



Village of Taos Ski Valley
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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
VIA ZOOM TELE CONFERENCE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, SEPTEMBER 28, 2021 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 role and a quorum was present.

Governing body present:

Mayor Christof Brownell
Councilor Jeff Kern
Councilor Neal King
Councilor Chris Staggs
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 Kern Passed: 4-0

4. APPROVAL OF THE MINUTES OF THE AUGUST 24, 2021 VILLAGE COUNCIL REGULAR MEETING and the SEPTEMBER 9, 2021 VILLAGE COUNCIL SPECIAL MEETING

MOTION: To approve both minutes as presented

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

5. PRESENTATION BY TSVI ON A PROPOSED VILLAGE FIRE STATION FACILITY ON FIREHOUSE ROAD

TSVI's Peter Talty explained that TSVI purchased the 20-acre parcel adjacent to the existing Village Firehouse. They would like to assist in arranging for an updated Firehouse for the community on a 4/10 acre subdivision out of the 20 acres then deed it to a proposed Firehouse Development LLC. The two tenants in the new building would be TSVI and the Village Fire Department. At substantial completion, the LLC would deed the two parts to the two parties in a condominium-type ownership with a warranty deed. Mr. Talty said that he had spoken with the NM State Fire Marshall regarding a possible lease agreement or lease-purchase agreement with the Village. The building would provide three bays for three fire trucks and some other office space, all meeting NFPA specifications. The second story of the building would provide office space for TSVI, specifically for marketing, sales, and accounting. Access to the upper level would be separate and each floor would be independently secure.

The design of the proposed building would have a mining tradition in look, with stucco on the bottom and board and batten on the top. Mr. Talty explained that the Gondolita has provided for better pedestrian flow throughout the Village Core, and that there will be multiple access points to the Village Core two plazas. He said that he is waiting to hear back from the State Fire Marshall on whether this arrangement would meet the State requirements for fee interest for the parties and be eligible for receiving Fire Marshall funds.

If everything were to proceed as planned, a new location for a Village Contract Postal Unit would be in the building plan at the end of the building on the lower floor, with parking and accessibility.

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

A. Homeowner Mike Fitzpatrick read a letter that he had submitted to the Mayor and Council, noting that the Water and Sewer Enterprise funds needed to be self-sustaining and not funded through the General Fund.

B. TSVI Chaz Rockey reported that he had submitted the final set of documents on the Strawberry Hill project, addressing the Village's questions. The infrastructure projects proposed for TIDD dedication are not only the Strawberry Hill utility upgrades, but also river restoration and landscaping, telecom and electrical upgrades, and Gondolita landing improvements, totaling \$3.8 million in improvements. Mr. Rockey reported that \$34 million had been spent by the developer to date on public infrastructure which included the Highway 150 lines for natural gas and telecom, the Core Village water/sewer, electrical and telecom upgrades, as well as new storm drainage. Other projects were the redesign and reconstruction of Sutton Place, Ernie Blake Road, Thunderbird Road, and associated river crossings. Additionally, planning tools have been funded such as the Village water supply study and the design for new Village entry road improvements. He explained that the risk in funding these improvements falls to the developer as there's no guarantee of repayment.

C. TSVI John Kelly reported that the forest thinning efforts have gone well and that they are now working with the US Forest Service on planned burns. TSVI's Alex Mittendorf will be taking the lead on the burn permit, the NMED smoke permit, and arranging for coordination of burning on public lands. He will work with the lead person from the US Forest Service for safe burning of the slash piles, which are located on steep terrain, in October-November.

D. Business owner Andrea Heckman urged the Council to make retaining a post office service such as Box Canyon a very high priority as it is a serious issue, she said.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission met on September 13, 2021. Agenda items included a Variance request for setback for a carport at 3 Phoenix Switchback which was approved, an application for Conditional Use for a Restaurant at the Brownell Chalet, which was approved, and consideration to recommend to Council Ordinance 2022-30 amending the Zoning Ordinance to add Cannabis Overlay Zones in the commercial lots in Amizette and in some parts of the Village Core. This was approved 6-1.

The next P&Z meeting is scheduled for October 4, 2021.

B. Public Safety Committee – Chairman Neal King reported on activity at the Public Safety and Firewise Board meetings. Chairman King said that the potential pay to be offered to part-time staff will not be high enough for EMT personnel so they are recommending hiring Fire Department members to then get trained in EMS. Cross-trained firefighters are necessary anyways, he said. There seems to be a disconnect between TSVI ski patrol and the Village Fire/EMS department, he said. Quigley said that the cost for 24/7 coverage would be \$625,000. Hiring staff for busy weekends only has not proved to be successful.

Next meetings will take place on October 4, 2021.

C. Firewise Community Board of Directors -see above

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that a fall appreciation event is being planned at Hiker Parking, that the Disc Golf course would be up until October 10, 2021, and that the Hiker Parking bathrooms would be completed this fall using the grant funds received.

E. Lodger's Tax Advisory Board – no report

F. Capital Infrastructure Advisory Committee – Chairman Ben Cook reported that the Committee is in a holding pattern waiting to see what happens with the first steps of the Development Impact Fee process.

8. REGIONAL REPORTS

There were no reports.

9. MAYOR’S REPORT

Mayor Brownell said that he had told Taos County Commissioner Candyce O’Donnell that the Village would continue to work on supporting a recycling program.

10. STAFF REPORTS

Staff reports were included in the Council packet and were posted to the Village web site. Administrator Avila highlighted parts of his report. He noted that when the Kit Carson meter is provided at a property line, the homeowner is required to connect. A Council discussion will take place before enforcement action takes place. Successful meetings took place with both Taos Pueblo and the Taos Valley Acequia Association on presentations of the Village’s Public Works facilities.

TSVI’s Chaz Rockey requested additional information in the Financial Report, such as noting the amount of Cash and Reserves, as well as showing year-to-date activity versus the budget.

Clerk Wooldridge reported that the Taos County Clerk would be running the November 2, 2021 Local Election when two TIDD Board Member positions are up for election. Early voting will take place at the Taos County Complex and absentee ballots can be requested through NMVOTE.ORG. Voting on November 2, 2021 will be held at the Inn at Taos Valley, 1314 A Highway 150, in the Village of Taos Ski Valley.

11. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve Amended and Restated Resolution No. 2021-469 Adopting the 2021 Development Impact Fee Land Use Assumptions

Administrator Avila and Planning Director Nicholson explained that the Village of Taos Ski Valley has been working on updating development impact fees and related water and sewer system development fees, through adoption of an amended development impact fees ordinance. The Village adopted Updated Land Use Assumption on March 23, 2021. On-going review and analysis since adoption suggest modest adjustments to the LUA would be beneficial.

The Village’s actions are regulated by the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* (the Act), which establishes specific procedures for municipalities and counties to impose development impact fees. As part of the required update to the Village’s development impact fees, Council adoption of Land Use Assumptions are a necessary prerequisite for future adoption of revised development impact fees and related ordinances under the Act. The Land Use Assumptions will partially serve as the basis for projecting the demand for capital improvements or facility expansions that will be needed to serve anticipated future growth in the Village during a ten-year period, and provide an understanding of probable population, job growth, and projected land uses.

As directed by the Act, the Village Council recently established Capital Improvement Advisory Committee (CIAC) has reviewed the Land Use Assumptions at public meetings on December 10, 2020, January 20, 2021, February 10, 2021, and subsequent meetings, and recommends their approval.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. No one spoke in favor of the Resolution adopting Land Use Assumptions. Speaking against were TSVI Peter Talty who asked whether the numbers were hypothetical, because they didn’t match up. He said that numbers regarding number of units should be coordinated with the Water Master Plan Study.

