



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, NOVEMBER 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 Official Jalmar Bowden
Project Manager Rich Willson
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

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

A. David Norden, TSVI CEO, said that snowmaking was in full force and that there is much more snow being stockpiled up high than can be seen from the base area. With the cooler temperatures again, TSVI is having good snow production at night. The snowmaking crew is currently working from the Whistlestop down, and then will work from the top of Lift #1 down to the Whistlestop. The hope is to have Lift #1 open as well as the Pioneer Glade lift for opening day.

Mr. Norden reminded the Council of TSVI's invitation for the Council, the P&Z Commission, and Village Staff to meet with TSVI for them to share their vision, and also for the Village to share its vision.

Mr. Norden introduced Jessica Caskey who has been working on TSVI's B-Corp status renewal as well as on instituting a living wage standard and a pay equity standard at TSVI. Ms. Caskey will be attending some Council meetings in order to get more involved in the community.

5. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in October for August filings was a negative \$17,407 compared to \$136,554 for last year. Year-to-date is -\$47,408 versus \$332,785 for last year. The negative number is a result of no distribution in October, along with a withdrawal of GRT by NM Tax & Revenue for repayment of funds which they determined should have gone to the TIDD.

The TIDD received GRT in October of \$251,397. Hold Harmless GRT for the month was \$12,277. Without the negative GRT amount year-to-date, the Hold Harmless revenue year-to-date would be \$30,911.

Lodger's tax collections in October for September were \$18,538 versus \$15,977 for last year. Fiscal year-to-date total is \$69,748 versus \$58,397 for last year.

Outside contractor expenses are up because of payouts to IWS for WWTP work, and to RMCI for Kachina Tank work.

Legislative appropriations include the final payout of the FY16 \$50,000 NMED grant and the initial payout of the \$1.3 million NMED Legislative Grant. The Village will submit a request for the balance of \$53,415.61 to NMED shortly. The Water Trust Board grant has been reimbursed to the Village in full.

6. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported on the November 4, 2019 P&Z Commission meeting. Agenda items included:

- A Public Hearing for Preliminary Plat approval for the Resort at Taos Ski Valley on 74 acres in the Kachina Area. Councilor Wittman said that it was a lively meeting, with about six people speaking in favor and nine against. The Commission approved a motion to continue this item to the February 3, 2020 P&Z meeting.
- A Public Hearing for change of zoning for four parcels within the Preliminary Plat. This would eventually follow approval of a Preliminary Plat. The Public Hearing was held with a similar result as in the previous item. A motion to continue this item to the February 3, 2020 P&Z Commission was approved. Councilor Wittman said that the project would be comprised of a 36-room hotel and 16 Villas for Phase 1, and a 60-room hotel and 36 villas in Phase 2. Build-out time would take 10-12 years. The P&Z Commission meeting ended at 3:30 p.m.

The next meeting of the P&Z Commission is a Special Meeting scheduled for November 18, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room, to discuss the draft Firewise Ordinance and the draft Building Code Ordinance changes.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee and the Firewise Board met on November 4, 2019.

The Committees continue discussions on their projects:

- Continued discussion of the Firewise Ordinance with input from the community on suggested changes. Comments are coming from citizens who are involved, or who want to be involved. The purpose of the ordinance is to encourage citizens to engage in the process, but not to have a regulation which comes on too strong. A second community meeting took place on November 9, 2019, with the next draft to go to the P&Z Commission on November 18, 2019 for discussion.
- Working on the process of undergrounding electric service within the Village. It is understood that the connection at Taos East is now underground, which leads them to believe that the overhead electric lines have been decommissioned. The Committee is looking forward to the day when the overhead lines within the Village are decommissioned. An inquiry was made as to whether the KCEC Franchise Fees could be used to pay for trenching from the junction box to a property line. This will be investigated.
- NMDOT has re-striped the center lines in Amizette, and the Committee thanked Chief Trujillo for his diligence in getting this accomplished.
- The second siren has been installed at Kachina Lift Station has been tested, and is active.
- Concerns with Sutton Place safety issues such as snow removal and loading and unloading of deliveries. The objective is to limit visits to Sutton Place, and to avoid any parking by fire hydrants.

The next meeting will take place on January 6, 2019 at 10:00 a.m. at the Inn at Taos Valley.

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Committee met on November 4, 2019.

Discussion was covered under the Public Safety Committee report.

The next meeting will take place on January 6, 2019 at 11:00 a.m. at the Inn at Taos Valley.

D. Parks & Recreation Committee – Committee Member Kerrie Pattison reported that the summer items have been put away. The Committee is looking forward to a big summer season next year. Committee members met with Planning Director Nicholson to discuss planning for the Kachina open space parcels recently gifted to the Village. They will meet with him again in December. The Village is supporting the Parks & Recreation Committee by assisting in development of a capital infrastructure plan to support impact fees and also in the development of a trail system on the Kachina lands, which already has a sketch plan of possible trails. The next meeting time will be announced at a later date.

E. Lodger’s Tax Advisory Board – Councilor Stagg reported that the Board met to discuss the budget, proposed expenditures, and to hear a request from the Village Administration on lodger’s tax funds for several lodger’s tax-eligible items. Councilor Stagg said that the Board had been reluctant to budget for these expenditures, as the Council voted to spend lodger’s tax funds only on promotions when the Village incorporated. The Board approved a certain amount, to be a one-time budget adjustment for this fiscal year.

7. REGIONAL REPORTS

Planning Director Nicholson said that the Source Water Protection Committee would be meeting on November 14, 2019 at 10:00 a.m. at which time they will review the source water protection maps.

Administrator Avila reported that the Landfill Board would be conducting a rate study. The Recycling Committee will be evaluating the number of visits and volume of recyclables delivered. The Committee is evaluating the economic pressure of running the recycling facility versus the environmental pressure to do the right thing. The reports are that the Town of Taos revenue streams for recycling, such as the Waste Management franchise fees and recycling fees are not being directed to the Landfill Board.

Administrator Avila also reported that at the IGC meeting there was discussion of the possibilities of utilities in the “Lucky Corridor”. The Enchanted Circle Council of Governments (ECOG) reaffirmed its commitment to Kit Carson for installation of electric charging stations and getting proposals through the State. The ECOG is also discussing sharing procurement items as well as a regional shared service for building inspections.

Building Official Bowden, who also sits as alternate member on the NCRTD Board, announced a November 14, 2019 Community Outreach meeting that the NCRTD representatives will be holding in Taos Ski Valley, at the Rio Hondo Learning Center at 2:30 p.m. that day. The public is invited and encouraged to attend.

8. MAYOR’S REPORT

Mayor Brownell said that consideration may be given to NCRTD early-route funding. The KTAO expanded parking lot will be used as an official Park & Ride location. He received notice that the de-energizing for overhead lines would occur soon on State Road 150, if it hadn’t been done already.

9. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **WWTP** – Project management for the Waste Water Treatment Plant includes scheduling for month-end the regular progress meetings with USDA to coincide with the Village’s pay application process. A list of guided items are discussed at monthly construction meetings, the last week of the month, and addressed in the owner’s monitoring report to Rural Development.
The building package has been delivered and is being constructed. The estimated time for completion of the new building is three weeks. The membranes have been installed in the north tank and the contractor is currently working on the south tank. The yard piping is 98% complete. The electrical conduit is installed, ready for the KCEC fiber optic hook-up. Start-up of the new plant will be coordinated with Ovivo for December. The transition between the temporary plant and the new system will be coordinated through Thanksgiving.
- **Kachina Water Tank** –The Public Works Department is undertaking the task of extending the dry utilities from the existing end location on Blue Jay Ridge Road to the location where RMCI started work. Work will include one additional electrical pull box and one additional fiber pull box. Cost from RMCI will be modified by the internal tasking.
Tank construction portion is complete with tank tests and beam coating to continue this week. Dry utilities, electrical, and fiber are being coordinated this week, along with mechanical piping in the vault.
The pumps are onsite and electrical plans are ready for assignment to RMCI or other to installation of mechanical piping

An agreement for assignment and removal of extra material from the site by TSVI upon completion of construction still needs to be completed.

Closing documentation is to be completed with the Water Trust Board before December.

- **Village Hall Complex** – The Special Council Meeting on October 29, 2019 included a presentation by the Village Hall Complex Task Force, which included recommendations to review funding options for a complete Village Office build-out, and options for lease of the Work Force Apartments. The Village is treating the apartment portion of the project as an enterprise fund (13) since revenue is anticipated. After fact finding, a different plan than is being proposed is expected. Initial meetings with the Village’s Financial Advisor are underway and an update is expected in December.
- **Other Items:**
 - The New Mexico Department of Transportation (NMDOT) is proposing a new rule, 18.27.6 NMAC, Local Government Transportation Project Fund. NMDOT will hold six public hearings for the purpose of receiving oral and written public comment from interested parties on the proposed new rule, 18.27.6 NMAC. The hearing in District 5 is scheduled on November 25, 2019, from 9:00 a.m. to 12:00 p.m. at 1120 Cerrillos Road, Santa Fe, New Mexico.
 - Action of the latest TIDD Dedication packet is projected to be in front of Council for acceptance by the January regular meeting, January 15, 2020. Last week questions and answers were reviewed and inspection of technical and financial material is still in process.
 - Progress towards coordination with Kit Carson Electric for undergrounding continues this week with a report of KCEC planning from Mr. R. Martinez. Lately he let the Village know that requests to underground some down-valley lines had been completed. He said that Kit Carson has run some underground lines to energize existing overhead lines that feed the Taos East and the cabin up from the Taos East. This has allowed KCEC to minimize the exposure of the overhead electric lines. KCEC was able to open the existing overhead breaker just down from the Austing Haus to de-energize the overhead electric lines.
The Village has recently received system mapping and is purchasing software to allow Village staff to access the planning material. The Village has just over \$450,000 in KCEC franchise fees reserved. Village staff expects to have an excavation contractor in place by construction season next year and a project plan delineated. Communications has improved with KCEC and clear and factual information is needed. Trenching and conduit may be paid out of franchise fees but not on private property. The project locations with the most benefit will be considered foremost, in conjunction with the KCEC technicians.
 - The Village needs to be involved with the regional decisions regarding the construction of transmission lines for Wind Energy Supplier Lucky Corridor for the transmission line project that will bring electricity from the Springer area through the Taos region and is expected to replace power generated in the Four Corners Area. Lucky plans to meet with Mr. Reyes this week and the Village will be invited to meet when the Region is brought into the process.
 - At the November 9, 2019 Firewise Board Community Meeting interesting information was provided on fire risk mapping and how those dangers are scored in the insurance industry.

Department Briefs

- Chief Trujillo presented the September Public Safety report: Arrests (0), Residential Alarms (7), Business Alarms (1), Vehicle Alarm (0), Suspicious Persons/Vehicles (2), Citizen Assists (97), Embezzlement (0), Traffic Enforcement Hours (86), Traffic Stops (14), Traffic Hazard (2), Theft (0), Vehicle Theft (0), Larceny (0), Property Damage (0), Verbal Warnings (26), Written Warnings (2), Parking Citations (9), Written Citations (3), Assists to other Agencies (9), Foot Patrol Hours (43), Welfare Check (0), Animal calls (2), MVCs (1), B&E (0), Trespass Warnings (0), Found/Lost Property (0), Disorderly (0), Reckless Driver (1), Private Property Crash (0), 911 Hang Up (1), Trespassing (0), Battery or Assault (1), Domestic Calls (1), Narcotics Adult (0), Civil Stand-by (0), Shots Fired (0), Fire Calls (1), Fire Alarms (0), EMS Calls (0), SAR Calls (0).
Chief Trujillo said that effective November 1, 2019 the public safety signs on Twining Road would be changed. A notice was sent out and a map of the new signs can be seen on the Village web site at <http://www.vtsv.org/village-services/public-safety/> Signs will be improved and enlarged but the objective is to lower the speed limit and limit parking to the uphill side of the road, especially in the Kachina area. The new signs are legally posted on poles and the plan is to update all of the public safety signs such as those posted on trees.
- Planning Director Nicholson reported that Resort at Taos Ski Valley applications had been continued to the February 3, 2020 P&Z Commission meeting. Discussions, negotiations, and revisions to the submittals are on-going. Among the items to be resolved are a final preliminary plat with all of the necessary easements shown, a proper four-season access plan to the site, and an acceptable site plan linked to the plat and rezoning request.

The process to revise and update the Village system development fees got underway in a kick-off meeting the previous week. This will be a six-month study demonstrating the legal connection to a revised fee structure for capital projects and infrastructure. The community will be able to review and make comments in the spring, reported Director Nicholson. With the recent award by NMDOT, and acceptance by the Village, for preliminary engineering and design for Twining Road, an RFP for engineering will be issued. A community meeting, and possibly a charrette, will be held to gather further input on design options and to describe the project's scope and intent.

The Planning Department, along with the GIS technician and the Parks & Recreation Committee, is in the initial stages of drafting a comprehensive Village-wide trails map for use by the community and by visitors. The group is looking at various connector sections to allow for a contiguous uninterrupted route linking Amizette, the core Village, and the Kachina area.

The draft Firewise Ordinance and the draft Building Code Ordinance will be presented for discussion at the November 18, 2019 Special P&Z meeting.

- Building Official Bowden reported that the final garage ceiling inspection had been conducted at the Blake Residences. The third extended hours concrete pour had occurred earlier in the month and the contractors focus now is to continue framing of the Blake Residences and to backfill the below-grade walls. Two building permits were issued this month, one for the Columbine Inn change of occupancy work which includes installation of an additional exterior stair. The Bavarian Restaurant was also issued a permit for alterations to the dishwashing room and storage areas. Building Official Bowden has continued his draft work on the Building and Construction Code Ordinance, to be discussed at the P&Z Special Meeting.
- Clerk Wooldridge reported that at the November 9, 2019 Firewise Board Community Meeting some very interesting information had been presented about Firelines and ISO ratings. This information is copied and provided here at the Council meeting, and will then be posted on the Village web site under the Public Safety Committee and Firewise Board page. The TIDD Board Member election took place on November 5, 2019 with the uncanvassed results showing that the two candidates with the most votes were Richard Duffy and Neal King. The results will be canvassed by the Taos County Commission at an upcoming meeting, according to the new Election Code Statute changes. The auditors recommended that a lodger's tax training be given for lodging establishments and property management companies. Clerk Wooldridge will conduct training at the Taos Ski Valley Chamber of Commerce meeting on November 14, 2019 at 4:00 p.m. at the Rio Hondo Learning Center.
- Attorney Baker reported that she had been creating many revisions on the draft Firewise Ordinance, in accordance with community input and Firewise Board recommendations.

10. OLD BUSINESS

11. NEW BUSINESS

A. Consideration to Approve a Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and the North Central Regional Transit District (RTD) to Provide a Bus Route to Taos Ski Valley for the 2019-2020 Ski Season
This MOA is for an agreement between the Village of Taos Ski Valley and the RTD for the purpose of providing transportation service for the 2019-2020 Ski Season. Service will run from December 21, 2019 and go through March 29, 2020. The RTD is requesting \$74,587 for providing the bus service. The Town of Taos has committed to \$20,000, which the Village will bill for at the appropriate time. The Village's budgeted amount under Lodgers Tax (Fund 15) is \$40,514, which leaves an additional balance due of \$14,073. The Village would be liable for that amount if no other funding sources could be negotiated, such as possibly Taos County, or using the almost \$14,000 credit from summer service. As shown in the RTD Route 341 TSV Green schedule, there will be six roundtrips a day on weekdays and eight roundtrips a day on weekends. There has been a price increase from last year.

The RTD also receives funding from Village GRT, contributing approximately \$47,000 to its budget for the service.

MOTION: To Approve a Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and the North Central Regional Transit District (RTD) to Provide a Bus Route to Taos Ski Valley for the 2019-2020 Ski Season

Motion: Councilor Stagg Second: Councilor Wittman

Councilor Stagg noted that there has been much discussion on this topic within the Lodger's Tax Board members as to whether supporting this is the right thing to do and whether it supports town lodgings who can charge less for rooms. He noted that, similarly to the employee shuttle, the bus cuts down on pollution and is the right thing to do. He thanked the Lodger's Tax Board for supporting this effort.

Discussion continued as to why the Lodger's Tax Board had not been in favor of adding the additional proposed routes, The additional routes had a higher per-route cost was the reason, said Councilor Stagg. TSVI David Norden said that it is important for Northern New Mexico entities to support public transportation, that collaboration with other entities is

important. Councilor Stagg noted that this was the sticking point with some Lodger's Tax Board members, that the Town of Taos and Taos County were not participating in transportation at the same level. Councilor Stagg said that a conversation with the larger community was needed. Lodgers Tax funding is budgeted for the employee shuttle program as long as the shuttles are open to everyone.

The Mayor called for a vote.

Passed: 4-0

Mayor Brownell reported that the NCRTD summer ridership had been larger than expected. He said that the NCRTD maintained good data on ridership. Chief Trujillo said that as a public safety matter, having public transportation had a positive influence on keeping fewer cars off of the road, and fewer cars in the river in the winter.

B. Consideration to Approve Resolution No. 2020-416 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Transfer Out from Lodgers Tax Fund (15) and to Increase the Transfer In to the General Fund (03)

The Village submitted its fiscal year 2019-20 budget in July 2019. Village staff made a request to the Council for additional funding from the Lodger's Tax fund to support tourist-related activities including: EMS staffing for peak weekend coverage, Enchanted Circle Trails Association work, snow removal, and snow melt system on the Plaza. On October 9, 2019 the Lodger's Tax Board met and discussed the request from the Village Administrator with the direction given from the Mayor and Council. After a review of available funds, the Lodger's Tax Board voted in favor of awarding an additional amount of \$80,000.00 in support of Village-funded tourist-related activities. The Board was not in favor of was fit based on the requested items. The Board stated that this support would be for FY2020 only and that should the Village request funding in subsequent years that it would have to reapply.

MOTION: To Approve Resolution No. 2020-416 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Transfer Out from Lodgers Tax Fund (15) and to Increase the Transfer In to the General Fund (03)

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

C. Consideration to Approve TSVI Request for Variance to the Revenue Collection Policy for Utility Charges at The Blake

Representatives of Taos Ski Valley, Inc. (TSVI) contacted Village staff about water/sewer charges at The Blake from June to August 2019. Staff informed TSVI of the necessary steps to take to obtain a credit for high water usage. TSVI staff pursued locating a source for the high water use and found a leak in the irrigation system. Village Staff proceeded with calculating a possible credit based on the Village's Revenue Collection Policy. A credit of \$7,235.77 plus tax was allowable under the policy. TSVI Staff asked if additional credit could be granted, in the attached email dated October 18, 2019. This action requires Council consideration as a variance to the policy. Mike Bower, Director of Facilities, wrote a letter explaining their findings, which was a blockage in an irrigation system valve. The landscaping goes to watering Sutton Place plantings, as well as the Riverwalk and some Edelweiss planting beds. Mr. Bower said that TSVI staff has since changed its processes in order to monitor these types of things more regularly. Some of these landscaping locations have been or will potentially soon be dedicated to the Village via the TIDD process.

MOTION: To Approve TSVI Request for Variance to the Revenue Collection Policy for Utility Charges at The Blake

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 3-0 (Councilor Stagg abstaining)

D. Consideration to Approve of Out of State Travel to St. Louis, MO for International Institute of Municipal Clerks Annual Conference and Training by Ann Wooldridge May 17-20, 2020

The 74th Annual International Institute of Municipal Clerks Annual Conference is taking place in St. Louis, MO this fiscal year in May 2020. The training which is available at this conference focuses specifically on the needs of Municipal Clerk professionals in conducting work for local governments. The list of training opportunities includes public meetings, parliamentary procedure, public records, elections, human resources, leadership, and more. The special classes and Athenian Dialogue programs provide credits towards obtaining Certified Municipal Clerk and Master Municipal Clerk designations. Clerk Wooldridge is working towards a Master Municipal Clerk certification. The travel expense was included in the original general fund travel budget estimate for FY2020. The registration for the conference will begin this fall so making plans in advance will be beneficial in savings of early registration, first-time discounts, and the availability of lodging at the lower conference-blocked room cost. Estimated expenses are an estimate total of \$2,130.

MOTION: To Approve of Out of State Travel to St. Louis, MO for International Institute of Municipal Clerks Annual Conference and Training by Ann Wooldridge May 17-20, 2020

Motion: Councilor Stagg

Second: Councilor Pattison

Passed: 4-0

12. MISCELLANEOUS

13. CLOSED SESSION

A. Discussion of Possible Litigation

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

B. Discussion of the Acquisition of Real Property

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (8)

MOTION: To go to Closed Executive Session

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

MOTION: To return to Open Session

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

No decisions or motions were made during closed session.

11. NEW BUSINESS

E. Direction to Create and Transact Legal Documents for Settlement of Threatened Legal Action by TSVI

MOTION: To Create and Transact Legal Documents for Settlement of Threatened Legal Action by TSVI for Parcel C and D

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

F. Direction to Create and Transact Legal Documents from the Village to Reduce the Risk of Legal Action

MOTION: To table this item

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

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

The next Regular Village Council Meeting will be held on Tuesday, December 10, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room.

15. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 4:40 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk