

**VILLAGE OF ANGEL FIRE
Council Regular Meeting Minutes
Tuesday July 22nd, 2014 at the Village Hall**

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 Lanon, Councilor Germscheid, Councilor Colenda. Also present Village Manager Jay Mitchell, Village Clerk Terry Cordova. A quorum was present.

Approval of Agenda

Mayor Pro-tem Howe made the motion to approve the agenda, Councilor Germscheid seconded.

Motion carried 4-0

Approval of Consent Agenda

1. Approval of June 24th Council Work Session Minutes

2. Approval of June 24th Regular Council Meeting Minutes

Mayor Pro-tem Howe made the motion to approve the consent agenda, Councilor Lanon seconded.

Motion carried 4-0

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

Mike Woolley –Expressed his concerns with the changes to the ordinance concerning fire protection

Pat McCarty- Expressed his concerns with the changes to the ordinance concerning fire protection.

He asked that his summary letter be included in the minutes. (See attached)

Bubba Davis – Expressed his concerns with the changes to the ordinance concerning fire protection.

Announcements and Proclamations –None

Reports:

a. Governing Body Report-None

b. Manager's Report

Manager Mitchell reported that the final numbers for property taxes for the last fiscal year are up and ahead of what was expected. He also reported that CommNet came in late today and pulled permits to begin work on the new cell tower.

c. Staff Reports- None

Old Business- None

New Business

A. Discussion / Approval of Resolution 2014-28 a Resolution Approving Year End Budget Adjustments

Mayor Pro-tem Howe made the motion to approve fiscal year 2013-2014 final budget adjustments, Councilor Germscheid seconded. With no discussion the motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor Germscheid –aye, Councilor Lanon-aye, Councilor Colenda- aye

B. Discussion/ Approval of Resolution 2014-29 a Resolution Approving the Final Financial Quarterly Report for FY Ending June 30, 2014

Mayor Pro-tem Howe made the motion to approve resolution 2014-29 ,final financial quarterly report for fiscal year ending June 30,2014 ,Councilor Lanon seconded . With no discussion the motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor Germschied –aye, Councilor Lanon –aye, Councilor Colenda –aye.

C. Discussion /Approval of Resolution 2014-30 a Resolution Adopting the Final 2014-2015 FY Budget

Mayor Pro-tem Howe made the motion to approve resolution 2014-30 a resolution relating to finance ; adopting the final 2014-2015 fiscal year budget and requesting the state of New Mexico department of finance and administration ,local government division ,budget and finance bureau approval , Councilor Colenda seconded . With no

1 discussion the motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor
2 Germscheid –aye, Councilor Lanon-aye, Councilor Colenda –aye.

3 **D. Discussion / Approval of Resolution 2014-31 a Resolution Approving the**
4 **Allocation of Lodgers Tax Dollars**

5 Tracy Orr, Marketing and Development Manager explained that these were dedications
6 for lodger's tax from RFP's we received. We received RFP's from the following: Music
7 from Angel Fire, Moreno Valley Arts Council, Hound Dog Events, Sangre de Cristo
8 Homebuilders, David Westphall Veterans Foundation and the Angel Fire Chamber. This
9 year we were able to award everyone what they asked for, for a total of \$40,000. Music
10 from Angel Fire -\$5,000, Moreno Valley Arts Council -\$5, 000, Hound Dog Events-
11 \$7,500, Sangre de Cristo Homebuilders -\$7,500, David Westphall Veterans Foundation
12 -\$5,000, Angel Fire Chamber -\$10,000. These monies will be used to advertise events
13 throughout the year. Mayor Pro-tem Howe made the motion to approve resolution 2014-
14 31 a resolution dedicating lodgers tax revenues, Councilor Germscheid seconded. With
15 no discussion the motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor
16 Germscheid –aye, Councilor Lanon- aye, Councilor Colenda –aye.

17 **E. Discussion / Approval of Resolution 2014-32 a Resolution Authorizing the Sale of**
18 **Certain Village Owned Property**

19 Manager Mitchell explained that this is a long overdue process. That these items are
20 costing the village close to \$500.00 dollars a year in liability insurance. Frank Salois and
21 Rick Tafoya have worked together to put this list of auction items together. Any items
22 that do not sale can be sold as salvage per state statuc. Items that were bought with fire
23 funds, law enforcement funds those dollars will be returned to those funds. Mayor Pro-
24 tem Howe asked if this is a real auction or will it be sealed bids. Frank stated it would be
25 sealed bids. Mayor Pro-tem Howe made the motion to approve resolution 2014-32 a
26 resolution authorizing the sale of certain village owned items, Councilor Lanon
27 seconded. With no further discussion the motion carried 4-0 with Mayor Pro-tem Howe
28 –aye, Councilor Germscheid –aye, Councilor Lanon-aye, Councilor Colenda –aye.

29 **F. Discussion / Approval of Resolution 2014-33 a Resolution to Approve the New**
30 **Mexico Environment Department Solid Waste Bureau Grant Agreement**

31 Tracy Orr, Marketing and Development Manager explained that she applied for a grant
32 in the amount of \$2,378 to purchase two (2) used motor oil tank spill containment units;
33 the spill containment units will prevent leaks, spills and overflow of used motor oil.
34 Also two (2) 1 cubic yard plastic tilt trucks are part of this grant and will be used to
35 transport and dump recyclable materials. Mayor Pro-tem Howe made the motion to
36 approve resolution 2014-33 for the New Mexico environment department solid waste
37 bureau grant for \$2,378 for the purchase of Two(2) used motor oil tank spill containers
38 units and two (2) 1 cubic yard plastic tilt trucks , Councilor Germscheid seconded . With
39 no discussion the motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor
40 Germscheid –aye, Councilor Lanon-aye, Councilor Colenda-aye.

41 **G. Discussion / Approval of Resolution 2014-34 a Resolution Granting a 10 Foot**
42 **Height Variance to an Existing Monopole Cellular Tower Located at 12 Aspen**
43 **Street**

44 Manager Mitchell explained that this is exactly what it says. This pole is located just
45 behind Winter Sports. CommNet would like to add ten feet to this tower in order to add
46 capacity capability to the core area where there is a high rate of data output . This is
47 strictly a capacity issue and has nothing to do with the new CommNet tower. Mayor
48 Pro-tem Howe made the motion to approve resolution 2014-34 a resolution granting a
49 10 foot height variance to an existing monopole cellular tower located at 12 Aspen
50 street, Councilor Colenda seconded. Manager Mitchell added that the Planning and
51 Zoning Commission sends a positive recommendation with the condition that the
52 existing light standard be changed to a more appropriate size for the pole and that some
53 additional colors be suggested. With no further discussion the motion carried 4-0 with

1 Mayor Pro-tem Howe –aye, Councilor Germscheid –aye, Councilor Lanon-aye,
2 Councilor Colenda –aye.

3 **H. Discussion / Approval to Submit an Application for the FY 2015 WUI/State Fire**
4 **Assistance Grant in the Amount of \$169,000**

5 Manager Mitchell explained that this was a grant that Chief Bertges went out and got.
6 The purposed grant is to help provide the village with a full time forester and transfer
7 station personnel to deal with slash pick up and disposal. Receiving the grant will jump
8 start the new program by releasing funds for projects associated with wildfire protection.
9 The amount of the grant is \$169,000 with a 50% match of \$84,500. Mayor Pro-tem
10 Howe made the motion to approve the submission of an application for the FY 15 wild
11 land urban interface /state fire assistance grant in the amount of \$169,000 for labor cost
12 of a village forester and two transfer station employees to deal with accumulating slash
13 ,there is a 50% match, Councilor Germscheid seconded . Mayor Pro-tem Howe asked
14 when this would start and Manager Mitchell started that these costs were in the FY 14-
15 15 budget. With no further discussion the motion carried 4-0 with Mayor Pro-tem Howe
16 –aye, Councilor Germscheid –aye, Councilor Lanon-aye, Councilor Colenda –aye.

17 **I. Discussion/ Approval of an Ordinance Amending Chapters Three (3) and Seven (7)**
18 **of Title Nine (9) of the Village Code (1st Reading) (Public Hearing)**

19 Mayor Cottam opened the public hearing at 6:06. Mike Clemmons, Committee Member
20 gave a brief update about the work the committee has done. On behalf of the committee
21 he asked and encouraged that the 1st reading of this ordinance be approved so that the
22 information can get out there and be read by everyone. The committee recommends an
23 extended period between the readings so we can do more public outreach. This is
24 implementation not enforcement. We are not recommending the hiring of two cops or
25 inspector; we are recommending the hiring of a forester to help. This is a 20 year
26 program. The slash pickup program needs to be improved on very quickly. We
27 recommend that council do something to help us get rid of material that is being thinned.
28 Peggy Sharp asked the timing between the first reading and the second.

29 Vickie Lanon asked if there was an address for people to send letters to that have
30 concerns

31 David Hartson asked about email address

32 Mayor Cottam assured everyone that there would be every means possible to get the
33 information out to the public. This is just the starting point.

34 Ed Deckmen asked why there needs to be a starting point and why this could not be
35 done tonight. Mayor Cottam explained why this could not be tonight. Mr. Deckmen
36 expressed his opposition to the ordinance.

37 Paula McCarthy asked how much influence will the property owners views have.

38 Mayor Cottam said as much as the committee members have.

39 Mike Woolley expressed his concerns that when it gets this far in the process to just
40 approve, that maybe it needs to be looked at again. He asked if the vote by the
41 committee was unanimous. Mike Clemmons stated that is was not there was one vote of
42 nay and that was from Dan Rakes. He also went on to say that Dan was not opposed to
43 the three D's and defensible space around homes but rather the improvements to
44 unimproved lots. Mr. Woolley went on to say that it was too strict already and it will be
45 too easy to shove it down our throats. There are bad inspectors out there and if we get a
46 bad forester we are all in trouble.

47 Manager Mitchell added that this was started in 2013 by former employee Mark Rivera.
48 There have been six different rewrites. In April 2014 the first reading went before
49 council, May 2014 the second read was pulled by request from me so as to give the
50 chance for a better look at this ordinance. There is an ordinance from 2005 that is
51 already on the books now that is enforceable tomorrow that is much stricter then what is
52 being proposed.

1 Mr. Woolley added that he agreed that we need something, but that his fear is that we
2 have the same issue as the PID lots and people will walk away.
3 Bubba Davis expressed his concerns about the home owners taking care of their lots but
4 that the owners of undeveloped lots would not and he felt that they should be part of the
5 first part of clearing the dead, diseased and downed group.
6 Carla Sides asked who would the forester answer to. Mayor Cottam started that, that
7 person would answer to her.
8 Councilor Germscheid asked Manager Mitchell to explain the difference between an
9 ordinance and a resolution. Manager Mitchel explained that an ordinance is a statement
10 of law and a resolution was for enforcement and changes.
11 Mike Woolley asked after the first reading does it go back to the committee for any
12 changes. Manager Mitchell explained that it would go back to committee and then back
13 to staff.
14 Paula McCarty added that the plan itself is not so much giving a safe feeling
15 Councilor Lanon added that Mark Rivera, who started this change when employed by
16 the village was at the work session today voicing his opinion and concerns and is now
17 on the committee,
18 Mike Clemmons said that the committee is trying to get some of the folks from Ruidoso
19 ,which by the way was one of the worst fires in New Mexico history up here to look at
20 our area and see if there needs to be some changes to the plan .
21 Carla Sides added that the way it looks it would take a minimum of at least three years
22 Vickie Lanon added that we also need to be careful with all this thinning and mud slides
23 Penny Davey added that she did their lot in 2005 and that it is a constant thing that just
24 needs to be done.
25 Mayor Cottam closed that public hearing at 6:52. The audio recording of the public
26 hearing is available in the clerk's office.
27 Mayor Pro-tem Howe made the motion to approve first reading of an amendment to
28 section 4 of chapter 3 of title nine and sections 13, 14 and 15 of chapter 7 of title 9 of the
29 village code, Councilor Colenda seconded. Manager Mitchell stated that after his
30 conversation with Councilor Germscheid he had one change to 9-7-13D paragraph 2 last
31 sentence reads "priority for enforcement shall be as follows" change to read "priority
32 phased implementation shall be as follows" . Councilor Colenda made the motion to
33 amend the first motion to include the changes made to the wording by Manager
34 Mitchell. Mayor Pro-tem Howe seconded. With no further discussion the motion carried
35 4-0 with Mayor Pro-tem Howe -aye, Councilor Germscheid -aye, Councilor Lanon -
36 aye, Councilor Colenda -aye. With no further discussion the first motion carried 3-1
37 with Mayor pro-tem Howe -aye, Councilor Germscheid -aye, Councilor Colenda -aye,
38 Councilor Lanon- nay.

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40 **Adjournment**

41 Mayor Pro-tem Howe made the motion to adjourn at 7:00 pm, Councilor Lanon seconded. Motion carried
42 4-0
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44 **Passed, Approved and Adopted on this 20th day in August, 2014**

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Barbara Cottam, Mayor

ATTEST:


Terry Cordova, Village Clerk

I want to thank the Mayor and Council for allowing me to present my findings regarding the recommended revisions to the Village wildfire code.

I ask that my letter of July 14 and today's summary be entered into today's minutes.

Taos Ski Valley
Red River
Monarch
Vail
Aspen
Steamboat
Breckenridge

These communities have considered the wildfire mitigation Issue and decided to adopt a "Dead Diseased and Down" policy. Here is why.

Primary reasons Colorado has no ski area with mandatory tree thinning:

1. Abundance of expert research and evidence indicates thinning can dramatically increase the risk of wildfire.
2. False Sense of Security May Cause Loss of Life. Residents may loose lives because they think they are safe from wildfire because they have a "Wildfire Safety Certificate."
3. Very Serious Negative Environmental Impact of excessive tree thinning.

I respectfully request the Village of Angel Fire follow the Colorado example of "Dead Diseased and Down."

Wildfires don't carry a tape measure nor do they visit city hall to see who has a "Wildfire Safety Certificate!"

No thoughtful person seriously believes a raging wildfire won't very easily jump a 20' tree spacing!

Firefighters and "Mother Nature" will stop wildfires!

Sincerely,
Pat McCarty
July 22, 2014