



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, MARCH 12 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 as presented

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

Mayor Brownell asked for a moment of silence to observe the recent passing of the nephew of Rich Willson.

4. CONSIDERATION TO APPROVE HIRING ANTHONY MARTINEZ AS PUBLIC WORKS DIRECTOR FOR THE VILLAGE OF TAOS SKI VALLEY

The Village of Taos Ski Valley has had an interim Public Works Director since the retirement of Ray Keen. Administrator Avila said that Mr. Martinez had been highly recommended.

MOTION: To approve hiring Anthony Martinez as Public Works Director for the Village of Taos Ski Valley

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

5. PRESENTATION BY TAOS SOIL & WATER CONSERVATION DISTRICT – PETER VIGIL

Mr. Vigil presented information about the history of the Taos Soil and Water Conservation District, which was created in 1941, and is a governmental subdivision of the State of New Mexico. The District consists of all lands within Taos County, except for the Town of Taos, which comprises about 1.4 million acres. Over half of these lands are federally managed, and the rest are privately deeded lands except for smaller portions which are managed by the State of New Mexico, or have Tribal jurisdiction. The District has initiated and completed projects in differing areas, such as forest thinning, restoration of native grasses, natural stream restoration and erosion prevention, rangeland

conservation, and water studies, water planning, and watershed health. Mr. Vigil said that members of the District Team were available to assist municipalities with development and subdivision review, and with land use and terrain management plans and regulations. He said that the District had created a GIS system to map Taos County acequias, and that they had mapped the aquifers throughout the County which involved testing over 1,500 wells. Mayor Brownell thanked Mr. Vigil for sharing information about the Taos Soil & Water District.

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

A. TSVI CEO explained that the TSVI philosophy is that they intend to improve the ski area while maintaining the spirit of what existed previously. He said that TSVI has sensed a directive from the Village to run things “by the book.” He said that they would stop trying to have collaborative meetings with the Village. TSVI will make use of Development Director Peter Johnson and Attorney Joe Canepa and will abide by the documents that govern the permitting process.

7. FINANCIAL REPORTS

Director Grabowski reported that GRT remitted to the Village in February was \$323,306 compared to \$250,972 for February last year. Year-to-date GRT total is \$1,251,280 versus \$879,392 for last year, a 42% increase of previous year's collections. The TIDD received GRT of \$174,094 in February for December collections. Hold Harmless GRT for the month was \$38,688.

Lodger's tax collections in February were \$84,052 versus \$56,655 for last year. Year-to-date total is \$254,742 for this year, compared to \$201,984 for last year.

Since initiating the Airbnb contract effective April 1, 2018, the Village has collected \$34,000 from Airbnb in Lodger's Tax. Director Grabowski thanked Clerk Wooldridge and Administrative Assistant Romero for arranging for the contract and getting the collections in place.

The Small Cities assistance grant of \$90,000 for FY2019 has been received.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission had not met in March. The next meeting is scheduled for April 1, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee had not met in March. The next meeting of the Public Safety Committee will take place on April 1, 2019 at 10:00 a.m. at the Inn at Taos Valley Club Room.

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Board had not met in March. The next meeting of the Firewise Community Board of Directors will take place on April 1, 2019 at 11:00 a.m. at the Inn at Taos Valley Club Room. The Board is working with Staff to arrange personnel for paid EMS and Fire positions and has been looking into grant funding.

D. Parks & Recreation Committee – Committee Member Kerrie Pattison reported that news would be reported at the next Council meeting, as a Parks & Recreation Committee meeting would take place on March 26, 2019 at 4:00 p.m. at the Edelweiss Lodge.

E. Lodgers' Tax Advisory Board

Councilor Stagg reported that a meeting had taken place on February 21, 2019 and the Board had voted to recommend approval of \$35,000 in Lodger's Tax to Taos Air for summer air service. Councilor Stagg also reported that the Town of Taos and Taos County had voted to approve Lodger's Tax funding for the air service, and that Red River and Angel Fire would most likely do so soon.

8. REGIONAL REPORTS

Planning Director Nicholson reported that the Source Water Protection Plan Committee had met and had affirmed the commitment to a collaborative process. The Gunsite Spring will be tested more thoroughly this summer. The creation of protection zones will be implemented for Gunsite Spring. A revised land use program for the source water area will need to be created.

9. MAYOR'S REPORT

Mayor Brownell reported that the Enchanted Circle Mayors' group had spoken with Legislators about local projects needing funding. The families of the people affected by the January avalanche had acknowledged efforts by TSVI and the Taos Ski Valley Community. Mayor Brownell thanked two ski patrol personnel, J.A. and Leland, for stepping up to organize overnight EMS help. Mayor Brownell said that the Via Ferrata project meeting had been interesting and informative, as had the U.S. Forest Service Leadership Outreach meeting. The Christmas tree at the Capital will come from the Carson National Forest this year. Mayor Brownell noted that there had been many skiers recently, possible due to increased marketing efforts by TSVI, by the good snow, and also by the new IKON pass. , The water shortage is a concern, especially with lots of visitors.

At the Landfill Board meeting, there were reports of two landfill shutdowns. Slash has been going to the landfill due to the U.S. Forest Service closures.

The Intergovernmental Council (IGC) reported that the Main Street Accelerator Project has increased traffic flow and business access in Taos. The solar power initiative is going well for New Mexico. The Enchanted Circle Council of Mayors meeting discussed summer air service. The local governments are in favor of this as it is deemed a good economic driver. The next IGC meeting will take place in Red River.

Councilor Pattison reported that the U.S. Forest Service stated that anyone could nominate a Carson National Forest tree for the Capital tree; it should be around 80-feet tall, be symmetrical and have easy access by an 18-wheeler.

10. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- WWTP – The Village Staff was able to process the title transfer for the land from the U.S. Forest Service to the Village of Taos Ski Valley. All documents were recorded at Taos County and certified copies were sent to the Forest Service. The updated project timeline for the WWTP is to hold a Pre-bid meeting on March 18, 2019, with a bid deadline of April 5, 2019.
- Kachina Water Tank – RMCI was asked to review potential alternatives to reduce the \$500,000 change order that they had anticipated for the Kachina Water Tank. A Council Workshop was held on February 12, 2019 with a presentation of possible options and a cost benefit analysis. RMCI has proposed a lump sum change order of \$240,000 plus GRT, assuming all of the risk with further possible unknowns. There is a deadline for using the Water Trust Board funding, as well as time restrictions because of the short building season.
- Village Hall – Work continues towards accomplishing the tasks necessary for the units to be rented. In the meantime, some units have been cleared and cleaned, and are available for use by EMS staff during the weekends and spring break.
- The Village Fire Department plans to meet soon to address department issues. With Mitch Daniels stepping down as Volunteer Fire Department Chief, the need for developing more permanent solutions for fire safety have become more pressing.
- Planning for NMDOT Municipal Arterial Program application with the Village, TSVI, U.S. Forest Service, and NMDOT in 2021. This may be an option for the TIDD project of improving the Route 150/ Village Entryway.
- The Village of Taos Ski Valley was featured in the March edition of the NM Municipal League Reporter. Thanks to all who assisted. <https://nmml.org/wp-content/uploads/2019/03/19MarchFinal.pdf>

• Department Briefs

- Chief Trujillo reported on recent activity: Residential Alarms (4), Business Alarms (0), Vehicle Alarm (2), Suspicious Persons/Vehicles (4), Citizen Assists (134), Embezzlement (0), Traffic Enforcement Hours (98), Traffic Stops (16), Theft (2), Vehicle Theft (0), Larceny (1), Property Damage (1), Verbal Warnings (32), Written Warnings (4), Parking Citations (16), Written Citations (3), Assists to other Agencies (20), Foot Patrol Hours (59), Welfare Check (11), Animal calls (6), MVCs (5), B&E (0), Trespass Warnings (59), Found/Lost Property (2), Disorderly (3), Reckless Driver (3), Private Property Crash (6), 911 Hang Up (1), Trespassing (1), Battery or Assault (1), Domestic Calls (1), Civil Stand-by (1), Fire Calls (5), EMS Calls (11), SAR Hours (1)
- Public Works Director Martinez reported that the water filtration system was going to be installed and that the Village was working with Peter Johnson on water flow increases. There have been a large number of frozen water lines this winter and spring. Snow removal has been a big job. The construction of the new Kachina Water Tank will help a great deal with water issues in the Kachina area.
- Community Development & Planning Director Nicholson reported that the GIS program is up and running, with a [zoning -mapping](#) to be completed soon. An application for renewal of the Conditional Use Permit for the Temporary Structure at Parcel C will be heard at the next P&Z meeting. [A discussion took place regarding TSVI's proposal for a 4-story building for employee housing at the corner of Twining Road and O.E. Pattison Loop. At this time, A building](#)

