

Minutes

County Council – Special Session

*Randall Ryti, Council Chair, James Robinson, Council Vice-Chair,  
Denise Derkacs, David Izraelevitz, David Reagor, Sara Scott,  
and Sean Williams, Councilors*

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Friday, December 3, 2021

1:00 PM

Due to COVID-19 concerns, meeting will be  
conducted remotely.  
<https://us06web.zoom.us/j/81318107569>

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1. OPENING/ROLL CALL

The Council Chair, Randall Ryti, called the meeting to order at 1:04 p.m.

The following Councilors were in attendance:

Present: 6 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz,  
Councilor Reagor, and Councilor Williams

Absent: 1 - Councilor Scott

2. APPROVAL OF AGENDA

A motion was made by Councilor Derkacs, seconded by Councilor Williams, that the agenda be approved as presented.

The motion passed with the following vote:

Yes: 6 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz,  
Councilor Reagor, and Councilor Williams

Absent: 1 - Councilor Scott

3. HEARING

- A. Hearing of NM Innovation Triangle LLC's objection to "Incorporated County of Los Alamos Resolution No. 21-30, A Resolution Declaring the Hotel Structure, Commonly Referred to as "The Hilltop House" Located at 400 Trinity Drive, Los Alamos, New Mexico, A Menace to the Public Comfort, Health, Peace, and Safety and Ordering Removal of the Hilltop House, and Associated Ruins, Rubbish, Wreckage, and Debris from Los Alamos County" as provided for NMSA § 3-18-5(D)

Councilor Ryti outlined the procedure for the hearing.

**The following individuals appeared for the parties:**

**Mr. Alvin Leaphart appeared on behalf of Los Alamos County.**

**Mr. Karl Sommer appeared on behalf of New Mexico Innovation Triangle, LLC.**

Mr. Alvin Leaphart offered the admission of evidence that was entered into the record as Exhibits 1 through 9.

Mr. Alvin Leaphart called Ms. Wendy Servey, Division Chief/Fire Marshal as the first witness for Los Alamos County.

Witness testimony began with the direct examination of the witness by Mr. Alvin Leaphart.

Witness testimony continued with cross examination of the witness by Mr. Karl Sommer.

Council Members questioned the witness.

Mr. Alvin Leaphart advised he did not have any further witnesses but reserved the right to call rebuttal witnesses.

Mr. Karl Sommer called Mr. Paul Santillanes as the first witness for NM Innovation Triangle, LLC.

Witness testimony began with the direct examination of the witness by Mr. Karl Sommer.

Mr. Alvin Leaphart did not cross examine the witness.

Council Members questioned the witness.

Ms. Wendy Servey, Division Chief/Fire Marshal, questioned the witness.

Mr. Karl Sommer advised he did not have any further witnesses.

Mr. Alvin Leaphart provided a closing statement.

Mr. Karl Sommer provided a closing statement.

- B. Closed Session for Deliberations of a Public Body in Connection with an Administrative Adjudicatory Proceeding Pursuant to NMSA § 10-51-1 (H) (3)**

**A motion was made by Councilor Izraelevitz, seconded by Councilor Robinson, that the County Council enter closed session pursuant to NMSA § 10-51-1 (H) (3).**

**The motion passed with the following vote:**

**Yes: 6 - Councilor Rytí, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, and Councilor Williams**

**Absent: 1 - Councilor Scott**

## **RECESS**

**Council recessed into closed session at 3:35 p.m. Council returned from closed session at 4:20 p.m. Councilor Reagor was not present. Councilor Reagor returned from the closed session at 4:23 p.m.**

Mr. Alvin Leaphart read the proposed order into the record.

**A motion was made by Councilor Izraelevitz, seconded by Councilor Reagor, that the County Council move out of closed session and back into open session and that no action was taken during the closed session.**

**Councilor Williams proposed a friendly amendment to the motion to state that the topics were limited only to the matters outlined in the agenda. The friendly amendment was accepted.**

**The motion passed with the following vote:**

**Yes: 6 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, and Councilor Williams**

**Absent: 1 - Councilor Scott**

**C. Possible Final Action on this Proceeding**

**A motion was made by Councilor Izraelevitz, seconded by Councilor Reagor, that the written order read into the record be approved by the County Council and further authorize the Chair of the County to sign this order and enter the written order into the record of the proceeding.**

