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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
VIA ZOOM TELE CONFERENCE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, JUNE 9, 2020 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. 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 Neal King
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator John Avila
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Building Official Jalmar Bowden
Public Works Director Anthony Martinez
Police Chief Sam Trujillo
Planning Director Patrick Nicholson
Village Attorney Susan Baker

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

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

4. APPROVAL OF THE MINUTES OF THE MAY 5, 2020 VILLAGE COUNCIL SPECIAL MEETING, the MAY 12, 2020 REGULAR COUNCIL MEETING, and the MAY 15, 2020 SPECIAL COUNCIL MEETING

MOTION: To approve the three sets of minutes

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

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

A. TSVI CEO David Norden addressed the Council saying that the philosophy for opening facilities to the public is to be methodical, conservative, and phased. TSVI's plans include opening Taos Sports and bike rentals on June 17, 2020, open The Blake, the Bavarian, and Lift #4 scenic chairlift rides on July 1, 2020, open the mountain biking flow track and Rhoda's outdoor seating on July 15, 2020, and to open the Via Ferrata climbing on July 29, 2020.

B. TSV Chamber of Commerce Director Courtney Tucker said that the Chamber is working with member businesses to reopen and support with CSP practices and supplies. After assisting with getting businesses open, they will move efforts to marketing the area in July and August to driving-distance markets. The Chamber is working with TSVI to support the visitor experience in terms of restrooms, water, and signage. The Chamber is concerned about the Stray Dog potentially closing.

C. Homeowner Mike Fitzpatrick spoke about a plan for undergrounding electric lines, especially in Amizette. He asked for an update on the Village Complex property and for an accounting of Kit Carson franchise fee expenditures. He asked about a potential trail in Amizette.

6. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the P&Z Commission met on June 1, 2020. Agenda items included a resolution to adopt the Source Water Protection Plan as part of the Village’s Comprehensive Plan, and consideration to recommend to Council adoption of draft ordinance 2020-44 Wildland Interface Ordinance. The Source Water Protection Plan was approved 6-1, and the ordinance recommendation failed 0-7.

The next meeting of the P&Z Commission is scheduled for July 13, 2020 via Zoom.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee met via Zoom and discussed the draft Wildland Interface Ordinance. The Committee recommended adding some of the language that had been in the previously considered Fire Protection Ordinance. The next meeting will take place on July 6, 2020 at 10:00 a.m. via Zoom.

C. Firewise Community Board of Directors – Committee Chair Pattison said that the meeting had been combined with the Public Safety Committee. The next meeting will take place on July 6, 2020 at 11:00 a.m. via Zoom.

D. Parks & Recreation Committee – There was no report.
The next meeting has not been scheduled.

E. Lodger’s Tax Advisory Board – There was no report.
The next meeting has not been scheduled.

7. REGIONAL REPORTS

Planning Director Nicholson said that there had not been any meetings.

8. MAYOR’S REPORT

A. Consideration to Approve the Appointment of a Lodgers Tax Board Member

MOTION: To approve the appointment of Brent Knox as the new Lodgers Tax Board member

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

Mayor Brownell reported that progress is being made with Kit Carson Electric and with NM Gas to get information and plans for getting property owners connected.

9. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **WWTP** – Site review is planned with USDA for final completion the week of June 18th. There is a punch list of items to finish.
- **Kachina Water Tank** – The tank construction portion is substantially complete. Remaining for final completion are the final sealant, back fill, revegetation, and connection of the mechanical equipment, as well as the temporary pumping station.
- **Village Hall Complex** – Improvements for Public Safety Department use of the property have been impeded because of various concerns, including parking. Much of the effort and investment on the property has been for site improvements of retaining walls, driveway, and parking. Utility installation and some building remodeling was also completed. The temporary ambulance garage will now be placed next to the Village Office, instead of at the Village Complex property.
- **Underground electric-** The award for excavation services for facility undergrounding will take place at the July Council meeting, after which the plan to underground electricity along Highway 150 in Amizette will be able to start. Kit Carson has begun surveying and two permits for excavation are being processed with NMDOT. One permit is for road crossings and the other is for running underground lines along the highway. The preliminary route for installation has been planned with KCEC in anticipation of the next steps. An information and interest survey was provided to Amizette owners with samples of utility request forms and some have participated in conversation

with the Village. The owner participation in connecting their properties is important as the rate payers in the Village are paying for service of two lines (overhead and underground) until 100% connection to the underground line allows the de-energization of the overhead line in a neighborhood.

Once the underground service is available near a property, the five steps to connecting underground are: The owner to engage a contract electrician for work on their property, then together contact KCEC with the meter number and request an upgrade to an underground service, KCEC and the electrician will contact the Village for underground permitting and start credit request for public ROW work. Then proceed with underground work and connect to the underground service, make the credit application for the portion of work done in the public ROW. If the property is undeveloped the request is for a new service.

The Village is planning to fund the public portion of the project in coordination with Kit Carson Electric for installation of facilities. The Village intends to contract the required trenching by using Franchise Fee proceeds.

Also anticipated is providing a credit program for the portion of owner costs in the public Right of Way.

Department Briefs

- Finance Director Grabowski reported that GRT remitted to the Village in May for March filings was \$264,594 compared to \$319,694 for last year. Year-to-date is \$1,615,830 versus \$2,119,224 for last year. The TIDD did not receive a distribution in May. Hold Harmless GRT for the month was \$25,126. Lodger's tax collections in May for April were \$472.24 versus \$12,426 for last year. Fiscal year-to-date total is \$493,671 versus \$519,280 for last year.
It would be necessary to collect \$60,000 in property tax collections in June to meet the FY20 Budget. The interim budget was submitted to DFA with all required supplemental documents. The TIDD budget was also submitted and has been approved. Fiscal year-end processes are starting and will continue through July. A special Council meeting will be held at the end of July for 4th quarter and final budget approval.
The GRT tax rate in the Village has increased due to changes from Taos County. The new tax rate beginning July 1, 2020 is 9.4375%.
- The May Public Safety report was in the Council packet and is posted on the web site with the Council items.
- Chief Molina said that there had been 8 fire calls, 7 of which were for campfires, and 1 EMS call.
- Building Official Bowden reported on his permit activity which is in his report with the Council packet. An RFP for roof repair to the existing WWTP will be issued soon.
- Planning Director Nicholson submitted his written report which noted that the Twining Road Improvement Project contract approval will be at the July Council meeting. The SWPP was adopted at the June P&Z meeting. Discussion continues for the Resort at TSV project. Work is continuing for the Gunsite Springs Development Project and the Thunderbird Road/EB Road project is underway.
- Public Works Director Martinez submitted his written report noting that there were no issues in water to report but some exceedances in wastewater as the new treatment plant gets sorted out. Dust control applications should begin in June.

10. OLD BUSINESS

A. Review and Discussion of Resolution No. 2020-428, Declaration of an Emergency for COVID-19 Pandemic Administrator

Staff recommends continuation of the emergency status and authority provided in Resolution No. 2020-428 for COVID-19 emergency declaration.

MOTION: To continue the emergency status and authority provided in Resolution No. 2020-428 for COVID-19 emergency declaration.

Motion: Councilor Kern

Second: Councilor Wittman

Passed: 4-0

B. Discussion and Direction for updating the Village Wildland Interface Ordinance

Building Inspector Bowden explained the advantages of updating the Village's Wildland Interface Code, which can be administered with the issuance of building permits but can also be used to address existing premises and structures. Advantages of this Ordinance include: reduction of wildfire risk to homes and businesses, progressive reduction of neglected properties as owners are encouraged to participate, improved community appearance as properties are mitigated, increased knowledge of local fire-resistant vegetation that can be encouraged, healthier forest canopy for the Village and surrounding properties, and encouraging local economic activity and responsible use of firewood resources. It was decided that Inspector Bowden would continue participation with the Firewise Committee and interested Village residents to examine, amend and modify Ordinance prior to returning to Council.

11. NEW BUSINESS

A. Consideration to Approve a Donation Agreement for Pattison Lands

Roger Pattison, as a representative of the Pattison Trust, has presented a Donation Agreement related to donation of several parcels to the Village. Attorney Baker said that once the agreement is approved, the Village will acquire title work and conduct any necessary due diligence related to acceptance of the property. As part of this due diligence, the Village may wish to understand the extent to which the property was used for historic mining or mine exploration, or whether soils studies have previously been done on the property to identify any potential mine waste. Staff should also discuss any drainage issues before acceptance of the donation. Discussion followed on some concerns about liability to the Village.

MOTION: To Approve the agreement subject to Mayor and Attorney review. When appropriate, the land donation will be approved by Resolution or Ordinance at a future Council meeting.

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

B. Consideration to Approve Resolution No. 2020-435 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Transfer Out from the Lodger’s Tax Fund (15) and Increase the Transfer in to the General Fund (03) for Administrative Fees based on Revenue Collections for FY2020

The FY20 budget included a \$40,000 corresponding transfer to the Village General Fund for the 10% administrative fees based on the budgeted revenue. The 10% administrative fee is allowed by the State of New Mexico Lodger’s tax statute: 2.105.2.11. “administrative costs shall not exceed ten percent of the total revenue prior to allocation between promotional and non-promotional fund.”

As of May 31, 2020, the Lodger’s Tax revenues for FY2020 have exceeded the budgeted revenues for a total of \$493,671. Staff is requesting an additional budgeted transfer amount of up to \$10,000 depending on final lodger’s tax revenue for the fiscal year.

MOTION: To Approve Resolution No. 2020-435 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Transfer Out from the Lodger’s Tax Fund (15) and Increase the Transfer in to the General Fund (03) for Administrative Fees based on Revenue Collections for FY2020

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

C. Consideration to Approve Resolution No. 2020-436 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer Out from the General Fund (03) to the Village Apartments Enterprise Fund (70) to Cover Deficits from Startup and Maintenance Expenses

A basic budget was created as a placeholder and submitted with the fiscal 2020 budget, establishing the new Village Apartments Enterprise Fund (70). \$5,300 in rental revenue has been collected through May 31, 2020, but expenses exceeded rental revenues, leaving a negative balance of (\$3,500) in the Village Apartment Enterprise Fund 70. Staff is requesting a transfer BAR for \$6,000 from the General Fund to the Village Apartments Enterprise Fund, since there will be additional expenses incurred and paid prior to the end of the fiscal year. Only the amount needed to have a positive ending fund balance will be transferred. For the FY2021 budget, a transfer was including in anticipation of any deficits for the new fiscal year.

MOTION: To Approve Resolution No. 2020-436 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer Out from the General Fund (03) to the Village Apartments Enterprise Fund (70) to Cover Deficits from Startup and Maintenance Expenses

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

12. MISCELLANEOUS

A. Councilor King asked about the Village hiring a project manager to coordinate moving forward with the undergrounding of electric lines and connections in the Village. Discussion took place about the expense of such a contractor.

13. CLOSED SESSION

A. Discussion of Limited Personnel Matters

This matter may be discussed in closed session under Open Meetings Act exemption 0-15-1(H) (2)

MOTION: To go to Closed Executive Session

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

MOTION: To return to Open Session

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

No decisions or motions were made during closed session.

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

The next Regular Village Council Meeting will be on Tuesday, July 14, 2020 at 2:00 p.m. via Zoom. (A Council Emergency Meeting took place on Thursday, July 2, 2020 at 2:00 p.m. via Zoom.

15. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

The meeting adjourned at 5:00 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk