



## VILLAGE OF MAGDALENA

P.O. BOX 145  
108 N. MAIN STREET  
MAGDALENA, NM 87825  
Phone: (575)854-2261 Fax: (575)854-2273  
[www.villageofmagdalena.com](http://www.villageofmagdalena.com)

### AGENDA

NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES  
MONDAY, NOVEMBER 28, 2022 - AT 5:00 PM  
VILLAGE HALL 108 N. MAIN STREET

MEMBERS OF THE PUBLIC WHO WISH TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM MAY DO SO AT THE FOLLOWING LINK:

<https://us02web.zoom.us/j/4861155997?pwd=V0V6SERBNVdGNDNPaE1ZdWp1N004UT09>

Meeting ID: 486 115 5997

Passcode: MAGDALENA

**\*PLEASE SILENCE ALL ELECTRONIC DEVICES\***

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1. CALL TO ORDER
  2. ROLL CALL
  3. PLEDGE OF ALLEGIANCE
  4. APPROVAL OF AGENDA
  5. APPROVAL OF MINUTES
    - a. REGULAR MEETING- NOVEMBER 14, 2022
  6. APPROVAL OF CASH BALANCE REPORTS
  7. APPROVAL OF BILLS
  8. MAYOR'S REPORT
  9. CLERK'S REPORT
  10. DISCUSSION & POSSIBLE DECISION REGARDING THE TRANSFER OF A 1997 FORD EXPEDITION FROM THE MAGDALENA VOLUNTEER FIRE DEPARTMENT TO THE VILLAGE OF MAGDALENA UTILITY DEPARTMENT
  11. DISCUSSION & POSSIBLE DECISION REGARDING THE TRANSFER OF A 2016 CHEVROLET SILVERADO FROM THE MAGDALENA MARSHAL'S DEPARTMENT TO THE MAGDALENA VOLUNTEER FIRE DEPARTMENT
  12. PUBLIC HEARING – DISCUSSION REGARDING APPROVAL OF ORDINANCE NO. 2022-02, NIGHT SKIES
    - MOTION AND ROLL CALL VOTE TO RECESS REGULAR MEETING AND TO GO INTO PUBLIC HEARING
    - MOTION AND ROLL CALL VOTE TO GO BACK INTO REGULAR SESSION

**13. FINAL CONSIDERATION – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2022-02, NIGHT SKIES**

**14. PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT**

**PUBLIC COMMENT MAY BE MADE IN PERSON OR VIA EMAIL (IF LESS THAN 3 MINUTES). EMAIL COMMENTS MAY BE MADE BY EMAILING COMMENTS TO: [clerk@villageofmagdalena.com](mailto:clerk@villageofmagdalena.com) and/or [mayor@villageofmagdalena.com](mailto:mayor@villageofmagdalena.com) THE DEADLINE FOR WRITTEN PUBLIC COMMENTS TO BE RECEIVED IS MONDAY, NOVEMBER 28, 2022 AT 12:00 PM. EMAILED PUBLIC COMMENT MUST CONTAIN THE AUTHOR'S NAME AND PHYSICAL ADDRESS AND WILL BE ENTERED AND/OR READ INTO THE MEETING MINUTES.**

**15. ADJOURNMENT**

*NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 87825. PUBLIC DOCUMENTS, INCLUDING THE AGENDA AND MINUTES, CAN BE PROVIDED IN VARIOUS ACCESSIBLE FORMATS. PLEASE CONTACT THE VILLAGE CLERK/TREASURER IF A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT IS NEEDED. 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 MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.*

**DRAFT**  
**MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF MAGDALENA**  
**BOARD OF TRUSTEES**  
**HELD MONDAY, NOVEMBER 14, 2022, AT 5:00 PM**

**PURSUANT TO PUBLIC HEALTH ORDER DATED FEBRUARY 17, 2022, SOCIAL DISTANCING SHOULD CONTINUE TO BE MAINTAINED.**

**MEMBERS OF THE PUBLIC WHO WISH TO ATTEND AND LISTEN TO THE MEETING VIA ZOOM MAY DO SO AT THE FOLLOWING LINK:**

<https://us02web.zoom.us/j/4861155997?pwd=VOV6SERBNVdGNDNPaE1ZdWp1N004UT09>

**Meeting ID: 486 115 5997**

**Passcode: MAGDALENA**

Mayor Pro-Tem James Nelson called the meeting to order at 5:00 p.m.

**PRESENT:** Mayor Pro-Tem/Trustee James Nelson, Trustee Harvan Conrad, Trustee Clark Brown, Carleen Gomez—Deputy Clerk, Attorney Kathy Stout

**ABSENT:** Mayor Richard Rumpf

**PARTICIPATING VIA ZOOM VIDEO CONFERENCE:** Trustee Donna Dawson, Carol Courtney, Michael Steininger—Finance Officer

**GUESTS:** Collier Nelson - Assistant Clerk, Deborah Williams, Shawn Williams, Bryan Baca, Rita Broaddus, Sandy Julian, Michael Mattei, John W. Briggs, Eric Toops, Larry Clark, and Catherine Demaria

Mayor Pro-Tem/Trustee James Nelson led the gallery in reciting the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Harvan Conrad moved to approve the agenda. Clark Brown seconded the motion. The motion carried unanimously.

**APPROVAL OF MINUTES:** Donna Dawson moved to approve the minutes of the regular meeting on October 24, 2022, as amended. Harvan Conrad seconded the motion. The motion carried unanimously.

**APPROVAL OF CASH BALANCE REPORT:** Donna Dawson moved to approve the cash balance report. Clark Brown seconded the motion. The motion carried unanimously.

**APPROVAL OF BILLS:** Deputy Clerk Carleen Gomez stated there are four additional bills. Harvan Conrad moved to approve the bill list with the additions. Clark Brown seconded the motion. The motion carried unanimously.

**Bill List –**

Admin Office of the Courts		<b>192.00</b>
ABQ Publishing Co.		<b>73.74</b>
A-X Propane		<b>257.40</b>

Beasley, Mitchell & Co.		<b>7573.13</b>
City of Socorro		<b>2543.70</b>
EForce Software		<b>2334.30</b>
Jacob Finch		<b>1074.38</b>
Justin Greenwood		<b>903.00</b>
Merchant Automotive		<b>372.80</b>
Nance, Pato & Stout LLC		<b>638.25</b>
NM Judicial Education Center		<b>96.00</b>
NM Municipal League		<b>400.00</b>
NM Self-Insurers Fund		<b>440.00</b>
ProVelocity LLC		<b>1429.50</b>
Quick Med Claims LLC		<b>13.70</b>
RAK's Building Supply		<b>132.68</b>
Rebecca Apodaca		<b>40.00</b>
Verizon Wireless		<b>877.07</b>
WEX Bank		<b>2708.30</b>
Winston's Auto Service		<b>104.33</b>
WNM Communications		<b>729.62</b>
		<b>SUB TOTAL: 22,933.90</b>
<b>ADDITIONAL BILLS</b>		
RAK's		<b>84.76</b>
Konica Minolta		<b>374.00</b>
Quill		<b>84.99</b>
MAS Modern Marketing		<b>1048.72</b>
		<b>SUB TOTAL: 1556.47</b>
		<b>TOTAL: \$24,490.37</b>

**MAYOR'S REPORT:** Mayor Pro-Tem/Trustee James Nelson stated that Mayor Rumpf was absent and did not submit a report.

**CLERK'S REPORT:** Deputy Clerk Carleen Gomez stated there was nothing to report at this time.

#### **DEPARTMENT REPORTS**

**EMS-** James Nelson stated there were 11 EMS calls in October 2022.

**FIRE-** Mr. Nelson stated that there was no report submitted. Donna Dawson asked if the Fire Department has an old command vehicle or is it a new one. Jim Nelson stated that it is the one that the department has had. James Nelson stated that the new Fire vehicle was in use by Mayor for a Water Conference. Donna Dawson stated that a Fire Department vehicle is only supposed be used for Fire Department business.

**MARSHAL-** A report was submitted by Marshal Michael Zamora and reviewed by the Mayor and the Board of Trustees.

**JUDGE-** No report was submitted.

**PUBLIC WORKS-** A report was submitted by Joint Utility Worker Nehemiah Peralta and reviewed by the Mayor and Board of Trustees.