**The motion passed with the following vote:**

**Yes: 6 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, and Councilor Williams**

**Absent: 1 - Councilor Scott**

**4. ADJOURNMENT**

The meeting adjourned at 4:35 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Randall T. Ryti, Council Chair

Attest:

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Naomi D. Maestas, County Clerk

Meeting Transcribed By: Victoria L. Martinez, Senior Deputy Clerk

**STATE OF NEW MEXICO  
INCORPORATED COUNTY OF LOS ALAMOS  
COUNTY COUNCIL**

**IN RE:**

**NEW MEXICO INNOVATION TRIANGLE, LLC'S OBJECTION TO RESOLUTION 21-30 "A RESOLUTION DECLARING THE HOTEL STRUCTURE, COMMONLY REFERRED TO AS "THE HILLTOP HOUSE," LOCATED AT 400 TRINITY DRIVE, LOS ALAMOS, NEW MEXICO, A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE AND SAFETY AND ORDERING THE REMOVAL OF THE HILLTOP HOUSE AND ASSOCIATED RUINS, RUBBISH, WRECKAGE, AND DEBRIS FROM LOS ALAMOS COUNTY.**

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**ORDER**

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Comes now the County Council of the Incorporated County of Los Alamos, after hearing evidence and argument for an against the enforcement of the Resolution and finds as follows:

1.

The Fire Marshal has the subject matter expertise on the International Fire Code (2021) as adopted in Article II, Chapter 22 of the County's Code of Ordinances, and the Council is persuaded by her expert and credible testimony as well as the supporting photographs and reports showing the condition of the Hilltop House that the Hilltop House is in violation of all the sections of the International Fire Code stated in Paragraph 6 of the *Notice and Order of the Fire Marshal of the Incorporated County of Los Alamos* dated October 18, 2021 ("Fire Marshal's Order") which is adopted here as if fully stated here.

2.

Based on the expert and credible testimony of the Fire Marshal, the Council is persuaded that the following statement contained Paragraph 7 of the Fire Marshal's Order is a true and accurate description of the current state of the Hilltop House:

In essence, the inspection reveals a hotel structure that remains unsecured where curious and/or misguided teenagers and persons without housing have entered the structure and its many nooks and crannies throughout including the higher floors. The inspection reveals a structure that is difficult to secure from entry due to the significant degradation of the windows, doors, and other entrance points due to failure to maintain the building. The inspection reveals an enormous amount of combustible material inside a structure that has no working fire suppression or fire

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Item 3.C

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Victoria L. Martinez - Deputy



alert system. The inspection revealed an enormous amount of mold due to moisture entering the building from a degraded roof that would likely collapse quickly in a fire. The structure contains a large vertical shaft from the ground to the roof that creates a natural chimney allowing a fire to travel quickly to the higher floors and the roof. The floors and walls throughout the structure show a profound level of degradation and disrepair. The walls and floors contain a patchwork of large holes that run vertically and horizontally throughout creating an almost "Swiss Cheese effect" throughout the structure.

Given the conditions outlined above and more particularly in the Report [Attachment "A" to Fire Marshal's Order], the entire hotel structure is a rapid burning fuel package. A fire in this hotel would rapidly engulf the entire structure. This rapid burning fuel package would most likely produce flying embers that could precipitate other adjacent fires, a wildland fire event, and respiratory emergencies for anyone in proximity. Any person in one of the higher floors or sequestered away in one of the many nooks and crannies would likely perish in such a fire. Finally, given the catastrophic fire threat, the hotel structure poses, firefighters would not enter this structure during a fire even to save human life because of the extreme threat this would pose to the life of the firefighter because of the very high potential for structural collapse.

3.

Based on the above-uncontested evidence the Council finds that the Hilltop House is, in fact, a menace to the public comfort, health, peace, and safety of this community that must be demolished and removed from Los Alamos County in due haste.

4.

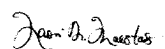
THEREFORE the New Mexico's Innovation Triangle, LLC's Objection is not well taken, and the Resolution shall be ENFORCED.

SO ORDERED THIS 3<sup>RD</sup> DAY OF DECEMBER 2021 IN LOS ALAMOS COUNTY.



Randall T. Ryti, Chair of the County Council  
Incorporated County of Los Alamos

ATTEST: (Seal)

  
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Naomi D. Maestas,  
Los Alamos County Clerk