



Village of Taos Ski Valley
PO Box 100, 7 Firehouse Road, Taos Ski Valley, NM 87525
(575) 776-8220 (575) 776-1145 Fax
E-mail: vtsv@vtsv.org Website: www.vtsv.org

VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, DECEMBER 11, 2018, 2:00 P.M.

1. CALL TO ORDER & NOTICE OF MEETING

The regular meeting of the Village of Taos Ski Valley Council was called to order by Mayor Brownell at 2:00 p.m. The notice of the meeting was properly posted.

2. ROLL CALL

Ann Wooldridge, Village Clerk, called the roll and a quorum was present.

Governing body present:

Mayor Christof Brownell
Councilor Jeff Kern
Councilor Roger Pattison
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator Retiring, Mark Fratrack
New Village Administrator John Avila
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Police Chief Sam Trujillo
Community Development Director Patrick Nicholson
Building Inspector Jalmar Bowden
Administrative Assistant Renee Romero
Administrative Assistant Christina Wilder
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

Motion: Councilor Wittman **Second:** Councilor Stagg **Passed:** 4-0

4. APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2018 VILLAGE COUNCIL REGULAR MEETING

MOTION: To table approval of the minutes until the next Council meeting.

Motion: Councilor Pattison **Second:** Councilor Wittman **Passed:** 4-0

5. CITIZENS' FORUM – Limit to 5 minutes per person (please sign in)

A. Homeowner Kathy Bennett said that she was expressing Sheila Duffy's concern that the windsock at the helicopter pad needed to be replaced. Chief Trujillo said that TSV Inc., in conjunction with Careflight, has ordered a new one. The new parking lot attendants will be trained in procedures for helicopter arrival and departure, he said.

B. Mike Fitzpatrick, homeowner, expressed his thanks for holding the Council workshop to discuss the new Village Hall in Amizette, as well as the future Amizette utility lines. The workshop will take place on Wednesday, December 12, 2018 at 9:00 a.m.

Mr. Fitzpatrick inquired as to whether a citizen's audit committee could be formed. Mayor Brownell said that he would look into it.

6. FINANCIAL REPORTS

Director Grabowski reported that GRT remitted to the Village in November was \$141,644 compared to \$89,599 for November last year. Year-to-date GRT total is \$474,429 versus \$302,151 for last year, a 51% increase. The TIDD received \$31,608 in GRT in November for September collections. Hold Harmless GRT for the month was \$16,000. Lodger's tax collections in November were \$11,905 versus \$6,207 for last year. Year-to-date total is \$70,303 for this year, compared to \$66,816 for last year.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission did not meet in December. The next meeting is scheduled for January 14, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee met on December 3 2018. Agenda items included:

- The State Road 150 signage and center-line striping. Councilor Pattison said that the NMDOT had told him that the striping and signage would be temporary, however it hasn't changed. There are concerns that passing zones are unsafe, he said. Councilor Pattison said that he had contacted NMDOT about the Committee's concerns, as had Chief Trujillo and Administrator Avila. Councilor Pattison reported that speed-feedback trailers would be placed on the side of the highway in the next few weeks and that re-striping would occur in the spring. A meeting is scheduled with a NMDOT representative on December 12, 2018.
- The Committee reviewed the Taos County Hazard Mitigation Plan and is recommending approval by the Council. Mr. Bobby Lucero, Director of Emergency Management for Taos County, was asked about the omission of Taos Ski Valley's ISO rating in the document and he said that he would see that it was added, although he said this wouldn't affect anything related to Homeland Security or FEMA funding.
- The Committee is continuing work on a new Firewise ordinance along with a new Firewise assessment form for properties. Thanks were extended to Kathy Bennett for her work on the Firewise Community. The next meeting of the Public Safety Committee will take place on January 7, 2018 at 10:00 a.m. at a location to be determined.

C. Firewise Community Board of Directors – Committee Chair Pattison said that the Committee met on December 3 2018. The report for the Board meeting is included in the Public Safety Committee report. The Board will meet again on January 7, 2018 at 11:00 a.m. at a location to be determined.

D. Parks & Recreation Committee – no report

E. Lodgers' Tax Advisory Board - no report

8. REGIONAL REPORTS

Mayor Brownell reported that he had attended the Landfill Board meeting and had introduced Administrator Avila. Agenda topics covered the elimination of cash payments at the Landfill, a design for a new landfill, and a discussion of how to deal with recycling throughout the County.

Councilor Stagg announced that the inaugural flight of Taos Air would be arriving from Austin, Texas, on December 20, 2018 at the Taos Airport. A reception and ribbon-cutting ceremony will take place starting at 9:00 a.m.

Community Development Director Nicholson reported that the Source Water Protection Plan was being reviewed by the Committee.

9. MAYOR'S REPORT

Mayor Brownell thanked Administrator Fratrick and Attorney Romero for their years of service to the Village of Taos Ski Valley.

10. STAFF REPORTS

Administrator Fratrick reported on ongoing projects:

- Townsite Act – The Village is still holding the Quitclaim Deed and Purchase & Sale Agreement. The Village has not yet received the letter outlining what needs to take place by the Village in order for the USFS to execute the closing on this property.
- Property Management RFP for Village Apartments – Staff and legal counsel have reviewed Landseer’s proposed contract and have sent it back to them to review suggested changes.
- Village Hall – Excavation for retaining wall continues in full swing. Most blocks have arrived for retaining walls. The tanks have been installed. Heat and water has been turned on for the apartments. Installation of the electrical requirements has been challenging but is moving forward. Rich Willson has been instrumental in pushing the project forward, assembling RFPs, IFBs, getting contracts executed, coordinating with contractors, and contacting various agencies.
- Kachina Water Tank –Administrator Fratrack made a presentation to the Water Trust Board on November 28, 2018 requesting an extension for expenditure of the funds, and the vote was unanimous to approve the request until November 2019. Staff met with the contractor, RMCI, regarding their concerns and request for a large change order.
- Kachina Pump Station – This will be a project for spring or summer in FY2020. Staff suggests pursuing a Drinking Water State Revolving Funding (DWSRF) grant/loan. The cost is estimated to be \$300,000. Staff recommends not pursuing this project until funding for other projects are fully secured and grant/loan/match can be secured from another source.
- Fire Substation Relocation Project – Staff is working on the final stages of the electric line and propane tank installation.
- WWTP – Patrick O’Brien gave an update, saying that they have worked through the procurement requirements with Staff and Attorney Romero. The Ovivo treatment equipment supplier will amend the existing contract to accommodate the new design. The redesign of the plant will be submitted to NMED for approval in December 2018. Planned advertisement for a project contractor will take place in January 2019, with a contractor assigned in February in order to get working in May2019 for project completion in the fall of 2019.
- Ernie Blake Road – The project has been completed this year, with paving to occur next year.
- Natural Gas Line – Because of the late start and unforeseen complications with underground construction, the gas lines were not completed in Ernie Blake Road. The gas lines should move forward early next construction season, and in Thunderbird Road after other utilities are completed.
- Legal Work/Discussions: Update: 1. Townsite Act/WWTP TSVI’s Easement request (last stages); 2. Property Management (contract in last stages).
- Councilor Wittman noted that Administrator Fratrack’s Water Trust Board presentation had been well-received, as well as the three-page report that Administrator Fratrack had prepared. In addition, NMML Director William Fulginiti recognized Administrator Fratrack tenure during the Water Trust Board meeting.
- **Department Briefs**
- Chief Trujillo reported on recent activity: Residential Alarms (1), Business Alarms (3), Suspicious Persons/Vehicles (4), Citizen Assists (80), Embezzlement (0), Traffic Enforcement Hours (82), Traffic Stops (18), Theft (0), Vehicle Theft (0), Larceny (0), Property Damage (0), Verbal Warnings (30), Written Warnings (7), Parking Citations (2), Written Citations (4), Assists to other Agencies (5), Foot Patrol Hours (48), Welfare Check (1), Animal calls (1), MVCs (3), B&E (0), Trespass Warnings (0), Found Property (2), Fire Calls (4), EMS Calls (1), SAR Hours (0)
- Building Official Bowden said that no new permits had been issued. Up for completion are the Bavarian, the Phoenix, a new house, as well as a remodeled house.
- Community Development Director and Interim Public Works Director Nicholson announced that the GIS contractor would begin work soon. The Certificate of Compatibility for Parcel D is underway, with the building permit application coming next.
The temporary parking for the post office has been reinstated. A loading zone on Sutton Place will be marked. Director Nicholson reported that the WWTP was running at about 30,000 gallons per day. All three springs are on-line, he said. Additional roll-offs have been ordered to be on-site for overflow trash at the holiday time when the landfill is closed.
- Clerk Wooldridge reported that she had inquired at the NM Secretary of State’s office about elections for the TIDD, with the new laws in place concerning the Local Election Act. The Secretary of State’s office determined that the TIDD was exempt from the Local Election Act rules; therefore the upcoming TIDD election for two board members will be conducted by Clerk Wooldridge through the Village of Taos Ski Valley office.

