



Village of Taos Ski Valley  
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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
EDELWEISS LODGE CLUB ROOM  
106 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, JANUARY 8, 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 Inspector Jalmar Bowden  
Administrative Assistant Renee Romero  
Administrative Assistant Christina Wilder  
Village Attorney Susan Baker

**3. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda with the amendment of moving item 12. H to follow the Closed Session, items 14 A., B., and C.

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

**4. APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2018 VILLAGE COUNCIL REGULAR MEETING and the DECEMBER 11, 2018 VILLAGE COUNCIL REGULAR MEETING**

**MOTION:** To approve both sets of minutes as presented

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

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

**A.** Homeowner Kathy Bennett expressed concern about the lack of paid EMS personnel staying overnight in the Village during busy holiday periods. She said that there had not been staffing over the Christmas holiday, and asked about whether there would be EMS personnel on-duty during spring break periods. This will be discussed during the Public Safety Committee briefing.

**B.** Mike Fitzpatrick, homeowner, presented a letter to the Council asking that they look into forming a special assessment district for the Kachina Water Tank and the improvement of the road to Kachina.

Mr. Fitzpatrick said that he was speaking on behalf of the Amizette Community Association in presenting a second letter asking the Council to investigate other options for sewage treatment at the new Village Hall in Amizette.

6. **FINANCIAL REPORTS**

Director Grabowski reported that GRT remitted to the Village in December was \$189,465 compared to \$118,550 for December last year. Year-to-date GRT total is \$663,894 versus \$420,702 for last year, a 54% increase. The TIDD did not receive GRT in December for October collections. Hold Harmless GRT for the month was \$16,150. Lodger's tax collections in December were \$10,983 versus \$6,521 for last year. Year-to-date total is \$81,286 for this year, compared to \$73,338 for last year.

Director Grabowski reported that \$967,362 had been expended and reimbursed from the Water Trust Board grant for the Kachina Water Tank. \$509,000 remains in the grant for completion of the project. FEI Engineers are compiling an estimate of the remaining work and related expenses.

The Public Works Director position is being advertised again.

The Village's FY 2018 audit was completed and turned in on time.

7. **COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported that the Commission did not meet in January. The next meeting is scheduled for February 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

**B. Public Safety Committee** –Committee Chair Pattison reported that members of the Committee met with the NM DOT on the day following the December Council meeting. The NM DOT representative said that State Road 150 would be re-painted for center line striping when the weather was warmer.

The Committee met on January 7, 2019. Agenda items included:

- The second siren will be installed in the spring.
- A traffic camera on State Road 150 will be installed in the spring.
- The Village's Medic unit is currently parked in the garage at The Blake. Councilor Pattison said that there is a need for a protected garage for the unit at the new Village Hall, along with possible housing for an EMS staff member.
- Councilor Pattison said that the Committee discussed paid EMS employees. Discussion was about how to pay for these and where to house temporary help. Main concern is insurance-liability and workman's comp, as well as available housing. Attorney Susan Baker is looking into how insurance can be provided without making them employees, so no unemployment claims are filed. No extra help ended up being on call over the past holidays. The Committee is making sure arrangements are being made for this to be covered for MLK Weekend, President's Weekend, and Spring Breaks. Another consideration is how to integrate donated funds and grants into the budget for these things, if these departments are all under VTSV, and how these funds could be used without rolling them into the General Budget. VFD is a 501c non-profit which requires special considerations.
- Hiring a full-time DPS director was discussed, along with that person's potential responsibilities.
- The next meeting of the Public Safety Committee will take place on February 4, 2019 at 10:00 a.m. at the Inn at Taos Valley Club Room.

**C. Firewise Community Board of Directors** – Committee Chair Pattison said that the Committee met on January 7, 2019. Agenda items included:

- The Board is analyzing a fire rating system for all properties within the Village. The Board members have tried the proposed new rating form on their own properties.
- The proposed draft Firewise ordinance includes fuel management standards. These have been posted on the Village web site on the Public Safety Committee page, and they will be distributed by email. The Board is seeking input on these fuels management standards. Please email Councilor Pattison with comments at [roger@taoskivalleyland.com](mailto:roger@taoskivalleyland.com).
- The Board will meet again on February 4, 2019 at 11:00 a.m. at the Inn at Taos Valley Club Room.

Neal King expressed his concern for not having paid EMS staff on-hand all of the time, not just on holidays. He said that there are so few volunteers that they can't cover the calls.

**D. Parks & Recreation Committee** – Committee member Kerrie Pattison said that there would be more information to report following the next Committee meeting, which will take place on January 22, 2019 at the Village Office.

**E. Lodgers' Tax Advisory Board** - no report

## 8. REGIONAL REPORTS

There was no meeting of the Landfill Board or the Intergovernmental Council.  
Councilor Pattison reported on the recent WUI meeting. J.R. Logan will be the new liaison.

## 9. MAYOR'S REPORT

Mayor Brownell reported that he and Administrator Avila had met with both Representative Gonzales and Senator Cisneros to seek funding for the Wastewater Treatment Plant Project and the Kachina Water Tank Project. Mayor Brownell thanked TSVI for adding the Chamber of Commerce lodging link to the TSVI web site. Chamber of Commerce Director Courtney Tucker thanked the Village for support of transportation efforts through Lodger's Tax funding. She said that running public transportation buses is imperative in supporting visitors to Taos Ski Valley, and especially for getting Taos Air passengers to Taos Ski Valley. Director Tucker said that the new airline was very successful and that many Taos Ski Valley visitors were using the airline's services. Mayor Brownell will attend the January NM RTD meeting on January 11, 2019.

## 10. STAFF REPORTS

### Administrator Avila reported on ongoing projects:

- **WWTP** – The wastewater treatment plant development continues with the approval to sign a 33-foot easement for TSVI as well as the approval of a parking license for TSVI along the easement. The U.S. Forest Service has the easement document and the quitclaim deed, but the Albuquerque office has not been able to process the title due to the Federal shutdown. The access easement document for Century Link is also pending. Century Link does not have a franchise agreement with the Village of Taos Ski Valley and would gain access on a Village right-of-way through a license agreement. Century link has been contacted to finalize documents for access through Village property.
- **Kachina Water Tank** – Administrator Avila and FEI Engineers met with the contractor for the project, RMCI, to review the issues that RMCI had raised concerning extra costs for providing the appropriate fill material around the Water Tank construction which is planned to continue in the spring. RMCI was able to adjust their estimate down since they had been provided with specification requirements for less material by FEI. RMCI raised its concern of U.S. Forest Service limitations on site rock crushing for the production of less than 3-inch fill material. The Village is working with the contractors to identify the lowest cost option before addressing an estimate of costs, or relying on legal recourse.
- **Village Hall** – The work to make the Village Hall Complex apartments operational continues, with expediting connection of the underground electricity and fiber optic, and the removal of the overhead lines in December. The removal of the utility pole allows for the completion of the retaining wall before the apartments are inhabited. The contract with Landseer Property Management is being finalized. There are many tasks remaining before the units can be inhabited. The Village needs to contract for fire alarms, roof snow diverters, and for some window and door replacement necessary for code compliance. Project Manager Willson and Building Inspector Bowden will address a few regulatory items with CID this month to hopefully reduce the costs associated with the property. Creating a segregated project budget and obtaining septic pumping equipment are items needing to be completed.
- **Public Property** – There are several utilities making use of the Village public right-of-way without current franchise agreements in place to regulate the fees for permission to occupy the right-of-way. NM Gas was able to obtain a very favorable franchise agreement but is the only utility with authorized access through public property. Franchise fees are important to fund repairs and construction along public roads, and although they continue to be paid at some level by the utilities, without an agreement it is problematic to determine whether the fees remitted are appropriate. Century Link, Comcast, and Kit Carson Electric and Communications will be contacted in order to begin the process to correct the lack of franchise agreements with the Village. Until franchise agreements are in place, future expansion of facilities could be allowed through license agreements.
- **Safety Training**- Because the Village's insurance is through the NMSIF, the Village has the responsibility to provide safety and risk training to Village staff. If the training requirement is met annually, a dividend premium credit is afforded the Village towards its Workers Compensation and Liability Coverage. Mayors, Managers, and Safety Coordinators are asked to attend annual full-day risk training at the Safety Counselling offices in Albuquerque. Staff

is proceeding with fulfilling the training requirement by attending the classes in Albuquerque and by having Safety Counselling conduct classes every other month at the Village office.

- NCRTD – The NCRTD Board meeting is scheduled for Friday, January 11, 2019 at 9:00 a.m. at the Jim West Transit Center in Espanola. The Board Member representative must be an elected official, but the alternate may be a staff member. Both are required to be appointed by the Governing Body and both need to attend the NCRTD training. The appointments are on the agenda for this Council meeting.
- 2019 Legislative Session – Administrator Avila and Mayor Brownell have met with Representative Gonzales and Senator Cisneros regarding the Village’s legislative priorities and the hope is to obtain the Governor’s support for development of the Village’s Wastewater Treatment Plant project since it has benefits for protection of the region’s water and the image of our community as part of the region’s economic anchoring and cultural fiber.
- Special Council meeting – A special meeting will take place on January 21, 2019 to address several budget adjustment request resolutions and to begin preparing a segregated budget for each project that has a loan, grant, special funding, or special project designation. In addition, approving a budget calendar will be on the agenda, in order to help in keeping the Village on track in its budgeting process and to allow for more public input.
- FEI Engineers – FEI has joined with a larger regional firm, Allen Plumber Associates, which has broader experience. FEI’s services will not be affected and they will have access to additional resources.
- Via Ferrata Project – The Village broadcast the U.S. Forest Service’s request for Public Comment for the TSVI Special Use Permit to install Via Ferrata climbing site on public lands, so that as many citizens as possible could respond.

- **Department Briefs**

- Chief Trujillo reported on recent activity: Residential Alarms (5), Business Alarms (2), Suspicious Persons/Vehicles (4), Citizen Assists (76), Embezzlement (0), Traffic Enforcement Hours (93), Traffic Stops (17), Theft (2), Vehicle Theft (0), Larceny (1), Property Damage (0), Verbal Warnings (30), Written Warnings (4), Parking Citations (13), Written Citations (6), Assists to other Agencies (10), Foot Patrol Hours (48), Welfare Check (8), Animal calls (1), MVCs (4), B&E (1), Trespass Warnings (1), Found Property (1), Disorderly (2), Reckless Driver (3), Fire Calls (5), EMS Calls (7), SAR Hours (0)
- Community Development Director and Interim Public Works Director Nicholson announced that additional No Parking signs had been placed at the intersection of Ernie Blake Road and Thunderbird Road. The WWTP is running well at 85,000 gallons per day. Public Works staff is working diligently to keep the plant functioning efficiently. An abundance of snow removal has been occurring, and all equipment is operational. The water tanks are maintaining full capacity. Nearly all available water is being drawn from the Phoenix Spring, at 220 gallons per minute. The expectation is to have revised cost estimates for both the Wastewater Treatment Plant and the Kachina Water Tank projects by March 1, 2019.
- In the Planning Department, Director Nicholson said that he has been reviewing the Special Use Permit application documents for the Kachina area outdoor special event venue, as well as the two Conditional Use Permit applications, all of which will be heard at the February 4, 2019 P&Z Commission meeting.
- Clerk Wooldridge announced that the annual NMML Municipal Day in conjunction with the Legislative Session would be taking place on February 19-20, 2019 in Santa Fe. The announcement will be distributed to the Elected Officials to see if anyone would be interested in attending. Clerk Wooldridge also gave a brief summary of the information that had been gathered to date on implementing a system for the Village to accept credit card payments.
- Building Official Bowden reported that three building permits had been opened, while four permits had been completed. He had met with the new property management company at the Village Hall Complex, Landseer, to outline the necessary repair scope of work and cleanings needed for the eight residential units. Cleaning and repairs to the two-unit building, though not part of the overall contract with Landseer, will be added to this first phase of the scope of work. The contract with Landseer has been finalized in scope, though the language of the contract is being refined by both parties’ legal counsel. The overhead electric lines have been removed and the underground power has been connected. Power to the apartments has been connected. A fire alarm system is required because there is no municipal water supply to the property. There are no corridors in the rental unit buildings, so no sprinklers are required.
- Mayor Brownell welcomed new Village Attorney Susan Baker. Attorney Baker outlined some of the work that she will be conducting to insure that all Village Committees, Boards, and Commissions are in compliance with open meetings act rules and such.

## 11. OLD BUSINESS

**A. Consideration to Approve North Central Regional Transit District Amended Intergovernmental Contract**  
The RTD suggested that the Village become a board member of the RTD, which would allow for voting rights when items are presented to the RTD board for consideration.

The agenda item to join came before the Village Council on November 13, 2018 and was approved. The NCRTD board subsequently met on December 7, 2018 and voted to include the Village of Taos Ski Valley to the District Membership and provided an amended agreement document that included the Village along with the other members.

**MOTION: To approve North Central Regional Transit District Amended Intergovernmental Contract**

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

**B. Consideration to Approve North Central Regional Transit District Board Representative and Alternate**

As part of the Village utilizing the RTD services, the Village has adopted a Resolution to join the NCRTD and a subsequent agreement to be a Board Member. As part of the agreement responsibilities, the Village must name a Board Representative and an Alternate that will attend required training and Board meetings.

The Board Member is required to be an elected official of the Village, the alternate may be an elected official or assigned staff member. The first meeting of NRTD Board is scheduled for this Friday, January 11, 2019 in Espanola.

**MOTION: To approve North Central Regional Transit District Representative and Alternate as Mayor Brownell and Building Official Bowden**

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

## 12. NEW BUSINESS

**A. Consideration to Approve Resolution No. 2019-379 Concerning Governing Body Meetings and 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. 2019-379 Concerning Governing Body Meetings and Notice Required**

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

**B. Consideration to Approve Resolution No. 2019-380 A Resolution Confirming the Continuation of Municipal Elections to be Conducted on Municipal Officer Election Day in March of Even-Numbered Years**

After discussion and direction from Council at the December 11, 2018 meeting, this Resolution is being presented for adoption. The NMML Election Committee recommended taking this step to make sure that each municipality had considered the options and taken some action. Resolution 2019-380 will be submitted to the NM Secretary of State's office for the Village of Taos Ski Valley to be on record as continuing to conduct Municipal Elections in March of even-numbered years.

**MOTION: To Approve Resolution No. 2019-380 A Resolution Confirming the Continuation of Municipal Elections to be Conducted on Municipal Officer Election Day in March of Even-Numbered Years**

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

**C. Consideration to Adopt Village Holiday Schedule**

The Village's Personnel Policy, approved and adopted by Village Council, identifies the legal holidays for employees of the Village of Taos Ski Valley. It would be beneficial to identify and designate the observed holidays for 2019.

Holiday	Actual Holiday	Observed Holiday
New Year's Day	Tuesday, January 1, 2019	Tuesday, January 1, 2019
Memorial Day	Monday, May 27, 2019	Monday, May 27, 2019
Independence Day	Thursday, July 4, 2019	Thursday, July 4, 2019
Labor Day	Monday, September 2, 2019	Monday, September 2, 2019
Columbus Day/ Indigenous Peoples' Day	Monday, October 14, 2019	Monday, October 14, 2019
Veterans Day	Monday, November 11, 2019	Monday, November 11, 2019
Thanksgiving Day	Thursday, November 28, 2019	Thursday, November 28, 2019
Friday after Thanksgiving in lieu of President's Day	Friday, November 29, 2019	Friday, November 29, 2019
Christmas Eve	Tuesday, December 24, 2019	Tuesday, December 24, 2019
Christmas	Wednesday, December 25, 2019	Wednesday, December 25, 2019
Personal Holiday to be used at the employee's discretion in lieu of MLK Day		

**MOTION: To Approve Adoption of the 2019 Village Holiday Schedule**

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

**D. Consideration to Approve Selection of Fire Alarm Installation Company at the New Village Hall Apartments**

The occupancy of the building is changing from R-1 to R-2. The Village is required to apply for a permit to change occupancy in order to bring the existing buildings up to code compliance. A change of occupancy is governed by the existing building code and a sprinkler system would be required except that for buildings undergoing alterations, there is an exception to the sprinkler requirement when the municipal water supply is insufficient to supply water for the sprinkler system.

The Village received 3 bids ranging from \$20,000 to \$48,000. Alarm Control Technologies, Inc. (ACT) was the low bidder. ACT successfully installed a Fire / Smoke Alarm in the Austing Haus Remodel in late 2017, early 2018.

**MOTION: To Approve the Selection of Alarm Control Technologies, Inc. as the Fire Alarm Installation Company for the Village Hall Complex Apartments**

**Motion: Councilor Wittman                      Second: Councilor Stagg**

Administrator Avila explained that the Village desires to get the apartments completed and rented in order for the Village to begin receiving rental income. Councilor Pattison said that he thought that a budget should be approved before approving any more expenditures.

**The Mayor called for a vote.                      Passed: 3-1 (Councilor Pattison dissenting)**

**E. Consideration to Approve a Memorandum of Understanding and Agreement for a License for Day Skier Parking by TSVI on Ocean Boulevard on Village's WWTP/Townsite Property**

This MOU is for a licensing agreement for vehicle parking along the 33-foot easement granted at the December 11, 2018 Council meeting. TSVI would be allowed to utilize the additional space along the 33-foot easement at various locations (see site map) for overflow parking during TSVI ski season busy periods. The parking is not to interfere with any additional Village facilities on the property

**MOTION: To Approve a Memorandum of Understanding and Agreement for a License for Day Skier Parking by TSVI on Ocean Boulevard on Village's WWTP/Townsite Property**

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

Councilor Pattison asked how it would be possible to discern where the 33-foot easement lies, and how this would be monitored. TSVI Development Director Peter Johnson explained that the easement would be 33-feet wide, with parking alongside of the easement. This would allow for two-way traffic, including for a shuttle and a fire truck, for example. Chief Trujillo said that the lane is usually two-way, and that he would confer with the parking attendants to insure that this would happen. Director Nicholson explained that if changes needed to be made, the Village could discuss these with TSVI.

**The Mayor called for a vote.                      Passed: 4-0**

**F. Consideration to Approve Village Administrator to Negotiate On-Call Maintenance for Snow Removal with TSVI for 2019**

This potential agreement is for on-call services to remove snow on Sutton Place, etc. with TSVI. The Village has established snow removal schedules for public streets; however the Village may wish to engage the assistance of TSVI maintenance resources. In October 2017 the Village Council approved unanimously for the Village to enter into a contract with TSVI for snow removal on Sutton Place for the 2017-2018 ski season. This contract would need to include provisions that the snow safety protocol be followed.

**MOTION: To Approve Village Administrator to Negotiate On-Call Maintenance for Snow Removal with TSVI for 2019**

**Motion: Councilor Wittman**

**Second: Councilor Pattison**

**Passed: 4-0**

**G. Discussion and Direction for Village Committee, Commission, and Board Appointments**

Village Attorney Baker said that this item is for discussion of formal structuring of Committees, Commissions and Boards to ensure that the Village is fully complying with New Mexico Open Meetings Laws. It is recommended that Village staff conduct a full inventory of Village Committees, Commissions, and Boards, with the eventual goal of enacting resolutions to formally establish these bodies, if such resolutions were not previously adopted. These resolutions would define roles and duties, membership, criteria for appointment of members, and other important governing procedures. Bylaws may also be adopted in some circumstances. Where resolutions have already been adopted, staff recommends reviewing and revising to further current Village goals and compliance with existing state and local laws.

Discussion followed. Allowing Committee members to attend meetings by Facetime or other such method was suggested as a way to attract more members, who wouldn't necessarily be in the Village at the time of Committee meetings.

Administrator Avila said that any changes in procedure would involve the Committees. Attorney Baker suggested having the NM Municipal League staff present training for members of Committees, Commissions, and Boards.

**13. MISCELLANEOUS**

**A.** Councilor Kern said that it is becoming controversial and sensitive to approve expenditures without a budget in place for certain projects. Administrator Avila replied that staff would try to have a preliminary budget for the Village Hall project by the January 21, 2019 Village Council Special Meeting. A source of funds should be identified before engaging the work of any company. Director Grabowski said that there should be two budgets: one for project completion -a capital project budget for the renovation, and then secondly a budget for the ongoing operations, like a small business. Councilor Pattison asked for figures on the cost of getting the apartments ready to rent, and on the cost of getting the Village Hall ready.

Former Mayor Neal King urged the Council to not forget why the staff, Mayor, and Council got into this project in the first place, and to not get lost in the details but to provide for an acceptable place for professionals to work. He said to let the staff figure out how to pay for it. Also, he asked that the Council consider that EMS personnel need a place to stay and/or live.

Amizette resident Henry Caldwell inquired as to whether there was a rodent problem in the building and Project Manager Willson replied that there are indeed rodents which have compromised the ceiling insulation, and that a pest control company had been hired to investigate the problems.

**14. CLOSED SESSION**

**A. Discussion of Pending Litigation**

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

**B. Discussion of Acquisition of Real Property**

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

**C. Discussion of Limited Personnel Matters**

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (2)

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

**Motion: Councilor Wittman**

**Second: Councilor Stagg**

**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.

**12. NEW BUSINESS**

**H. Consideration to Approve Joining the NM Department of Tax & Revenue Lawsuit**

**MOTION: To Table this item**

**Motion: Councilor Wittman**

**Second: Councilor Stagg**

**Passed: 4-0**

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

The next regular meeting of the Council will take place on Tuesday, February 12, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room. A special meeting of the Village Council is scheduled for Monday, January 21, 2019 at 2:00 p.m. at the Edelweiss Loge Club Room

**16. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Wittman**

**Second: Councilor Stagg**

**Passed: 4-0**

The meeting adjourned at 5:00 p.m.

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

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