

VILLAGE OF ANGEL FIRE
Council Regular Meeting Minutes
Tuesday June 26th, 2012 at the Village Hall

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Call to Order

Mayor Cottam called the meeting to order at 5:30 PM

Pledge of Allegiance

Mayor Cottam called for the Pledge of Allegiance.

Roll Call

Present were Mayor Cottam, Mayor Pro-tem Howe, Councilor Welker, Councilor Germscheid, Councilor Colenda. Also present Village Clerk Terry Cordova and Village Administrator Tomas Benavidez. A full quorum was present.

Approval of Agenda

Mayor Pro-tem Howe made the motion to approve the agenda .Councilor Welker seconded the motion. Motion carried 4-0

Approval of Consent Agenda

1. Approval of the June 12th Regular Council Meeting

Mayor Pro-tem Howe made the motion to approve the consent agenda. Councilor Welker seconded motion carried 4-0

Requests and Responses from the Audience (Limited to 3 minutes)

- 1. The following people expressed their concerns with the resignations of the Fire Chief, one (1) paramedic and one (1) EMT.
 - Chaplain Charles Wilson
 - Peggy Trott
 - Peter Hardsteen
 - Bubba Davis
 - Charlene Hall
 - Mike Wooley

Announcements and Proclamations - None

Reports

- a. **Governing Reports** – Councilor Welker reported that the minutes for the public works /streets committee had been sent out. At that meeting Councilor Colenda was appointed the new chairman of that committee. He also reported that the bid for the airport fuel farm did not have a date so they will be readvertizing for that job. The bids for the runway came in and they were too high so therefore they will be rebidding that project.
- b. **Administrators Report**- Tomas Benavidez corrected what he said during the work session earlier today regarding the incentive program for the thinning project with in the community. We have a pickup program for slash that the Village does for a monthly fee of \$3.00 and we will look and see if it covers all the costs. Administrator Benavidez reported on the Policy Committee meeting he attended in Albuquerque.
- c. **Staff Reports- None**

1) Old Business –None

2)

3) New Business

A. Discussion /Approval of a Liquor License for the Pub n’ Grub Appl. # 814368 (Public Hearing)

Steve and Shelley Larson addressed council requesting approval of their application for a liquor license for their restaurant The Pub ‘n Grub. Mayor Cottam opened the public hearing at 5:57pm with no input the hearing was closed at 5:58pm. Mayor Pro-tem Howe made the motion to approve liquor license for the Pub n’ Grub application # 814368. Councilor Welker seconded. Motion carried 4-0

1 **B. Discussion / Approval of Resolution 2012-19 Granting a Rear Yard Setback of Ten**
2 **(10) Feet From the Required Twenty (20) Feet on Lot 1570 of the Country Club**
3 **Unit 3 Subdivision**

4 Mark Rivera, Community Development Director explained that the person that owns this
5 lot is requesting the variance to improve his view of Wheeler Peak. This variance request
6 does not meet the criteria for Council's decision listed in section 9-3-5. C. The Planning
7 and Zoning commission has reviewed this request and at first did not give its approval
8 but when looked at individually they decided to approve it based on the location of the
9 lot. It is located at the end of Luna Drive on the cul-de-sac and it backs up to a Resort
10 greenbelt which drops steeply down toward Ute Valley Road to the north. The
11 Commission collectively approved the request, stating that the only negative effect is to
12 the home owner. Tomas Benavidez Village administrator added that the applicant did not
13 state any of the exceptions on his application. Mayor Pro-tem Howe made the motion to
14 approve resolution 2012-19 granting a rear yard setback of ten (10) feet from the required
15 twenty (20) feet on lot 1570 of country club unit 3 subdivisions. Councilor Colenda
16 seconded. Councilor Colenda stated that he walked the property and did not see a
17 problem with it, the only thing I saw was construction material on the next lot over, I
18 would like you to look at that again and make sure that it is not over on the next lot.
19 Councilor Germscheid asked if it was still impeding on the greenbelt or is there still ten
20 feet there. Councilor Colenda said there was and that in fact it was very steep. Mayor
21 Pro-tem Howe asked Tomas what was said at the P and Z meeting. Tomas stated that
22 there were no objections, there was no public input during the public hearing, and there
23 was no input from the resort. Motion carried 4-0 with Mayor Pro-tem Howe-aye,
24 Councilor Germscheid- aye, Councilor Welker –aye, Councilor Colenda-aye
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26 **C. Discussion / Approval of Amendments to Karen Nichols Contract**

27 Tomas Benavidez, Village Administrator explained that Mrs. Nichols contract was
28 scheduled to expire in June. The original contract amount was not to exceed \$2,760.00,
29 but with her expertise she continues to find things that need to be corrected in our Incode
30 system. We are asking for an additional \$2,884.50 to finish out the contract. Therefore
31 the total amount of the contract would be \$5,644.50. Mayor Pro-tem Howe made the
32 motion to approve amendment # 2 to contract with independent contractor's agreement
33 with Karen Nichols for additional compensation. Councilor Colenda seconded. Motion
34 carried 4-0.

35 **D. Discussion /Approval of Resolution 2012-20 reappointing Steve Oliver and**
36 **Charles Verry to the PID Board**

37 Mayor Pro-tem Howe made the motion to approve resolution 2012-20 reappointment of
38 Steve Oliver and Charles Verry to the PID Board. Councilor Welker seconded. Councilor
39 Colenda asked if these two individuals had accepted these appointments and Tomas
40 stated that they had. With no further discussion the motion carried 4-0 with Mayor Pro-
41 tem Howe –aye, Councilor Germscheid –aye, Councilor Colenda-aye, Councilor Welker
42 –aye

43 **E. Discussion / Approval of the Village of Angel Fire's Inventory / Fixed Asset Policy**

44 Tracy Orr, Assets Manager stated that she was given the task to come up with an
45 inventory /asset policy. Tracy and Deborah Bredthauer will be spearheading this project
46 and working closely with department heads to get a true record of our assets. The
47 administrator got a copy of a policy from Ruidoso and we made the changes to make it
48 apply here. We will be inventorying everything. We will tag everything to keep better
49 track of what we have. Mayor Pro-tem Howe stated that this was a finding on past audits
50 and this policy would place us in compliance. Mayor Pro-tem Howe made the motion to
51 approve the Village of Angel Fire's inventory /fixed asset policy. Councilor Colenda
52 seconded .With no further discussion the motion carried 4-0

1 **F. Discussion /Approval of an Ordinance Granting a Franchise Agreement with Kit**
2 **Carson Electric 1st Reading (Public Hearing)**

3 Mayor Cottam opened the public hearing at 6:11pm, Tomas Benavidez stated that he has
4 tried to talk with Louis Reyes with Kit Carson and he did not return my calls. The
5 agreement covers the 5% fee of collection for the cable for future telecommunication
6 services. Bubba Davis asked if this was only for the internet or just cable. Tomas stated
7 that it is for the cable but as they provide internet service to it they will sell the service we
8 will get 5% of that. Mayor Cottam closed the public hearing at 6:13pm. Mayor Pro-tem
9 Howe made the motion to approve first reading of an ordinance granting a franchise with
10 certain rights incident thereto; to Kit Carson Telecom, Inc. its successors and designees,
11 in the Village of Angel Fire, Colfax County, New Mexico and providing that the Village
12 shall receive cash payments and other considerations therefore. Councilor Colenda
13 seconded. Mayor Pro-tem Howe asked that a discussion of franchise agreements be
14 placed on the next work session and how does the 5% compare with the others we have.
15 Tomas said that all the others were at 2%. Motion carried 4-0 with Mayor Pro-tem Howe-
16 aye, Councilor Germscheid –aye, Councilor Welker –aye, Councilor Colenda-aye
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18 **Adjournment**

19 Mayor Pro-tem Howe made the motion to adjourn at 6:15pm, Councilor Colenda seconded
20 Motion carried 4-0
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22 **Passed, Approved and Adopted on this 24th day of July, 2012.**

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27 **Barbara Cottam, Mayor**

28 **ATTEST:**

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Terry Cordova, Village Clerk
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VILLAGE OF ANGEL FIRE
Special Council Meeting Minutes
Monday July 2nd, 2012 at the Village Hall

Call to Order

Mayor Cottam called the meeting to order at 9:00AM

Pledge of Allegiance

Mayor Cottam called for the Pledge of Allegiance.

Roll Call

Present were Mayor Cottam, Mayor Pro-tem Howe was absent, Councilor Germscheid, Councilor Colenda, Councilor Welker. Also present Village Clerk Terry Cordova and Village Administrator Tomas Benavidez. A full quorum was present.

Approval of Agenda- None

Business

1) New

A. Discussion /Approval of Resolution 2012-21 Granting a Depth Variance of Six Inches from the Thirty Inches for Buried Communication Lines

Mark Rivera, Community Development Director explained this item. In 2005 the Village amended the code to require wires be buried 30 inches because of past issues with Qwest and their habit of shallow trenching. RUS (Rural Utility Service) established depth layers and for this kind of cable the depth is 24 inches. Kit Carson has designed the broadband and contracted with TCS Communications to install the fiber optic cable at 24 inches. The cable will be installed inside plastic conduit, providing additional protection. My primary concern about a 24 inch depth is its location to future driveway culverts. We now require a minimum 18 inch diameter culvert, and they are typically designed to add a base course cover over it. So you could easily have an initial trench of 24 inches. So therefore I am asking for conduit be buried a minimum of four feet behind the edge of the roadway on the uphill side. Councilor Welker asked if four feet enough was. Mark stated that it is but in some cases it may be deeper. The streets department will be updated each day and there is a scheduled meeting for every Tuesday. Councilor Colenda expressed his concerns that we are setting them up for failure by no fault of their own or of ours, that they need some flexibility. Mark stated that their goal is 3,000 feet a day and that they will run into various situations. Councilor Welker made the motion to approve resolution 2012-21 granting a depth variance of six inches from the thirty inches for buried communication lines. Councilor Colenda seconded. Dave Pangrac, Chief Strategic Officer added that they are the engineering company that is doing the design work for the project, he stated that the plans were done using the RUS standard. That where there is rock they will be using that RUS standard. Councilor Welker made the motion to amend the original motion giving flexibility to 6 inches in depth pre RUS code 17-35F-150 page 33 after consult with Village staff. Councilor Colenda seconded. Motion carried 3-0. Original motion carried 3-0 with Councilor Welker – aye, Councilor Colenda –aye, Councilor Germscheid –aye

Adjournment

Mayor Cottam adjourned the meeting at 9:30am

Passed, Approved and Adopted on this 24th day in July 2012


Barbara Cottam, Mayor

ATTEST:

Terry Cordova, Village Clerk

VILLAGE OF ANGEL FIRE
Council Work Session
Tuesday June 26th, 2012 at the Village Hall

Call to Order

Mayor Cottam called the meeting to order at 2:00 PM

Pledge of Allegiance

Mayor Cottam called for the Pledge of Allegiance

Roll Call

Present were Mayor Cottam, Mayor Pro-tem Howe, Councilor Welker, Councilor Colenda and Councilor Germscheid. Also present Village Clerk Terry Cordova .Village Administrator Tomas Benavidez. A full quorum was present.

Approval of Agenda

Mayor Pro-tem Howe made the motion to approve the agenda, Councilor Welker seconded the motion. Motion carried 4-0

Council Work Session:

1. **Financial Update- Lupita De Herrera**

Lupita De Herrera went over her trip to Santa Fe and her visit with New Mexico Finance Authority (NMFA) and the Department of Finance and Administration (DFA) regarding the refinancing of Village loans. NMFA would like a little more detail concerning why we are late on our audits. We will most likely refinance the NMFA loans first and then the RUS loans. We are on the agenda for the July 26th NMFA meeting. From those four (4) loans the Village should see a long term effect of \$1.4 million in savings. Our payments will stay the same but our interest will change. Councilor Germscheid asked if we could add the accounts payable debt into the refinance. Lupita stated that we could not. We also discussed with NMFA about getting a loan for the purchase of new vehicles for the police department and using LEPF funds to repay the loan and they did not see any problem with that as it was an issue of public safety. While at NMFA we discussed the water rights loans that are being intercepted from our GRT to pay the loans. We also collect a water surcharge on our water bills, which we should be using to pay these loans. Mayor Cottam and Lupita went over the inventory process and that as soon as we had everything inventoried we would be looking at having an auction.

2. **Lot Thinning**

Tomas Benavidez explained that there is a plan in place for lot thinning. Currently for this year we did not get funded. There is a plan in place for homeowners to place their slash on the curb side and we will come pick it up. Mayor Pro-tem Howe would like to see an incentive program that would allow homeowners and lot owners to come to the Village and for a fee that the homeowner or lot owner would pay the Village, the Village would have a contract with an outside forester to go out and inspect the lot and if it met the thinning requirements, issue a certificate to the homeowner or lot owner so that when the homeowner sells the home he can show that the lot has been thinned. He would like for staff to looking into this option. Mark Rivera ,Community Development Director explained that there is a law on the books already that can declare a property a nuisance and we can order them to clean it . Councilor Colenda asked if there were a lot like that would we just go in and clean it. Mark stated that we would have to file a nuisance order and we would work with the property owner to get them in compliance if after that the property owner does not cooperate we would file a complaint with the municipal court, there would be a fine and the Village could place a lien on the property.

3. **PID Billing**

Lupita De Herrera explained that the finance department was still working on that information. Tomas Benavidez stated that we are billing but not sure how many. Lupita also stated we are billing but not sure if we are billing for the correct amount of time we should be. Councilor Colenda also pointed out that the billing department gets a lot of return mail and

1 that was one aspect of this. Lupita said that we need to find these land owners and start billing
2 them. There is a lot of work being done to the data base to correct this.

3 **4. Department Director updates**

- 4 **A. Planning and Zoning –Mark Rivera**
5 **B. Police – Warren Morey**
6 **C. Fire/EMS- Orlando Sandoval**
7 **D. Solid Waste /Streets – Butch Steinman**
8 **E. Water /Wastewater- Ricky Tafoya**
9 **F. Visitor Center – Jimmy Linton**
10 **G. Finance –Lupita De Herrera**
11 Please see attached reports

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13 **I. Adjournment**

14 Councilor Welker made the motion to adjourn at 2:44pm, Mayor Pro-tem Howe seconded. Motion
15 Carried 4-0

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17 **Passed, Approved and Adopted on this 24th of July, 2012**

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22 **Barbara Cottam, Mayor**

23 **ATTEST:**

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25 **Terry Cordova, Village Clerk**
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