~~permit application has been submitted, for a four-story employee housing structure on O.E. Pattison Loop. No~~
variances or conditional use permits are ~~necessary~~ expected.

- Building Official Bowden reported that two units from the Village Hall Complex were made available for EMS personnel. Preliminary review of the employee housing construction project has begun. Inspections are being conducted at the Blake Residences, the Temporary Post Office space, and at condominium renovations in Amizette. A demolition permit application has been submitted for existing buildings on Parcel D. Possible snow damage at the Phoenix Restaurant renovation will be inspected soon. The Kachina Substation propane heat system is functional. The existing exit from the building was substandard but has been upgraded and has passed CID inspection.
- Clerk Wooldridge reported on the recent adoption of an Election Resolution by the Village of Taos Ski Valley Tax Increment District (TIDD) Board. As a Special Election according to NM Statutes, this will be a mailed-ballot election, occurring on June 4, 2019. The guidelines for TIDD elections are outlined in NM Statutes. This is the first TIDD Board member election since the TIDD formation in 2015. Two District Board Member positions are expiring. Candidate nomination forms and a Notice of Election will be mailed to voters, and will be available at the Village of Taos Ski Valley office. The deadline for submitting candidate nomination and acceptance forms will be April 25, 2019. Candidates must be qualified electors, or property owners within the District, or be nominated by a qualified elector or property owner within the District.
The TIDD Clerk shall send each voter of the TIDD jurisdiction an absentee ballot on the twenty-eighth day before the election, May 7, 2019. The ballot will require a signed affidavit by the elector which will need to be notarized. Ballots will also be available at the Village office, 7 Firehouse Road, Taos Ski Valley, NM. Ballots must be returned by June 4, 2019 to be counted.
- Attorney Baker is working to finalize the contract with Landseer Property Management, who will handle rental of units at the Village Hall. Additional work is being conducted on the Kachina Property Owners Association land donation, as well as on amended water and sewer use ordinances, inclusive of fee structures.

11. OLD BUSINESS

12. NEW BUSINESS

A. Consideration to Approve TSVI Request for EQR Credits and Development Impact Fee Discounts for the New Parcel D Land Development Project

TSVI Development Director Peter Johnson explained that TSVI had perceived a benefit to working with Village Staff to be in agreement, prior to presenting before the Village Council. He said that this collaborative effort no longer appeared welcome or appropriate. A development fee credit request for Parcel D was submitted on February 25, 2019. The request was consistent with discussions during the previous 2-3 months, he said. Mr. Johnson said that the reply had been a complete opposite of the verbal agreements during conversations. According to various documents discovered during the previous few days, Mr. Johnson said that TSVI is requesting to withdraw the application presented at this meeting. He said that a new application would be made and he hoped that this would be expedited quickly, as TSVI would like to get work proceeding on Parcel D as soon as possible in the spring.

MOTION: To Table the TSVI Request for EQR Credits and Development Impact Fee Discounts for the New Parcel D Land Development Project

Motion: Councilor Wittman Second: Councilor Kern

Councilor Kern asked Staff what information existed about existing fees paid. Attorney Baker said that the resolution setting EQR fees wasn't clear about how EQRs passed from one property owner to the next. She said that it appeared that hook-up fees and system development fees were combined in 2007, with Resolution No. 2007-128.

Planning Director Nicholson said that he would be glad to review any new application in a timely manner.

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

B. Consideration to Approve Resolution No. 2019-387 Acceptance and Approval of the FY2018 Audit

The fiscal year 2018 audit was submitted to the State Auditor's office in December 2018. The audit has now been approved and finalized by the Office of the State Auditor. Copies of the audit have been distributed to the Council along with the letter from the auditors with a discussion of the financial status of the Village of Taos Ski Valley. A copy of the release letter from the State Auditor was presented. The Village received an unmodified opinion with no findings.

Ron Schranz with Burt & Company, LLC summarized the audit report for the Council.

MOTION: To Approve Resolution No. 2019-387 Acceptance and Approval of the FY2018 Audit

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

C. Consideration to Approve **Resolution No. 2019-388** requesting a permanent Budget Adjustment Request (BAR) to the FY2019 budget to Add Revenue Proceeds for the Sale of Capital Assets

The Village submitted its fiscal year 2018-19 budget in July 2018. At that time the Village did not budget for the proceeds of the sale of capital assets. Staff was not aware in advance of the budget submission that capital assets would be disposed of within the fiscal year. The council approved the disposal of the three military vehicles in October 2018. At this time two of the three military vehicles have been sold at surplus auction and the Village has now collected the funds. The Stewart Stevenson was sold for \$10,000 and the AMGE sold for \$6,100.00, for a total of \$16,100. As there was not a budget for these sales, the Village must create a Budget Adjustment (BAR) to account for these funds.

MOTION: To Approve Resolution No. 2019-388 requesting a permanent Budget Adjustment Request (BAR) to the FY2019 budget to Add Revenue Proceeds for the Sale of Capital Assets

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

D. Consideration to Approve **Resolution No. 2019-389**, A Resolution Approving the Disposal of Capital Equipment Owned by the Village of Taos Ski Valley

The Village has determined that the following two (2) pieces of equipment are no longer being used and should be disposed of:

1. In fiscal year 2013 the Village acquired a 2003 Ford 15 Passenger Bus as a donation from the Town of Taos. The intention was to supplement the Chile Line bus route. At this time the Village is not using this vehicle and is requesting to dispose the asset by surplus auction.
2. In 2010 the Village traded a Roediger Belt Press for a 1972 International/Case Unimog with the Town of Taos. At this time the Public Works Department is not using this equipment. Replacement parts to get the equipment working are more expensive than the value of the equipment.

Staff will attempt a sale by surplus auction but if unable to sell they will be disposed of as scrap.

MOTION: To Approve Resolution No. 2019-389, A Resolution Approving the Disposal of Capital Equipment Owned by the Village of Taos Ski Valley

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

E. Discussion and Consideration to Approve a Change Order to the RMCI Contract for Not-to-Exceed \$250,000 in the Construction of the Kachina Water Tank project

This project is underway with engineering and preliminary construction in last year's building season. The extra cost associated with removing unusable fill and importing usable fill for the tank has been requested by RMCI through a change order. The Village has investigated various options to reduce costs, and presented the analysis in the Council Workshop on February 12, 2019. Of the different workable options, the Contractor Change Order to replace material appears to be the most likely choice considering the time constraints of the climate and the Village's primary funding source.

Once informal agreement has been reached, (FEI) Allen Plummer Associates, Inc. (APAI) will prepare the change order paperwork. The change order will be signed by RMCI, APAI, and the Village. Authorization is requested for the Administrator to sign on behalf of the Village. The Water Trust Board has allowed an extension of funding until November 2019. The Notice to Proceed needs to be approved before the construction season.

MOTION: To Approve a Change Order to the RMCI Contract for Not-to-Exceed \$250,000 in the Construction of the Kachina Water Tank project

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

F. Consideration to Approve Change Order for Contractor Ovivo USA LLC to Change Scope from MBR System to MicorBLOX MBR System

This project is underway with engineering and preliminary construction design in last year's building season. The work has been changed in order to use a more appropriate system, so the Order to Change Scope is required to move to develop a microBLOX MBR system instead of a MBR system.

An informal agreement has been reached. (FEI) Allen Plummer Associates prepared the change order paperwork and the change order is attached. It has been signed by OVIVO USA and now requires Village acceptance.

The Change Order is urgent to allow fabrication and delivery in time for construction. This change will not raise the price, and the new equipment is better and more efficient. This will not change the treatment plant building.

MOTION: To Approve Change Order for Contractor Ovivo USA LLC to Change Scope from MBR System to MicorBLOX MBR System

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

G. Consideration to Approve Entering the Joint Powers Agreement for the Taos Regional Landfill

The members of the Taos Regional Landfill have been working for several years on the framework for forming a JPA. Under the JPA a Board of Directors is formed by one representative of each of the participating Parties. The Governing Body of each Party to the JPA shall appoint a representative (Director) to the JPA Board. The Board representative must be a member of the governing body or the Manager or Administrator. The Council may also appoint an Alternative Director to serve when the Representative Director is unable. Mayor Brownell will continue as the Village representative, and Administrator Avila will serve as the Alternate Director. The JPA will be an enterprise fund and public entity, self-funding from Landfill Revenues, but the JPA will also be able to apply for public grant funding and issue revenue bonds. The Village of Taos Ski Valley will be a voting member even though the Village is a smaller entity.

MOTION: To Approve Entering the Joint Powers Agreement for the Taos Regional Landfill

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

H. Consideration to Approve a Memorandum of Agreement (MOA) to Join the San Juan-Chama Project Contractors Association

The Village of Taos Ski Valley is a contractor for water from the San Juan-Chama Project (SJCP) by assignment by the Twining Water & Sanitation District, which was previously a member of the SJCP Association. The Association is formed for the protection of the Contractor's Project interest, which is water. The Project is important for the Village and its neighbors. Working together with other SJCP Contractors, the Village may influence how the project is managed and pursue further funding.

The Bureau of Reclamation manages the Project and decides how it will use fees paid by the Contractors. This MOA seeks to more efficiently use the funds so that critical needs are met and expenses are justified by a cost/benefit analysis. All the SJC Project costs are covered by Contractor payments. The Village of Taos Ski Valley will be a voting member even though the Village is the smallest entity.

MOTION: To Approve the Memorandum of Agreement to Join the San Juan-Chama Project Contractors Association

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

I. Consideration to Approve Resolution No. 2019-390 Approving an Application to the NMDOT Local Government Road Program

The New Mexico Department of Transportation has a yearly application process for municipalities to request grant funding on a 25% match basis. The funds can be used for a number of projects identified in the Local Government Road Program Handbook. The Village has been able to use in-kind costs to match the grant funding and would plan to do so this year. The Village has a number of roads where the funding would be of use, and will use the funding, if awarded, to have the highest beneficial use. The Resolution lists many projects, and the most troublesome issues will be dealt with first.

MOTION: To Approve Resolution No. 2019-390 Approving an Application to the NMDOT Local Government Road Program

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

J. Consideration to Approve a Pay Rate for Village Personnel Assigned to Work for the Village of Taos Ski Valley Tax Increment Development District Board

The Village of Taos Ski Valley Personnel Policy currently allows for both outside employment as well overtime pay for assigned work not part of the regular schedule.

The assignment of salaried Village employees to a responsibility outside their Village duties is approved but is considered separate and may have a separate pay schedule. Administrator Avila explained that the hourly rate of \$45/hour is an amount appropriate for the extra TIDD-assigned work responsibilities.

Discussion took place. TIDD Board Member Wittman said that there wouldn't be any resistance from the TIDD Board on this suggestion.

MOTION: To Table this item and discuss further in Closed Session

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

13. MISCELLANEOUS

A. Councilor Pattison expressed appreciation for his wife Kerrie on this day, their 14th wedding anniversary. Everyone wished them both a very happy anniversary.

14. CLOSED SESSION

A. Discussion of Limited Personnel Matters – Village Staff Duties

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 Wittman Second: Councilor Stagg Passed: 4-0

No decisions or motions were made during closed session.

12. NEW BUSINESS

J. Consideration to Approve a Pay Rate for Village Personnel Assigned to Work for the Village of Taos Ski Valley Tax Increment Development District Board

MOTION: To Postpone this item

Motion: Councilor Kern Second: Councilor Wittman 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, April 9, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room. (Note: a Council Special meeting was later scheduled for Thursday, March 28, 2019 at 4:00 p.m. at the Inn at Taos Valley.)

16. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 5:45 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk