

San Juan County Commission
Regular Meeting
July 1, 2025

Chairman Fortner called the San Juan County Commission meeting to order on July 1, 2025, at 4:00 p.m. in the Commission Chambers located in the County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico. Mike Stark gave the invocation and Commissioner McDaniel led the Pledge of Allegiance. Those present were:

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| CHAIRMAN | Terri D. Fortner |
| CHAIRMAN PRO-TEM | Sam Gonzales |
| MEMBER | Sandra L. Lanier |
| MEMBER | GloJean Todacheene |
| MEMBER | Gary McDaniel |
| CHIEF DEPUTY ASSESSOR | John Kuhn |
| CLERK | Alyssa Kuhn |
| UNDERSHERIFF | Cory Tanner |
| COUNTY MANAGER | Mike Stark |
| DEPUTY COUNTY MANAGER | Steven Saavedra |
| ATTORNEY | Joe Sawyer |
| DEPUTY ATTORNEY | Ellen Wayne |
| EMERGENCY MANAGER | Mike Mestas |
| CHIEF FINANCIAL OFFICER | Kim Martin |
| DEPUTY CHIEF FINANCIAL OFFICER | Travis Sisco |
| PARKS & FACILITIES ADMINISTRATOR | Steven Dansie |
| PARKS & FACILITIES DEPUTY ADMINISTRATOR | Michelle Murray |
| PUBLIC WORKS ADMINISTRATOR | Nick Porell |
| ALTERNATIVE SENTENCING DEPUTY ADMINISTRATOR | Timi Howell |
| FIRE CHIEF | David Vega |
| DEPUTY FIRE CHIEF | John Gilbert |
| COMMUNITY HEALTH & SOCIAL SERVICES DIRECTOR | Megan Cullip |
| COMMUNITY DEVELOPMENT DIRECTOR | Michele Truby-Tillen |
| PUBLIC RELATIONS & FILM MANAGER | Devin Neeley |
| PROJECT MANAGER | Porter Smith |
| | |
| PRESS: Tri-City Record | David Albright |
| VISITORS: | 16 |

Regular Meeting

Approval of Agenda

Mike Stark, County Manager, stated that there was one change to the agenda. New Business Item #7, Consideration of Adoption of Amended and Restated San Juan County Employee Handbook, Ordinance No. 34, will be presented by Joe Sawyer, County Attorney. A motion was

made by Chairman Pro-Tem Gonzales, seconded by Commissioner Lanier to approve the agenda as amended. Upon voice vote the motion passed unanimously.

Consent Agenda

1. Approval of FY26 Client Fees for Alternative Sentencing Division Programs
2. Approval of Resolution No. 25-26-01, Transferring East Culpepper Flats Regional Water Connection to North Star Mutual Domestic Water Consumers and Mutual Sewage Works Cooperative
3. Approval of Resolution No. 25-26-02, No. 25-26-03, No. 25-26-04, and No. 25-26-06 for the Disposition of County Surplus by Donation
4. Approval of Resolution No. 25-26-05 for a Negotiated Sale of County Surplus Property
5. Approval of Resolution No. 25-26-07, and No. 25-26-08, Disposition of Surplus and/or Obsolete County Property
6. Approval of Resolution No. 25-26-09, No. 25-26-10 and No. 25-26-11 and Associated Cooperative Agreements for New Mexico DOT 2025/2026 Local Government Road Fund
7. Approval of FY25, Budget Adjustment #16-Resolution No. 25-26-12

A motion was made by Commissioner Todacheene, seconded by Commissioner Lanier to approve the Consent Agenda. Upon voice vote the motion passed unanimously.

New Business

1. **Consideration of Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Zia Tokes, LLC – 122 A Road 2755, Aztec, NM**

Joe Sawyer, County Attorney, announced that the Commission will only be relying on evidence gathered at the original variance hearing so as not to violate the due process rights of parties involved. Michele Truby-Tillen, Community Development Director, stated that a variance application was submitted to the Community Development Department on May 6, 2025, seeking a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120, for the life of the business. Zia Tokes LLC wishes to operate an open grow cannabis production operation at the existing facility, previously permitted under DB's Organics LLC which was approved for a variance of Ordinance 120 in 2021. Variances of Ordinance 120 are granted to the business, not the land that the business operates on. The proposed grow operation is within 300 feet of three residences with the closest interaction, 122 Road 2755, being 120 feet from the grow fence which belongs to the owners of the current cannabis grow facility. Notice was sent to eleven properties by certified mail, including all residences within 300 ft of the cannabis grow fence and all properties with adjacent property lines. A public hearing was held before hearing officer Douglas Echols on June 16, 2025. The requested variance was not opposed by anyone prior to or during the hearing. Staff recommended that the lack of opposition from the community, the location of the grow being mostly agricultural land with low density residential interaction, and the existing cannabis infrastructure which are criteria for granting the variance. Hearing Officer Echols submitted written findings and conclusions and recommended the request for variance be granted. A motion was made by Chairman Pro-Tem Gonzales, seconded by Commissioner Lanier to

approve the Application for Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Zia Tokes, LLC – 122 A Road 2755, Aztec, NM. Upon voice vote the motion passed unanimously.

2. **Consideration of Application for Renewal of Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Medina Cannabis – 18 Road 5198, Bloomfield, NM**

Michele Truby-Tillen, Community Development Director, stated that on October 18, 2022, Medina Cannabis was approved for a three-year variance from fifteen residences for an indoor/outdoor cannabis production business, which expires on October 18, 2025. No formal complaints were filed on the business during the three-year period and a renewal of variance application was submitted to the Community Development Department on April 23, 2025, seeking a variance from the minimum separation distance from a residence requirement in Section 3(A) of Ordinance No. 120 for the life of the business. Medina Cannabis wishes to continue as a micro-business cannabis producer operating in its current location. The proposed grow operation is within 300 feet of fourteen residences with the closest interaction, 16 Road 5198, being 18 feet from the grow fence. One of the original residences included in the 2022 variance approval, no longer exists. Notice was sent by certified mail to all residences within 300 feet of the cannabis grow fence and all properties with adjacent property lines. A public hearing was held before hearing officer Douglas Echols on June 16, 2025. The requested variance was not opposed by anyone prior to or during the hearing. The residents of 16 Road 5198 appeared to voice their support for variance approval. Staff recommended that the lack of opposition from the community, the three-year period of operation without complaint, and the business continuing to be in good standing with San Juan County Community Development, San Juan County Fire Marshals, and NM Cannabis Control Division meets the criteria for granting of the variance. Hearing Officer Echols submitted written findings and conclusions and recommended the request for variance be granted. A motion was made by Commissioner Todacheene, seconded by Commissioner Lanier to approve the Application for Renewal of Variance from San Juan County Cannabis Regulation Ordinance No. 120 for Medina Cannabis – 18 Road 5198, Bloomfield, NM. Upon voice vote the motion passed unanimously.

3. **Consideration of Adoption of San Juan County Ordinance No. 128, Enacting a Commercial Property Assessed Clean Energy Program (C-PACE)**

Joe Sawyer, County Attorney, stated that the County was approached by Adelante Consulting to consider adoption of a Commercial Property Assessed Clean Energy (C-PACE) ordinance. The New Mexico C-PACE (Commercial Property Assessed Clean Energy) program was enacted into law in 2023 by the State Legislature via HB 228. The C-PACE ordinance provides eligible property owners with access to long-term fixed-rate financing for a range of energy efficiency, renewable energy, water efficiency, and resiliency improvements by allowing local governments to assist in securing the financing via a special improvement lien on the improved property. Eligible properties include any privately-owned commercial, agricultural, industrial or multi-family property of five or more dwelling units including properties own by a non-profit organization. The financing secured by the lien is repaid to the capital provider who loaned the money to the property owner through the levy of a voluntary assessment collected by the capital provider and not the County. The County would not be liable for any debt of the property owner and would not be pledging or lending its credit to the property owner or capital provider. Billing,

collection, and enforcement of any delinquent lien would be the responsibility of the capital provider. The law requires counties to opt in to the program by adopting an ordinance establishing a special assessment program for all eligible properties in the County. If a project lies within the boundaries of a municipality, the municipality will need to also adopt a resolution. Applications to the program would be referred to Adelante Consulting, then reviewed, and jointly approved with concurrence by the County. The County would execute and provide an assessment agreement, notice of special assessment interest, and file a lien. A Notice of Intent to Adopt Ordinance No. 128 was approved at the June 10th Commission meeting and was published in the Tri-City Record on Friday, June 13, 2025. Chairman Fortner open the floor for public comment. There was no public comment. A motion was made by Commissioner Lanier, seconded by Commissioner Todacheene to approve the Adoption of San Juan County Ordinance No. 128, Enacting a Commercial Property Assessed Clean Energy Program (C-PACE). Upon voice vote the motion passed unanimously.

4. Consideration of Ordinance No. 129, Foxtail Flats Solar, LLC and Foxtail Flats Storage, LLC Industrial Revenue Bonds

Peter Kelton, Attorney, Rodey Law Firm, indicated that Foxtail Flats Solar, LLC and Foxtail Flats Storage, LLC submitted an application to the County to issue Industrial Revenue Bonds (IRB) in the aggregate principal amount of \$374,000,000 to finance the development of solar generation and storage facilities located primarily on Ute Mountain Ute land which includes the acquisition of land, construction, equipping and installation of the projects. The issuance of the bonds would provide certain gross receipts, compensating, and property tax exemptions. In exchange for these incentives, they would provide direct upfront payments to the Fire Department and San Juan College and annual payments in lieu of taxes (PILOTs) to the County and school districts within the County. The developer, D.E. Shaw Renewable Investments (DESRI), would provide the following payments across the Foxtail Flats projects and the Four Mile Mesa projects :

- San Juan College with an aggregate upfront payment of \$1,500,000 across the Foxtail Flats projects and the Four Mile Mesa projects
- Fire Department with an aggregate upfront payment of \$1,200,000, with the potential for this amount to increase to up to \$1,609,662.
- County- Aggregate annual PILOTs for years 1 through 10 of \$641,701, with the potential for this amount to increase up to \$860,768; aggregate annual PILOTs for years 11 through 30 of \$226,196 to the County, with the potential for this amount to increase up to \$303,416
- School Districts within the County- Aggregate annual PILOTS for years 1 through 10 of \$280,299, with the potential for this amount to increase up to \$375,989; and aggregate annual PILOTS for years 11 through 30 of \$98,804 with the potential for this amount to increase up to \$132,534.

Chairman Fortner open the floor for public comment. There was no public comment. The Commission asked various questions. A motion was made by Commissioner Lanier, seconded by Commissioner Todacheene to approve Ordinance No. 129, Foxtail Flats Solar, LLC and Foxtail Flats Storage, LLC Industrial Revenue Bonds. Upon voice vote the motion passed unanimously.

5. Consideration of Ordinance No. 130, Four Mile Mesa Solar, LLC and Four Mile Mesa Storage, LLC Industrial Revenue Bonds

Peter Kelton, Attorney, Rodey Law Firm, indicated that Four Mile Mesa Solar, LLC and Four Mile Mesa Storage, LLC submitted an application to the County to issue Industrial Revenue Bonds (IRB) in the aggregate principal amount of \$459,000,000 to finance the development of solar generation and storage facilities located primarily on Ute Mountain Ute land which includes the acquisition of land, construction, equipping and installation of the projects. The issuance of the bonds would provide certain gross receipts, compensating, and property tax exemptions. In exchange for these incentives, they would provide direct upfront payments to the Fire Department and San Juan College and annual payments in lieu of taxes (PILOTs) to the County and school districts within the County. The developer, D.E. Shaw Renewable Investments (DESRI), would provide the following payments across the Four Mile Mesa projects and the Foxtail Flats projects:

- San Juan College with an aggregate upfront payment of \$1,500,000 across the Four Mile Mesa projects and the Foxtail Flats projects
- Fire Department with an aggregate upfront payment of \$1,200,000, with the potential for this amount to increase to up to \$1,609,662.
- County- Aggregate annual PILOTs for years 1 through 10 of \$641,701, with the potential for this amount to increase up to \$860,768; aggregate annual PILOTs for years 11 through 30 of \$226,196 to the County, with the potential for this amount to increase up to \$303,416
- School Districts within the County- Aggregate annual PILOTs for years 1 through 10 of \$280,299, with the potential for this amount to increase up to \$375,989; and aggregate annual PILOTs for years 11 through 30 of \$98,804 with the potential for this amount to increase up to \$132,534.

Chairman Fortner open the floor for public comment. There was no public comment. A motion was made by Commissioner Lanier, seconded by Chairman Pro-Tem Gonzales to approve Ordinance No. 130, Four Mile Mesa Solar, LLC and Four Mile Mesa Storage, LLC Industrial Revenue Bonds. Upon voice vote the motion passed unanimously.

6. Consideration of Travel Policy Update

Kim Martin, Chief Financial Officer, stated that the Department of Finance and Administration updated the Milage and Per Diem Act Rules & Regulations (NMAC 2.42.2) effective July 1, 2025, requiring changes to our travel policy. The following changes include increased actual reimbursement for lodging allowed without special permission from \$215 to \$350, permitting a daily meal allotment without submission of receipts, exclusion of gratuity on meals as an allowable additional expense, and addition of policy for same day travel. A motion was made by Commissioner Lanier, seconded by Commissioner McDaniel to approve the Travel Policy Update. Upon voice vote the motion passed unanimously.

7. **Consideration of Adoption of Amended and Restated San Juan County Employee Handbook, Ordinance No. 34**

Joe Sawyer, County Attorney, explained that due to the restructuring of the compensation system that goes into effect on July 6th for San Juan County employees, changes to the Employee Handbook are necessary to reflect the new compensation system. Additional updates and clarification to questions/issues that have arisen recently, have also been included. In this newest revision of the Handbook employees leaving County employment will now have four days to return County property, equipment, and uniforms to avoid a payroll deduction for such property; footwear allowances to employees may now be used to pay for insole inserts; worker's compensation benefits resulting from an accident may be reduced if an employee's intoxication contributed to the injury. A summary of changes has been distributed to employees and is available on the County's web page. The Commission approved a Notice of Intent to Adopt at their June 10th meeting and was published in the Tri-City Record on Friday, June 13, 2025. Due to the compensation system going into effect on July 6th, an emergency clause has been included; the new version of the Employee Handbook would go into effect immediately. Chairman Fortner open the floor for public comment. There was no public comment. A motion was made by Chairman Pro-Tem Gonzales, seconded by Commissioner Lanier to approve the Adoption of Amended and Restated San Juan County Employee Handbook, Ordinance No. 34. Upon voice vote the motion passed unanimously.

8. **Consideration of Real Estate Purchase Agreement for New Station 6 EMS Facility**

Mike Stark, County Manager, indicated that since 2022, San Juan County has been working with San Juan Regional Medical Center to construct a purpose-built Station 6 EMS facility. The current Station 6, covering central Farmington as its primary first due, is currently located at 2014 E 16th Street and was added to the system in 2009. Originally the building leased was a mechanic shop which was converted to house crews; the cost is \$1,591.35 monthly. Currently there is a foyer, 2 sleeping rooms, 1 bathroom and a small common area. The attached garage is too small to house the ambulance and substitutes as a cooking, workout and storage area. The ambulance is kept outside year-round under an added canopy. One sleeping room is not up to fire code standards with no egress. Given the deficiencies of the building, this project was placed on the County's Infrastructure and Capital Improvement Plan list for the past 3 years and last year received capital outlay funding in the amount of \$200,000. Staff along with the EMS oversight committee identified vacant property just up the street from the current Station 6 on the 1900 Block of Farmington Ave. The 0.81 acres of land is south of Sunward Credit Union and appraised for \$157,500. In addition, all normal and customary buyer closing costs would also be applied at closing. Staff recommended approval of the purchase agreement with the Mark and Valerie Uselman Living Trust which would be covered with proceeds from the capital outlay grant; the closing would not occur until the grant has been received. A motion was made by Commissioner Todacheene, seconded by Commissioner McDaniel to approve the Real Estate Purchase Agreement for New Station 6 EMS Facility. Upon voice vote the motion passed unanimously.

9. Consideration of Lease of Office Space in the Multi-Agency Building to Senator Steve Lanier

Mike Stark, County Manager, announced that the Legislative Council Service has requested to lease office space in the San Juan County Multi-Agency Building located at 7450 E Main Street for use by Senator Steve Lanier and his staff. The space is one office, and rent would be \$300.00 per month, terminating on December 31, 2026, and allowing for one two-year renewal. Staff requested that the Commission allow the County Manager to negotiate any modifications to the lease requested by the Legislative Council Service. A motion was made by Commissioner Todacheene, seconded by Chairman Pro-Tem Gonzales to approve the Lease of Office Space in the Multi-Agency Building to Senator Steve Lanier. Commissioner Lanier abstained from the vote. Upon voice vote the motion passed unanimously.

10. Consideration of Resolution No. 25-26-13, Adopting the NM Infrastructure Capital Improvement Plan (ICIP) 2027-2031

Porter Smith, Project Manager, reported that the Infrastructure and Capital Improvement Plan is provided on an annual basis to the state of New Mexico Local Government Division and provides the following information: entity's planning process, goals, trends, inventory, five-year project summary including project priority, description, budget, possible funding sources, operating expenditures, and implementation schedule. In addition, San Juan County is required to identify the top five capital projects to earmark for the Governor's funding consideration during the 2026 legislative session. Input to the plan was garnered through two public hearings held on the following dates and locations: May 14, 2025, at the Lower Valley Senior Center and June 21, 2025, in the San Juan County Administration Building; additional feedback was received via email and social media. The following projects were removed from last year's due to full funding by State legislative appropriations, grant funding or County internal funding: SJC Clerk's Expansion and Election Security Upgrades and Crisis/Drop-in Triage Center. The following projects were added in response to the public input and additional feedback received: McGee Park Improvements and Kirtland Walk Path Extension. Staff made updates to the estimated cost to the following remaining projects due to anticipated inflation and adjusted the top five projects priority rankings:

- CR 3900/East Pinion Hills Blvd Phase III - Moved up in priority to #1 to better coordinate with the City of Farmington's nearly completed portion of the project
- EMS Station 6 Relocation - Moved up in ranking to #3 in consideration of the partial funding received in FY25

Staff requested direction of the priorities and subsequent approval of Resolution No. 25-26-13 for San Juan County's five-year list and prioritization of potential capital projects for this year's upcoming legislative session. A motion was made by Commissioner Todacheene, seconded by Commissioner McDaniel to approve Resolution No. 25-26-13, Adopting the NM Infrastructure Capital Improvement Plan (ICIP) 2027-2031. Upon voice vote the motion passed unanimously.

Report from County Manager

Mike Stark announced that the County received Payment in Lieu of Taxes (PILT) totaling \$2.9 million for FY2025.

Reports From Elected Officials And Department Heads

Commissioner Todacheene reported that Salmon Ruins is the recipient of a grant, to prevent storm erosion, from the New Mexico Historic Preservation Division.

Megan Cullip, Community Health & Social Services Director, announced that the Navigation Center is the recipient of a \$100,000 grant from Anchorum Health Foundation and a \$500,000 grant from Behavioral Health Services. The funding from Anchorum will be used for an Intensive Case Manager position, to provide services for high priority cases. Ms. Cullip introduced Jennifer Johnson, Intensive Case Manager and recognized Staff from the Navigation Center.

Nick Porell, Public Works Administrator, updated the Commission on the Road 3500 and Road 3000 bridge projects. Mr. Porell also announced that the County was the recipient of the Clean & Beautiful Grant, providing funding for an additional free dumpster day.

John Gilbert, Deputy Fire Chief, updated the Commission on the Oakridge Fire located in Arizona, the Laguna Fire located in Santa Fe Forest, and the response to fires locally.

Sam Gonzales, Chairman Pro-Tem, expressed his gratitude to the Fire Department for their hard work.

Comments / Input From The General Public

Dennis Walker, citizen, expressed his concerns regarding the sewer line issues in Meadow Lake Heights Subdivision. The sewer line has not been serviced since September 2024 and the problem has not been diagnosed or resolved.

Brad Carley, citizen, commended the Fire Department and local emergency response departments for their quick response to the recent fire on Old Aztec Highway.

Jerry Sims, representative of the PGA Sun Country Golf Association of New Mexico and ambassador for Four Corners PGA HOPE (Helping Our Patriots Everywhere) Program for Veterans, explained that PGA HOPE provides free golf lessons, a six-week program, for Veterans including active duty and reserve personnel. Mr. Sims expressed his gratitude for Tom Yost and Riverview Golf Course staff for the services that they provide.

Devin Neeley, Chairman, Film Four Corners, announced that the July 4th parade will begin at 9:00 p.m. in downtown Farmington. Mr. Neeley thanked Commissioner Lanier for providing banners for the parade.

Closed Executive Session

A motion was made by Commissioner Lanier, seconded by Commissioner McDaniel to go into closed executive session:

1. To discuss limited personnel matters, pursuant to Section 10-15-1 (H) (2), performance evaluation of the County Manager

Upon voice vote the motion passed unanimously. Upon return a motion was made by Commissioner Lanier, seconded by Commissioner Todacheene to go back into open meeting. Upon voice vote the motion passed unanimously. Commissioner Lanier stated that nothing other than what was stated in the motion to go into closed executive session was discussed.

Adjourn

Being no further business, Chairman Fortner adjourned the meeting at 6:13 p.m.

APPROVED THIS 29TH DAY OF JULY 2025

BY THE SAN JUAN COUNTY BOARD OF COMMISSIONERS:


Chairman Terri D. Fortner


Chairman Pro-Tem Sam Gohzaes


Sandra L. Lanier


GloJean Todacheene


Gary McDaniel

ATTEST:


Alyssa Kuhn, County Clerk