**LIBRARY-** A report was submitted by Librarian Ivy Stover and reviewed by the Mayor and Board of Trustees.

**DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO DIRECT PUBLICATION OF ORDINANCE NO. 2022-03, AN ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON PAVED STREETS OWNED AND CONTROLLED BY THE VILLAGE OF MAGDALENA.**

Harvan Conrad moved to approve the publication of Ordinance No. 2022-03. Clark Brown seconded the motion. Donna Dawson opposed. The motion carried by majority.

**PUBLIC INPUT – 1 TOPIC PER PERSON - 3 MINUTE LIMIT**

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Donna Dawson stated that she would like a report from the electrical engineer that were going to look at the Magdalena lighting. Eric Toops stated that the current lighting is against the law. Donna stated that the Mayor promised an electrical engineers report and hasn't presented anything on the issue. Eric stated that properly shielding lighting lights up the ground and not the sky and lighting doesn't equal safety or security.

Sandy Julian wants to know who was given authority to have the lights darkened or painted black. Eric Toops stated that if you call the Socorro Electric Coop and let them know it's blinding you, they will gladly darken the light. Catherine Demaria state that she has experienced this firsthand. Eric Toops stated that there are 33 private light poles and 111 public light poles, which, all of them are out of code, according to Mr. Toops. Donna Dawson suggested that we get familiar with the County and State Law regarding this lighting. Eric Toops also stated that the Socorro Electric Coop will replace the whole assembly for free.

Debra Williams stated that she is grateful for the consideration of the UTV/ATV Ordinances and supports the Night Skies Ordinance as well.

**ADJOURNMENT:** Donna Dawson moved to adjourn the meeting at 5:58 pm. Clark Brown seconded the motion. The motion carried unanimously.

Respectfully Submitted,

Carleen Gomez, CMC  
Deputy Clerk

Richard Rumpf  
Mayor

Minutes taken by:

Collier Nelson  
Assistant Clerk



**VILLAGE OF MAGDALENA  
NIGHT SKIES ORDINANCE No. 2022-02**

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, NMSA 1978, Section 3-17-1 *et seq.* provides that municipalities may adopt ordinances, not inconsistent with the laws of the State of New Mexico, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the municipality and its inhabitants; and,

**WHEREAS**, Magdalena attracts both professional and amateur astronomers and is known for its rural character and dark skies; and,

**WHEREAS**, The Night Sky Protection Act, NMSA 1978, Section 74-12-7(B) does not prohibit county ordinances that are equal to or more stringent than the provisions of that Act.

**NOW, THEREFORE, BE IT ORDAINED:**

**I. DEFINITIONS**

A. “outdoor lighting fixture” means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting; and

B. “shielded” means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

## **II. MINIMUM REQUIREMENTS.**

- A. All outdoor lighting fixtures shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less unless the fixture is extinguished by an automatic shutoff device between the hours of 11:00 PM and sunrise.
- B. No mercury vapor outdoor lighting fixtures shall be sold or installed.
- C. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 pm except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 pm at a ballpark, outdoor amphitheater, arena, or similar facility.

## **III. EXEMPTIONS.** The following are exempt from the requirements of this Ordinance.

- A. Outdoor lighting fixtures on advertisement signs on interstates and federal primary highways.
- B. Navigational lighting systems at airports and other lighting necessary for aircraft safety.
- C. Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.
- D. Outdoor lighting fixtures for fire stations and community centers.
- E. Outdoor lighting fixtures existing and installed prior to the year 2000; however, when existing lighting fixtures become unrepairable, their replacements are subject to all the provisions of this Ordinance.

## **IV. PENALTIES**

- A. An offense, for the purpose of this Ordinance, is defined as thirty (30) days from the date of a warning or adjudication of guilt. If the violation continues after the expiration of thirty (30) days following either of these triggering events, a subsequent offense will occur.
- B. For a first offense, the alleged violator will be warned in writing.
- C. For a second offense or subsequent offense, persons violating this ordinance shall, upon conviction, be subject to a fine of up to three hundred dollars (\$300.00).

**V. ENFORCEMENT**

The Magdalena Marshal's Office and any other legally qualified law enforcement officer or any of their agents shall have the ability to enforce this Ordinance.

Approved, Adopted, and Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**VILLAGE OF MAGDALENA**

\_\_\_\_\_  
Richard Rumpf, Mayor

Attest:

\_\_\_\_\_  
Carleen Gomez, Deputy Clerk