Also speaking against were Mike McNamara, representing Santuario Diaz, owner of the open parcel next to the Sierra del Sol, who said that projects might not be built if the impact fees were too high. He thought that developers would design higher density projects as they would be disincentivized to design more impactful development. Homeowner Kathy Bennett spoke against, saying that the numbers in the exhibit didn’t make sense. TSVI Chaz Rockey spoke against, saying that the overall process was out of sequence since the Village’s Plan of Finance is still being developed. He said that existing credits and agreements had not yet been addressed.

Mayor Brownell closed the Public Hearing.

MOTION: To Approve Amended and Restated Resolution No. 2021-469 Adopting the 2021 Development Impact Fee Land Use Assumptions

Motion: Councilor Wittman Second: Councilor King, with the amendment that the wording in the Resolution be “accepting as complete” the CIAC Land Use Assumption recommendations

AMENDED MOTION:

Councilor Wittman reworded his motion. Second: Councilor King

Discussion took place. Director Nicholson explained that the service area is the Village boundary, except when water and sewer fees are being addressed. Attorney Baker explained that to accept as is would be suitable and that Council could revisit this later if an amendment was needed.

Mayor Brownell called for a vote. Passed: 4-0

B. Consideration to Approve Allowing the Taos Post Office to move the Installation of Mailboxes from NM 150 Mile Marker 7 outside the Village boundary to the Village Complex Property Parking Lot at 1346 NM 150

Administrator Avila explained that the Taos US Postal Office recently contacted Mayor Brownell to advise that Post Office cluster mailboxes had been permitted by the NM Department of Transportation and that the Taos Post Office is ready to install those boxes at Mile Marker 7 NM 150, the old Cattle Guard. The Taos Postmaster gave October as the time frame for address change notification from the USPS to PO Box holders of the requirement to use a home address and get delivery at NM 150 Mile Marker 7 cluster boxes. The Village could allow the USPO to install the boxes at the Village Complex, 1346 NM 150, within the Village.

Administrator Avila noted that it was understood that negotiation for a Post Office site was in the works between TSVI and the Denver Region Leasing Agent, but that termination of the contract with Mario Vigil stopped chances of having the current Contract Postal Unit (CPU), Box Canyon, moved to another site. The termination of CPU service is pending for the end of the year. Without the CPU agreement, the PO Box addresses will change to home addresses, with delivery planned at a set of cluster boxes, according to the Post Office.

Offering to house the CPU in a Village structure won't be considered now because there is no CPU agreement currently in place. According to the Taos Postmaster, a CPU agreement can be considered later, but the PO Box addresses are still going to be changed at this point, he said. Staff recommends that Council approve installation of the mailboxes at 1346 NM 150 Village Complex parking lot so as to avoid placement at NM 150 Mile Marker 7, and to allow the Village Administration to be part of negotiation with the USPS to reestablish a Contract Postal Unit agreement for service in the Village of Taos Ski Valley.

MOTION: To approve Allowing the Taos Post Office to move the Installation of Mailboxes from NM 150 Mile Marker 7 outside the Village boundary to the Village Complex Property Parking Lot at 1346 NM 150, but to put pressure on the Post Office to obtain a CPU in a convenient location in the Village Core

Motion: Councilor Kern

AMENDED MOTION: To approve Allowing the Taos Post Office to move the Installation of Mailboxes from NM 150 Mile Marker 7 outside the Village boundary to the Village Complex Property Parking Lot at 1346 NM 150

Motion: Councilor Kern Second: Councilor King

Much discussion followed. All parties agreed that the Post Office decision had been a complete surprise, with no warning. Lots of varying information has been communicated by Post Office representatives.

Mayor Brownell called for a vote. Passed: 4-0.

12. NEW BUSINESS

A. Consideration to Approve Resolution No. 2022-485 Requesting a Permanent Budget Adjustment to the FY2022 Budget (BAR) Acknowledging the Proceeds from the NMFA Loan and Corresponding Expense to the Fire Protection Fund (18) for Purchase of New Fire Equipment and including the Initial NMFA Interest-only Loan Payment into the Budget

Director Grabowski explained that since the NMFA loan for fire equipment had been scheduled to close on July 30, 2021, and the numbers were not finalized at the time of the budget submission, this loan was not included in the original FY2022 budget. The loan has closed, and the changes as presented will be made to the FY2022 budget.

MOTION: To approve Resolution No. 2022-485 Requesting a Permanent Budget Adjustment to the FY2022 Budget (BAR) Acknowledging the Proceeds from the NMFA Loan and Corresponding Expense to the Fire Protection Fund (18) for Purchase of New Fire Equipment and including the Initial NMFA Interest-only Loan Payment into the Budget

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

B. Consideration to Approve Resolution No. 2022-487 for NMDOT Agreement and Assign Designee to Sign Agreement for Project ID F3066 NMDOT C5213066 to Acquire Rights of Way and to Design and Improve Twining Road

Administrator Avila explained the Village of Taos Ski Valley had applied for and had received Capital Outlay funding for planning. The funding agreement for \$100,000 requires Council authorization for the Mayor to sign and to name the designated individual, the Village Administrator, to sign the agreement documentation.

MOTION: To approve Resolution No. 2022-487 for NMDOT Agreement and Assign Designee to Sign Agreement for Project ID F3066 NMDOT C5213066 to Acquire Rights of Way and to Design and Improve Twining Road
Motion: Councilor Wittman Second: Councilor King

Administrator Avila explained that the action being considered today is to approve the agreement; other actions would need to occur before acquiring rights-of-way. This agreement is solely for design funding.

Mayor Brownell called for a vote. Passed: 4-0

C. Consideration to Approve Resolution No. 2022-488 Requesting a Permanent Budget Adjustment to the FY2022 Budget (BAR) to Increase Salary and Benefits Expense in the EMS (09) Fund and Increase the Transfer from the General Fund (03) while Increasing the Transfer into EMS to cover the Additional Expenses

Director Grabowski explained that the salary expense for in EMS in the budget was originally based on 3 part-time employees at 18 hours per week with no benefits. Continued discussion by the Fire/EMS, the Village Safety Committee, and Council have driven the estimated expenses up based on additional staffing hours which would then require PERA benefits, insurance, and additional taxes, for the Fire Chief and two additional staff. This budget adjustment includes the various additional items being funded by a transfer from the General Fund.

MOTION: To Approve Resolution No. 2022-488 Requesting a Permanent Budget Adjustment to the FY2022 Budget (BAR) to Increase Salary and Benefits Expense in the EMS (09) Fund and Increase the Transfer from the General Fund (03) while Increasing the Transfer into EMS to cover the Additional Expenses

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

D. Introduction: Ordinance No. 2022-30 Amending Village Zoning Ordinance No. 17-30 to Include Provisions Regarding Cannabis Establishments and Uses and Amending the Village’s Official Zoning Map to Create a Cannabis Overlay Zone

Attorney Baker explained the proposed ordinance amendments create zoning regulations regarding the use, sale, production, manufacturing, and cultivation of cannabis. According to the New Mexico Cannabis Regulation Act (“the Act”), the Village has the authority to regulate the “time, place and manner” of cannabis uses within the Village limits. Village staff proposed, and the Planning & Zoning Commission endorsed, creating a “Cannabis Overlay Zone” where certain retail establishments would be allowed as a permissive use. The Cannabis Overlay Zone is defined in the proposed amendments to the Zoning regulations, Ordinance No. 17-30, Section 17. Creation of this Zone also requires amendment to the original Zoning Map adopted in Ordinance No. 17-30, Section 10.

Council packets include overlay maps defining the proposed Cannabis Overlay District, with options for retail uses in Amizette commercial areas and portions of the Village Core. Because the Village Core Zone in Ordinance No. 17-30 currently requires that all commercial and retail uses receive a conditional use permit, the same would be true for a cannabis establishment. The current proposals allow for retail cannabis establishments as a permissive use in the C-B Commercial /Business Zone. Consumption areas are not allowed in any zone. The New Mexico Cannabis Act allows for local governments to ban consumption areas, but not cannabis establishments in general. In addition, consumption areas require a separate State license.

Cannabis establishments for manufacturing, production, or cultivation are not allowed in the C-B Commercial /Business Zone or Core in the proposed Ordinance. In addition, no cannabis establishments are allowed in the Residential Zone or as a Home Occupation. They are proposed to be allowed for cultivation in the Farming & Recreation Zone, and for cultivation, manufacturing, and production in the Industrial Zone, but only as a conditional use due to their potential impact on surrounding neighbors.

Attorney Baker said that Council should consider the proposed Ordinance and Zoning Map Amendment as a first reading. Staff recommends passing a motion to publish and post the Ordinance before the second reading, with any changes or conditions deemed necessary by Council.

MOTION: To Publish and Post proposed Ordinance No. 2022-30 Amending Village Zoning Ordinance No. 17-30 to Include Provisions Regarding Cannabis Establishments and Uses and Amending the Village’s Official Zoning Map to Create a Cannabis Overlay Zone

Motion: Councilor Wittman Second: Councilor King

Discussion took place on various aspects of the proposed Cannabis Overlay Zone.

Mayor Brownell called for a vote. Passed: 4-0

A Public Hearing will be held at the next Council meeting after which consideration to approve the Ordinance will take place

E. Discussion and Direction to Create a future Budget Adjustment Resolution to Fund \$30,000 for a Village Document Management System and the Professional Services that are required to implement the System for the Village of Taos Ski Valley

The Village Office of the Clerk has previously requested funding for a Village document management system to allow better access to records, and the ability to house documents for public access. As the Village web site cannot make the volume of information available without a system to digitize, store, and make accessible public documents, the need to pursue a document management system is of increasing priority.

\$30,000 is a base line estimate for a document management system. Further investigation of the current costs for system procurement and implementation is ongoing. Defining the immediate requirements for the system allows planning for obtaining the best technical product and the steps needed for supporting the transition to the system.

The specifications for a document management system may include but are not limited to: Codification of Village Legislation, Records Policy such as document posting requirements, open meeting act requirements, classification procedures, retention schedule requirements, as well as digitization capability with PDF searchable text, volume scanning, file conversion, and the like. Other items to consider would be cloud storage, technical support, and onsite support to convert hard copy documents.

MOTION: To approve creating a future Budget Adjustment Resolution to Fund \$30,000 for a Village Document Management System and the Professional Services that are required to implement the System for the Village of Taos Ski Valley

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

Research will be conducted on available systems and prices.

F. Discussion and Direction to Create a future Budget Adjustment Resolution to fund \$1,000 of Gap Funding to participate in an Agreement between Enchanted Circle Entities to Continue Operation of the Taos Recycling Center through January 2022

Officials in Taos County have continued discussion with elected officials of the Town of Taos about continuing service at the Recycling Center in the Town of Taos. Reportedly County Officials plan on submitting a plan to the Town of Taos to hopefully have the Town reconsider and re-open the Recycling Center with gap funding assistance from several private entities and other contributing agencies. The gap funding would keep the Taos Recycling Center open while a more permanent funding arrangement can be arranged.

The Village contribution of \$1,000 to the gap funding would be contingent on all other participants in the agreement also committing to contributing to the funding agreement.

MOTION: To approve creating a future Budget Adjustment Resolution to Fund \$1,000 of Gap Funding to participate in an Agreement between Enchanted Circle Entities to Continue Operation of the Taos Recycling Center through January 2022

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

13. MISCELLANEOUS

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

The next meeting of the Village Council will be the Regular Meeting scheduled for October 26, 2021 at 2:00 p.m. via Zoom. (Note: A Special Council meeting was later added for October 12, 2021)

15. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 5:15 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk