

VILLAGE OF ANGEL FIRE
Regular Council Meeting Minutes
Tuesday, June 27, 2023

Call to Order

Mayor Jo Mixon called the meeting to order at 5:30 PM

Pledge of Allegiance

Mayor Mixon led us in the Pledge of Allegiance.

Roll Call

Present were Mayor Mixon, Mayor Pro-Tem Billingsley, Councilor Curry, Councilor Howe, and Councilor Humbert. Also, in attendance was Manager Madrid and Clerk Boggs. A full quorum was present.

Approval of Agenda

Mayor Pro-Tem Billingsley made the motion to approve the agenda; Councilor Humbert seconded. Motion carried 4-0.

Approval of the Minutes

1. June 13, 2023 Council Meeting Minutes

2. May 30, 2023 Special Council Meeting Minutes

Councilor Curry made the motion to approve the minutes; Councilor Howe seconded. Motion carried 4-0.

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

Ray Honey expressed his opinion on the road conditions and wildfire protection lot clearings. Guy Wood expressed his opinion on the wildfire protection fees. Jack Fuehr expressed his opinions on GO Bond, Water, and Fire Protection. He submitted documents of his opinions to the Village Clerk to be added to the packet.

Announcements and Proclamations

None

Reports:

1. Governing Body Report

Mayor Mixon gave a report on the recent Balloons Over Angel Fire event.

2. Manager's Report

Manager Madrid gave a report on the recent ICIP department head meeting.

3. Staff Report

Fire Chief Bobick gave an update on the Fire Department.

4. Committee Reports

None

Old Business:

A. Discussion / Approval of an Ordinance Amendment to Alcohol Sales Spacing Requirements. (2nd Reading), (Public Hearing).

Mayor Mixon opened the public hearing at 5:55 PM. Santos Martinez addressed the Mayor and Council. He stated that no changes were made from the first reading and requests adoption of the proposed code amendments. With no further questions Mayor Mixon closed the public hearing at 5:55 PM. Mayor Pro-Tem Billingsley made the motion for discussion / approval of ordinance amendments to alcohol sales spacing requirements; Councilor Humbert seconded. Mayor Mixon called for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

New Business:

A. Discussion/Approval of an Ordinance Approving Zoning Amendment to the Mountain View Blvd North Overlay District to Allow Cannabis Retail Sales on the East Side of Mountain View Blvd North (Hwy 434) but Limited to the North Side of Halo Pines Terrace (300 ft). (1st Reading), (Public Hearing).

Mayor Mixon opened the public hearing at 5:56 PM. Santos Martinez addressed the Mayor and Council. He hands the council additional documentation and explains that the applicant had received 18 letters of support. Because it was a request to change the zoning district, notifications were sent out to all property owners within 200 ft of this request. He goes on to explain that there were nine letters sent out to the public and of those nine only one was received in support of the request. He continues to explain what the original request was from P&Z and the recommendation to consider the original request to consider the northeast corner limiting to the 300 ft on the north side of halo pines. Mayor Mixon called on those who signed up to speak on this public hearing. Jackie Boyed was given the floor and addressed the Mayor and Council. She stated that she has no issues with having a dispensary in the Village as long as it is limited to the original request. Phil Master spoke next. He addressed the Mayor and Council. He stated that he is for the dispensary being here in the Village. Mark Manley was the last to speak. He

1 addressed the Mayor and Council. He states that he does not dismiss the arguments in favor of allowing it. He
2 doesn't want it opened up to the entire overlay corridor or in the commercial core of the Village. Mayor Pro-Tem
3 Billingsley asked about the specifications of the block from the grid provided by Santos. Santos approached the
4 council to go over it better up close. With no further questions Mayor Mixon closed the public hearing at 6:10 PM.
5 Councilor Curry made the motion to go into a second reading; Councilor Humbert seconded. Mayor Mixon called
6 for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe –
7 aye, Councilor Humbert – aye. Motion carried 4-0.

8 **B. Discussion / Approval an Ordinance Amendment for Subdivision Regulations. (1st Reading), (Public**
9 **Hearing).**

10 Mayor Mixon opened the public hearing at 6:11 PM. Santos Martinez addressed the Mayor and Council. Santos
11 explained that the amendment would provide relief in these conditions in the instances where property owners want
12 to subdivide their lots that are under 5 acres but no lot is greater than an acre. This could be done just as we do lot
13 combinations administratively. With no further discussion, Mayor Mixon closed the public hearing at 6:14 PM.
14 Councilor Humbert made the motion to go into a second reading; Mayor Pro-Tem Billingsley seconded. Mayor
15 Mixon called for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye,
16 Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

17 **C. Discussion/Approval of a Request to enter into an MOU with North Central New Mexico Economic**
18 **Development District (NCNMEDD) and the Village of Angel Fire for services of a Fiscal Agent.**

19 Councilor Curry made the motion for Discussion/Approval of a Request to enter into an MOU with North Central
20 New Mexico Economic Development District (NCNMEDD) and the Village of Angel Fire for services of a Fiscal
21 Agent; Councilor Howe seconded. Grants/Project Specialist Julie Kulhan addressed the Mayor and Council. She
22 explained that the MOU is for the Cog because we have received our water trust board funding. With the activation
23 of the grant agreement they required fiscal agents as needed. The Cog is acting as our fiscal agent and are charging
24 1%. Councilor Howe asked if the 1% is on the 10% or the whole thing, in which Julie replied it is for the whole
25 thing. With no further discussion, Mayor Mixon called for a vote. Votes were as follows: Mayor Pro Tem
26 Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

27 **D. Discussion/Approval of a Request to Purchase MK43, Record Management System.**

28 Mayor Pro-Tem Billingsley made the motion for Discussion/Approval of a Request to Purchase MK43, Record
29 Management System; Councilor Howe seconded. Police Chief Lewis addressed the Mayor and Council. He explains
30 that the record management system known as Mark43 is the most state-of-the-art record management system in the
31 country right now. Most of the larger agencies throughout the United States are moving to this record management
32 system. He goes on to explain that the current software they use is antiquated and out of date. With that is creates a
33 lot of reporting issues. MK43 is not a cheap system, but Chief Lewis was able to get the price down from \$105,000
34 to \$55,000. This has already been submitted for the budget. Councilor Curry asked if this is scalable for a
35 department of our size. Chief Lewis stated that it was. Councilor Curry asked how the information was stored.
36 Lewis responds that it is stored in the cloud on our servers. With no further discussion, Mayor Mixon called for a
37 vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye,
38 Councilor Humbert – aye. Motion carried 4-0.

39 **E. Discussion / Approval of Resolution 2023-23, Increasing Mileage & Per Diem Rates for FY 2024.**

40 Councilor Humbert made the motion for Discussion / Approval of Resolution 2023-23, Increasing Mileage & Per
41 Diem Rates for FY 2024; Mayor Pro-Tem Billingsley seconded. Finance Director Kimberly Gallegos addressed the
42 Mayor and Council. She explained that this resolution will rescind the previous resolution of 2022-24 and will
43 incorporate the new per diem and mileage rates for fiscal year 2024 that was passed through legislation this year.
44 With no further discussion, Mayor Mixon called for a vote. Votes were as follows: Mayor Pro Tem Billingsley –
45 aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

46 **F. Discussion / Approval of Resolution 2023-24, Budget Adjustment Request.**

47 Mayor Pro-Tem Billingsley made the motion for Discussion / Approval of Resolution 2023-24, Budget Adjustment
48 Request; Councilor Humbert seconded. Finance Director Kimberly Gallegos addressed the Mayor and Council. She
49 explains that this budget adjustment request is for the law enforcement retention fund disbursement we received. We
50 need to get that added to our budget so we can get those disbursements to the police officers that qualified for it. She
51 goes on to explain that we are also transferring the donation sponsorship funds from the lodger's tax fund to the
52 general fund being that they are non-restricted funds we wanted to remove them out of the restricted fund of lodger's
53 tax and lastly is the current correcting funds that exceeded our budget authority when the initial budget was finalized
54 in the last year. With no further discussion, Mayor Mixon called for a vote. Votes were as follows: Mayor Pro

1 Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-
2 0.

3 **G. Discussion / Approval of Resolution 2023-25, Increase in Wildfire Protection Fees.**

4 Councilor Curry made the motion for Discussion / Approval of Resolution 2023-25, Increase in Wildfire Protection
5 Fees; Councilor Humbert seconded. Fire Chief Bobick addressed the Mayor and Council. He explains why he wants
6 to increase the fees. This is the first year that the Fire Department is operating Slash. An increase in the wildfire
7 protection fees hasn't been done in over 10 years. The purpose of the increase is to increase at a minimum amount to
8 maintain the current level of services. To fulfill debt obligations and meet system growth. Currently we have no debt
9 obligations, but there are equipment needs that will be both short-term and long-term. Councilor Humbert asked if
10 having an incentive program in place for those that keep their lots maintained as suggested by Guy Wood earlier in
11 the meeting. Bobick said yes, and that he will look into working on that. With no further discussion, Mayor Mixon
12 called for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor
13 Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

14 **H. Discussion / Approval of Resolution 2023-26, Acceptance of Grant of \$75,000 from Wildfire Risk
15 Reduction Grant Program.**

16 Councilor Humbert made the motion for Discussion / Approval of Resolution 2023-26, Acceptance of Grant of
17 \$75,000 from Wildfire Risk Reduction Grant Program; Councilor Howe seconded. Chief Bobick addressed the
18 Mayor and Council. Fire Chief Bobick explains that Angel Fire was awarded \$75,000 grant. We have to accept the
19 grant and acknowledge that we've read and understand and will comply with the grant terms and conditions. There's
20 a cost share of 10 percent that had already been approved up to \$45,000 which had already been budgeted when we
21 initially applied for the grant. With no further discussion, Mayor Mixon called for a vote. Votes were as follows:
22 Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion
23 carried 4-0.

24 **I. Discussion / Approval of Resolution 2023-28, a Resolution Calling for The Regular Municipal Election.**

25 Councilor Curry made the motion for Discussion / Approval of Resolution 2023-28, a Resolution Calling for The
26 Regular Municipal Election; Councilor Humbert seconded. Clerk Boggs addressed the Mayor and Council. He
27 explained that back in 2019 when Council voted to have Colfax County take over the Regular Local Election, a
28 resolution is required in order to let the Colfax County Clerk know of what openings are available each election
29 year. This resolution fulfills that requirement. He also went over important upcoming election dates such as early
30 voting, regular voting, and day of declaration. With no further discussion, Mayor Mixon called for a vote. Votes
31 were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor
32 Humbert – aye. Motion carried 4-0.

33 **J. Discussion / Approval of Resolution 2023-29, a Resolution to Increase Water/Sewer Availability Rates
34 and Rescinding All Others.**

35 Councilor Humbert made the motion for Discussion / Approval of Resolution 2023-29, a Resolution to Increase
36 Water/Sewer Availability Rates and Rescinding All Others; Councilor Howe seconded. Water/Wastewater Manager
37 Chris Chavez addressed the Mayor and Council. He explained that he is asking for an increase for the water and
38 sewer availability at a rate of 6.5%. Mayor Pro-Tem Billingsley addressed his concerns on the increase. He stated
39 that he understood it was required in the village ordinance, but doesn't know how we can justify raising the rates on
40 this even when certain individuals are not actually tapped into the availability i.e., an empty lot. Manager Madrid
41 explains that the reason the ordinance connects that to the consumer price index is because the cost to expansion
42 without consumption, without any of those factors goes up every year along with the consumer pricing. This is
43 actually a lower rate than what it would have been six months ago. With no further discussion, Mayor Mixon called
44 for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe –
45 aye, Councilor Humbert – aye. Motion carried 4-0.

46 **K. Discussion / Approval of Resolution 2023-30, a Resolution to Increase the Schedule of Tap Fees for
47 Multiple Family Structures, Commercial, Institutional, and Industrial Enterprises and Rescinding All
48 Others.**

49 Councilor Curry made the motion for Discussion / Approval of Resolution 2023-30, a Resolution to Increase the
50 Schedule of Tap Fees for Multiple Family Structures, Commercial, Institutional, and Industrial Enterprises and
51 Rescinding All Others; Councilor Howe seconded. Water/Wastewater Manager Chris Chavez addressed the Mayor

1 and Council. He explains that on this resolution he is also asking for a 6.5% increase on these fees. With no further
2 discussion, Mayor Mixon called for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor
3 Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

4 **L. Discussion / Approval of Resolution 2023-31, a Resolution to Increase Meter Installation Charges and**
5 **Bulk Water Fees and Rescinding All Others.**

6 Councilor Humbert made the motion for Discussion / Approval of Resolution 2023-31, a Resolution to Increase
7 Meter Installation Charges and Bulk Water Fees and Rescinding All Others; Councilor Howe seconded.

8 Water/Wastewater Manager Chris Chavez addressed the Mayor and Council. He explained that he is also asking for
9 a 6.5% increase on these rates as well. With no further discussion, Mayor Mixon called for a vote. Votes were as
10 follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert –
11 aye. Motion carried 4-0.

12 **M. Discussion / Approval of Resolution 2023-32, a Resolution to Increase Water/Sewer Rates and Rescinding**
13 **All Others.**

14 Councilor Humbert made the motion for Discussion / Approval of Resolution 2023-32, a Resolution to Increase
15 Water/Sewer Rates and Rescinding All Others; Councilor Howe seconded. Water/Wastewater Manager Chris

16 Chavez addressed the Mayor and Council. He explained that he was asking for a 6.5% increase on these rates as
17 well. Mayor Mixon stated that during COVID in 2020 we did not raise these rates, nor did we raise them in 2021.

18 We are still behind on the rate increase schedule. With no further discussion, Mayor Mixon called for a vote. Votes
19 were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor
20 Humbert – aye. Motion carried 4-0.

21 **N. Discussion / Approval of Resolution 2023-33, a Resolution to Increase and Revise Solid Waste Trash**
22 **Service Rates and Rescinding All Others.**

23 Mayor Pro-Tem Billingsley made the motion for Discussion / Approval of Resolution 2023-33, a Resolution to
24 Increase and Revise Solid Waste Trash Service Rates and Rescinding All Others; Councilor Howe seconded. Solid

25 Waste Manager Benjamin Gulley addressed the Mayor and Council. He explained that this is in accordance with
26 Village of Angel Fire Ordinance 4-3-9(c). He stated that he is looking to raise the rates 6.5% and that this follows
27 along with the CPI report. With no further discussion, Mayor Mixon called for a vote. Votes were as follows:

28 Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion
29 carried 4-0.

30 **O. Discussion / Approval of Resolution 2023-34, a Resolution to Adjust Solid Waste Transfer Station Refuse**
31 **Rates.**

32 Mayor Pro-Tem Billingsley made the motion for Discussion / Approval of Resolution 2023-34, a Resolution to
33 Adjust Solid Waste Transfer Station Refuse Rates; Councilor Humbert seconded. Solid Waste Manager Benjamin

34 Gulley addressed the Mayor and Council. He explains that the reason the rates are being raised is because rates are
35 going up in the landfill. Rates have gone up to \$1.64 a ton. This is 80% of what is seen daily. Rates on mattresses

36 has been raised to \$11.00 from \$10.00. He stated that he is proposing to raise construction and demolition debris per
37 cubic yard from \$18.00 to \$20.00 which will cover the cost on tonnage. On mattresses we're raising our rates. It

38 used to be \$10 for a Twin, \$15 for a Queen, and \$20 for a King. Solid Waste wants to change those rates to \$15
39 across the board. With no further discussion, Mayor Mixon called for a vote. Votes were as follows: Mayor Pro

40 Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-
41 0.

42 **P. Discussion / Approval of Resolution 2023-35, a Resolution Granting a Revised Site Plan for CUP 01-21 to**
43 **R&S Hill, LLC for a Storage Use Located at 3627 Mountain View Blvd in Agua Fria Estates, Lot 28.**

44 Councilor Curry made the motion for Discussion / Approval of Resolution 2023-35, a Resolution Granting a
45 Revised Site Plan for CUP 01-21 to R&S Hill, LLC for a Storage Use Located at 3627 Mountain View Blvd in

46 Agua Fria Estates, Lot 28; Councilor Humbert seconded. Santos Martinez addressed the Mayor and Council. He
47 explained that on the first page of the packet is what Council approved with conditional use for this property owner

48 back in October of 2021. On the second page it shows the revisions that have been requested. There has been a
49 request for a permit for a new storage building but it was outside of the areas that Council previously approved.

50 What we are trying to do is make those areas a little larger so that in the future. With no further discussion, Mayor
51 Mixon called for a vote. Votes were as follows: Mayor Pro Tem Billingsley – aye, Councilor Curry – aye,
52 Councilor Howe – aye, Councilor Humbert – aye. Motion carried 4-0.

53 **Q. Discussion / Approval of Resolution 2023-36, a Resolution Approving a Site Plan for the Development of**
54 **56 New Homes Located at 3431 ½ Mountain View Blvd.**

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2 Councilor Curry made the motion for Discussion / Approval of Resolution 2023-36, a Resolution Approving a Site
3 Plan for the Development of 56 New Homes Located at 3431 ½ Mountain View Blvd; Councilor Humbert
4 seconded. Santos Martinez addressed the Mayor and Council. He explained that this property is located within the
5 Mountain View overlay. The overlay standards require any new construction have a site plan approved, so that is
6 why it was brought to P&Z and before Council as well. They are not going to subdivide the 56 lots, they are going to
7 keep it as one large lot. There will be a homeowner’s association with these homes. We have seen permits for four.
8 They are two-story, 700 ft with living space on the first floor and sleeping spaces on the top loft areas. There is also
9 a property owner that wants to build 84 townhomes that would be rented out, two lots to the West. Both lots are
10 located on the west side of 434. With no further discussion, Mayor Mixon called for a vote. Votes were as follows:
11 Mayor Pro Tem Billingsley – aye, Councilor Curry – aye, Councilor Howe – aye, Councilor Humbert – aye. Motion
12 carried 4-0.
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15 Mayor Mixon adjourned the meeting at 6:59 PM.
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18 **Passed, Approved and Adopted this 11th day of July 2023**
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25 **Jo Mixon, Mayor**

26 **ATTEST:**
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29 _____
30 **Keith Boggs, Municipal Village Clerk**