



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, OCTOBER 26, 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 roll 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
Fire Chief Roberto Molina
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 SEPTEMBER 28, 2021 VILLAGE COUNCIL REGULAR MEETING and the OCTOBER 12, 2021 VILLAGE COUNCIL SPECIAL MEETING

MOTION: To approve both minutes as presented

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

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

A. Homeowner Mike Fitzpatrick asked about the status of the undergrounding of electric lines in Amizette and wondered if the project had stalled.

B. VTSV Taos Chamber Director Courtney Tucker invited the community to attend the Chamber meeting on Wednesday, November 10, 2021 at 5:00 p.m. via Zoom. She offered sanitizing supplies to members during the upcoming ski season if needed. The Chamber will be providing “meet and greet” staff on The Blake Plaza during the winter season.

6. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission met on October 4, 2021. A Public Hearing was conducted on whether the Commission should recommend to Council

approval of an Amended Ordinance 2022-30 to include a zoning change from Special Use to Residential for Bull of the Woods lots B & C, at the end of Snowshoe Road. The amended ordinance was recommended for Council consideration by a vote of 5-0.

The next P&Z meeting is scheduled for November 1, 2021.

B. Public Safety Committee – Chairman Neal King reported on activity at the Public Safety and Firewise Board meetings from October 4, 2021. Chairman King said a potential Firewise Resolution is still being considered as well as discussion of a monitoring method for all properties. Amizette electrical undergrounding details were discussed, as well as the new hires in the Fire/EMS Department. An initial letter to homeowners is awaiting Staff approval.

Next meetings will take place on November 1, 2021.

C. Firewise Community Board of Directors -see above

D. Parks & Recreation Committee – Committee Chair Kett reported that the fall appreciation event is still being planned at Hiker Parking for Thursday, October 28, 2021. The new bathroom at Hiker Parking has been successfully installed. Next meeting

E. Lodger’s Tax Advisory Board – no report

F. Capital Infrastructure Advisory Committee – Chairman Ben Cook reported that the Committee met and unanimously approved the Updated Reports.

7. REGIONAL REPORTS

NRTPO met about regional transportation projects and an updated Census report.

8. MAYOR’S REPORT

Mayor Brownell said that the Village is working to maintain the Village Contract Postal Unit (CPU) contract. At the IGC meeting, there was new Census information, and the landfill is continuously under review. The KCEC new solar project is underway though finding labor to complete the project has proved difficult.

9. 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. Work is in progress to connect the Kachina Water Tank and to get the two parts of the tank operational. Testing is being conducted and work is underway to get the Kachina area buildings connected. TSVI Peter Talty recommended that a forensic study should be conducted on expenses to date and on the current functioning status of the tank and connecting lines.

Fire Chief Molina introduced the two new part-time Fire/EMS employees.

Clerk Wooldridge reported that the Taos County Clerk was running the November 2, 2021 Local Election for two TIDD Board Member positions. An error was made with the initial ballot, but the Taos County Clerk was able to contact the two early voters in order for them to re-vote on the corrected ballot. 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.

10. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve **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

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. The Cannabis Overlay Zone is defined in the proposed amendments to our zoning regulations, Ordinance No. 17-30, Section 17. Creation of this District also requires amendment to the original Zoning Map, Ordinance No. 17-30, Section 10.

The exhibits include overlay maps defining the proposed Cannabis Overlay Zone, with options for retail uses in Amizette and portions of the Village Core. Because the Village Core District Zoning in Ordinance No. 17-30 currently requires that all commercial and retail uses (non-skier related) must 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” District. Consumption areas are not allowed in any zone district. 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 Village Core. In addition, no cannabis establishments are allowed in the Residential Zone or as a Home Occupation. They are proposed to be allowed for cultivation/farming in the Farming & Recreation Zone, and for cultivation, manufacturing, and production in the Industrial Zone, but only as conditional uses, due to their potential impact on surrounding neighbors.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. Speaking in favor was Homeowner Ben Cook who said that it made sense to implement some regulations pertaining to the Cannabis Act. Speaking against was homeowner Christina Beato who said that she was against it unless allowed only in a designated area to protect children.

Mayor Brownell closed the Public Hearing.

MOTION: To Approve 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 Stagg Second: Councilor King

Discussion took place. This ordinance can be changed later if the need arises. Public consumption is not allowed under these regulations.

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

11. NEW BUSINESS

A. Consideration to Approve, Publish, and Post Amended Ordinance 2022-30 Approving Rezoning of Bull of the Woods Lots B & C from Special Use Zone to Residential Zone

Per application of the new property owner, a zone change is requested from Special Use Zone to Residential Zone to better conform with the zoning and use of surrounding properties and align with future development intentions. Under the current Special Use Zone, residential construction is not permitted. During the P&Z October 4, 2021 meeting, the Village Planning and Zoning Commission voted to recommend approval of Amended Ordinance 2022-30.

The applicant has provided a preliminary site plan of the future property development and brief proposal narrative, which are included as Exhibits A-B.

The subject properties are located North of Bull of the Woods Road between Bull of the Woods Road and the Rio Hondo. These properties are two of three lots in the area presently zoned Special Use (SU). They are the two uppermost properties - see Exhibit C.

RECOMMENDATION: As this is the first reading of this Ordinance, a motion to approve, publish, and post should be considered. The Planning & Zoning Commission and Staff recommend approval of Amended Ordinance 2022-30 at the November 23, 2021 Council Meeting at the second reading, after a Public Hearing is held.

MOTION: To Approve, Publish, and Post Amended Ordinance 2022-30 Approving Rezoning of Bull of the Woods Lots B & C from Special Use Zone to Residential Zone

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

B. Consideration to Approve Resolution No. 2022-489 Requesting a Permanent Budget Adjustment (BAR) Transferring Funds from the General Fund Reserve (43) and into the Water (01) and Sewer (02) Enterprise Funds

Despite being in a pandemic situation the budget was submitted assuming sufficient revenues to cover expenses in water and sewer. With increases in insurance, debt service and expenses, and decreases in sales, revenues have not been sufficient to cover the increases, creating a negative ending 1st quarter fund balance of (\$17,237.05) in the Water fund. Quarterly reports cannot be submitted to the Department of Finance with a negative balance unless it is a reimbursable grant. The Sewer enterprise fund has an ending first quarter balance of \$882.50. With the majority of businesses closed until the ski season, utility sales may not be sufficient to cover the utility expenses.

Director Grabowski said that in reviewing utility sales and expenses for Oct-Dec 2020, there was a shortfall of approximately -\$17,000 in water and a shortfall of -\$31,000 in sewer. A BAR was done last year for \$15,000 to alleviate shortfalls in sewer at that time. Based on these calculations, along with increases to debt service reserves, staff proposes a BAR to the FY2022 budget to move \$100,000 out of the General Fund and move \$50,000 each into the water and sewer funds.

MOTION: To Approve Resolution No. 2022-489 Requesting a Permanent Budget Adjustment (BAR) Transferring Funds from the General Fund Reserve (43) and into the Water (01) and Sewer (02) Enterprise Funds

Motion: Councilor Wittman Second: Councilor Kern

Director Grabowski explained that either rates would have to increase, or else sales would have to increase in order to make up the shortfalls. Council members said that there was not obligation for enterprise funds to run on their own.

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

C. Consideration to Approve Resolution No. 2022-490, A Resolution Authorizing and Approving Financial Assistance from the New Mexico Department of Transportation (NMDOT) FY2022-2023 Municipal Arterial Program (MAP) Cooperative Agreement

The Village Council needs to approve a Resolution to obtain New Mexico Department of Transportation (NMDOT) funding. After passage of the Resolution, the NMDOT will draft a contract for Village approval for the 2022 road project. The Village requests that NMDOT contribute \$93,333.00 with the Village to match or exceed \$31,111.00 for a total contract price of \$124,444.00, which is consistent with recent funding applications with NMDOT.

The project scope of work is drainage structures, culverts, blading, reshaping, hauling, disposal, placement, and compaction of all materials. The Village also plans to continue to apply base course and dust control materials throughout the Village to build up the roads due to material loss from erosion.

Director Martinez explained that the agreement had already been approved by Council in June 2021 but that a Resolution had not been approved for this item.

MOTION: To Approve Resolution No. 2022-490, A Resolution Authorizing and Approving Financial Assistance from the New Mexico Department of Transportation (NMDOT) FY2022-2023 Municipal Arterial Program (MAP) Cooperative Agreement

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

D. Consideration to Approve Resolution 2022-491 Election Resolution

Clerk Wooldridge explained that between October 2, 2021 and November 1, 2021 a municipality must notify the Secretary of State of all municipal positions to be filled at the next local government election. The Village of Taos Ski Valley Council has opted to participate in the Municipal Officer Election, with elections in March of even-numbered years as was previously the standard for municipalities. Elected Officials serve four-year terms unless circumstances require otherwise.

The NM Secretary of State shall issue an election proclamation on December 1, 2021 which shall be published in conformance with the requirements. At the March 1, 2022 Municipal Officer Election for the Village of Taos Ski Valley, the positions on the ballot will be the Mayor and two Councilors.

MOTION: To Approve Resolution 2022-491 Election Resolution

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

E. Council Acknowledgement of the FY2022 1st Quarter Financial data for Submission to the Department of Finance, Local Government Division by October 31, 2021

As per the Department of Finance (DFA), Local Government Division, it is required to have the quarterly financial information submitted no later than 30 days after the close of each quarter. The summary report to be submitted to DFA by October 31, 2021, and the Profit and Loss from July 1-September 30, 2021 were presented. Staff is submitting this report to the Council for its review and acknowledgement of the financial status of the Village as of September 30, 2021.

