



Mayor Brownell responded that he and Administrator Avila would be meeting with Kit Carson on January 27, 2020. Mr. Fitzpatrick asked that they not only meet but also formulate an implementation plan.

**B.** Resident Sheila Duffy asked whether any progress had been made towards meeting with Susie Schwartz concerning the Resolution regarding health, safety, and regional contamination issues at Los Alamos National Laboratory. Mayor Brownell said that he had not had time to meet with her over the holidays.

## 6. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in December for October filings was \$146,106 compared to \$189,464 for last year. Year-to-date is \$187,107 versus \$663,893 for last year. The low number is a result of a lack of distribution in October, along with a withdrawal of GRT by NM Tax & Revenue for re-payment of funds which it determined should have gone to the TIDD.

The TIDD received GRT in December of \$228,217. Hold Harmless GRT for the month was \$28,259.

Lodger's tax collections in December for November were \$16,682 versus \$18,255 for last year. Fiscal year-to-date total is \$101,553 versus \$88,559 for last year.

Property tax collections for 2019 are down from previous year by \$61,000. Approximately \$1.6 million in the Village's State Treasurer's Office (STO) reserves has been drawn down because of the non-receipt of GRT in August and October. These STO amounts have been covering operations and capital project expenses, reported Director Grabowski.

## 7. COMMITTEE REPORTS

**A. Planning and Zoning Commission** –Commission Chair Wittman reported on the January 6, 2020 P&Z Commission meeting. Agenda items included:

- The Open Meetings Act Resolution, approved unanimously
- Consideration to recommend approval by Council of a public/private land exchange. The motion to approve was defeated by a vote of 1-5.
- An open workshop on the draft Firewise Ordinance
- A motion to recommend approval by Council of the Firewise Ordinance, which was defeated by a vote of 1-5. A motion to recommend that the Firewise document be adopted as a Village Resolution passed by a vote of 6-0. A Resolution has less force upon the Village's citizens, it was explained.

The next meeting of the P&Z Commission is scheduled for February 3, 2020 at the Edelweiss Lodge Club Room at 1:00 p.m. (**Note: This meeting was later cancelled. The public hearings continued from the November 4, 2019 P&Z meeting will be resumed at the April 6, 2020 P&Z Commission Meeting.**)

**B. Public Safety Committee** –Committee Chair Pattison reported that the Committee and the Firewise Board met on January 6, 2020.

The Committees continue discussions on their projects:

- Continued discussion of the Firewise Ordinance with input from the community on suggested changes, and a wrap-up of the document for presentation.
- Presentation by Taos County's Anthony Martinez regarding the Text Alert System. Besides sending messages to citizens who sign up for the alert service, the system also serves as a sort of Amber alert where messages are sent to anyone in the area of a danger. Councilor Pattison said that this Text Alert System would supplement the Village's siren plan.
- A protocol for incident command systems is needed in order to be reimbursed by FEMA in the case of an emergency.

The next meeting will take place on February 3, 2020 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 January 6, 2020.

Discussion was covered under the Public Safety Committee report.

The next meeting will take place on February 3, 2020 at 11:00 a.m. at the Inn at Taos Valley.

**D. Parks & Recreation Committee** – Committee Chair Katherine Kett announced that the Committee would be meeting the following week, on January 22, 2020 at 10:30 a.m. in the Edelweiss lobby. At this meeting, objectives would be set for the summer season. As construction work is being completed, the Committee is able to identify how Village Parks & Recreation Committee activities can be laid out. Committee Chair Kett said that the

recently donated Kachina Property Owners' land needed to be master planned. The Committee would very much welcome a representative from TSVI, she said. The Committee has been conducting ongoing meetings with Carl Colonius and the Enchanted Circle Trails Association.

**E. Lodger's Tax Advisory Board – No report**

**8. REGIONAL REPORTS**

Planning Director Nicholson said that the Regional Transportation Planning Association had met to prioritize and rank the grant applications of several regional and local transit providers. There is not an appointed member on the State Transportation Board from Northern New Mexico. The State Transportation Board allocates and authorizes expenditures on transportation and road improvement projects across New Mexico.

The Source Water Protection Committee had met and will meet again on February 20, 2020 for final discussion of the plan before presenting it to the P&Z Commission in March.

**9. MAYOR'S REPORT**

**A.** Consideration to Appoint a Representative to the Holy Cross Hospital Nominating Committee  
Councilor Kern volunteered to serve on the Holy Cross Hospital Nominating Committee.

**B.** Planning & Zoning Commission Appointment Applications

Mayor Brownell explained that three of the Commissioners' two-year terms were up for appointment. As occurred last year, the Mayor will take applications by interested parties for Planning & Zoning Commission member. All members of the Village Planning and Zoning Commission shall be residents of the Village and above the age of eighteen years. Applications should include a resume and may be submitted to the Village Clerk at [awooldridge@vvtsv.org](mailto:awooldridge@vvtsv.org), or by mail to P.O. Box 100, Taos Ski Valley, NM 87525, or in person at 7 Firehouse Road, Taos Ski Valley, NM. Application deadline is January 30, 2020.

**C.** Appointment of Representatives to the NPRTPO

**MOTION: To appoint Patrick Nicholson as the representative and Anthony Martinez and John Avila as alternates to the NPRTPO**

**Motion: Councilor Wittman**

**Second: Councilor Stagg**

**Passed: 4-0**

**10. 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.  
Administrator Avila reported on work in progress, which included continued work on the metal building to ensure venting is in place, maintaining the proper environment, beginning train 1 operation, completing door and window installation, and continued transition of operations from the temporary to the permanent plant, with the diffusor and membrane having been tested. Construction equipment will be demobilized as tasks are completed.  
Director Martinez reported that the temporary plant had performed very well, especially considering the cold temperatures. The process to analyze the difficulty that the membranes were having is still underway. Overall, the treatment process is a big improvement from the old plant.  
Mayor Brownell reminded everyone that installing this plant had been the largest construction project ever undertaken by the Village. The Mayor thanked Director Martinez for overseeing the installation and working through the changes. Mayor Brownell invited David Norden and Peter Talty from TSVI to tour the plant, as well as Village Councilors. Since the plant is still a construction site, group tours are not feasible, but single tours can be conducted by appointment.
- **Kachina Water Tank** – Planning for spring completion of the tank requires that the temporary pumping solution, including electrical and communication, be prepared. Planning is ongoing in these matters. The tank construction portion is substantially complete with tank tests and beam coating completed.  
Closing project funding documentation has been completed with the Water Trust Board but the Board will continue to monitor the project until completion.
- **Village Hall Complex** – The apartment portion of the project is being treated as an enterprise fund because of planned expenses and revenues. Work to repair the two-unit building started last week and then work will follow on

the other apartment units. This will allow for on-call EMS staffing housing during ski season. Paving has been completed. Work at the Village Complex in December is planned to include installing and testing the fiber.

- **Other Items:**

- The most recent proposed TIDD Infrastructure dedications will be presented to Council after all of the information has been accumulated and reviewed. Planning for Thunderbird and Ernie Blake Roads construction in 2020 is underway.
- Village of Taos Ski Valley has submitted its Excavation RFP to ECCOG for input and will post the request in January. The coordination was in response to the ECCOG Administrator's request. Joint trenching in the Village is desirable for gas and electric lines. There are possibilities of installing other utilities at the same time as trenching is done for conduit, such as installation of a new water line.
- Planning is underway with Kit Carson to place electric lines underground.

#### **Department Briefs**

- The December Public Safety report: Arrests (0), Residential Alarms (3), Business Alarms (2), Vehicle Alarm (0), Suspicious Persons/Vehicles (0), Citizen Assists (147), Embezzlement (0), Traffic Enforcement Hours (105), Traffic Stops (8), Traffic Hazard (2), Theft (2), Vehicle Theft (0), Larceny (1), Property Damage (0), Verbal Warnings (15), Written Warnings (5), Parking Citations (15), Written Citations (0), Assists to other Agencies (13), Foot Patrol Hours (58), Welfare Check (3), Animal calls (2), MVCs (2), B&E (0), Trespass Warnings (1), Found/Lost Property (0), Disorderly (0), Reckless Driver (1), Private Property Crash (3), 911 Hang Up (1), Trespassing (0), Battery or Assault (1), Domestic Calls (0), Narcotics Adult (0), Civil Stand-by (1), Shots Fired (0), Abandoned Vehicle (0), Fire Calls (4), Fire Alarms (4), EMS Calls (4), SAR Calls (0).
- Planning Director Nicholson reported that planning department staff and advisors continue to review and address items of concern about the proposal for the Resort at Taos Ski Valley. The preservation of open space and year-round access remain primary concerns, he said. The preliminary plat approval and rezoning request which were scheduled to be heard at the February 3, 2020 P&Z Commission meeting will now be postponed until the April 6, 2020 P&Z meeting. Other work continues on a Certificate of Compatibility application for residential development at 6 Porcupine Road, and a proposed private bridge construction in Amizette. Incremental progress is being made on development of the Gunsight Springs, on Twining Road improvements, the Village trail network, and the Village impact fee study.
- Building Official Bowden reported that he had spent most of his time working on the draft building code ordinance. No new permits were issued, and minor inspections had been conducted.
- Public Works Director Martinez reported that the treatment plant construction was causing extra work in order to remain in compliance but the Staff is working through the various issues as the plant gets tested and online. There were no water issues. Lots of gravel is being used as Staff works hard to keep the roads clear and safe.
- Clerk Wooldridge reported that the candidates certified for the March 3, 2020 Municipal Officer Election were Renato Frimm, Neal King, Roger Pattison, Tom Wittman, and Ben Cook. A candidates' forum is being organized; date and time will be announced.
- Attorney Baker reported that work continues on the Shopoff development agreements and on the TSVI settlement.

#### **11. OLD BUSINESS**

**A.** Consideration of Proposed Settlement Agreement Between VTSV and TSVI Regarding Parcels C and D (item to follow Closed Session)

#### **12. NEW BUSINESS**

**A.** Consideration to Adopt a Village Holiday Schedule

The Village's Personnel Policy, approved and adopted by Village Council Resolution 2017-332, identifies the legal holidays for employees of the Village of Taos Ski Valley. As the State of New Mexico has now updated the holiday formerly known as "Columbus Day" to Indigenous People's Day, staff would like to update the Village's holiday accordingly. In addition staff is requesting that the Mayor and Council add President's Day back as a holiday for Village employees.

<u>Holiday</u>	<u>Actual Holiday</u>	<u>Observed Holiday</u>
New Year's Day	Wednesday, January 1, 2020	Wednesday, January 1, 2020
Presidents' Day	Monday, February 17, 2020	Monday, February 17, 2020
Memorial Day	Monday, May 25, 2020	Monday, May 25, 2020
Independence Day	Friday, July 4, 2020	Friday, July 4, 2020
Labor Day	Monday, September 7, 2020	Monday, September 7, 2020
Columbus Day/Indigenous Peoples' Day	Monday, October 12, 2020	Monday, October 12, 2020
Veterans Day	Wednesday, November 11, 2020	Wednesday, November 11, 2020
Thanksgiving Day	Thursday, November 26, 2020	Thursday, November 26, 2020
Family Friday	Friday, November 27, 2020	Friday, November 27, 2020
Christmas Eve	Thursday, December 24, 2020	Thursday, December 24, 2020
Christmas	Friday, December 25, 2020	Friday, December 25, 2020
Personal Holiday to be used at the employee's discretion in lieu of MLK Day		

**MOTION: To Adopt the Village Holiday Schedule**

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

**B. Consideration to Approve Establishing a 2020 Budget Calendar for the Village of Taos Ski Valley**

The NM Department of Finance and Administration recommends that public entities follow a calendar schedule for preparing Annual Budgets and have provided a Budget Calendar template for adoption. The Village of Taos Ski Valley will benefit from a formalized Budget Calendar to provide information to the public and planning preparation for the Council, Administration and Staff.

**MOTION: To approve the 2020 Budget Calendar for the Village of Taos Ski Valley**

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

**C. Consideration to Approve Resolution No. 2020-420 A Resolution Concerning Governing Body Meetings and Public Notice Required**

Required annually by the State of New Mexico, this is the open meetings act that governs when and how meetings will be conducted..

**MOTION: To Approve Resolution No. 2020-420 A Resolution Concerning Governing Body Meetings and Public Notice Required**

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

Attorney Baker had considered recommending a change to the resolution language this year, but after further review, it was decided that the language was adequate. This will also suffice for other Village committees and commissions, she said.

**D. Consideration to Approve Resolution No. 2020-421 Requesting a Permanent Budget Adjustment(BAR) to the FY2020 Budget to Increase the Transfer Out from the General Reserve Fund (43) and to Increase the Transfer In to the Water Depreciation Fund (41) for Kachina Water Tank Expenses**

The Village submitted its fiscal year 2019-20 budget in July of 2019. Included in the FY2020 budget were revenues, expenses and transfers assumed to be sufficient to cover the construction of the Kachina Water Tank. The Water Trust Board Grant/Loan has been completely expended. As of December 2019 the budgeted transfer of \$210,000.00 from the general reserve fund has also been expended. Additionally there have been four (4) change orders totaling \$384,441.31 increasing the total cost of the RMCI portion of the project to \$2,506,185.56 according to the exhibits. To date this fiscal year, there have been no water/sewer system development fees and the water fund does not have sufficient revenues or fund balance to do a transfer to cover the increased expenses, reported Director Grabowski. As of December 31, 2019 the water depreciation fund has a negative fund balance of (\$134,184.40). Debt service transfers have already been made into the water depreciation fund from the water fund, so the requested amount should leave sufficient funds to cover the upcoming debt service payments.

Staff is requesting an increase in transfers from the general reserve fund to the water depreciation fund of \$170,000 to cover the current short falls. This BAR is required since the Village has a negative fund balance in fund 41, water depreciation. If the balance remained negative the 2nd quarter report would not be able to be submitted. Although additional shortfalls are anticipated, Staff is hopeful that a busy ski season will generate sufficient water revenues to cover them.

**MOTION: To Approve Resolution No. 2020-421 Requesting a Permanent Budget Adjustment(BAR) to the FY2020 Budget to Increase the Transfer Out from the General Reserve Fund (43) and to Increase the Transfer In to the Water Depreciation Fund (41) for Kachina Water Tank Expenses**

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

There was a question about transfers in to and out of the Water and Sewer Enterprise Funds. Director Grabowski said that she would speak with the auditors in response to these specific questions.

**E. Consideration to Approve a Professional Services Contract for First Responder Coverage to Provide Emergency Medical Technician (EMT) Services**

Administrator Avila said that the Village seeks to provide Emergency Medical Services, especially during the peak ski season days when the numbers of visitors are highest. Coverage overnight, weekends, holidays and during events has been the focus. The availability of certified EMTs has continued to dwindle and compensation for the services has been a reoccurring concern.

In the last year the Village has been able to provide lodging above on-call stipend and hourly response rates. Recently the stipend was increased from \$75 to \$100 for a 12-hour shift. However, the response for coverage has not been good, and an option for direct hourly pay for time on-shift, rather than the stipend, was brought forward as a preferred option by some EMTs. Offering an option for hourly pay allows for flexibility of shorter shift hours and at \$15/Hour, is an incentive for those interested in providing the service this season. The option to alternatively pay \$150 for a shift stipend is also provided for in the proposed contract.

Staff recommends approval of the contract with the option to pay \$15 hourly for on-call emergency coverage, or allow the higher shift stipend of \$150.

**MOTION: To Approve a Professional Services Contract for First Responder Coverage to Provide Emergency Medical Technician (EMT) Services with the changes as presented**

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

**F. Consideration to Approve Renewal of the Contract for Legal Counsel with Susan C. Baker, Esq.**

Administrator Avila said that in April 2018, the Village released an RFP to acquire new legal counsel when the former legal counsel gave notice that he would not be renewing his contract with the Village. Many RFP responses were received and a committee was formed to review them. After reviewing the applications and interviewing the applicants a contract was offered to Ms. Susan C. Baker Esq. The contract was for the period of December 31, 2018-December 31, 2019. The contract has now expired and staff requests that it be renewed.

**MOTION: To approve Renewal of the Contract for Legal Counsel with Susan C. Baker, Esq.**

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

**G. Consideration to Approve Renewal of the Contract with Stifel, Nicolaus & Company Inc., Public Finance, (formerly G.K.Baum)**

The Village of Taos Ski Valley entered into a contract with G.K. Baum financial advisors in January 2012 to provide financial services and analysis for the Village. The financial information provided assisted the Village in moving forward with several capital projects including the bonding for the waste water treatment plant and the purchase of the Taos Mountain Lodge. The contract was renewed in April 2016 and has now expired as of December 31, 2019. Recently G.K. Baum was acquired by Stifel, Nicolaus & Company Inc. out of Phoenix AZ. Brad Angst, the financial advisor who has been working with the Village for the past five years is working with Stifel also, and would continue on as our advisor. The contract would be renewed as of January 1, 2020 and would expire on December 31, 2020, with options to renew as stated in the procurement laws of the State of New Mexico.

Attorney Baker noted that the draft contract presented was not the final version. The final version would say that the contract was for five years, with an annual renewal, not that the contract was for five years.

**MOTION: To approve Renewal of the Contract with Stifel, Nicolaus & Company Inc., Public Finance, (formerly G.K.Baum) with the amendments as stated**

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

**H. Discussion and Direction to Pursue the Offer of NCRTD Extension of Bus Service during March 30 - April 12, 2020**  
After inquiries regarding transportation for the extended season and the World Pro Ski World Championships, NCRTD has provided an estimate of cost for the service to the Village. NCRTD requires advance confirmation in order to provide the additional service. NCRTD can provide routes for \$15,424 to \$16,764 depending on if a night service is included. The initial feedback shows that the preference is to plan for the most useful routes next year rather than provide the extended service this year. However, if the anticipated benefit of the extended bus routes is at least equal to the cost of the additional bus service, it may demonstrate the value of an increased service level, said Administrator Avila. Mayor Brownell said that the RTD explained it would be difficult for their organization to stop service on March 29, 2020, as stated in the contract, and then begin service again for the World Tour Event April 10-12, 2020. Mayor Brownell said that each NCRTD Board Member is allowed to request one free day of service, and he may request a day during the event. He will also inquire of the Town of Taos if they would consider putting in a request for a day at that time. Mayor Brownell said that TSVI told him transportation from the Core Village to the Kachina area would be more beneficial for the event than transportation from the Town of Taos.

**MOTION: To approve Pursuing the Offer of NCRTD Extension of Bus Service during March 30 - April 12, 2020**

**Motion: Councilor Stagg                      Second: Councilor Wittman      Failed: 1-3 (Councilors Kern, Pattison, and Stagg voting nay)**

**I. Introduction: Ordinance No. 2020-10 an Ordinance of the Village of Taos Ski Valley Adopting Building and Construction Codes**

The Village's Planning and Zoning Commission recommended that the precursor draft to this one be presented to the Council for introduction and consideration, explained Building Official Bowden. Attached to the draft ordinance is an explanatory document referencing the New Mexico, International, and Uniform Codes. Each of these families of codes will be adopted in part by the Village upon approval of the ordinance.

Staff recommends approval of this ordinance in its entirety after a second reading, said Building Official Bowden. This is a general adoption of the codes as amended by the State of New Mexico, and specific amendments for the Village are generally reserved for recommendation and discussion in the future. As this is a first reading of the ordinance, no action is needed at this time. A Public Hearing will be held at the Council meeting on February 11, 2020, when a vote will be requested.

The Mayor, Councilors, and members of the public are invited to direct inquiries regarding this adoption and the codes to the Building Official at the Village Office prior to that date.

**J. Discussion and Direction to Staff to Prepare a Firewise Resolution**

This item had been previously removed from the agenda.

### **13. MISCELLANEOUS**

**A.** Councilor Pattison asked about the cost of a possible bus stop in Amizette. Mayor Brownell said that he would ask the NCRTD.

**B.** Councilor Pattison inquired about the process for developing ordinances, since the Firewise Board had drafted the ordinance and had expected that it would be presented to the Council. Councilor Pattison explained that the Public Safety Committee's recommendations had been made, and that it had been expected that the Council would consider the ordinance and take comments.

**C.** Councilor Kern asked if the Village would soon run out of places to store snow. He suggested that in the not-too distant future the Village should consider an overall plan for snow storage and removal. This might include acquiring more land, but such a plan could also include improved capabilities such as snow-melt equipment. Public Works Director Martinez said that for this winter, the snow pack had begun to melt since the last big storm so that Staff had been able to condense the piles of snow, as well as to add more snow to existing storage locations, such as the Sutton Place retention pond and the Pattison land on Bull of the Woods Trail. In addition, the Village had been able to haul snow to the parking lot below the Treatment Plant along with TSVI.

**D.** Homeowner Richard Duffy thanked Public Works staff including Director Martinez, Olaf Mingo, and Kevin Cisneros, as well as Officer Vigil for helping with shutting the water off at their house when a frozen water line burst recently.

### **14. 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)

**MOTION: To go to Closed Executive Session**

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

**MOTION: To return to Open Session**

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

No decisions or motions were made during closed session.

**MOTION: Motion to approve the redlined version of the Proposed Settlement Agreement Between VTSV and TSVI Regarding Parcels C and D, except for clarification of certain sections as follows:**

**1.1 Credits are for water and sewer system development fees**

**1.2 The \$75,000 can only be used for water and sewer system development fees but can be used offsite after Parcel C**

**1.3 is deleted**

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

Attorney Baker asked that the motion be amended to add that Staff is directed to produce a will serve letter to TSVI for the Parcel C development, including an explanation of any prerequisites needed to acquire Village water and sewer service.

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

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

The next Village Council Meeting will be a Regular meeting on Tuesday, February 11, 2020 at 2:00 p.m. at the Edelweiss Lodge Club Room.

**16. ADJOURNMENT**

**MOTION: To Adjourn**

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

The meeting adjourned at 4:30 p.m.

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

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