

**VILLAGE OF ANGEL FIRE  
Council Regular Meeting Minutes  
Tuesday December 13<sup>th</sup> , 2011 at the Village Hall**

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**I. Call to Order**

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

**II. Pledge of Allegiance**

Mayor Hamilton called for the Pledge of Allegiance.

**III. Roll Call**

Present were Mayor Hamilton, Mayor Pro-tem Howe, Councilor Germscheid, Councilor May, Councilor Welker. Also present were Administrator Leahy and Village Clerk Terry Cordova. A full quorum was present.

**IV. Approval of Agenda**

Mayor Pro-tem Howe made the motion to approve the agenda with the following change to remove item L from the agenda .Councilor Germscheid seconded the motion. Motion carried 4-0.

**V. Consent Agenda**

1. Consider Approval of the October 25<sup>th</sup> Council Work Session Minutes
2. Consider Approval of the October 25<sup>th</sup> Regular Council Meeting Minutes
3. Consider Approval of the November 8<sup>th</sup> Council Work Session Minutes
4. Consider Approval of the November 8<sup>th</sup> Regular Council Meeting Minutes
5. Consider Approval of the November 22<sup>nd</sup> Special Council Meeting Minutes
6. Consider Approval of Appointing Jo Mixon to the Marketing Action Team
7. Consider Approval of Strider McCash to the Trails committee
8. Consider Approval of Pete Peterson and Ken Ching to the Roads committee

Mayor Pro-tem Howe made the motion to approval the consent agenda with the following change to remove items 6, 7, 8. Councilor May seconded. Councilor May stated that council had discussed to remove these items in a work session earlier that day and had decided to give the committees time to discuss these appointments before presenting them to Mayor and Council. Motion Carried 4-0

**VI. Requests and Responses from the Audience (Limited to 3 minutes) -None**

**VII. Announcements and Proclamations -None**

**VIII. Reports**

- a. **Governing Reports -None**
- b. **Administrator’s Reports – None**
- c. **Staff Reports – Darrell Benjamin Water/ Wastewater Director reported on the water tank inspections and the results of those inspections. He stated that there were some that needed repair and that the ones that needed repair would not be done all at the same time because as they are being repaired the tank would have to be taken out of service. He also stated that these repairs needed to be done soon.**

**1) Old Business**

**A. Consider Approval of Proposed Zone Change C-2(General Commercial) to C-3(Heavy Commercial ) 2<sup>nd</sup> Reading (Public Hearing)**

Mark Rivera, Community Development Director explained that this was a zone change for a piece of property between the transfer station and the water/wastewater department that belonged to the resort. The Mayor opened up the public hearing at 5:46PM with no input the hearing as closed at 5:46PM. Mayor Pro --tem Howe made the motion to approve an ordinance granting a zone change from C-2 (general commercial ) to C-3 (heavy Commercial) at lot 173 of the Moreno Valley land 3<sup>rd</sup> Subdivision. Councilor May seconded. Councilors May and Germscheid both disclosed that they work for the resort. The other council members did not have any issues with them voting. There was no further discussion. The motion carried 4-0, with Mayor Pro-tem Howe –aye, Councilor Welker –aye, Councilor Germscheid –aye, Councilor May –aye

**2)**

**New Business**

**A. Consider Approval of Resolution 2011-48 to Establish the Length of Time Council Meeting Tapes are Kept**

1 Terry Cordova Village Clerk explained that the resolution was put together after several discussions at  
2 various work sessions .That the resolution was a result of those discussion. Mayor Pro-tem Howe made the  
3 motion to approve resolution 2011-48 to establish the length of time council meeting tapes are kept.  
4 Councilor Welker seconded. With no discussion the motion carried 4-0 with Mayor Pro-tem Howe- aye,  
5 Councilor Germscheid –aye, Councilor May-aye, Councilor Welker -aye  
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8 **B. Consider Approval of Resolution 2011-49 Establishing Solid Waste Disposal Rates**

9 Administrator Leahy stated that this item was something that was discussed in past work  
10 sessions and the goal was to make our solid waste rates a bit more equitable. The real issue  
11 was in the rates for business rates. Mayor Pro-tem Howe made the motion to approve  
12 resolution 2011-49 establishing solid waste disposal rates. Councilor May seconded.  
13 Councilor Welker stated that the fee for residential home business would affect him so he was  
14 not going to vote on this item. Councilor Germscheid asked if the lumber yards felt better  
15 about the new lower rate. Administrator Leahy stated that they did. Mayor Pro-tem Howe  
16 stated that one of the things that got this started was when a message therapist came in and  
17 felt that they were generating no trash at all and how does this work for them . Administrator  
18 Leahy stated they would be a light user and would only pay \$18.00. With no further  
19 discussion the motion carried 3-1 with Mayor Pro-tem Howe –aye, Councilor Germscheid –  
20 aye, Councilor May-aye, Councilor Welker-nay

21 **C. Consider Approval of Resolution 2011-50 Amending Resolution 2007-77 Establishing**  
22 **Water Service Rates and Sewer Fees for Properties outside Village of Angel Fire Limits**

23 Administrator Leahy went over this item and the reason for the changes. That when the water  
24 rates went up, the outside of village limits rates did not. He also mentioned that when council  
25 approved the annexation policy it stated that we would not be extending water and sewer  
26 outside of the village. Mayor Pro-tem Howe made the motion to approve resolution 2011-50  
27 amending resolution 2007-77establishing water service rates and sewer fees for properties  
28 outside Village of Angel Fire limits. Councilor May seconded .Mayor Pro-tem Howe asked  
29 which areas would be affected. Administrator Leahy stated that it would be Monte Verde V,  
30 that is the property in between Angel Fire and Eagle Nest and the Airport when they hook up  
31 water and sewer .Councilor Germscheid asked for clarification in the rates and as that was  
32 being done it was discovered that the rates were in fact doubled and were incorrect.  
33 Councilor May made the motion to amend the first motion and postpone this item to the next  
34 meeting. Councilor Germscheid seconded. Motion carried 4-0. The first motion did not pass  
35 0-4

36 **D. Consider Approval of Proposed Amendments to Title 9 Case Z-01-11 1<sup>st</sup> Reading**

37 **(Public Hearing)** Mark Rivera Community Development Director Stated that every year at  
38 this time they bring forward changes to title 9. Some of the changes are for uphill drive ways,  
39 screening of propane tanks, signage that affects the resort and their properties .Mayor  
40 Hamilton opened the public hearing at 6:02pm, with no input the hearing was closed at  
41 6:02pm. Mayor Pro-tem –Howe made the motion to approve 1<sup>st</sup> reading of an ordinance  
42 amending chapters 6,7,10,11 and 12 of title nine of the village code. Councilor Germscheid  
43 seconded. Councilor May felt that maybe there had been a misunderstanding with what  
44 recommendation may have been. That she had issues with enforcement not go ahead and let  
45 them do what they were doing. I did not want it off the books but at least enforced what we  
46 were doing with the RV's. I do not want P and Z to think that we want the RV issues taken  
47 off but I feel that is what they believe we want. Councilor Germscheid was under the same  
48 understanding that council was going to take a look at this at a work session. Administrator  
49 Leahy stated that a lot of this was because the village incorporated a lot of the AFFPO  
50 covenants. There are some issues with enforcement of the RV's in this village. Council would  
51 like to see this at a future work session. Councilor Germscheid and May disclosed that they  
52 both work for the resort. The remaining members did not have an issue with them voting.  
53 Motion Carried 3-1 with Mayor Pro-tem Howe –aye, Councilor Germscheid –aye, Councilor  
54 Welker –aye, Councilor May -nay

- 1           **E. Consider Approval of Resolution 2011-51 Amending the 201-2011 Cooperative**  
2           **Agreement** Mark Rivera Community Development Director explained that because of the  
3           two early snow storms that some of our projects were delayed and that DOT expected the  
4           funds to be spent by the end of the year . They do allow extensions to the agreement .Mayor  
5           Pro-tem Howe made the motion to approve resolution 2011-51 amending the 2011-2012  
6           cooperative agreement with the New Mexico Department of Transportation. Councilor  
7           Welker seconded. With no discussion the motion carried 4-0 with Mayor pro-tem Howe –aye,  
8           Councilor Germscheid –aye, Councilor May-aye, Councilor Welker –aye
- 9           **F. Consider Approval of Resolution 2011-52 Granting a Variance to increase the Sign Face**  
10           **Area of an Existing Free Standing Sign Located at 3435 Mountain View**  
11           Mark Rivera Community Development Director explained that Four Seasons had been sold to  
12           another business and the new business would like to put their sign under the existing sign  
13           until the end of April and at that time they would remove and put up their sign. Mayor Pro-  
14           tem Howe made the motion to approve resolution 2011-52 granting a variance to increase the  
15           sign face area of an existing free standing sign located at 3435 Mountain View. Councilor  
16           May seconded. With no discussion motion carried 4-0 with Mayor pro-tem Howe –aye,  
17           Councilor Germscheid –aye, Councilor May-aye, Councilor Welker –aye
- 18           **G. Consider Approval of Resolution 2011-53 Granting a Variance to the Minimum Setback for a Free**  
19           **Standing Sign Located at 9 North Angel Fire Road , International Bank**  
20           Mark Rivera Community Development Director started by saying that the resort has a project to enhance the  
21           intersection of North Angel Fire Road and Mountain View. When I returned after Thanksgiving there were  
22           some signs up without permits, had there been permits we would have told them what the setbacks were. So  
23           we know need a variance for this. Mayor Pro-tem Howe made the motion to approve resolution 2011-53  
24           granting a variance to the minimum setback for a free standing sign located at 9 Angel Fire road,  
25           International Bank. Councilor Welker seconded. Councilor Welker asked if the signs were moved out of the  
26           line of sight triangle would there be room to miss the utilities. Mark answered that would be correct.  
27           Councilor Germscheid asked Eric Hoffman the sign designer if that could be possible. Eric stated that he did  
28           not believe that the sign was in the line of sight triangle. He shared with council a picture he took of the sign.  
29           Doug Patterson the architect for the projected stated that there are a lot more utilities in the ground then what  
30           is shown in the survey. He is almost certain that if the signs are moved back they will most likely hit utilities  
31           and we will have to move to another location. Doug apologized for not getting the permits. Mayor Hamilton  
32           added that we have the holes dug and we were fortunate enough to not hit any utilities. Despite the fact that  
33           things were not done in the right order we have a great project and we should not mess with it .Councilor  
34           May agreed that this a great project and we should move forward. Councilor Germscheid stated that because  
35           this was a Resort project she was going to recuse herself from the vote. Motion carried 3-0 with Mayor Pro-  
36           tem Howe –aye, Councilor May –aye, Councilor Welker –aye. It should be noted that items H and I are the  
37           same as item G in their explanation.
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- 39           **H. Consider Approval of Resolution 2011-54 Granting a Variance to the Minimum Setback for a Free**  
40           **Standing Signs to be Located at 3373 Mountain View , Lowes Market**  
41           Mark Rivera stated that this was except that Lowes was going to put up two signs, one for Lowes and one for  
42           Subway. Mayor Pro –tem Howe made the motion to approve resolution 2011-54 granting a variance to the  
43           minimum setback for two free standing signs to be located at 3373 Mountain View ,Lowes Market .  
44           Councilor May seconded. . Councilor Germscheid stated that because this was a Resort project she was going  
45           to recuse herself from the vote. Motion carried 3-0 with Mayor Pro-tem Howe –aye, Councilor May –aye,  
46           Councilor Welker –aye.
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- 48           **I. Consider Approval of Resolution 2011-55 Granting a Variance to the Minimum Setback for a Free**  
49           **Standing Sign Located at 3365 Mountain View , Frontier Square**  
50           Mark Rivera Stated that this is the same situation as items G and H. Mayor Pro-tem Howe made the motion  
51           to approve resolution 2011-55 granting a variance to the minimum setback for a free standing sign located at  
52           3365 Mountain View ,Frontier Square. Councilor May Seconded. . Councilor Germscheid stated that because  
53           this was a Resort project she was going to recuse herself from the vote. Motion carried 3-0 with Mayor Pro-  
54           tem Howe –aye, Councilor May –aye, Councilor Welker –aye.
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- 56           **J. Consider Approval of Resolution 2011-57 Granting an Extension to the Public Improvement Board**  
57           **for the Submittal of the As-Built Drawings of all the Improvements being Dedicated to the Village**  
58           Mark Rivera stated that through the building permits that were pulled that they had not located all of the  
59           utilities at the corner lot. There an ongoing discussion and AUI will be coming back to fix those .They are

1 asking for an extension to fix those. There are several provisions, guard rail installation, a road map as to how  
2 we are going to get all of these done. Mayor Pro-tem Howe made the motion to approve resolution 2011-57  
3 granting an extension to the Public Improvement District Board for the submittal of the as-built drawings of  
4 all improvements being dedicated to the village. Councilor Welker seconded. With no discussion the motion  
5 carried 4-0 with Mayor Pro-tem Howe –aye, Councilor Germscheid –aye, Councilor May –aye, Councilor  
6 Welker -aye

7 **K. Consider Approval of Resolution 2011-56 Amending Resolution 2010-29 and 2010-30 to Clarify**  
8 **Wording Between the Polices**

9 Shay Tibljas Community Center Supervisor explained that the changes were from the discussion at the last  
10 work session and were made to clarify the policy they were using. One of the changes that were not discussed  
11 at the work session was change a full day to four hours or more with in the same day as apposed all day and  
12 that they only go to midnight and an hourly rate would begin then. Mayor Pro-tem Howe made the motion to  
13 approve resolution 2011-56 amending existing resolution 2010-29 and 2010-30 to clarify wording between  
14 the policies and fee schedule for the community center changing fall/spring hours to Monday /Thursday.  
15 Councilor Germscheid seconded. Mayor Pro-tem Howe asked that when someone comes to use the  
16 community center and uses the kitchen does the kitchen get inspected after they depart. Shay stated that the  
17 whole building get inspected because we get a security deposit. Councilor May said she did not see where we  
18 were going to an hourly rate after midnight. Shay stated that it was only a recommendation. Councilor May  
19 would like to see that be an hourly rate. Councilor May made the motion to amend the first motion to include  
20 wording to add that we go to an hourly rate after midnight. Mayor Pro-tem Howe seconded. Motion carried  
21 4-0. Councilor Germscheid disclosed that Holy Angels is one of the groups that will be effected by these  
22 changes. The other members did not have an issues with her voting. Motion carried 4-0 with Mayor Pro-tem  
23 Howe –aye, Councilor Germscheid –aye, Councilor May –aye, Councilor Welker –aye  
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26 Councilor Germscheid asked if she could commit on an item that had already been discussed. She asked  
27 about the propane tanks and when they talked about them being unscreened, new construction did we  
28 eliminate all screening including new construction or would new construction still be screened under our  
29 code. Mark Rivera stated that there would be no screening. Mayor Hamilton state that we could bring this  
30 issue up at another work session.  
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32 Mayo Hamilton stated that this was Administrator Leahy's last meeting and thanked him for his service to  
33 this community.  
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35 **X. Adjournment**

36 Councilor May made 51the motion to adjourn the meeting at 6: pm Councilor Welker  
37 Second the motion. Motion carried 4-0.  
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39 **Passed, Approved and Adopted on this 10<sup>th</sup> day of January 2012.**  
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Stuart Hamilton, Mayor

ATTEST:



Terry Cordova, Village Clerk