11. OLD BUSINESS

12. NEW BUSINESS

A. Consideration to Approve Resolution No. 2019-375 Requesting a Permanent Budget Adjustment (BAR) to the FY2019 Budget to Transfer Funds from the Road Impact Fee Fund to the Roads Department for the Final payment on the Purchase of Capital Equipment Consisting of a Multihog Multi-Purpose Vehicle

The Village submitted its FY 2019 budget in July 2018. The Public Works Department purchased the Multihog multi-purpose vehicle in FY 2018 and made a deposit on the equipment. It was going to be delivered in June 2018; however it was not delivered until August 2018, in the new fiscal year. The FY 2018 budget had the original transfer included for final payment of the equipment, but the transfer was not carried forward into FY 2019. When the original interim FY 2019 budget was submitted it was assumed that the equipment would be received before June 30, 2018 and paid for in full. With changes to budgeting system at the Department of Finance, it was difficult to make changes to the final budget without an analyst's approval so it was determined that the Village would do a BAR at a later date. The budgeted transfer amount needs to be increased by \$139,083.06 to cover this capital expense.

MOTION: To Approve Resolution No. 2019-375 Requesting a Permanent Budget Adjustment (BAR) to the FY2019 Budget to Transfer Funds from the Road Impact Fee Fund to the Roads Department for the Final payment on the Purchase of Capital Equipment Consisting of a Multihog Multi-Purpose Vehicle

Motion: Councilor Kern Second: Councilor Wittman Passed: 4-0

B. Consideration to Approve Resolution No. 2019-376, A Resolution Approving the Disposal By Donation of Capital Equipment Consisting of a Forest River Rockwood Travel Trailer Owned by the Village of Taos Ski Valley
In FY 2007 the Village acquired a 2006 Forest River, Rockwood Travel Trailer for \$6,000.00. It was utilized as a Mobile Command Unit for the Department of Public Safety (DPS) during Search and Rescue activities. DPS has determined that since they are not using the trailer, they would like to dispose of the asset. Rather than sell the asset on Public Surplus, and since Taos County has a need for this type of unit, it was decided that the Village would donate the equipment to Taos County. The radios and any other useful equipment will be removed prior to disposal.

MOTION: To Approve Resolution No. 2019-376, A Resolution Approving the Disposal by Donation of Capital Equipment Consisting of a Forest River Rockwood Travel Trailer Owned by the Village of Taos Ski Valley, subject to review by the Public Safety Committee

Motion: Councilor Pattison Second: Councilor Kern Passed: 4-0

C. Consideration to Approve Resolution No. 2019-377, A Resolution Adopting the Taos County, New Mexico, Multi-Jurisdiction Hazard Mitigation Plan

Taos County has developed a Multi-Jurisdiction Hazard Mitigation Plan which, once adopted by Taos County and all jurisdictions that were involved in the planning process, will assist with federal funding in the event of a disaster. The adoption by all parties is the last step to get a final approval letter from FEMA on the Plan, which will be valid for the next five years.

MOTION: To Approve Resolution No. 2019-377, A Resolution Adopting the Taos County, New Mexico, Multi-Jurisdiction Hazard Mitigation Plan

Motion: Councilor Pattison Second: Councilor Kern

Mr. Bobby Lucero, Director of Emergency Management for Taos County, said that this process had begun in 2015 with the hiring of a consultant to produce the plan. After many years of hard work on the part of many people and many agencies, the plan has finally come to fruition. Former Councilor Kathy Bennett said that she sat on the review committee for two years. Thanks were extended to Former Councilor Kathy Bennett for her work on this plan.

The Mayor called for a vote. Passed: 4-0

D. Consideration to Approve Resolution No. 2019-378 Approving the Village of Taos Ski Valley 2019 Capital Improvement Legislative Priority Request

The Village Staff is planning to seek Legislative funding during the 2019 NM Legislative session. For support of, and to bolster the Staff's requests for funding, it is prudent that the Village Council pass a Resolution supporting the request for funding for the Capital Improvement projects. The Village's legislative capital improvement project priorities for 2019 are:

1. Waste Water Treatment Plant
2. Village Administrative Complex
3. Kachina Water Tank & Pump Station
4. Gunsite Spring Infiltration Gallery Development

MOTION: To Approve Resolution No. 2019-378 Approving the Village of Taos Ski Valley 2019 Capital Improvement Legislative Priority Request

Motion: Councilor Wittman Second: Councilor Kern

Administrator Avila explained that the list could be amended. Councilor Pattison asked that item 3 2. be place above item 2 3.

AMENDED MOTION: To Approve Resolution No. 2019-378 Approving the Village of Taos Ski Valley 2019 Capital Improvement Legislative Priority Request with item Kachina Water Tank & Pump Station placed in priority number 2.

Motion: Councilor Wittman Second: Councilor Kern Passed: 4-0

E. Consideration to Approve Selection Committee’s Recommendation for Contract Legal Services Award

The Village issued an RFP for Legal Services in August 2018 and received 18 proposals. A Committee was formed which comprised of two Village Councilors and four Village Staff members. The panel reviewed and scored the proposals and came up with a shortlist of four prospective candidates, which were then interviewed. The panel narrowed it down to two of the candidates which were Robles, Rael, and Anaya, and Susan Baker. Those two finalists were asked to attend the P&Z and Council meetings in order to assess or to form an opinion of how the Village conducts business. Each of the candidates made a brief introduction/presentation to the Council at its November meeting. The panel then asked the two candidates to come in for a second and final interview. The Selection Committee voted and recommends Susan Baker to provide contract legal services to the Village.

The contract will be for one year and is renewable on an annual basis.

MOTION: To Approve Selection Committee’s Recommendation for Contract Legal Services Award to Susan Baker

Motion: Councilor Wittman Second: Councilor Pattison Passed: 4-0

F. Consideration to Approve TSVI Request for 33-foot Easement on Ocean Boulevard

TSVI has presented the Village with a request for 33 foot easement on Ocean Blvd, which is identical to the 33 foot easement that the Village has with Forest Service (FS) and part of the Townsite Act land conveyance agreement.

MOTION: To Approve TSVI Request for 33-foot Easement on Ocean Boulevard

Motion: Councilor Wittman Second: Councilor Kern Passed: 4-0

G. Consideration to Approve a Memorandum of Understanding (MOU) for Snow Storage

TSVI has worked with the Village on a Memorandum of Understanding (MOU) for snow storage at two locations; the Beausoleil site and on a vacant lot located at Twining and OE Pattison loop. TSVI would allow the Village to utilize these locations for unrestricted snow storage. After the ski season and snow melt-off, the Village would be required to clean up the area of any debris and gravel left from the season’s plowed snow.

MOTION: To Approve a Memorandum of Understanding (MOU) for Snow Storage

Motion: Councilor Wittman Second: Councilor Kern Passed: 4-0

Thanks were extended to TSV Inc. for bringing this MOU to the Village.

H. Consideration to Approve Appeal of Lodger’s Tax Penalty

A Wheeler Peak Condominium 104 June Lodger’s tax report and check were not received by the Village for WPC 104. When the next report arrived, it was unclear to Village Staff if the lodger was late in reporting or had missed a month. The Village requested payment of a late penalty, as per Ordinance. The lodger’s tax submitter requested a waiver of the penalty fee, which is attached.

Village Ordinance 2012-14 states: “each vendor will make a report by the 25th of each month of receipts for lodging for the preceding calendar month.”

Section 10, item A: “Every vendor is liable for the payment of the proceeds of any occupancy tax that the vendor failed to remit to the municipality, whether due to his failure to collect the tax or otherwise. He shall be liable for the tax plus a civil penalty equal to the greater of 10 percent of the amount not remitted or one hundred dollars (\$100).”

The Village’s auditors recommend that the Village adheres to Village ordinances; in the past, other entities have had to pay the \$100 late fee for late submissions.

MOTION: To Approve the Appeal of Lodger’s Tax Penalty

Motion: Councilor Stagg Second: Councilor Wittman Failed: 0-4

Village Staff will investigate methods for electronic payments, either via credit card, or a web portal, with passing the fee along to the customer so that the Village doesn’t sustain charges.

I. Discussion of HB 98, the Local Election Act

The NM legislature passed House Bill 98 in 2018 which changed the NM State Statutes for election codes for municipalities. As a municipality, the Village of Taos Ski Valley must now make a choice to either: (A) Opt-in to the Local Election Act and pass an Ordinance to have the Taos County Clerk run the municipal elections in the fall of odd-numbered years, and either shorten or lengthen the terms of office of elected officials with terms ending in 2020, or (B) Opt-out and pass a Resolution to run the municipal elections locally in March of even-numbered years. The cost of participating in the Taos County election by the Local Election Act is based on \$250 for each \$1 million of General Fund Expenditure from the municipality, which would total \$500 every year for the Village of Taos Ski Valley, as the Village would be billed annually. The cost of running the local elections has been, in the past, \$2,000 every two years.

This item is for discussion only at this time but with a Council recommendation to the Village Staff on next steps, either presentation to the Council in January of a Resolution to Opt-out, or presentation of the first reading of an Ordinance to Opt-in to the Local Election Act. After Council discussion, a Resolution to opt-out will be brought to the Council for approval at its January meeting. Council expressed an interest in keeping the election within the community.

13. MISCELLANEOUS

A. Administrator Avila noted that NM Taxation & Revenue is undergoing two lawsuits, one for conducting “clawbacks”, and another concerning the department’s intent to add another .25% to the administrative fee that it retains from GRT. He said that Albuquerque has initiated the lawsuits, and that the Village of Taos Ski Valley could join in on the legal actions.

14. CLOSED SESSION

A. Discussion of Limited Personnel Matters

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (2)

MOTION: To go to Closed Executive Session

Motion: Councilor Pattison Second: Councilor Wittman Passed: 4-0

MOTION: To return to Open Session

Motion: Councilor Stagg Second: Councilor Kern Passed: 4-0

No decisions or motions were made during closed session.

15. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL

The next regular meeting of the Council will take place on Tuesday, January 8, 2018 at 2:00 p.m. at the Edelweiss Lodge Club Room.

16. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Wittman Second: Councilor Kern Passed: 4-0

The meeting adjourned at 5:00 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk