

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

A. Homeowner Russell Olson said that he disagreed that the employee housing project didn't need a conditional use permit. He said that this is a residential single-family home neighborhood and that this project would not fit in. The housing would double or triple the population of the neighborhood, he said, with transitory residents. He asked whether the project would be in compliance with the Zoning Ordinance and whether the Village infrastructure would be adequate to handle this size of a building on that lot. Mr. Olson said that he was concerned that the Village could not enforce ordinances that are already in place and could not keep up with Public Works infrastructure needs, as witnessed by all of the potholes in the road. He also said that residents are worried about the potential transitory population that would be using the building because in his opinion the Village has demonstrated a complete lack of ability to uphold the current ordinances in place concerning parking on Village roads and lighting restrictions, despite a number of complaints this last year. Mr. Olson asked why the Village was not required to post notice of building permits in a neighborhood, which he said is common practice in the State and throughout the country. He suggested that it's time for this little village in the mountains to institute these same rules, and that the Village should let the residents know what's going on without having to read some obscure comment in some draft minutes that had to be corrected.

Homeowner Yvette Klinkmann told the Council that she had planned to address the Council today to speak about the recent avalanche. She was concerned for the safety of the person impacted by the avalanche and noted that this avalanche also impacted the Klinkmann's cabin. Mrs Klinkmann said that it doesn't feel as though there is a lot of security or safety for the Village residents in terms of who is monitoring when people are trespassing on private property. She expressed concern that 911 calls were not getting a response or were not actually working. Mrs. Klinkmann read from the Village Zoning Ordinance, 17-30, which says that "This Ordinance is intended to help achieve the goals and objectives of the Village Master Infrastructure Plans and other Village Comprehensive Plans and is viewed as a vital tool for accomplishing the goals of these plans." The ordinance also continues with "Thus, the regulations and restrictions of this Ordinance are designed to avoid congestion in the streets and public ways; to secure safety from fire, flood, avalanche and other dangers; to promote the health, safety, and general welfare of the community; to preserve and conserve local water resources; to prevent the overcrowding of land; to facilitate appropriate steep slope development; to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other community requirements; to conserve the value of property; to promote economic development; and to encourage the most appropriate use of land throughout the Village." She said that she was very concerned about a large dormitory building across the street from her house and asked who in the Village would be in charge of enforcing violations of the Night Sky Regulations. She also asked who would be overseeing things at the property like security, noise, and curfew times. She said that she was not against development, but wanted to know how the dormitory would be managed so that it would not impact the residents, the property values, the neighborhood, and their ability to park on their street. Mrs. Klinkmann said that at the house next door to theirs which was impacted by the avalanche there had been numerous times when multiple cars were parked on the street. She asked again about who and how the Village ordinances would be enforced.

Mayor Brownell said that he had replied to the 911 call for the avalanche and that he was one of the first people on-site. He said that the call had been for the avalanche, but that a roommate was yelling that someone was inside, so all of the rescuers knew right away that someone needed to be dug out.

7. FINANCIAL REPORTS

Director Grabowski reported that GRT remitted to the Village in March was \$301,671 compared to \$212,960 for March last year. Year-to-date GRT total is \$1,552,952 versus \$1,092,352 for last year, a 42% increase of previous year's collections. The TIDD received GRT of \$121,919 in March for January collections. Hold Harmless GRT for the month was \$37,624.

Lodger's tax collections in March were \$105,205 versus \$68,454 for last year. Year-to-date total is \$383,692 for this year, compared to \$270,439 for last year, a 42% increase of previous year's collections.

The avalanche on the Mineslide in March caused some road closures and as the Village did not have adequate equipment and staff to clear the snow and debris, the Village hired an outside contractor. The cost to the Village was \$22,942.

In February, Village staff found that the green tank water levels were dropping because of the high usage and low water availability. An emergency filtration system was setup at the Phoenix Chlorination Station to refill and maintain water levels to provide continued water service. The cost to the Village for emergency purchase of this equipment was \$29,220.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission met on April 1, 2019. A quorum of the Village Council was in attendance. Agenda items included:

- A request for extension of the Conditional Use Permit for Temporary Structure for the Taos Tent on Parcel C, which was approved unanimously
- A discussion of a potential four-story dormitory for TSVI employee housing on Block B Lot 01 at the corner of Twining Road and upper O.E. Pattison Loop. No application for building permit has been submitted.
- A Municipal League P&Z training will be offered in Albuquerque in early May. Several Commissioners may attend.
- The Commission elected Commissioner Wittman as its Chairperson.

The next meeting is scheduled for May 6, 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 April 1, 2019 at 10:00 a.m. at the Inn at Taos Valley. Agenda items included:

- Continued discussion on paid Fire/EMS Chief position and accommodations, and the absorption of the Volunteer Fire Department into the Village. Attorney Baker and Administrator Avila are working on this. Robert Medina will be appointed interim Fire Chief.
- More discussion of the scope of a new staff position, Fire Chief vs. DPS Director vs. EMS Director. Consideration to hire one person to oversee Fire and EMS and both administrative duties, but not Law Enforcement.
- Grant update from Garrett Hanson. Awards should be announced by end of April. The Village applied for money to help hire a paid Fire/EMS Chief and a Wildland Fire Captain.
- Continued discussion of forming a new Wildland Firefighting Division, as backup and support for a sustainable Fire and EMS department.
- Discussions with Taos County regarding possible cooperative arrangement with them for EMS day service in the winter.
- A priority is vehicle-housing bays. The Public Safety Committee will look into other grants for that purpose.

The next meeting of the Public Safety Committee will take place on May 6, 2019 at 10:00 a.m. at the Inn at Taos Valley Club Room.

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Board met on April 1, 2019. Agenda items included:

- Continued detailed review of the Wildfire Prevention and Protection draft ordinance
- The Committee is now studying the specific fuels management standards for the second month and going over them line by line in order to evaluate, relative to the ski valley community and ecosystem. The Committee still has two sections posted to the Village website for public review and comment, thanks to the Village staff. The first thing to be addressed will be dead wood, standing and down.
- The Committee is looking at defining the height of thinning for ladder fuels. No beetle habitat protocol is needed in the ski valley, and pine needles are not an issue. There are bole wood challenges on large acreage.
- The Committee is engaging with the Taos County CWPP group. The Firewise Community status comes with responsibilities and the Committee feels that it must participate.
- Various grant opportunities are being investigated in order to jumpstart new programs and support mass thinning efforts in the community.
- The slash pile will most likely be in place for use this summer.

The next meeting of the Firewise Community Board of Directors will take place on May 6, 2019 at 11:00 a.m. at the Inn at Taos Valley Club Room.

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that the next meeting of the Parks & Recreation Committee would take place on April 23, 2019 at 4:00 p.m. at the Stray Dog Cantina or at the Village Office. The Committee will sponsor a Spring Clean-up day on May 23, 2019. They will coordinate with TSVI. Signs for the Kachina Vista Park will be set up for the summer.

E. Lodgers' Tax Advisory Board

Councilor Stagg reported that a meeting will be noticed soon. Grant request completion for FY19 will be addressed as well as noticing grantees of FY20 grants. The Lodger's Tax grant to support the NCRTD summer bus will be discussed.

8. REGIONAL REPORTS

No Source Water Protection Committee meeting was held.

9. MAYOR'S REPORT

A. Certificates of Appreciation for Search and Rescue Volunteers in March Wheeler Peak Rescue

Mayor Brownell said that he would like to recognize Kelly Grosstette, Leland Thomson, and Chris Kodey, as well as the Taos County Search & Rescue team for their exemplary efforts in retrieving a woman lost on Wheeler Peak recently.

Mayor Brownell reported that he had attended the Landfill Board meeting, the IGC, the NCRTD, and the NMML District Meeting. The Village has applied for summer bus service from the NCRTD, and the route may coordinate with Taos Air flights. The Legislature approved capital outlay of \$1.3 million for the Village for the Wastewater Treatment Plant Upgrade project, and \$300,000 for the Gunsite Springs study.

10. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- WWTP – The WWTP project has an updated schedule that has RFPs due on April 5, 2019, proposal evaluations occurring the week of April 8th, and a Special Council meeting requested for April 16, 2019 to award the construction contract. The overarching goal is to have the new treatment plant completely functional and tested by the middle of November before switching over from the old plant.
- Kachina Water Tank – The new tank project is a key element in meeting the expanded system capacity anticipated in the Village water system. The project was funded through the Water Trust Board for \$1,640,000; 10% loan, 90% grant which required the Village to match with \$328,000. The awarded contractors, RMCI, proposed a change order for \$240,000, which the Village accepted after much deliberation and consideration. This change order was substantially less than RMCI's original proposed change order for \$500,000. The project must be completed, invoiced, and closed by November 10, 2019 in order to meet the Village's obligations for Water Trust Board funding. The anticipated total cost of \$2,835,923 leaves a funding gap of \$867,923 over the budgeted \$1,968,000. System development fees are not anticipated to be adequate to cover this cost difference in the current fiscal year.
- Village Hall Complex – The tasks to convert the previous Taos Mountain Lodge property into a functional Village Complex for Work Force Housing and some sort of Municipal Building continues through this fiscal year. The completion of certain key tasks are required if the Complex apartments are to be rentable by July 2019. Tasks to accomplish before the units can be leased are: fire alarm installation, execution of the septic service contract, guard rail installation, building repairs, plumbing, electric, phone, fiber, and block wall installation, as well as roadway completion. Also, NMED final certification and CID approval must occur. This work is planned for this fiscal year.
- The Temporary Housing of Emergency Medical Technicians (EMT) at the Village Complex Apartments has concluded with the end of the Spring Break schedule. The coverage was consistent on weekends and the use of the Apartments allowed for Workforce Housing during peak demand period. Thanks to those that offered lodging bids for the period, however those costs were more than was budgeted. Staff was able to identify some improvements to the program that now can be planned on for next season.
- NM DFA has asked the Village to confirm its Legislative Requests and answer the Uniform Funding Criteria (UFC) forms. This year's Capital Outlay was General Funds not State Severance Tax Bonds therefore no bond sale will occur and funding agreements can be produced earlier in the year. Recipient entities have to be fiscally compliant in order to be eligible for Capital Outlay. The Legislature passed grant funding for the Village of Taos Ski Valley for the Waste Water Treatment Plant in the amount of \$1,300,000 for development of Gunsite Springs for \$310,000, both to be administered by NMED.
- The Village is keeping pace with the 2019 Budget Calendar and Department Heads have met and begun forecasting the FY2020 budget. Community input is sought and a Council Workshop is anticipated for 9:00 a.m. on May 14, 2019 to review budget recommendations in order to create a Draft Budget for the Council Agenda. The Draft Budget is due to DFA/LGD by May 31, 2019.
- Village staff has worked with Chief Robert Molina, selected by the Village Volunteer Fire Department to replace Mitch Daniels who stepped down in March. Information about the Fire Department operations, equipment, training

requirements, and funding helps to create a better picture of the status and planning needs for the Village. The Fire Department has indicated that a mixed volunteer/ paid-staff organization is preferred and that they would like to work with the Village to plan for how that can be budgeted in the new fiscal year.

- The Village contracted Garrett Hanson to research and make application for the FEMA “Staffing for Adequate Fire and Emergency Response (SAFER)” grant. The grant was submitted on March 15, 2019, in time to make this year’s deadline and position the Village to receive some matching funds to hire Fire Department personnel. For a short period the Village could be eligible for matching funds to hire firefighters. At the end of the grant period the Village would need to be in a position to fund staffing without the help of the grant

- **Department Briefs**

- Chief Trujillo reported on recent activity: Residential Alarms (3), Business Alarms (1), Vehicle Alarm (1), Suspicious Persons/Vehicles (5), Citizen Assists (160), Embezzlement (0), Traffic Enforcement Hours (89), Traffic Stops (14), Theft (2), Vehicle Theft (0), Larceny (2), Property Damage (1), Verbal Warnings (12), Written Warnings (3), Parking Citations (6), Written Citations (3), Assists to other Agencies (14), Foot Patrol Hours (61), Welfare Check (5), Animal calls (0), MVCs (15), B&E (0), Trespass Warnings (5), Found/Lost Property (1), Disorderly (5), Reckless Driver (5), Private Property Crash (7), 911 Hang Up (0), Trespassing (0), Battery or Assault (1), Domestic Calls (0), Civil Stand-by (0), Fire Calls (5), EMS Calls (4), SAR Calls (2)
- Building Official Bowden reported that he had been inspecting occupancy requirements for the new Post Office in the Taos Tent structure, and had posted notice to allow repairs to the former Wellman residence damaged by the avalanche on March 4, 2019. A demolition permit has been issued for the existing buildings on Parcel D, and a bathroom renovation permit has been issued for 1301 State Road 150, a residence. An application for a Lake Fork bridge relocation permit has been received by the Village from TSVI, and foundation plans for Parcel D have been submitted for preliminary review. Permitting is in process.
- Community Development & Planning Director Nicholson reiterated that no formal application, zoning application, or building permit documents had been submitted to the Village for the potential staff housing at the corner of Twining Road and O.E. Pattison Loop. An application has been received for a 77-acre subdivision in the Kachina area. The proposed streetscape for Thunderbird Road will be revisited in early May.
- Clerk Wooldridge reported that notices had been sent to property owners and to qualified electors with the Notice of Election, Call for Nominations, and Nomination and Acceptance Form for the TIDD Board Member election. As reported previously, this will be a Special Election according to NM Statutes. This will be a mailed-ballot election, occurring on June 4, 2019. This is the first TIDD Board member election since the TIDD formation in 2015. Two District Board Member positions are expiring. The deadline for submitting candidate nomination and acceptance forms will be April 25, 2019. Candidates must be qualified electors, or property owners within the District, or be nominated by a qualified elector or property owner within the District.
The TIDD Clerk shall send each voter of the TIDD jurisdiction an absentee ballot on the twenty-eighth day before the election, May 7, 2019. The ballot will require a signed affidavit by the elector which will need to be notarized. Ballots will also be available at the Village office, 7 Firehouse Road, Taos Ski Valley, NM. Ballots must be returned by June 4, 2019 to be counted.
- Public Works Director Martinez reported that the water filtration system had been installed but that there was still low water pressure. Public Works staff will be searching for potential leaks in the system. March metered usage to most properties was high, as expected for Spring Break month in a busy ski season. Director Martinez said that the Village would greatly benefit from the completion of the Kachina water tank, as well as the development of the Gunsite Springs, for future use.
Discussion took place about some of the problems that were experienced in the Kachina area because of the low water pressure. There have been other water problems in the Village with freezing service lines.
Mayor Brownell said that there was a dangerous situation on Twining Road on a snowy Friday in March. The road was extremely slick and there were several car pile-ups. He suggested the installation of a new sign stating that snow tires and chains were highly recommended in order to drive up Twining Road. Another suggestion was made for a sign at the top of the steeps stating that downhill traffic should wait for uphill traffic to pass before proceeding down. Another homeowner said that plowing and snow storage is a problem above Coyote Lane. Snow piles turn into ice chunks, they said, and so the Village should not store snow there.
- Attorney Baker said that she had been working on proposed revisions to the water use and sewer use ordinances. Concerning the upcoming agenda item on the request for development fee discounts, Attorney Baker recommended that the applicant present first, then Village staff. She asked that these presentations not be interrupted. Following this, the

Council would discuss and make a motion. Audience participation should only occur with the Mayor approving each request to speak.

11. CLOSED SESSION

A. Discussion of Threatened or Pending Litigation

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (7)

This item had been removed from the agenda.

12. OLD BUSINESS

A. Consideration to Approve Taos Ski Valley, Inc. request for Development Impact and System Development Fee Discounts for the Parcel D Land Development Project

Planning Director Nicholson said that Taos Ski Valley, Inc. (TSVI) is requesting two categories of discounts: Development Impact Fee (DIF) discounts for Public Spaces/Roadways, and System Development Fee discounts for water and sewer on its Parcel D development. TSVI has amended its previous Application and its Amended Application along with the Village's fee calculations sheet were presented. TSVI has formally requested DIF discounts and System Development Fee discounts of approximately \$222,234.68 (\$64,701.03 + \$157,533.65, respectively).

The Village Zoning Ordinance No. 17-30, Section 23, titled "Development Impact Fees" outlines the Village's impact fee program and allows a developer to seek discounts on impact fees from the Village Council following submission of a formal application explaining and justifying the request.

Director Nicholson said that it is accepted that the Master Development Agreement (MDA) between TSVI and the Village was written in conformance with this Ordinance. The Tax Increment Development District (TIDD) Amended Master Development Agreement, Section 7 (A) provides as follows: "In connection with each individual TSVI project requiring the issuance of a Village construction permit, the Roadway/Pedestrian/Drainage Development Impact Fee, the Parks and Recreation/Open Space Development Impact Fee, the Public Spaces/Recreation Development Impact Fee, and any other Development Impact Fee imposed in connection with water, sewer or natural gas imposed by the Village and made applicable to such project shall be subject to a reduction of between twenty-five percent (25%) and one hundred percent (100%)...."

Staff does not recommend allowing for both TIDD reimbursement and the reduction of development fees for the same project(s). In other words, if a project has been reimbursed under other sections of the MDA, it should not also recover a waiver of fees. This type of practice is not fair to the Village, community members, or the TIDD. In effect, the public taxpayer, through TIDD reimbursements, would be paying the Development Impact Fee, instead of the developer.

As set forth in the Village's Land Use Regulations, only the Village Council is authorized to make final decisions regarding development impact and system development fee discounts because of the fiscal impact upon the Village, its infrastructure, and the Community as a whole.

TSVI requests a discount of \$38,861.41 (25%) on the Village Road Impact Fees and \$25,839.63 (100%) on the Park and Recreational Fees.

Staff recommends acceptance of the 25% discount for the road impact fee with the important provision noted below. The developer has properly identified Thunderbird Road as eligible for a DIF discount. This publicly financed infrastructure project is eligible for a DIF discount because it is listed on the Village Needs Assessment Report. This road improvement project is also a TIDD project and thus to avoid the public taxpayer paying the DIF, either the amount credited should be deducted for any subsequent request for reimbursement from the TIDD Board or no credit be granted at this time.

Staff also recommends acceptance of the 100% credit for the new public restrooms in the Resort Services building. This project is listed on the Village Needs Assessment Report. This is a non-TIDD project. It should be noted that upon completion, all these new public restrooms will be made available for public use pursuant to a proposed license agreement between TSVI and the Village.

TSVI requests water and sewer System Development fee discounts for the Parcel D development. TSVI presents their discount request in EQR credits. Under the present ordinance structure, it is difficult to establish value for EQR credits in dollars. Therefore, staff recommends allowing TSVI's EQR credit claim to be addressed pursuant to Paragraph 7(A) of the TIDD Amended Master Development Agreement, which gives the Council discretion to discount TSVI's water and sewer System Development fees from 25% to 100%.

The proposed Contract Task Order amount of \$30,000 exceeds the \$25,000 administrative approval threshold, and thus, requires Village Council approval to proceed.

The \$300,000 Capital Outlay would not be received until at least after July 1, 2019. These funds would be used for design of and/or development of the Spring. The Shopoff group has committed to funding half of this evaluation of the Gunsite Spring.

MOTION: To Approve North Gunsite Spring Monitoring Task Order No. 21 from the Village-Contracted Engineering Firm, Alan Plummer Associates, Inc.

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

F. Consideration to Approve Submitting a Formal Comment Letter to the U.S. EPA Opposing the Revised Definition of the Waters of the United States Rule

Director Nicholson said that the U.S. EPA is soliciting public comment on a proposed rule change to the definition of what is considered part of the Waters of the United States. The proposed redefinition would reclassify significant portions of ephemeral waters, intermittent waters and wetlands, including the Village's Kachina Wetland. Many other Northern NM mountain streams would be affected, as the proposed change would remove long-standing Clean Water Act protections for these waters. Submission of a formal letter comment on behalf of the Village would add its voice of concern to many others from across the nation. The comment deadline is April 15, 2019.

MOTION: To Approve Submitting a Formal Comment Letter to the U.S. EPA Opposing the Revised Definition of the Waters of the United States Rule

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

G. Consideration to Award Contract for Septic Pumping of the Village Complex/Apartments to Ray's Septic Service
Administrator Avila said that the Village of Taos Ski Valley has a project to provide Workforce Housing at the Village Complex which requires regular pumping of the holding tanks. In order to get Septic Certification the NMED requires that the Village have a Septic Service contracted or be equipped and licensed to conduct the pumping on its own. Septic Service companies were invited to bid and only one responsive bidder, Ray's Septic Service, submitted and is recommended for the contract award.

There was concern about what would be adequate notice time if additional pumping were required, but if additional pumping were required staff would request it. The black water will be pumped into a manhole approximately 75 yards up from the treatment plant headworks.

MOTION: To Approve Awarding the Contract for Septic Pumping of the Village Complex/Apartments to Ray's Septic Service

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

H. Consideration to Approve Snakedance Condominiums FY19 W/S Fixed Charge Credit Request

Clerk Wooldridge explained that at the August 2018 Village of Taos Ski Valley Council meeting, the Council did not adopt the proposed increase in Water/Sewer rates that Staff presented as part of the FY2019 Final Budget. Since the new rates were not adopted, the FY2018 rates remained in effect.

There was a proposed rate increase in water and sewer fixed and usage charges of 4%. The total number of EQRs was going to decrease from FY18, from a total of 641.26, to 588.22 in FY19. With the EQRs dropping for some properties, even with the rate increase, the final effect of the change on various properties would differentiate. Council voted to not move to the new rates.

The Snakedance Condominiums had decreased its water usage considerably in FY18 and would have seen a significant drop in its fixed charge, due to a decrease in the number of EQRs. The July 2018 bill reflected the new, lower, fixed charge, but the August bill had the old, higher, fixed charge.

Since specific steps were taken to reduce the water usage at the Snakedance, the Snakedance Manger has requested Council review of these charges and Council consideration for a credit for August 2018 to February 2019 fixed charges. See attached letters.

The Village has a Revenue Collection Policy to be applied when a water leak occurs, but does not have in place a policy to address variances to the water and sewer rates.

MOTION: To Approve Snakedance Condominiums FY19 W/S Fixed Charge Credit Request

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

14. MISCELLANEOUS

A. Councilor Pattison asked the Parks & Recreation Committee to give feedback on the new Kachina Open Space lands. He said that funding will be necessary for the Committee to execute plans for trails and improvements to the land.

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

A. Propose Special Village Council Meeting April 16, 2019 to Award Wastewater Treatment Plant Expansion Contract
A Special Village Council Meeting will be held on Tuesday, April 16, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room

B. Propose Council Budget Workshop May 9, 2019

A Village Council Budget Workshop will take place on Tuesday, March 14, 2019 at 9:00 a.m. at the Edelweiss Lodge Club Room

C. Next Regular Council Meeting May 14, 2019

The next Regular Village Council Meeting will be held on Tuesday, March 14, 2019 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 5:20 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk