

**MINUTES OF THE SNA BOARD MEETING
SATURDAY, FEBRUARY 3, 2024
9:00 A.M. (MST) via Zoom**

I. CALL TO ORDER

President Tyler Kollenbroich called the meeting to order at 9:01 A.M.

II. ROLL CALL/INTRODUCTIONS OF BOARD AND MEMBERS

Board Directors: Officers President Tyler Kollenbroich; Vice President Kim Stevens; Treasurer Charles Morris; Assistant Treasurer Gary Hillman; Secretary Bonnie Taylor. Directors Melvin Allen, Vern Miller. **Absent:** Massimo Bardetti., Mary Lane Leslie.

SNA Members: Randy Carlson, Lindsey Crebs, Doug Daubert (former President SNA), Martin Gutowski (DSAB member), Jerry Hansen, Angela Lambert, Julie LeBlanc (member, DSAB and Director, Tune Drive Road Maintenance Association), C. Marquez, Matt Schultz (Chair, Asphalt Plant), Linda Thompson (Chair, Bylaws), Terry Thompson (DSAB member), Lynn Timmons, Chris Townley, Kate Townley, Rhonda Vanderhoff (member, DSAB & Welcome Committee), and Jayson Wiley (DSAB member).

III. APPROVAL OF AGENDA

Kim moved to approve the agenda; Vern seconded; and the motion carried. Julie Le Blanc asked to be added under Members' Concerns. An update on the Semi-Mobile Matanza was also included.

IV. APPROVAL OF DECEMBER 2, 2023 MINUTES

Tyler moved to approve the December 2 minutes; Kim seconded; and the motion carried.

V. TREASURER'S REPORT & VOTE ON 2024 BUDGET: Charles Morris, Treasurer

(See attached report) The payment for legal fees for the Asphalt Plant has come due. Matt covered the difference, part of which is to be reimbursed and the other part is considered a donation. Sherry is fundraising for additional legal expenses as briefs continue to be filed.

Charles recommended the annual SNA dues remain at the \$50 level. Last year, this approach was successful. Some residents exceeded the suggested donation amount. There was discussion about embedding links to Venmo and Paypal in the email solicitation for easy, immediate payment. Julie added that the Tune Drive dues can be paid on Venmo and Zelle. Tyler inquired about fees, and Charles agreed to research best options.

Taxes will be filed this year due to the fundraising for the Asphalt Plant appeal.

Tyler moved; Bonnie seconded to approve the 2024 Budget; and the motion carried.

Action Step: (Treasurer)

- 1) **Tyler and Charles** will research and employ payment platforms in solicitation letters and emails pertaining to dues.
- 2) **Tyler and Charles** will work on filing the 2023 taxes.

VI. OLD BUSINESS

A. Bylaws Changes

The question about Bylaws changes came up when Gary was added as Assistant Treasurer and when the issue of changing the annual meeting schedule was discussed. Linda advised there was no need when the changes were operational.

B. 2024 Schedule of Meetings 2024

The first General meeting of the year will be April 6, the next regular Board meeting will be June 1, followed by August 3. Oct 5 is set for the Annual Principal meeting with nominations for new Board directors. There will be a closed session following to elect officers. Dec 7 will be the final board meeting of the year. Kim moved to approve the 2024 schedule; Vern seconded; and the motion carried.

Action Step: **Kim** will have Andreas upload the new schedule on the SNA website.

C. Review & Update Committee Structure

Tyler began the discussion with the role of the DSAB. The purpose of the committee is to approve plans and applications for land use consistent with the Taos County Zoning Overlay. Sherry suggested there was too much liability for the committee and recommended the Board take on the task of following up on code violations. A protocol was suggested: When there is a perceived violation, the first course of action is neighbor-to-neighbor (ex. lights, fences). The second step is to approach the Board with the complaint; however, SNA is a community advocacy organization, and oversight is not necessarily in its purview. Julie added there have been quite a few violations over time, such as: color, materials, and footprint. Gary asked if SNA had ever acted by reaching out to the County's compliance officers. Julie replied, using the case of trailers as Airbnbs: she had talked to officers, but no action was taken.

Action Step: If there is an issue that falls beyond DSAB and the Board, it is recommended to contact Taos County, the entity that holds the permit. Rhonda suggested sending a letter to the County signed by the SNA Board with a CC to the property owner. The new protocol was approved.

D. Committee Reports

1. SESC – Tyler Kollenbroich

Tyler reported he attended a December meeting at the BLM offices to introduce himself and inquire about BLM's plan for maintenance of the Easement. BLM has set boulders in front of the gate opening onto the Easement and onto a spur

road. Tyler took the opportunity to advocate for legal access from the John Dunn Bridge along the rim trail; however, there is private land that needs addressing. The goal of the committee is to increase public access but not through the SNA neighborhood or the Scenic Easement. This is not a priority for the BLM as there is not ample funding.

Action Step:

- 1) To assist with maintenance efforts on the part of the SNA neighborhood, **Tyler** spoke to **Massimo** with recommendations to remove Manby Hot Springs from his short-term listings and talk directly to BLM about further maintenance.
- 2) **Melvin** suggested engaging politicians in the effort to develop legal access to the MHS and asked to join the committee.

2. DSAB – Sherry Popham

Terry reported on the results of the committee's January 25 meeting to review, discuss, and approve Doug Daubert's submitted plans for a walipini greenhouse. The plans were approved. Second on the agenda was to complete a page of definitions of acceptable architectural styles and exterior materials for the SNA neighborhood. The definitions page will be added to the SNA website as part of an overhaul of the Overlay and Permits page.

Action Step:

- 1) **Sherry** will submit the completed document to the SNA Board for approval and then to the County Planning Dept. The aim is to have the definitions incorporated into the Overlay so that prospective buyers and builders understand the style requirements in SNA.

3. Asphalt Plant – Matt Schultz

(See attached report) Matt reported there will be another hearing or a written order that might require an appeal and additional funding.

Action Step:

- 1) **Matt** and **Kim** will prepare a summary of the appeal effort to post on the SNA website and send a Mail Chimp with a request for donations.

4. Fire/Firewise – Vern Miller

Vern has received all the inputs from property owners needed to complete the annual report and maintain the SNA Firewise certification.

5. Cameras – Vern Miller

Vern began the discussion with cost and efficiency differences between battery-operated cameras and those that run on solar power in addition to best positioning of the cameras. There are three cameras designed to read license

plates. One is located at the end of Calle Feliberto, a second near the entrance to Tune Drive, and a third by the BLM gate.

There is a cost to convert the Tune Drive cameras to solar, as well as a monthly subscription to support remote access and retrieve data. (Rhonda said it was about \$16 to connect online and upload). Rhonda reported she has had a good experience with the solar-operated camera on Calle and feels there is no issue with security of the solar panel. Gary inquired about microphones embedded in cameras to issue a recorded warning to help reduce unwanted activity, but the cameras have no microphone ability. Martin asked if the cameras were infrared. Vern confirmed after the meeting they are. Matt asked about liability with the cameras, but the BLM has assured there is no expectation of privacy. There is limited access to the data with Tyler, Vern, and Sherry. The data is secure from public view.

Action Step:

- 1) **Tyler** agreed to investigate privacy issues further.
- 2) **Tyler** asked to have the camera in the front of Tune Drive immediately configured and set up; the BLM gate will be revisited when a permanent decision is made about the cameras and their placement.
- 3) **Vern** will assume responsibility for managing and maintaining the two Tune Drive cameras (Entry and BLM gate) with Doug Leslie's assistance, and help **Rhonda** as needed with the Calle camera.
- 4) **Vern** will coordinate with Sherry on the transfer of the subscription fee for the Tune Drive cameras.
- 5) On the camera installed at the front of Tune Drive and the one back by Massimo's house, **Julie** said TDRMA will contribute half of the upgrade cost, since TDRMA picked up half of the purchase cost of the cameras when they were installed. The cameras are a benefit to TDRMA and SNA.

6. Communications – Kim Stevens

Kim recommended that minutes be posted for one year and then rotated off. As new minutes are posted, the link for a previous year is removed. There is still a requirement to provide records within 10 days upon request. Property owners may request documentation by emailing the Board (see website).

Action Step:

- 1) **Kim** will work with **Gary** on maintaining the names and addresses of owners and residents.
- 2) **Kim** will work with **Andreas** about the SNA address on the Google website.

7. Welcome Committee – Gary Hillman

Gary reported that it was difficult to identify new property owners, and County Assessor maps are two months behind. Tyler mentioned that he follows Zillow searches. Rhonda makes personal contact when she observes potential buyers.

Action Step:

- 1) **Gary** will send an email to realtors listing in the SNA neighborhood.
- 2) **Kim** will send new information to Gary, as she receives it.
- 3) **Gary** will send new information to Julie for TDRMA contact.

VII. NEW BUSINESS

A. Community Messaging App – Tyler Kollenbroich

Action Step: **Tyler and Kim** will review the current ListServe and investigate whether the NextDoor platform can be tailored to the SNA community.

B. Neighborhood Event Planning – Tyler Kollenbroich

1. The **Spring Hwy 64 Clean-Up** is scheduled for April 21. Two weeks prior, the Dept. of Transportation will provide bags and schedule a trash pick up the following Monday.

Action Step:

- 1) **Gary** will coordinate with **Kim** in a call for volunteers via Mail Chimp and the ListServe.
- 2) **Julie** will send out an email to Tune Drive property owners to help clean up Tune Drive in conjunction with the clean-up of HWY 64.
2. Tyler would like to schedule the **Annual Picnic** for early September. Jayson requested several dates and wants to secure the date at the Taos Mesa Brewery as soon as possible.
3. There was discussion about the second **Music and Art Exhibition** in October: Would it be strictly SNA neighborhood artists and musicians, should the event be scheduled at a different time of year to reduce the competition of other fall events? Action on this event was tabled to the next meeting.

VIII. MEMBERS CONCERNS

- ### A. Tune Drive Road Maintenance Association:
- Julie reported that the annual TDRMA meeting was held January 27th. The donations that will be requested are set at \$300 for improved property and \$100 for unimproved property. If there are enough funds, there will be a grading in the spring (maybe April) and additional grading in the summer and fall. There was some discussion about adding material around the mailboxes at the front of Tune Drive. (Previously, SNA covered the cost of those materials, \$250 per truckload.) Grading is \$225 per hour.

Action Step: **Julie** will facilitate having material brought in and getting some help to rake it around the mailboxes. She will try to recover the cost of material from the people who

have mailboxes. She will notify Doug and Rhonda of the timing; Rhonda suggested Julie contact Roland Jacobs, who serves as President of Calle Feliberto Road Maintenance Association (CFRMA), to coordinate efforts. The Post Office can also provide the names of residents who use the mailboxes.

Rhonda reminded Gary as Chair of the Welcome Committee to impart SNA information found on the website to new property owners and residents. Julie asked if a flyer or document should be provided; Rhonda said she had relied on emails.

B. Airport Development Plan and Semi-Mobile Matanza:

Mel had no report on the Airport but agreed to follow up. **Jayson** agreed to attend the February 7 “Listening” meeting regarding the Matanza and report back to the Board. Information was sent out to SNA members via Mail Chimp to encourage participation and fact-finding. SNA is interested in environmental impacts and the status of applications for SUPs for greater oversight and public input. Mel recommended advocating for a small operation, and Lynn suggested focusing on groundwater issues.

IX. PRESIDENT’S COMMENTS

Tyler thanked Matt for his contributions to the Asphalt Plant Appeal and thanked all for attending the meeting and participating in discussions.

X. ADJOURNMENT

Tyler made a motion to adjourn; Charles seconded. The motion carried, and the meeting ended at 11:28 A.M.

The Spring General Meeting will be held Saturday, April 6, 9:00 A.M. via Zoom.

Respectfully submitted,
Bonnie Taylor, Secretary SNA Board

Att. Treasurer’s Report, Asphalt Plant Appeal Report

Treasurer's Report
February 3, 2024

Bank balance per November Statement (reported at December meeting) **\$12,425.30**

This balance was moved to new bank account on December 15, 2023.

Deposits \$5,374.01*

Disbursements that have cleared bank

New checks charge	\$35.38
Camera reimbursement to Rhonda Vanderhoff	<u>\$48.15</u>
Total	\$84.53

- All deposits related to Asphalt Plant Permit Appeal.

January 31, 2024 bank balance **\$17,715.78**

Supplemental information

1. This week I cut a check to the law firm handling the Asphalt Plant Appeal in the amount of \$ 12,705.37. When this clears our balance will be **\$5,010.41**.
2. Matt Schultz sent in a total of \$ 4,855.01 (\$5,000 less credit card charge) to temporarily fill the funding gap on the Appeal costs. This includes a \$1000 contribution from Matt, but the remaining \$3,855.01 is to be repaid to him as additional funds come in from future contributions toward the Plant Appeal costs. Of this amount, \$519 has been received but not yet paid out to Matt.
3. Of the \$5,010.41 balance I show that \$1,214.73 represents remaining funds raised for the Asphalt Plant Permit Appeal, \$1,000 is our "contingency" fund (and the minimum amount we must keep on account to avoid bank fees), and the remaining \$2,795.68 is funding available for general operations.
4. We have an insurance premium of \$698.00 due next week on our D&O policy (for the coverage period of 2/10/24-2/10/25).

Charles Morris
Treasurer
February 2, 2024

Asphalt Plant Legal Appeal Update

Submitted by: Matt Schultz

Taos Gravel Products operates a gravel pit just across the Rio Grande Gorge from the Stagecoach Hills neighborhood community (approximately 3/4 mile opposite the properties located around Calle Feliberto and Tune Drive). Taos Gravel sought Taos County's approval to relocate and operate a portable asphalt plant on the site. The county approved the asphalt plant, essentially "grandfathering" it under existing gravel extraction and crushing operations. The SNA mounted a legal challenge to the permit, arguing that the asphalt plant is a new use of the site that is different from gravel extraction while posing new and distinct environmental and health concerns for nearby property owners. The SNA argues that the county should have applied the more demanding standards required for a special use permit rather than simply grandfathering the asphalt plant under the existing gravel pit operation. SNA's appeal of the county decision is now pending in the local Taos district court. Below is a summary of proceedings to date. We hope to have a decision in the coming months.

- 6/14: SNA files Notice of Appeal
- 8/30: County files notice of record
- 9/12: County files supplemental notice of record
- 10/6: Perovich (Taos Gravel) files motion to intervene
- 10/11: Court grants Perovich's motion to intervene
- 10/11: County files second supplemental record on appeal (transcript of proceedings)
- 10/12: SNA files statement of appellate issues (appeal brief) filed
- 10/19: SNA files motion to stay final decision (i.e., prevent plant operations pending appeal) file w expert affidavit
- 11/3: Perovich files response to motion to stay
- 11/13: County and Perovich file answer briefs in response to SNA's appeal brief
- 12/5: SNA files briefs in reply to County and Perovich

Next steps:

- Oral argument may (and presumably will) be requested. The court may set the matter for oral argument without a request by any party.
- If the court hears argument, it likely would be in the next few months.
- Following the hearing (or potentially without holding a hearing), the court will render a written opinion, which is subject to rehearing and further appeal.

Matt Schultz

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