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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
TAOS TENT  
5 THUNDERBIRD ROAD  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, JUNE 11, 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 Official Jalmar Bowden  
Public Works Director Anthony Martinez  
Administrative Assistant Renee Romero  
Administrative Assistant Christina Wilder  
Village Attorney Susan Baker

**3. APPROVAL OF THE AGENDA**

Mayor Brownell noted that agenda item 13. C would follow the Closed Session.

**MOTION: To approve the agenda as presented**

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

**4. APPROVAL OF THE MINUTES OF THE MARCH 28, 2019 VILLAGE COUNCIL SPECIAL MEETING, the MAY 14, 2019 VILLAGE COUNCIL WORKSHOP, and the MAY 14, 2019 VILLAGE COUNCIL REGULAR MEETING**

**MOTION: To approve the minutes as presented**

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

**5. UPDATE BY VILLAGE OF TAOS SKI VALLEY TAX INCREMENT DEVELOPMENT DISTRICT BOARD CHAIR NEAL KING**

TIDD Board Chair Neal King told the Council that Board Member Rockey had met with the NM Tax & Revenue Department's Cabinet Secretary, Ms. Stephanie Schardin Clarke, to discuss the mechanism that the Department uses to calculate the Village's baseline amount and the Village's and the TIDD's incremental amounts. Chair King said that the TIDD Board was in favor of Board Member Rockey pursuing efforts to assist NM Tax & Revenue in getting

this situation remedied, as well as the confusion with the two CRS reporting location codes that exist, one for the Village of Taos Ski Valley and one for the Village of Taos Ski Valley Tax Increment Development District. The correct location code for all business activity in the Village is the TIDD's location code of 20-430. TIDD Board Chair King said that it would be helpful for more people to understand the TIDD, how it works, and TIDD Board responsibilities.

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

**A.** Homeowner Kathy Bennett reminded everyone that the July 4<sup>th</sup> event was being planned with the same format as last year. The parade will be pedestrian-only and the public is invited to participate. Participants will gather near the TSVI shuttle drop-off area then will proceed up Sutton Place. The Duck Race will begin after the parade, at 2:30 p.m.

**B.** Homeowner Neal King asked that hikers be aware that the trail to Williams Lake is still covered in snow.

**C.** TSVI's Development Director Peter Johnson said that to date they have built \$30 million in public infrastructure in TIDD-eligible projects. \$3.65 million has been reimbursed through the TIDD's bonding mechanism. He reported that there is an increased risk of the developer not getting reimbursed for expenditures already made. Mr. Johnson said that the improvements to date have been a benefit to the community and include: natural gas and fiber optic lines up the canyon, the replacement of three river crossings which dated from the 1970s, as well as storm water management and collection improvements. Mr. Johnson said that TSVI has paid \$1.5 million in impact fees in for their last several big projects and that they paid \$.5 million in water and sewer bills last year. He explained that the TIDD only receives GRT funds after the Village's baseline has been met, and he calculated that the Village has received an additional \$1.25 million in the Village's portion of the tax increment.

**C.** Enchanted Circle Trails Association Director Carl Colonius said that in addition to the Council's decision to approve the Resolution in July 2018 supporting the Enchanted Circle Trails plan, there had also been a request for the Village to support the Trails Association with an annual donation of \$4,500. Mr. Colonius had worked with the Enchanted Circle Council of Governments to see if a plan could be made for that body to support the Trails Association and then bill the member entities individually. This process had not come to pass, so Mr. Colonius was asking the Village Council if that approval could be re-stated for the record. He will be approaching the other entities individually also.

Attorney Baker said that it would be best for the Council to approve a contract with the Trails Association. This will be brought to Council for approval at another meeting.

**7. FINANCIAL REPORTS**

Administrator Avila gave the Financial Report in Director Grabowski's absence. He reported that GRT remitted to the Village in May was \$319,695 compared to \$243,420 for May last year. Year-to-date GRT total is \$2,119,224 versus \$1,522,794 for last year, a 39% increase of previous year's collections. The TIDD received GRT of \$69,389 in May for March collections. Hold Harmless GRT for the month was \$36,362.

Lodger's tax collections in May were \$12,571 versus \$1,668 for last year. Year-to-date total is \$519,425 for this year, compared to \$346,187 for last year, a 50% increase of previous year's collections.

Water and sewer revenues are up 9% from the previous year.

The Village is in the process of hiring a new accounting firm to assist with bank reconciliations and take on payroll. Once the contract is finalized it will be presented to Council for approval.

Interviews are being scheduled for the open Public Works positions.

**8. COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported that the Commission did not meet in June. The next meeting will take place on July 1, 2019 at the Edelweiss Lodge Club Room.

**B. Public Safety Committee** –Committee Chair Pattison reported that the Committee met on June 3, 2019. The Grant awards for funds to help hire a paid Fire/EMS Chief and other staffing should be announced by the end of June. There has been continued discussion of a Village Wildland Firefighting Division as back-up and support for a sustainable Fire and EMS Department. Other grants will be investigated for building vehicle bays.

There will be a Community Education Day at the July 4<sup>th</sup> celebration. The Committee is discussing a community thinning project on municipal property and may seek grant funds for this.

The next meeting will take place on July 1, 2019 at 10:00 a.m. at the Inn at Taos Valley.

**C. Firewise Community Board of Directors** – Committee Chair Pattison reported that the Committee met on June 3, 2019.

The Board has completed its review of the Wildfire Prevention and Protection Ordinance, in particular the fuels management standards. They are compiling a draft of proposed revised standards for community review. These will be posted on the Village web site and announced. At the next meeting, the Board will begin discussions of implementation and enforcement protocol. Procedures for solid waste fees for slash management and supervision will need to be addressed. The Board plans to begin community engagement and develop a management plan for each property owner, with timelines. A community outreach gathering is being planned for mid-July for education and discussion of the draft ordinance.

The Board continues to investigate various grant opportunities in order to jumpstart new programs and support mass thinning efforts in the community. Board members are in favor of implementing a plan for the removal of the overhead electric lines, and would like to see a helicopter pad that is in a permanent location and is safe.

The next meeting will take place on July 1, 2019 at 11:00 a.m. at the Inn at Taos Valley.

**D. Parks & Recreation Committee** – Committee Member Kerrie Pattison reported that the hanging flower baskets would be installed on Friday, June 14, 2019 on Sutton Place and the Plazas, but not on Thunderbird Road this year.

New Kachina Park benches have been built and installed by Mayor Brownell, from wood which came from donated felled trees on Pattison land. A new sign will be installed for the Park and gates will be painted to match. Several other new signs will be installed. Safety information and maps will be provided at the kiosk in Hiker Parking. The Committee plans to install two new benches by the wetland trail near the Bavarian. The disc golf course has been installed with final approval from TSVI on the layout.

The next meeting is scheduled for June 20, 2019 at 4:00 p.m. at the Twining Campground.

**E. Lodgers' Tax Advisory Board** - Councilor Stagg said that the Board would meet on June 12, 2019 at 11:00 a.m. at the Snakedance to review the next round of grant requests.

## 9. REGIONAL REPORTS

Planning Director Nicholson reported that a draft Source Water Protection Committee plan will be brought to the Council in the next couple of months.

Director Nicholson reported that the NRTPO would meet on July 9, 2019 at 10:00 a.m. in the Village to discuss funding possibilities and regional plans.

## 10. MAYOR'S REPORT

Mayor Brownell said that there would be a helicopter landing training at 9:00 a.m. on June 13, 2019 in the parking lot. The Town of Taos would like for Taos County to take over operation of the Recycle Center or have the Landfill Board take it over. Mayor Brownell said that it is time for the Village to work with TSVI on a separate program. Mayor Brownell will investigate working with TSVI. The Town of Taos Recycle Center costs \$300,000 annually to operate while bringing in revenues of \$90,000.

At the IGC meeting, Peter Johnson with NM Economic Development Department reported that funds are available for starting businesses, especially home based businesses. At the ECCOG meeting it was announced that Taos Air would not be operating this summer.

The RTD will operate everyday bus service to Angel Fire, and the TSV route will begin. The Legislative Capital Outlays were announced for Enchanted Circle entities.

## 11. STAFF REPORTS

### Administrator Avila reported on ongoing projects:

- **WWTP** – The Waste Water Treatment Plant expansion project must have review of requirements by the funding agency, USDA, before official preconstruction meetings. The approval by USDA also allows NMED, the Capital Outlay oversight Department, to move ahead with initial permission for the contractor IWS to be paid from State Legislature Capital Outlay. The Agreement for the legislative grant is awaiting signature by the Secretary.
- The IWS Site Supervisor was on site last week reviewing preparation for the project, including meeting with NM Gas for appropriate installation of a gas line to replace the propane system.
- IWS Project Managers visited the Ovivo assembly plant in Austin last week to review progress on treatment units. IWS construction plans are being submitted to APA/FEI engineers for final review before crew and equipment mobilization, planned before month's end.

- Capacity expansion of the plant is needed for increased demand and is on schedule to be completed before December. Although the NMED most recent Compliance Evaluation Inspection Report was mostly satisfactory, there was one area that received a marginal rating due to the volume during influx of visitors overwhelming the facility. The Village should be able to review and address the finding with NMED in the next few weeks, but a repeat of exceedance is not anticipated with the new plant on line.
- **Kachina Water Tank** – Mobilization of equipment last month was slowed by snow but Village staff were able to assist in clearing a path for excavation and to date RMCI has been able to make progress preparing the Tank Site Earthwork, drain line and other subsurface components are scheduled before month's end so that construction of the tank foundation work can start in July. Enormous rocks have not yet been a hindering factor but there is a high moisture content that RMCI needs to contend with. The requirements for project funding through the Water Trust Board are that the project be completed, invoiced and closed by November 30, 2019 to meet obligations of the amended funding agreement.
- **Village Hall Complex** – Developing Village Hall facilities has been a priority project on the ICIP for a few years and the work to repurpose the purchased Taos Mountain Lodge property continues after many design and redesign issues. As a municipal property the construction and permitting requirements are strictly regulated by NM Construction Industries Division (CID). The latest complication is the delay in getting an exception review from the CID Board in order to have alarms designated as the requirement level of fire safety precautions. The Village Complex has been put to use this fiscal year and has offset some housing costs by serving as the Temporary Housing of Emergency Medical Technicians (EMT) and other Village professionals. It is anticipated to continue to serve this purpose in the near future but the permanent status of the housing changes needs to meet CID permitting.  
The Village Complex office space is being prepared for use by the Village Police Department for relatively inexpensive construction costs. The facility would be an improvement to trailer housing, provide a presence along the NM 150 corridor, and additional safety at the Complex. As in all Municipal Buildings, the CID permitting requirements need to be met.
- The Village was invited to attend Planning and Zoning Officials overview training provided by the Mid-Region Council of Governments in May. They provided complimentary training regarding Planning and Zoning Commission best practices including Open Meetings Act and IPRA requirements of Public Bodies and Subcommittees using the public dollar and participating in making public policy. Also, components and requirements of a capital improvement plan, Zoning Maps, ICIP, and FEMA risk mitigation information including fire, landslides, and flood risks.
- The Village's Sewer Use Ordinance No. 15-37 may require review with the development of the new sewer plant. Under Section 4 Prohibited Acts, it is illegal to connect drainage to the sewer system as described in Section 4-1. The Village has asked the design engineers as part of the Standard Operating Procedures Manual to make recommendations for any changes that would allow drainage to be processed by the WWTP. Those changes may allow us to accommodate requests to connect drainage to the Village sewer system.
- Increased Solid Waste Costs, including recycling, have been a growing concern for entities in the region and these increases are predicted to impact the Village services and cost of operations.
- Staff had commented at the May 14, 2019 Budget Workshop on costs for associated with the Tax Increment Development District incurred by the Village but not yet submitted for reimbursement. Village Staff plan to ask that the invoice from the Village be considered by the TIDD Board for reimbursement.
- Carl Colonius of the Enchanted Circle Trails Association has made a request from the Village for \$4,500. An agreement was never entered into with the Village and the expenditure is not anticipated in the FY20 budget.
- Residents will be asked to give input in an Infrastructure Capital Improvement Plan Survey. Village Staff hope the information will inform the prioritization of ICIP projects and provide information on Village residents' understanding of the GRT reporting requirements. The detail requirements for including projects in the State ICIP system are extensive but all Capital Projects should be included in the Village ICIP list.
- A plan for removing overhead electric lines and installing the lines underground will be developed.
- A review of Village Fire Department assets, procedures, and bylaws needs to be made in order for Village Staff and Council to develop the best plan for the Department moving forward.
- The second siren will be placed most likely at the Kachina sewer lift station.
- **Department Briefs**
- Chief Trujillo reported on recent activity: Arrests (2), Residential Alarms (3), Business Alarms (1), Vehicle Alarm (1), Suspicious Persons/Vehicles (1), Citizen Assists (93), Embezzlement (0), Traffic Enforcement Hours (63), Traffic Stops (16), Traffic Hazard (6), Theft (1), Vehicle Theft (0), Larceny (0), Property Damage (0), Verbal Warnings (17), Written

Warnings (2), Parking Citations (0), Written Citations (2), Assists to other Agencies (10), Foot Patrol Hours (36), Welfare Check (3), Animal calls (0), MVCs (2), B&E (0), Trespass Warnings (1), Found/Lost Property (2), Disorderly (0), Reckless Driver (1), Private Property Crash (1), 911 Hang Up (0), Trespassing (1), Battery or Assault (0), Domestic Calls (0), Civil Stand-by (0), Fire Calls (5), EMS Calls (1), SAR Calls (0).

Chief Trujillo said that the siren strength had been tested, and it now appears that four emergency sirens may be required in order for full coverage throughout the Village. He will be looking into coordinating with Taos County on a new text alert system.

- Building Official Bowden reported that eight building permits are underway. Storm water drainage will now be included in building permit review. More recent new buildings, such as the Edelweiss Lodge, the Blake, and the new Parcel D buildings all have sand separators beneath the building to capture run-off before the effluent goes into the sanitary sewer.
- Planning Director Nicholson reported that NMDOT District 5 had approved the funding application for preliminary engineering and design for paving of the first 1.1 miles of Twining Road. The proposed work would include drainage improvements, erosion control, and safety enhancements as well as paving the surface and designating bike lanes. Curb and gutters may be considered as well as lighting. The survey and design work would begin this fall and continue throughout next summer. Additional funding of approximately \$3 million would be needed in order to execute the project. This project is in the TIDD Finance Plan as being TIDD-eligible. Also, several developers may be approached for funding.

The Shopoff Group will most likely submit for preliminary plat approval at the September P&Z Commission meeting. The Design Review Team will meet to review the Parcel D plans this week. Water flow and quality monitoring will be occurring all summer at the Gunsite Springs. The Village's GIS mapping is now linked from the Village web site.

- Public Works Director Martinez reported that Staff had located two main water leaks on the top pressure zone and on a customer line. Staff corrected the Pioneer Glades tank altitude valve to work with the lower two pressure zones to allow for bi-directional flow from the tank. Staff has been preparing the WWTP area for the upcoming construction of plant upgrades. NM Gas completed an estimate as requested for installing a gas main and five individual meters for the WWTP. The total cost would be \$17,600 for both the 2-inch main and five 1-inch services. Phone lines need to be redone also.
- Village roads have been bladed to break down pot holes. The Ernie Blake Road water line extension has been completed.
- Clerk Wooldridge reported that a very large public records request had been submitted with many documents needing to be pulled out of storage. Also, the TIDD project documents are being consolidated. The TIDD Board member election falls into the Local Election Act rules in the 2019 Election Code, which means that the Taos County Clerk's office will be running the election. Continued research is being conducted on various video, audio, and transcription services for recording Village meetings. Business license and liquor license renewals reminders have been distributed, for renewal by July 1, 2019.
  - Attorney Baker thanked TIDD Board members and TSVI's Peter Johnson for working out a system for getting the Village more involved in all steps of TIDD projects. She said that she may be recommending an overlay zone for the Source Water Protection plan area.

## 12. OLD BUSINESS

**A. PUBLIC HEARING:** Consideration to Approve **Ordinance No. 2019-68** Approving Water, Sewer, and Trash Rates for Fiscal Year 2020

The Village of Taos Ski Valley provides water, sewer and trash service through enterprise operations that should be self-supporting and which require user fees. The rates for these services have been addressed from time to time in order to pay for capital and operational expenditures. Historically, the General Fund has helped to augment or subsidize the Enterprise Fund services. In order to make these services self-reliant the rates collected need to at least cover expenses. The Village has been advised to establish rates for enterprise funds through ordinance. Once established the rates can be adjusted periodically through a rate structure resolution. The rate ordinance has been reviewed over the past year and information and methodologies were presented in the Council Workshop on March 5, 2019, which recommended a 12% first year increase and anticipated a fixed percent increase yearly over subsequent future years. From the Workshop discussions, rates sufficient to cover yearly expenses were recommended, at the May 14, 2019 Council meeting. The direction received was to remove the provision for an agreed-upon annual rate increase.

The costs of managing trash collection is forecasted to increase locally with increased cost for hauling by Waste Management, increased participation and program costs predicted from the Landfill Board, and a reduction in Recycling availability from the Town of Taos.

**PUBLIC HEARING:** The Public Hearing was opened. Speaking in favor was Neal King, who said that plant costs are going up every year and that the previous rate revenue had not been sufficiently covering expenses. Overall Village water use has been trending downwards and most likely will not increase greatly.

No one spoke against. The Public Hearing was closed.

**MOTION: To approve Ordinance No. 2019-68 Approving Water, Sewer, and Trash Rates for Fiscal Year 2020  
Motion: Councilor Wittman                      Second: Councilor Kern**

Public Works Director Martinez said that the trash rate increase should cover the 2% tonnage price increase charged by the landfill. The Village will need to improve its trash/recycling as the Town of Taos may be cutting back on services and/or increasing rates significantly. He pointed out that the Village's utility system is aging with upgrades needed. In addition to operations, capital is required to be set aside for infrastructure replacement. Small, regular increases are usually better than one-time larger increases.

Discussion followed on actual expenses and revenue for each the water/sewer system and the trash operation. The Council thanked Neal King for his efforts in fine-tuning the system of calculating rates to avoid larger spikes and valleys for individual customers. There was no rate increase in FY19.

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

**13. NEW BUSINESS**

**A. Consideration to Approve Resolution No. 2019-398 Approving an Application to the NM Department of Transportation Local Government Road Fund Call for Projects**

The Village was recently invited to submit an application under a new Local Government Road Fund program established by the New Mexico Department of Transportation (NMDOT). Twining Road Improvement Project (phase one - preliminary engineering) was identified as a necessary and viable project for NMDOT consideration. The Village's on-call civil engineering firm, Souder Miller & Associates, prepared a certified Engineer's Opinion of Probable Costs.

Due to funding limitations at NMDOT, only phase 1 - preliminary engineering is being requested at this time. Total cost for phase 1 is estimated to be \$275,500. The Village 5% match would be \$13,775.00. The linear extent of the project is Twining Road from the NE corner of the Parking Lot to the Beaver Pond. Total project costs for the 1.1 mile roadway proposed for reconstruction and improvement is estimated to be approximately \$2,935,884.

The initial project scope entails two 10-foot paved travel lanes and a 4-foot bike lane with curb and gutter. Drainage improvements, erosion control, safety enhancements, and environmental preservation and sustainability in the fragile mountain habitat are included as part of the total project funding request.

**MOTION: To Approve Resolution No. 2019-398 Approving an Application to the NM Department of Transportation Local Government Road Fund Call for Projects**

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

**B. Consideration to Approve A Memorandum of Agreement Between the Village of Taos Ski Valley and the North Central Regional Transit District to Provide a Pilot Summer Transit Service to Taos Ski Valley**

The Village of Taos Ski Valley is a Member of the NCRTD and has had an agreement with NCRTD to provide Winter Transit Service to the Taos Ski Valley. The North Central Rural Transportation Department Resolution No. 2009-13 provides a methodology for assessing new routes and services and allows the Mayor as a Board Member to request a new route be investigated for implementation. The Village Council approved Application to NCRTD for the Pilot summer Transit Service. NCRTD is willing to Pilot a Summer Route to Taos Ski Valley but requires funding to do so. The Village has received support from the Lodgers Tax Board and has budgeted funds for the Pilot Service. Should the pilot service prove successful the NCRTD may consider a longer term arrangement that could include more partners and funding sources.

The service will run from late June to late September, once a driver is found. The cost would be adjusted if service isn't provided for the full extent of the schedule. The Council has approved the Lodgers' Tax expenditure, which is \$40,000 for three days of service per week with three round trips a day. The Town of Taos is not participating financially this year. There had been some concern about the benefit of this program to local businesses, members of the Lodgers Tax Board said. There is interest in an intra-Village transportation system to get visitors to the Kachina area, as well as to Amizette. Lodgers Tax revenues were higher this year which is an incentive to go ahead with trying the RTD bus route, they said. The Village of Taos Ski Valley Chamber of Commerce will assist in marketing and advertising the bus route, which will be free to riders.

**14. MISCELLANEOUS**

**A. Councilor Wittman urged the public to attend the TIDD Board meeting, which is scheduled for Wednesday, June 19, 2019 at 2:00 p.m. at the Taos Tent.**

**B. Members of the public asked about the reason behind contracting with a mediator**

**15. CLOSED SESSION**

**A. Discussion of Possible or Pending Litigation**

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

**B. 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 Kern                      Passed: 4-0**

**MOTION: To return to Open Session**

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

No decisions or motions were made during closed session.

**13. C. Consideration to Authorize Village Administrator to Negotiate a Professional Services Contract to Retain Joseph Caldwell as Mediator**

**MOTION: To Authorize Village Administrator to Negotiate a Professional Services Contract to Retain Joseph Caldwell as Mediator**

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

It was explained that a mediator would help with interpreting the Village’s fees and connection fees, both historically and moving forward.

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

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

The next Regular Village Council Meeting will be held on Tuesday, July 16, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room.

**17. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Stagg                      Second: Councilor Pattison                      Passed: 3-0**

The meeting adjourned at 5:25 p.m.

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

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