

Village of Jemez Springs  
Planning and Zoning Commission  
Regular Meeting Minutes  
May 20, 2021 6:30 p.m.  
Shephard Memorial Conference Room

1. Mike Nealeigh called the meeting to Order at 6:34p.m. on May 20, 2021
  - a. Members present: Michael Nealeigh (C), Talia Michelle (Sec), Sarah Swarttouw (VC), and Tom Gonzales
  - b. Members absent: none
  - c. Guests: Alexis Leidigh, Mayor Roger Sweet
2. Introduction of Guests
3. Agenda accepted as presented
4. Minutes of Previous Meeting (March 20, 2021) accepted.
5. Public Input - none
6. Unfinished Business
  - a. CommNet's Conditional Permit has some requirements they must follow in order to be in compliance. Two specific requirements are NIER (non-ionizing electromagnetic radiation) certifications (123-24.A) and 5-year recertifications. No actual data to populate the NIER reports has ever been collected at this site. No NIER report has been filed by CommNet since the Conditional Permit inception in 2014. The required May 2019 recertification has never been done.

The decision now before the Commission is to accept the reasons for being out of compliance and not recertifying in 2019 as "legitimately extenuating circumstances" and allow them to proceed with recertifying, or determine that their reasons were not "legitimately extenuating circumstances" and begin the process to revoke the Conditional Permit.

CommNet's Regional Regulatory Compliance Manager, Alexis Leidigh, spoke to the company's failure to comply with NIER (non-ionizing electromagnetic radiation) certifications (123-24.A) and recertification requirements. Alexis explained that the notification system CommNet relies on for staying in compliance got swapped out in early 2019, and the new system did not transfer the notifications. CommNet says that this is why they did not recertify. For the failure to file NIER reports annually, they said they simply never set up notifications.

The Mayor brought evidence that the Village has communicated with CommNet since 2019 via multiple emails notifying them that they were out of compliance and needed to take action.

Based on the information provided by CommNet and the information provided by the Mayor, the Commission decided (1) that "legitimately extenuating circumstances" did not exist, and (2) to begin the process to revoke the Conditional Permit. The Wireless Telecommunication Facility Conditional Permit Revocation hearing will be July 15.

7. New Business
  - a. Flood plain permit requests approved by the Chair between the last meeting and today's meeting.
    - i. David Raue—Madrid Road
    - ii. Jeff Bold—Brewhouse building
    - iii. Village of Jemez Springs—Leyba Land
  - b. The commission will begin reviewing Ordinance 130 with the intent to propose improvements.

8. Planning Updates

a. Locating the municipal center at the Civic Park (Leyba Land) is moving forward utilizing \$100,000 made available from the state of New Mexico to secure a site master plan that would coordinate the possible movement of all municipal functions in four phases (1. Municipal office & conference room, 2. Police Department, 3. Library, 4. Maintenance Facilities).

b. The Jemez River Walk project is moving forward with funding from the state (\$100,000). The Village has secured the services of a landscape architect to develop concept drawings.

9. Meeting adjourned at 8:54 p.m.