MOTION: To Acknowledge the FY2022 1st Quarter Financial data for Submission to the Department of Finance, Local Government Division by October 31, 2021

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

F. PUBLIC HEARING: Consideration to Approve Application No. 1023553, Transfer of Ownership & Change of Location of Dispenser Liquor License No. 0201 by Cid's Mountain Market at 200 Thunderbird Road Unit 102

The Village received notification from the NM Regulation and Licensing Department that CID'S Mountain Market has applied for transfer of ownership and change of location for Dispenser Liquor License number 0201. The application has preliminary approval from the Director of the NM Regulation and Licensing Department.

The Governing Body shall hold a Public Hearing in the question of whether the NM Regulation and Licensing Department should approve the proposed issuance, within forty-five (45) days after receipt of the notice of preliminary approval from the NM Regulation and Licensing Department, and after the notice has been published for thirty (30)

days. Notice of the Public Hearing has been published for thirty days, beginning on September 16, 2021 and subsequently on September 23, 2021, as required.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. Speaking in favor were Angelica Robinson, applicant, who said that they are excited to do business in Taos Ski Valley. Also speaking in favor were TSVI Chaz Rockey, homeowner Chistina Beato, TSVI David Norden, homeowner Ben Cook, and homeowner Trudy DiLeo. No one spoke against. The Public Hearing was closed.

MOTION: To to Approve Application No. 1023553, Transfer of Ownership & Change of Location of Dispenser Liquor License No. 0201 by Cid's Mountain Market at 200 Thunderbird Road Unit 102

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

G. Delivery by the Capital Infrastructure Advisory Committee of the Updated Recommendations Regarding the Village of Taos Ski Valley's Capital Improvements Plan, the Proposed Land Use Assumptions, and Development Impact Fee Schedule

CIAC Chair Ben Cook presented the Updated October 2021 Recommendations Regarding the Village of Taos Ski Valley's Capital Improvements Plan (CIP), the Proposed Land Use Assumptions, and Development Impact Fee Schedule. He said that the CIP project total costs had been reduced from \$58 million to \$32 million. He reported that Staff and the Committee had revisited and revised the numbers. Given this list of potential projects needed, it was now up to Council to decide the best possible fee schedule. Mr. Cook said that the fees, as proposed at this time, amount to approximately \$20,000 per unit of new development. It had been necessary to follow the steps outlined in the NM Development Fees Act, he reported, and that this was all part of the legal requirement in setting impact fees. Mayor Brownell thanked Chair Cook and Chair Cook in turn thanked the members of the Committee who had met many more times than originally planned. Planning Director Nicholson said that the Updated Recommendations would be taken to the P&Z Commission the following week.

H. Discussion and Direction to Create a future Budget adjustment Resolution to Fund a new Village accounting software and the Professional Services that are Required to Implement the System

Director Grabowski explained that several years ago, the Village attempted an implementation of Tyler Accounting Software which had been approved by the Council. Issues with QuickBooks data, lack of staffing and support, and continuing issues with the imported data caused the project to be halted and abandoned. She said that it is imperative to have accurate information in the accounting system to protect taxpayer dollars.

For the past two years the Village has utilized Southwest Accounting Solutions in Albuquerque, NM for auditing services. They have suggested both years that the Village move its financial data to a fund accounting software. QuickBooks software is utilized by small businesses and only has basic accounting functions. By transitioning to a robust fund accounting software, the financial information can be set up to mirror the State's information which would make reporting and auditing Village records easier and more efficient.

The Village tested Caselle fund accounting software at the same time they were considering Tyler. Caselle has two options for software: a hosted software, and a non-hosted. The base line cost estimate is \$62,000 for the non-hosted system, with a monthly fee of \$1,050. The base line estimate is \$20,000 for the hosted software with a monthly fee of \$1,800.00. Based on quotes, staff could anticipate a BAR of up to \$31,000 in this fiscal year which would be the cost due at contract signing, should staff determine that the non-hosted option is the better alternative. The other portion of the software expense along with the monthly fees would be budgeted in FY2023.

The project would be labor intensive and include many hours of staff training along with additional hours from the Village Bookkeeper. There may be some travel costs for staff training as Caselle has its hub in Salt Lake City, Utah although some of the trainings may be available virtually. Investigation of other accounting systems, procurement, and implementation is ongoing including the steps needed for supporting the transition to the system.

Staff recommends discussion and direction to create a budget adjustment in order to pay for new fund accounting software.

12. MISCELLANEOUS

13. 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 November 23, 2021 at 2:00 p.m. via Zoom.

14. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Wittman

The meeting adjourned at 4:00 p.m.

Second: Councilor King

Passed: 4-0

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk