

**VILLAGE OF ANGEL FIRE
Council Regular Meeting Minutes
Wednesday August 20th, 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 and Village Attorney Joe Canepa. A quorum was present.

Approval of Agenda

Mayor Pro-tem Howe made the motion to approve the agenda with the removal of item A under new business, Councilor Germscheid seconded. Motion carried 4-0

Approval of Consent Agenda

1. Approval of July 22nd Council Work Session Minutes
2. Approval of July 22nd Regular Council Meeting Minutes
3. Approval of Voting Delegate for the New Mexico Municipal League Annual Business Meeting on August 28th

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)

Rick Hooker – Would like to see a pickle ball center in Angel Fire and would like the village to help

Ric Armstrong – gave a brief update on the Girl Scout Ranch

Announcements and Proclamations –None

Reports:

a. Governing Body Report

Councilor Germscheid thanked the pickle ball team for coming and talking. She also reported that a group met with Louis Reyes with Kit Carson and he would like to give a report at the September 9th council meeting.

b. Manager's Report

Manager Mitchell reported that GRT is up by 4%. He also reported that he along with employees from the streets department will be in Santa Fe August 28th for demonstrations on road equipment. Mike Steininger with DFA has completed his work here, but that we will be requesting him to return in October for further training.

c. Staff Reports- None

Old Business- None

New Business

A. Report from Rick Sprott , Chairman for the Wildfire Protection Committee

Rick Sprott, Chairmen for the Wildfire Protection Committee gave an update on the work the committee has done. (see attached)

B. Discussion /Approval of an Ordinance Amending the Uniform Traffic Ordinance (UTO) (1st Reading) (Public Hearing)

Mayor Cottam opened the public hearing at 6:26 pm. Terry Cordova; Village Clerk explained that at the last legislative session a new addition to the New Mexico uniform traffic ordinance (UTO), texting while driving. Because the village has adopted the UTO we are required to make those amendments. With no further input the public hearing was closed at 6:27pm. Mayor Pro-tem Howe made the motion to approve first reading of an ordinance adopting the New Mexico uniform traffic ordinance amendments compilation by reference, Councilor Germscheid seconded. With no discussion the

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

3 **C. Discussion / Approval of an Ordinance Amending Title Nine of the Village Code**
4 **(1st Reading) (Public Hearing)**

5 Mayor Cottam opened the public hearing at 6:27pm. Burl Smith, Village Inspector
6 explained that we currently have no penalties for violations in place in the section 9-3-4:
7 procedures for permits and certificates. The language is already in the planning and
8 zoning section of the code we now need it in the building section. Manager Mitchell
9 added in answer to Councilor Germscheid’s question about the 2nd sentence that reads
10 “_alternative to such fine and/or imprisonment, the village may seek other remedies
11 provided in law or equity including, but not limited to, damages, injunctions,
12 mandamus, or abatement” is right out of 7-4 village code from 2002 and is required to
13 recoup for damages construction may have caused . Mayor Cottam closed the public
14 hearing at 6:31pm. Mayor Pro-tem Howe made the motion to approve an ordinance
15 amending title nine -3-4 paragraph 4 of the village code, Councilor Germscheid
16 seconded. With no further discussion the motion carried 4-0 with Mayor Pro-tem Howe
17 –aye, Councilor Germscheid –aye, Councilor Lanon-aye, Councilor Colenda –aye.

18 **D. Discussion / Approval of Resolution 2014-35 a Resolution Granting an 11 Foot**
19 **Setback Variance for an Addition at Chalets 2A Lot 215,221 El Camino Real**

20 Mayor Pro-tem Howe made the motion to approve resolution 2014-35 a resolution
21 granting an 11 foot setback variance for an addition located at chalets 2A ,lot 215 ,221
22 El Camino Real , Councilor Germscheid seconded . With no further discussion the
23 motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor Germscheid –aye,
24 Councilor Lanon-aye, Councilor Colenda –aye.

25 **E. Discussion / Approval of Resolution 2014-36 a Resolution Granting a Conditional**
26 **Use Permit to Steve Larson for the Installation of a Micro-Brewery With**
27 **Tap/Tasting Room**

28 Mayor Pro-tem Howe made the motion to approve resolution 2014-36 a resolution
29 granting a conditional use permit to Steve Larson for the installation of a micro-brewery
30 with a tap /tasting room, Councilor Lanon seconded. With no further discussion the
31 motion carried 4-0 with Mayor Pro-tem Howe –aye, Councilor Germscheid –aye,
32 Councilor Lanon-aye, Councilor Colenda –aye.

33 **F. Discussion / Approval of Resolution 2014-37 a Resolution Granting a 1 Foot**
34 **Setback Variance for a Retaining Wall Located at Monte Verde Lake 1 , Lot 17,**
35 **Block D , 64 Lake View Park Drive**

36 Councilor Colenda stated that he went out and looked at this property and that it is very
37 well designed and executed. Mayor Pro-tem Howe made the motion to approve
38 resolution 2014-37 a resolution granting a 0 foot setback variance for a retaining wall
39 located at Monte Verde Lake 1, lot 17 ,block D ,64 Lakeview Park Drive , Councilor
40 Germscheid seconded . With no further discussion the motion carried 4-0 with Mayor
41 Pro-tem Howe-aye, Councilor Germscheid –aye, Councilor Lanon –aye, Councilor
42 Colenda –aye.

43 **G. Discussion / Approval of Resolution 2014-38 a Resolution to Approve Participation**
44 **in Local Government Road Fund Program and Request for Match Waiver**
45 **Administered by the New Mexico Department of Transportation**

46 Tracy Orr, Marketing and Development Manager explained that the village applied for
47 local government road funds for the plan, design, construction management
48 ,construction ,reconstruction ,pavement rehab drainage improvements and miscellaneous
49 construction for approximately 1335 feet of Calle de Los Caballeros going east from
50 the intersection of Via de Maria and Calle de Los Caballeros . The agreement total is
51 \$42,897.00. NMODT’s share is \$32,173.00 and the village’s share is \$10,724.00.
52 Manager Mitchell added that this is not a match waiver; the work will be done in kind.

1 Mayor Pro-tem Howe made the motion to approve resolution 2014-38, NMDOT
2 cooperative agreement project # SP-4-15 (963), Councilor Germscheid seconded. With
3 no further discussion the motion carried 4-0 with Mayor Pro-tem Howe-aye, Councilor
4 Germscheid -aye, Councilor Lanon-aye, Councilor Colenda -aye.

5 **H. Discussion/ Approval of Resolution 2014-39 a Resolution Adopting the 2016-2020**
6 **Infrastructure Capital Improvement Plan (ICIP)**

7 Manager Mitchell stated that there are no changes from last year. Mayor Pro-tem Howe
8 added that the top 5 is what the legislators look at when allocating funds. DFA provides
9 this list to the legislators as part of funding requests. Mayor Pro-tem Howe made the
10 motion to resolution 2014-39 a resolution adopting the 2016-2020 infrastructure capital
11 improvement plan (ICIP) for the Village of Angel Fire, Councilor Lanon seconded.
12 With no further discussion the motion carried 4-0 with Mayor Pro-tem Howe -aye,
13 Councilor Germscheid -aye, Councilor Lanon -aye, Councilor Colenda -aye.

14 **I. Discussion / Approval of a Cell Tower Lease with CommNet**

15 Joe Canepa , Village Attorney explained that this was a lease between the Village of
16 Angel Fire and CommNet for the purpose of leasing our public utility easement to
17 construct a cell tower to be located on lots 137 and 138 AF country club unit 1B . Not
18 only will the village be able to make \$3,600 a year by leasing the property it will also be
19 placing a 6' whip antenna for emergency services which will give better coverage .
20 Councilor Colenda asked if approved tonight how soon will construction begin. Joe
21 stated that they would pull permits this week and start sometime next week. Mayor Pro-
22 tem Howe made the motion to approve cell tower lease with CommNet on lots 137 and
23 138, Councilor Lanon seconded. With no discussion the motion carried 4-0

24 **J. Executive Session Per NMSA 10-15-1H (7)**

25 **1. Pending Litigation**

26 **A. Transfer Agreement**

27 Mayor Pro-tem Howe made the motion to go into executive session at 6:47pm,
28 Councilor Lanon seconded. With no discussion the motion carried 4-0 with Mayor Pro-
29 tem Howe -aye, Councilor Germscheid -aye, Councilor Lanon-aye, Councilor Colenda
30 -aye.

31
32 Mayor Pro-tem Howe made the motion to come out of executive session at 8:02pm,
33 Councilor Germscheid seconded. With no discussion the motion carried 4-0 with Mayor
34 Pro-tem Howe -aye, Councilor Germscheid -aye, Councilor Lanon -aye, Councilor
35 Colenda -aye.

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37 Mayor Cottam stated that only the items on the agenda were discussed and no decisions
38 were made.

39 **Adjournment**

40 Councilor Lanon made the motion to adjourn at 8:03 pm, Councilor Colenda seconded. Motion carried
41 4-0

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43 **Passed, Approved and Adopted on this 9th day in September, 2014**

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49 **Barbara Cottam, Mayor**

49 **ATTEST:**

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52 **Terry Cordova, Village Clerk**

Update Report to the Angel Fire Village Council
Wildfire Protection Committee
August 20, 2014

Mayor's Charge (July 10, 2014)

Assist Mayor, Council, and Staff:

- Develop policy & ordinances for wildfire protection,
- Develop implementation plans for the Wildfire Protection Program, and
- Provide education and outreach for the Wildfire Protection Program.

Informal group providing feedback to staff since early 2014.

Policy and Ordinances

- Focus on new ordinance to replace existing ordinance, 9-7-13: Fuel Modification.
 - Proposal for Council 1st Reading
 - Based on measures from Firewise, FireAdapted Communities, Ruidoso Ordinance, other state programs
- Pursuing best practice and applicable science, only limited discussion of underlying policy

Wildfire Implementation Plans

- Ability to collect and dispose of slash
 - Long delays in collection
 - Limited disposal capacity
 - Concern for overall program implementation
- Role of forester
- Capacity of the Wildfire Protection fee to fund program (equipment and employees)
- Phased implementation
- Cost to property owners
- Impact on realty markets

Education and Outreach (E&O)

- Open House on July 14
- Chronicle columns
- Webpage with references
- Committee meetings and work sessions
- Focus meetings: Realtors, Chamber of Commerce, AAFPO Board, and Rotary (Sept 17)
- Second Open House.
- **Not enough E&O prior to 1st Reading**

Conclusions to Date:

- Public opinion of proposed revision of Wildfire Ordinance is definitely contentious
- Residents & property owners very aware of wildfire risk
- Vast majority understand concept of Defensible Space and most have performed some fuel modification
- Majority feel dead, down, and diseased trees are a problem
- Many are concerned about overgrown adjacent lots or greenbelts .
- Many are concerned about cost to property owners & Village
- Must do education before ordinance enforcement
- Many residents don't think ordinance or program will apply to Resort – Worried about greenbelt & fairness
- Many prefer all voluntary program
- Allow plenty of time for property owners to comply
- Provide recommendations and well as requirements

Recommendations:

Committee Motions on August 11:

- Angel Fire Village Council that the second reading of the Fuel Modifications, Section 9-7-13 of the Village Code be withdrawn by Village Staff or Denied by Village Council.
- Wildfire Protection Committee move forward on developing a new amendment to Section 9-7-13 of the Village Code that follows an outline as a starting framework which:
 1. Establishes two zones for fuel modification with radius to be determined by this committee. (Annotation after recommendation: "determined" means "recommended." First "zone" is Defensible Space; second "zone" is the blended woodland forest area out to the healthy forest.)
 2. That required treatments be limited to dealing with downed, dead, & diseased trees, limbing trees, and the removal of ladder fuels and combustibles.
 3. That the required treatments be applied to lots with existing homes and to all new home construction and to lots adjacent to existing homes and all new home construction.
 4. That there be written explanations for the required treatments.
 5. That there be an emphasis on recommendations with explanations for additional fuel modifications.
 6. That the Village demonstrates adequate capacity to collect, process, and utilize slash created by these requirements and recommendations.
 7. That in Five Years time, a qualified forester conduct an assessment of the results of the required treatments and to advise / recommend additional code amendments to further reduce the risk of wildfires and to improve the quality of the Village watersheds.
- Council should engage in review of overall wildfire protection objectives and policies; possibly as part of CWPP update.
 - What high value resources should be addressed? Prioritized, codified first and carried forward in the current CWPP review and update.
 - People & homes?
 - Infrastructure: Airport, water system, communication towers, others?
 - Major commercial facilities?
 - Locations with many people: school, community center, lodge, others?
 - Watershed?
 - Natural environment?
 - Balance policy considerations: Safety & health, science & professional assessment of hazard/risk, resident input, cost, and economy. Policy decisions will involve uncertainty.
- E&O:
 - More education for the citizenry, committee, and Council from wildfire experts prior to and during further ordinance drafting
 - New & Improved Open House in late Sept or early October
 - Example properties to display various fuel modification measures; Staff has initiated process
 - Committee needs direction on legal issues for various ordinance and implementation options
 - Outreach also to include the review and outreach of the CWPP process
 - Fire Department spending significant time assisting public. Starting to stretch resources; forester would help.
 - Lay out the full Wild Fire Protection Program before pushing ordinance forward
- Is there a target date for the ordinance?