners had not given her a firm answer. She mentioned the 5% donation. They were counting on the money. So she didn't think they would consider an amount less than the appraisal.

Chair McQueen thought the 5% was not a request.

Ms. Baker clarified that it was a resolution so it was not enforceable.

Dr. Pallin pointed out that the Committee was free to offer less and they couldn't sell it to anyone else. He proposed they offer \$50,000.

Mr. Baxter commented that the bargaining by staff would take time.

Dr. Pallin suggested having a committee do the bargaining.

Ms. Baker apologized. She said she understood they needed to get the best deal possible. She needed to be able to work with them. Condemnation was an option but very expensive.

Dr. Pallin couldn't understand how they could get the best dollar if staff had no time to do that.

Ms. Baker said she was a little worried about having non-staff negotiate.

Mr. Jansens thought the conflict of interest part of the agreement meant committee members were unpaid staff equivalent.

Ms. Massengill added that Ms. Baker already did her homework and brought it here. She knew how much money was in the pot all the time. And she saw she would have to go back and haggle over \$15,000 less. This was just an advisory group to the County who wanted to get the trail.

Ms. Massengill moved to authorize Ms. Baker to offer up to the appraised value of \$65,000 to include the 5% donation. Mr. Rogers seconded the motion, asking for a friendly amendment that Ms. Baker could use her discretion with the 5% donation. Ms Massengill agreed.

Mr. Jansens had difficulty with the latter clause. He agreed that \$65,000 was a high price. He didn't want it to be negotiable.

Ms. Massengill pointed out that Ms. Baker could start lower and have a maximum of \$65,000.

The motion passed by majority voice vote with Ms. McGowan abstaining and the other members voting in favor.

C. New Mexico Central Trail Easement Purchase from State Land Office

Mr. Bonwell moved to go into closed session pursuant to NMAC 1978 § 10-15-1.H (8) to discuss

acquisition of real property. Mr. Jansens seconded the motion and it passed by unanimous voice vote with no abstentions.

The Committee went into closed session at 7:10 p.m.

The Committee returned to open session at 7:25 p.m.

Dr. Pallin moved to return to open session. Mr. Jansens seconded the motion and it passed by unanimous voice vote.

Chair McQueen announced to the public that during the closed session no actions were taken and the only matters discussed pertained to consideration of acquisition of real property.

Mr. Jansens moved to recommend to the Board of County Commissioners (BCC) that staff proceed with the purchase of easement from the NM State Land Office for the New Mexico Central Trail up to an amount of \$75,000. Mr. Bonwell seconded the motion and it passed by unanimous voice vote.

7. MATTERS FROM OPEN SPACE AND TRAILS STAFF AND DISCUSSION UPDATES

A. Committee Structure and 2011 Appointments

Dr. Mills had been working with the County Manager on the resolution to restructure the committee and straighten out the appointments. Legal staff have kept it from going to the BCC with the excuse that they wanted to wait until they could restructure all the committees. Now there was a new County Manager and Assistant County Manager trying to work out the problem with committees. She met with staff that intersected with committees and was unsuccessful and then circulated an email about how to proceed.

At last check, only COLTPAC staff had responded to her memo. So she pressed the County Manager that she needed to have information before this meeting. Ms. Ellis-Green told her it wouldn't happen before this evening.

Dr. Mills said they did acknowledge her frustrations. Her major concern was that every term expired at year end and in order to keep all the members who wanted to continue, and to begin to recruit solid new members with expertise, she needed to start now because in January there would be important tasks that needed action.

Ms. Baker said she had talked with the division director about appointing without a resolution.

Dr. Mills noted that Ms. McGowan, Dr. Pallin, Mr. Bonwell and Mr. Rogers were at the end of their first term and could be reappointed. Several people had been suggested as possible members also.

The Committee agreed to contact the Commissioners about it.

B. San Pedro/Campbell Ranch Acquisition

Dr. Mills said she had been in touch with the board of directors' representative on this purchase as the Committee directed last time for 330 acres. He said that for the offer one half million there was no way that the shareholders would not approve that.

Since then, staff engaged an appraiser on that additional acreage and would continue to negotiate.

Meanwhile, she and Ms. Baker agreed they would try to negotiate for something that seemed reasonable and bring it back to the Committee. She felt if they went after it a little more aggressively for the 200 acres which was appraised at \$450,000 they might be successful. They would like to try to negotiate for that with the 5% but she had not clarified the county process with the land owner.

Ms. Baker said they went out and walked a good portion of it and felt like they could accomplish the access from Turquoise into the San Pedros with that acreage. It would be nice to acquire the northern portion as well. They would engage the same appraiser.

Chair McQueen felt they were doing the owners a favor. Here too, it would help to have people in the negotiation.

Dr. Mills said she was going on December 14th to the BCC with San Pedro and Crichton and ask for recommendation to pursue a purchase agreement without any details on them. She asked if the Committee would support that. She explained it was just permission to work on it and would not be binding.

Mr. Bonwell thought it makes sense, especially if this committee fell apart in January.

C. Crichton/Dale Ball Trail Connection Acquisition

This was covered in the previous section.

D. Santa Fé River Greenway Acquisitions

This was previously discussed.

E. Edgewood Open Space Design

Dr. Mills wanted to engage the architect for the equestrian facility. The equestrian expert would be in and they would partner with the City of Edgewood.

Dr. Pallin asked if their group was still active.

Dr. Mills said she would invite whoever was willing to participate including any people the Committee would recommend to work on the design by March. There would be a great permaculture person working as part of the team.

F. NM Central Rail Trail Easement Acquisitions

Dr. Mills wanted to sign a trail easement with Rancho Viejo. The attorneys were still looking at it so she didn't have the language down yet.

Dr. Pallin asked if it would it be fenced.

Dr. Mills agreed. They just needed to figure out exactly where and what it would look like; maybe gates for the trail user. It would not be for equestrian use. Rancho Viejo would not allow that.

G. Rail Trail Public Meeting and Design

Dr. Mills reported that she and Ms. Moore did a public meeting for the design with the consultant. Ms. Moore did a good job answering design questions and explaining what would happen out there. The first portion of Rabbit Road trail head and the trail to the spur trail was what funded for construction.

Ms. Baker said they would bid it in January.

H. Arroyo Hondo Open Space Trail Extension

Ms. Baker said in working through the wetlands they got a cooperative agreement with NMED who went out to satisfy the engineering on the flood plain and found it would be too expensive so they would pursue the parking out there. They wanted to finish the wetlands first but didn't make sense given the price. Now they would back up and look at being much more aggressive on the parking. She explained that changing the scope meant starting over in the procurement process and readvertising the RFP. It would make the project much bigger but would end up further along.

I. Thornton Ranch/Galisteo Basin Sites Planning

Dr. Mills said they would have a dam for the water shed. She had been working with the Galisteo Basin group trying to get as much information as she could about management of the petroglyph park. Pueblo people from various tribes with an ethnographer from BLM would do a study on impact. She was learning a lot and looking forward to the ethnographic report which would inform the BLM. They were changing ideas about management of Petroglyph Hill and that plan would go in the same direction as the others. They

needed to interpret that site really well. She was not sure from how far away - from ridges or Cerrillos, or somewhere else. The historic site opposite it would support it and have very good views - really good images.

Dr. Pallin suggested maybe having telescopes there.

8. MATTERS FROM THE COMMITTEE

Dr. Pallin said they kept talking about giving more assistance to staff. He wondered if they could really discuss that or have a subcommittee.

Chair McQueen liked the idea for meeting with land owners. The Terrell property proposal was not an appealing proposal. But with a subcommittee they could have a back and forth on it.

Ms. Baker agreed. There was work that needed to be done there. There was an expertise that was needed.

Dr. Mills thought leveraging the community to support for the property would help greatly.

The Committee briefly discussed what to do about the committee organization for the coming year and what could be done if the BCC took no action.

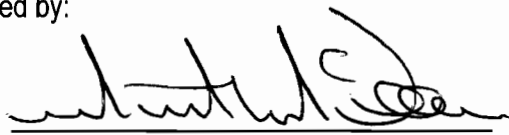
Dr. Mills said there were already two vacancies.

Ms. Massengill asked if she could talk with people in Pojoaque, Nambé and Española. Dr. Mills agreed.

9. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Approved by:


Matthew McQueen, Chair

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of March, 2011 at 02:45:50 PM
And Was Duly Recorded as Instrument # 1628307
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy _____ Valerie Espinoza
County Clerk, Santa Fe, NM


Carl Booz, Stenographer

SFC CLERK RECORDED 03/01/2011

