



Village of Taos Ski Valley  
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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
EDELWEISS LODGE CLUB ROOM  
106 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, FEBRUARY 12 2019, 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 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 Susan Baker

**3. APPROVAL OF THE AGENDA**

**MOTION: To approve the agenda as presented**

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

Mayor Brownell asked for a moment of silence to observe the recent passing of a local skier.

**4. CONSIDERATION TO APPOINT JANI DAVIS AS A POLICE OFFICER 1-TEMPORARY PART TIME FOR THE VILLAGE OF TAOS SKI VALLEY**

Chief Trujillo said that per NM State Statute (NMSA) Section 29-1-9, each police officer shall receive, from the governing body, an appointment in writing as a police officer of the municipality. The appointment shall be made by the Mayor with the approval of a majority of all members of the governing body. This appointment, usually referred to as a "commission", is necessary to give the officer the authority to assume police powers within the municipality. With approval, the Village Clerk will administer the oath of office.

Mayor Brownell asked for approval of the appointment of Jani Davis.

**MOTION: To approve the Mayor's appointment of Jani Davis as a Police Officer 1-Temporary Part-time for the Village of Taos Ski Valley**

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

**5. APPROVAL OF THE MINUTES OF THE JANUARY 8, 2019 VILLAGE COUNCIL REGULAR MEETING and the JANUARY 21, 2019 VILLAGE COUNCIL SPECIAL MEETING**

**MOTION:** To approve both sets of minutes as presented

**Motion:** Councilor Wittman

**Second:** Councilor Stagg

**Passed:** 4-0

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

A. Homeowner Mike Fitzpatrick said that when he objected to closed sessions at the previous Council meeting, he was told that an objection could not be made. Mr. Fitzpatrick said that the Amizette residents request that all issues relating to infrastructure projects in Amizette be discussed and decided in public. Mr. Fitzpatrick presented a letter to the Mayor and Council..

**7. FINANCIAL REPORTS**

Director Grabowski reported that GRT remitted to the Village in January was \$264,081 compared to \$207,717 for January last year. Year-to-date GRT total is \$927,975 versus \$628,419 for last year, a 54% increase. The TIDD received GRT of \$153,409 in January for November collections. Hold Harmless GRT for the month was \$37,977. Lodger's tax collections in January were \$89,403 versus \$71,991 for last year. Year-to-date total is \$170,689 for this year, compared to \$145,328 for last year.

**7. COMMITTEE REPORTS**

A. **Planning and Zoning Commission** –Commission Chair Wittman reported that the Commission met on February 4, 2019. All Commissioners were present. Agenda items:

- Open Meetings Act Resolution
- Polling Commissioners whose two-year terms would be up this year to find out if they would be interested in continuing as P&Z Commissioners. The four Commissioners all agreed to serve again. They are Commissioners Caldwell, Duffy, King, and Stagg.
- A Conditional Use Permit application for the Mucho Gusto building expansion at the top of the Gondolita Plaza, which was approved unanimously.
- A Conditional Use Permit application for creating a special events venue in the Kachina Subdivision at lot 7A, Block 3, owned by TSVI, which was approved unanimously.
- A Conditional Use Permit application for a wireless communication tower near the Phoenix Restaurant, approved unanimously, with conditions outlined by Village Staff.
- A recommendation to Village Council from P&Z to approve of a land donation by the Kachina Property Owners' Association of open space land in the Kachina area.
- Administrative approval of a reduction in square footage of the riparian setback for Parcel D.

The next meeting is scheduled for March 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this was later cancelled. The next meeting of the Planning & Zoning Commission is scheduled for April 1, 2019 at 1:00 p.m.at the Edelweiss Lodge Club Room.)

B. **Public Safety Committee** –Committee Chair Pattison reported that the Committee met on February 4, 2019. Agenda items included:

- Short-term and long-term staffing needs for Fire and EMS
- Possible Village Wildland fire crew

The next meeting of the Public Safety Committee will take place on March 4, 2019 at 10:00 a.m. at the Inn at Taos Valley Club Room.

C. **Firewise Community Board of Directors** – Committee Chair Pattison said that the Committee met on February 4, 2019. Agenda items included:

- Continued review of a fire protection ordinance
- Property assessments
- A fuel standards regulation
- Board goal to engage property owners rather than regulate.

The Board will meet again on March 4, 2019 at 11:00 a.m. at the Inn at Taos Valley Club Room.

D. **Parks & Recreation Committee** – Committee Chair Katherine Kett reported that she had met with TSVI's John Kelley about summer activities, which will include mountain biking trail construction by Lift #4, and scenic chairlift rides on Lift #4. The Parks & Recreation Committee will oversee installation of the volleyball and horseshoe courts in that vicinity, and disc golf on the Rubezahl trail. The Committee members have supplied two

sets of discs for the course for public use, which are kept at the Chamber of Commerce information booth. Committee members will install the hanging flower baskets as before, but not on Thunderbird Road because of the expected construction activity this summer. The Committee will continue work at the Kachina Vista Park and will supply a map with directions to the park at the Chamber information booth. Committee Chair Kett reported that Council approval was not needed for the agenda item 12.D., applying to the Carson National Forest for approval to reconstruct the JR Trail, as this trail is within TSVI's permitted area with the Carson National Forest. TSVI would be the appropriate party to make the application, although Kett said that the Parks & Recreation Committee is interested in being involved to whatever extent possible. This trail is popular because it is in the Village core area and is accessible, as well as being relatively flat. The Parks & Recreation Committee will meet again on February 19, 2019 at 3:00 p.m. at the Edelweiss Lodge.

#### **E. Lodgers' Tax Advisory Board**

Councilor Stagg reported that a meeting would take place in the near future, once notice had been posted, in order to discuss the request from the Town of Taos to implement Taos Air summer service.

### **8. REGIONAL REPORTS**

#### **9. MAYOR'S REPORT**

Mayor Brownell reported that he and Administrator Avila had met with Dr. Quigley and the ski patrol staff member who is scheduling overnight EMS personnel. All parties are working towards the goal to have paid on-call EMTs every weekend, with a priority being for the busiest times.

The Landfill Board meeting agenda included discussion of the water tank at the airport. The Intergovernmental Council (IGC) meeting had a presentation by a company selling electronic car charging stations. There is an interest in installing more charging stations.

Mayor Brownell said that the first meeting of the Enchanted Circle Mayors had taken place.

TSVI had been asked by the Town of Taos to present costs for running summer air service, the funding for which could come from Town of Taos, Taos County, and Village of Taos Ski Valley lodger's tax.

The NM RTD is discussing new bus stops for the Town of Taos and a pilot program for summer bus service to Taos Ski Valley.

### **10. STAFF REPORTS**

#### **Administrator Avila reported on ongoing projects:**

- WWTP – The wastewater treatment plant development continues with an updated timeline, planning for the bid process to occur in mid-March in order to finalize the notice to proceed in mid-April. The MBR systems will be delivered in September. The Townsite Act land transfer is almost complete.
- Kachina Water Tank – FEI Engineers, now part of the Alan Plummer Associates engineering firm, has been investigating various alternatives for the construction and installation of the tank in order to possibly reduce cost overruns.
- Village Hall – Work continues to accomplish the tasks necessary in order for the units to be rented.
- Safety training – Staff is on track to complete the safety training requirements to satisfy the NMSIF requirements. This also provides financial benefits in the form of dividend credits on the Village's workers' compensation and liability insurance premiums. A Defensive Driving class will be attended by most Village personnel in February.
- Village phones have been issued to on-call departments in order to separate personal and business calls. Similarly, Village email addresses are being assigned to elected officials.
- Fire Department Chief Daniels will be stepping down as Chief. The Fire Department volunteers will be meeting to develop a plan for next steps.
- Legislation was recently passed to eliminate the exemption from remitting lodger's tax for one-room units. Administrator Avila thanked Councilor Stagg and the Chamber of Commerce for lobbying successfully towards this legislation.

#### **Department Briefs**

- Chief Trujillo reported on recent activity: Residential Alarms (3), Business Alarms (0), Suspicious Persons/Vehicles (4), Citizen Assists (105), Embezzlement (0), Traffic Enforcement Hours (86), Traffic Stops (16), Theft (2), Vehicle Theft (0), Larceny (0), Property Damage (0), Verbal Warnings (28), Written Warnings (6), Parking Citations (27), Written Citations (4), Assists to other Agencies (14), Foot Patrol Hours (58), Welfare Check (8), Animal calls (1), MVCs (5),

B&E (0), Trespass Warnings (3), Found Property (2), Disorderly (6), Reckless Driver (7), Private Property Crash (5), 911 Hang Up (2), Trespassing (1), Fire Calls (4), EMS Calls (8), SAR Hours (0)

- Community Development Director and Interim Public Works Director Nicholson announced that the wastewater treatment plant has been running satisfactorily at 60,000 gallons per day. Staff resolved a sludge tank maintenance issue, and staff has been working diligently to resolve frozen water line issues throughout the Village. As is often the case in the winter, several heavy equipment pieces have required repair or have needed replacement parts. Staff has been working on getting the equipment back in service as soon as possible. Director Nicholson reported that the water supply continues to be a concern. He said that last year's drought and the past damage to the collection gallery are having a negative effect. Village staff is asking Village residents and businesses to conserve water as much as possible. This summer, work will progress towards developing the Gunsite Spring, with monitoring wells being installed, as well as preliminary engineering and design work.
- In the Planning Department, Director Nicholson said that the Source Water Protection Committee would meet on March 6, 2019 and is working on the best method for establishing protection zones around the Phoenix and Gunsite Springs. The discussion of upcoming open space parcel donation to the Village by the Kachina Property Owners' Association will create the opportunity to build a trail network in the Kachina area.
- Building Official Bowden reported that two building permits had been opened, and staff is currently reviewing plans for the Aerial Adventure course as well as preliminary review of plans for Parcel D.
- Attorney Baker is working to finalize the contract with Landseer Property Management who will handle rental of units at the Village Hall.

#### 11. OLD BUSINESS

**A. Consideration to Approve Joining the NM Department of Tax and Revenue Lawsuit by Engaging the Gallagher and Kennedy Law Firm**

This item was tabled at the January 8, 2019 Council meeting. Staff does not recommend joining the lawsuit at this time. It would be possible to join later if it were deemed advantageous.

**MOTION: To Approve Joining the NM Department of Tax and Revenue Lawsuit by Engaging the Gallagher and Kennedy Law Firm**

**Motion: Councilor Wittman                      Second: Councilor Kern                      Failed: 0-4**

#### 12. NEW BUSINESS

**A. Consideration to Approve Resolution No. 2019-385 Approving a permanent Budget Adjustment Request (BAR) to the FY2019 Budget to Add Revenue Collections for Impact Fees**

The Village submitted its fiscal year 2018-19 budget in July of 2018. At that time the Village did not budget for Impact Fee revenues. Staff was not sure what if any fees would be collected and decided to budget on the conservative side of revenue. To date the Village has received approximately \$18,000 in fees and is anticipating additional collections before the end of fiscal 2019.

**MOTION: To Approve Resolution No. 2019-385 Approving a permanent Budget Adjustment Request (BAR) to the FY2019 Budget to Add Revenue Collections for Impact Fees**

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

**B. Consideration to Approve of Out of State Travel to Los Angeles, CA for National Government Finance Conference and Training by Nancy Grabowski May 18-23, 2019**

The 113th annual National Government Finance Office Conference is taking place in Los Angeles, CA this year. The training which is available at this conference focuses specifically on the needs Government Finance Officers. Director Grabowski attended the conference two years ago in Denver and came away with valuable information which has benefited the Village. Additionally, Director Grabowski was elected as the Membership Coordinator of the New Mexico GFOA this year so she would be representing not only the Village but would be a liaison for the New Mexico GFOA chapter. The majority of the travel expense was included in the original travel budget estimate for FY2019. Total cost is expected to be \$2,600.

**MOTION: To Approve Out of State Travel to Los Angeles, CA for National Government Finance Conference and Training by Nancy Grabowski May 18-23, 2019**

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

**C. Council Acknowledgement of the FY2019 2nd Quarter Financial data submitted to the Department of Finance, Local Government Division on January 30, 2019**

As per the Department of Finance (DFA), Local Government Division, it is required to have the quarterly financial information submitted no later than 30 days after the close of each quarter. Attached is the summary report as submitted to DFA (exhibit A), the Profit and Loss from July 1-December 31, 2018 (exhibit B) and the Balance Sheet as of December 31, 2018 (exhibit C). Staff is submitting this report to the Council for their review and acknowledgement of the financial status of the Village as of December 31, 2018. Director Grabowski noted that the general fund balance has dropped by \$635,852 due to expenditures for capital costs.

**MOTION: To Acknowledge the FY2019 2nd Quarter Financial data submitted to the Department of Finance, Local Government Division on January 30, 2019**

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

**D. Consideration to Approve the Village of Taos Ski Valley Application to the Carson National Forest for an Approval to Reconstruct the John Ramming Memorial Nature Trail**

**MOTION: To Table this item**

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

**E. Consideration to Approve a Memorandum of Agreement (MOA) in the Amount of \$65,965 Between the Village of Taos Ski Valley and the Town of Taos for the Purpose of Providing Transportation Service for the 2018-19 Ski Season**  
This memorandum of agreement is renewed on an annual basis between the Village of Taos Ski Valley and the Town of Taos for the purpose of providing transportation service for the ski season. For 2018-2019, transportation would run between December 15, 2018 and March 24, 2019. The Town of Taos will contribute \$20,000 to the Village of the \$65,965 requested by NCRTD. The Village will receive a \$10,387 credit (for service not delivered last year) toward the \$45,965 portion, leaving \$35,578 to be paid by the Village.

**MOTION: To Approve a Memorandum of Agreement (MOA) in the Amount of \$65,965 Between the Village of Taos Ski Valley and the Town of Taos for the Purpose of Providing Transportation Service for the 2018-19 Ski Season**

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

Amizette homeowner Mike Fitzpatrick asked if the bus would stop in Amizette. Director Nicholson said that discussions are on-going about stops in Amizette. Mayor Brownell intends to bring up the subject at the next NMRTD meeting.

**F. Consideration to Approve Entering into a Memorandum of Understanding (MOU) with Taos County Magistrate Court to allow Magistrate Judges to dismiss Specific Traffic Related Charges**

The purpose of this MOU is to improve efficiency of the Court and Police Department by allowing a Motion to Dismiss. This will foster judicial economy whereby certain charges on cases can be dismissed if certain conditions are met, so-called "Fix-it Tickets." Persons appearing before the Court on the charges listed in the MOU can have their cases dismissed upon fulfillment of certain requirements, usually obtaining the necessary documentation or making the necessary repairs. This means cases can be closed with the dismissal of charges rather than the case being set for pretrial conference or trial, saving Village officers from having to go to court.

**MOTION: To Approve Entering into a Memorandum of Understanding (MOU) with Taos County Magistrate Court to allow Magistrate Judges to dismiss Specific Traffic Related Charges**

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

**G. Consideration to Approve Resolution No. 2019-386 Creating a Formal Development Review Team Process for Development and Construction Projects in the Village Including those Conducted for the TIDD**

Village of Taos Ski Valley Ordinance 17-30 currently allows for an unspecified review process that could involve review and comment from department and other professional subject matter experts. In order to establish a consistent process and reduce reliance on administrative prerogative, a resolution calling for a departmental team review is proposed for development projects. The current process may have a series of conversations, meetings, interpretations, agreements and decisions that may or may not be included in the official record. While the TIDD projects specifically require Village oversight and approval, the Development Review Team Process is intended for development review of future land use development and construction projects in the Village. This process is used in other municipalities to get a consistent, efficient review and oversight, approval of construction projects.

**MOTION: To Approve Resolution No. 2019-386 Creating a Formal Development Review Team Process for Development and Construction Projects in the Village Including those Conducted for the TIDD**

**Motion: Councilor Wittman                      Second: Councilor Kern**

Discussion followed. Administrator Avila explained that the intent is for all projects to get reviewed, not just the TIDD projects. Attorney Baker explained that the process would insure that all building codes are followed, building permits

issued, and that all zoning, building and fire codes are followed. The formalization of the Development Review Team would insure formal staff involvement in TIDD public works projects. TIDD Board Chair Neal King said that it would be helpful if plans could be shared with the TIDD Board. The Master Development Agreement states that TSVI and Village staff will review projects.

**AMENDED MOTION: To Postpone this item**

**Motion: Councilor Wittman                      Second: Councilor Kern**

**AMENDED MOTION: To Table this item**

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

**H. Discussion Regarding Taking Applications for Planning Commission Appointments**

There are currently four pending vacancies on the Planning Commission because terms are expiring. Attorney Baker explained the need to establish the procedure for taking applications for these vacancies from eligible candidates, posting or advertising the four vacancies, and establishing a deadline for closing the application process. Council may also set the date for the formal appointment of Members once applications have been received and distributed. Council recommended moving ahead to advertise the vacancies.

**13. MISCELLANEOUS**

**A.** Councilor Pattison reported that Firewise and Public Safety agendas and meeting reports are now on the Village web site.

**B.** Mayor Brownell expressed concern about the landing location for Care Flight helicopters. He said that at a previous landing, the helicopter landed on a sloping spot which was icy and the wind blew around construction materials. The shuttle drop-off was full with group buses so couldn't be used. Mayor Brownell discussed coordinating an appropriate landing zone with TSVI, and perhaps cutting one or two trees near the Treatment Plant to allow for a more open landing area.

**C. MOTION: To Remove item 12.D. from the Table**

**Motion: Councilor Kern      Second: Councilor Wittman**

Parks & Recreation Chair Kett said that she would follow-up on the JR Trail, and TSVI's Peter Talty said that the hope is for everyone to work together on refurbishing the trail.

**MOTION: To Postpone this item**

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

**14. 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, March 12, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room. A Council Rates Workshop is scheduled for March 5, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room.

**15. ADJOURNMENT**

**MOTION: To Adjourn**

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

The meeting adjourned at 4:05 p.m.

\_\_\_\_\_  
Christof Brownell, Mayor

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk