



**VILLAGE COUNCIL SPECIAL MEETING
AGENDA
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
OCTOBER 29, 2019 2:00 P.M.**

1. **CALL TO ORDER AND NOTICE OF MEETING**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA**
4. **APPROVAL OF THE MINUTES OF THE OCTOBER 8, 2019 VILLAGE COUNCIL REGULAR MEETING**
5. **OLD BUSINESS**
 - A. Consideration to Approve Amended and Restated **Resolution No. 2020-412** Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Water Depreciation (41) Fund Budget for Purchase and Installation of a Booster Pump Station at the New Kachina Water Tank, and Increased Transfer from the General Reserve (43) Fund to Cover the Additional Expense
6. **NEW BUSINESS**
 - A. Consideration to Approve **Resolution 2020-415**, the Local Government Transportation Project Fund Grant Agreement, Control No. LP50011 - Twining Road Improvement Project, Preliminary Engineering
 - B. Discussion of Presentation provided by the Village Hall Complex Task Force
7. **MISCELLANEOUS**
8. **ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL**
9. **ADJOURNMENT**



Village of Taos Ski Valley
 PO Box 100, 7 Firehouse Road, Taos Ski Valley, NM 87525
 (575) 776-8220 (575) 776-1145 Fax
 E-mail: vtsv@vtsv.org Website: www.vtsv.org
Mayor: Christof Brownell
Council: Jeff Kern, Roger C. Pattison,
 J. Christopher Stagg, Thomas Wittman
Administrator: John Avila
Clerk: Ann M. Wooldridge, CMC
Finance Director: Nancy Grabowski

NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN of the following meetings of the Village of Taos Ski Valley, New Mexico and the dates, times and locations of the meetings:

MEETING	DATE & TIME	LOCATION
SOURCE WATER PROTECTION PLAN COMMITTEE MEETING	Wednesday October 16, 2019 10:00 a.m.	Edelweiss Lodge Club Room
PARKS & RECREATION COMMITTEE	Wednesday October 16, 2019 4:30 p.m.	Stray Dog Cantina
VILLAGE COUNCIL SPECIAL MEETING	Tuesday October 29, 2019 2:00 p.m.	Edelweiss Lodge Club Room
PUBLIC SAFETY COMMITTEE	Monday November 4, 2019 10:00 a.m.	Inn at Taos Valley Club Room
FIREWISE COMMUNITY BOARD	Monday November 4, 2019 11:00 a.m.	Inn at Taos Valley Club Room
PLANNING & ZONING COMMISSION REGULAR MEETING <ul style="list-style-type: none"> <i>PUBLIC HEARING: Consideration to Approve Application for Preliminary Plat Approval for Kachina Subdivision Block 4 by The Resort at Taos Ski Valley</i> <i>PUBLIC HEARING: Consideration to Approve Application for Zone Change for Kachina Subdivision Lot 1 Block 2, Lot 2 Block 2, Proposed Block 4, and Proposed Block 4 Improved Open Space Zone, by The Resort at Taos Ski Valley</i> 	Monday November 4, 2019 1:00 p.m.	Edelweiss Lodge Club Room
FIREWISE BOARD COMMUNITY MEETING	Saturday November 9, 2019 2:00 p.m.	Edelweiss Lodge Club Room
VILLAGE COUNCIL REGULAR MEETING	Tuesday November 12, 2019 2:00 p.m.	Edelweiss Lodge Club Room
PLANNING & ZONING COMMISSION SPECIAL MEETING	Monday November 18, 2019 1:00 p.m.	Edelweiss Lodge Club Room
TIDD BOARD REGULAR MEETING	Wednesday, January 15, 2019 2:00 p.m.	Edelweiss Lodge Club Room
LODGER'S TAX COMMITTEE	TBA	Snakedance Condominiums

These meetings will be public meetings to consider various items of business. A copy of the agenda for each meeting will be available for inspection 72 hours prior to the meeting. Persons wishing to comment on items listed on the proposed agendas may submit written comments to the Village offices on or before 5:00 p.m. on the day prior to the meeting. Persons with disabilities may request accommodations no later than 5:00 P.M. on the day prior to the meeting. This notice shall be posted at the Village Office, Box Canyon, Village Message Board in the TSV Chamber of Commerce and three other public places within the municipality as provided by Section 3-1-2 NMSA 1978. /s/ Ann M. Wooldridge, Village Clerk, posted October 2, 2019, updated October 10, 2019, October 17, 2019.



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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, OCTOBER 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 role 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
Project Manager Rich Willson
Public Works Director Anthony Martinez
Administrative Assistant Renee Romero
Administrative Assistant Christina Wilder
Village Attorney Susan Baker

3. APPROVAL OF THE AGENDA

MOTION: To approve as presented

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 10, 2019 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes with the amendment of changing Coyote Lane to Coyote Parking, on page 5 under Department Briefs, Planning Director Nicholson

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

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

A. Homeowner Neal King announced that the Birnhams, on the Red River Fire Department, were retiring and the retirement party was going to be that evening. The Birnhams organized the Red River Fire Academy for many years.

B. Homeowner Kathy Bennett said that opening day for the ski area was just 6 1/2 weeks away, and asked whether EMS Staffing, lodging, scheduling, etc. were in place. She asked what the plan was to move the transport vehicle out of The Blake, and also asked where the \$35,000 was going to be expended which had come through the Taos Community Foundation.

C. Mr. Dominic Martinez, E911 Coordinator for Taos County, spoke about the need to improve communications between Central Dispatch and the Village EMTs. They are interested in opening the lines of communication between E911, the Village, and TSVI.

Mr. Bobby Lucero, Taos County Emergency Management Coordinator, went over the Text Alert system that is being used by Taos County.

Mayor Brownell said that the Village would be glad to work with Taos County on both if these items.

D. David Norden, TSVI CEO, announced that Taos Air was resuming operations for the winter season and reservations were underway. He said that he had appreciated the good discussion on workforce housing which had taken place at the previous day's P&Z Commission meeting. Mr. Norden said that TSVI would be buying the Columbine Inn with a predicted closing date of November 20, 2019. He thought that a good conversation had taken place with Mayor Brownell and Councilor Wittman about impact fees. He hoped that this would be a building block in the foundation of a good relationship going forward.

He invited the Village to set a date to get together with representatives of TSVI for TSVI to share its vision, and hoped that then the Village would reciprocate in sharing its vision.

6. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in September for July filings was \$83,776 compared to \$86,640 for last year. Year to date is -\$30,001 versus \$196,230 for last year. The negative number is a result of no distribution in August, along with a withdrawal of GRT by NM Tax & Revenue for re-payment of funds which should have gone to the TIDD.

The TIDD received GRT in September for July collections of \$53,769. Hold Harmless GRT for the month was \$12,628.

Lodger's tax collections in September for August were \$18,926 versus \$15,936 for last year. Fiscal year-to-date total is \$51,210 versus \$42,420 for last year.

Outside contractor expenses are up because of payouts to IWS for WWTP work, and to RMCI for Kachina Tank work. The WWTP payment will be submitted to NMED for Legislative Grant reimbursement, once approved by the USDA. The WTB funds have been exhausted for the Kachina Tank payments.

7. COMMITTEE REPORTS

A. **Planning and Zoning Commission** –Commission Chair Wittman reported on the October 7, 2019 P&Z Commission meeting. Agenda items included:

- An update on amended building code adoptions in a draft ordinance to be presented for review in the next few months
- A first review of the draft Firewise Ordinance with input from the Firewise Board members. A Community Outreach meeting on the draft ordinance will take place on Saturday, November 9, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room. Following that, the P&Z Commission will meet in a Special meeting on Monday, November 18, 2019 at 1:00 p.m. at the Edelweiss Lodge to conduct further review and discussion of the draft ordinance.
- A Pattison Trust proposed land exchange consisting of 11 acres of Trust lands in several parcels in exchange for the ½ acre lot owned by the Village at the top of Bull-of-the-Woods Road. Input from the discussion was that a presentation of where these lands were and how they could be used was needed in order for the P&Z Commission to make a recommendation to the Council.
- Workforce housing options. TSVI announced the pending purchase of the Columbine Inn which will house approximately 70 employees full-time for the winter season. TSVI hopes to eventually house 200 employees in the Village in order to lessen the travel burden for their staff, have better consistency, and also to provide individuals who can volunteer for the Fire and EMS Departments. The building permit for some code amendments to the building will be issued by the Village soon.
- The Shopoff presentation for preliminary plat approval and zone change applications for The Resort at Taos Ski Valley will be considered at the November P&Z meeting.

The next meeting is scheduled for November 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. **Public Safety Committee** –Committee Chair Pattison reported that the Committee met on October 7, 2019.

The Committee continues discussions on its projects:

- Working on the process of undergrounding electric service within the Village

- NMDOT needs to re-paint the latest striping on State Road 150
- Second siren installed at Kachina Lift Station, testing the controller, getting going on third siren acquisition
- E911 communications – Making connections with Taos County on this. Need funds for a new repeater.
- EMS Staffing is a necessity, researching methods of funding this essential service. Would like more information on the Village web site.
- Draft Firewise Ordinance continued amendments. Dead standing and dead down trees a priority target. A Firewise Board Community meeting is planned for Saturday, November 9, 2019 with a possible field trip to get out and look at some good examples of thinning.
- The Firewise Board and the Public Safety Committee are hoping for the community to get involved in their projects.

The next meeting will take place on November 4, 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 October 7, 2019.

Discussion was covered under the Public Safety Committee report.

The next meeting will take place on November 4, 2019 at 11:00 a.m. at the Inn at Taos Valley.

D. Parks & Recreation Committee – Committee Member Kerrie Pattison reported that the volleyball net would be taken down the following week, as well as the disc golf course baskets.

The next meeting will take place on Wednesday, October 16, 2019 at 4:30 p.m. at the Stray Dog Cantina

E. Lodger's Tax Advisory Board – The next meeting will take place on Wednesday, October 9, 2019 at 2:00 p.m.

8. REGIONAL REPORTS

Village Administrator Avila reported that he would be attending the Lodger's Tax Board meeting with the Village's requests. Planning Director Nicholson plans to attend the NM RTPO meeting on October 10, 2019, and a Source Water Protection meeting is scheduled for Wednesday, October 16, 2019 at 10:00 a.m. at the Edelweiss Lodge Club Room.

9. MAYOR'S REPORT

Mayor Brownell said that a solution had to be found for hiring EMS Staff. He said that there is a possibility of buying land from Mickey Blake for vehicle bays and possibly Village offices.

The Landfill Board will be scheduling a special recycling meeting, as this is an important regional issue.

Mayor Brownell appointed members to a Task Force to study the finances for the Village Complex project.

The Task Force members are: Councilor Wittman, Councilor Pattison, P&Z Commissioner Caldwell, and P&Z Commissioner King. The hope is to get the community involved in planning next steps for this project.

10. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **WWTP** – Project management for the Waste Water Treatment Plant includes scheduling for month-end the regular progress meetings with USDA to coincide with the Village's pay application process. A list of guided items are discussed at monthly construction meetings, the last week of the month, and addressed in the owner's monitoring report to Rural Development.

The old treatment plant building has been demolished and the stem wall has been poured for the new treatment plant. Existing piping and miscellaneous equipment have been removed and plumbing installed for the new lab. Coordination is taking place with NM Gas for new lines and meters. Old electrical conduit has been demolished with installation of new conduit. The new treatment plant slab and equipment pads have been poured. The Ovivo tanks are in place.

Upcoming work includes the connection of the gas lines, connection to Kit Carson fiber optic, and construction of the building around the installed equipment. Building delivery scheduled for mid-October.

- **Kachina Water Tank** – work is proceeding smoothly. Plummer, RMCI, and the Village are coordinating the hose and pump for filling the tanks for testing, then backfill will be done. Funds will be sought for the required booster pump. The engineers will be able to make a report in November. The Village Public Works Department is

undertaking the task of extending the dry utilities from the existing end location on Blue Jay Ridge Road to the location where RMCI began work, in order to save money on a potential change order from RMCI. . One additional electrical pull box and one additional fiber pull box will be installed.

- **Village Hall Complex** – Completion of key tasks are required if the Village Complex Apartments are to be rentable. Grading the parking lot will take place this week with paving to follow. The Property management contract has been executed to start apartment and lease readiness. CID for fire alarms has been received. This approval will make way for other rental unit buildings in the Amizette area. A temporary tent will be placed at the site to house Totemoff. The Village Complex office space is being prepared for use by the Village Police Department with relatively inexpensive construction costs. Additionally the backup electrical generator being removed from the new sewer plant has a benefit for use at the Complex, especially for Public safety. The facility will be an improvement to trailer accommodations and will provide a presence along the NM 150 corridor, as well as additional safety at the Complex. As a Municipal Building, CID permitting is also needed for the Police offices. Additional funding for paving is requested for the Police Department.

- **Other Items:**

- A resolution addressing signage and enforcement was passed at the last Council meeting. Purchase of signage and installation of signage is scheduled by November for signs at the entrance to Twining Road about four-wheel drive requirements, about the speed limit on Twining Road being lowered to 15 mph on the lower part, and also that parking be limited to one side of the road.
- The Village has been advised to provide training for lodging establishments on lodger's tax collection, remittance, and records retention requirements.. Assistance will be asked of the NM Municipal League. In addition, the NM Statutes have changed which will require the Village's lodger's tax ordinance to be amended. .
- The RFP for Excavation services for the Village resulted in no proposals, as did the RFI for land for municipal use.

- **Department Briefs**

- Chief Trujillo presented the September Public Safety report: Arrests (0), Residential Alarms (7), Business Alarms (1), Vehicle Alarm (0), Suspicious Persons/Vehicles (3), Citizen Assists (93), Embezzlement (0), Traffic Enforcement Hours (89), Traffic Stops (15), Traffic Hazard (2), Theft (0), Vehicle Theft (0), Larceny (0), Property Damage (0), Verbal Warnings (27), Written Warnings (1), Parking Citations (3), Written Citations (4), Assists to other Agencies (10), Foot Patrol Hours (42), Welfare Check (0), Animal calls (2), MVCs (1), B&E (0), Trespass Warnings (0), Found/Lost Property (1), Disorderly (0), Reckless Driver (1), Private Property Crash (0), 911 Hang Up (0), Trespassing (0), Battery or Assault (1), Domestic Calls (0), Narcotics Adult (0), Civil Stand-by (1), Shots Fired (1), Fire Calls (3), Fire Alarms (4), EMS Calls (2), SAR Calls (0).

Chief Trujillo said that there have been bear and bear scat sightings along Kachina Road.

- Planning Director Nicholson reported that the official comprehensive Village zoning map, reflecting all past Council decisions and amendments on zoning, will soon be posted at the Village office and on the Village web site. The Village released an RFP for an update to the Village system development fee and impact fee study, which supports the Needs Assessment report required to adopt these fees by ordinance. A committee reviewed the proposals and the award of contract is on the Council agenda for this meeting. The Resort at Taos Ski Valley project, including 25 acres of development consisting of retail, lodging, and residential properties including two hotels, is scheduled to be heard at the November 4, 2019 P&Z Commission meeting. The agenda is expected to include preliminary plat approval and a proposed zone change application of the 75 acre parcel located behind Wheeler Peak Condominiums in the Kachina area. Monitoring of the water quality and quantity at the Gunsite Spring continues. The initial results indicate that this is an extremely clean water source with an approximate water supply of 200 gpm at last reading, even this late in the season.
- Building Official Bowden reported that he had issued seven building permits over the past month, one for demolition of an existing residence which will be replaced next construction season, and the others were renovation and roofing permits.
- Public Works Director Martinez reported that there were no compliance issues, as is normal. Repairs are being conducted on the water truck and the mechanic's shop has been very busy. Public Works Department Staff have been digging trenches for conduit at the Village Hall complex and have stored wall blocks at the WWTP site temporarily. An RFB for snow removal may be conducted for snow removal, as well as working with TSVI, on Sutton Place snow removal. The road dedication requires that the road be plowed from 7 a.m. to 7 p.m., and that the sidewalks be maintained until 8:00 p.m. Director Martinez said that the Village Public Works Department needed some assistance in order to maintain this level of plowing.

Soil stabilizer is being applied for the fall rain run-offs. Director Martinez said that a plan is being drawn up for the required Kachina booster station pump. He is also working on ways to organize an asset management plan. A dirt stabilizer is being applied this fall.

- Chief Molina addressed the EMS staffing needs, saying that Taos County could help if the Village paid for the service. As needed housing for the medical transport unit, he recommended Firehouse #1 as being the best location. The new truck being donated by Taos County will hold 700 gallons. In order to participate in mutual aid, the Village needs VHF radio communication. He is hoping to augment the Fire Department's buildings.
- Clerk Wooldridge reminded the public that the TIDD Board election would take place on November 4, 2019 from 7:00 a.m. to 7:00 p.m. at the Inn at Taos Valley Club Room. Absentee and early voting is taking place starting October 8, 2019 through the office of the Taos County Clerk, as required in the newly adopted NM State Statute Election Code. The Municipal Officer Election Day will take place on March 3, 2019 for two Village Councilor positions.
- Attorney Baker advised that the Council must appoint an advisory committee to review the qualified professional's proposal for impact fee and system development fee amendments. This would be reviewed prior to P&Z Commission recommendation. The Shopoff proposal for development includes many items for review of access, water rights, Pattison Settlement Agreement obligations, land and easements requested for Gunsite Springs, and open space donation and acceptance by the Village. Water rights investigation has proved that documents need to be filed at the Office of the State Engineer for proof of beneficial use and proof of completion of works. Village Staff and Attorney Baker met with a representative of the Office of the State Engineer. Attorney Baker asked if the Council would like to sunset the approval of Chaz Rockey as an agent for the Village of Taos Ski Valley to the NM Tax & Revenue Department. She said that the negotiations continue about the Parcel D and C system development fees.

11. OLD BUSINESS

A. Consideration to Accept the Planning & Zoning Commission Review and Recommendation of Remanded Thunderbird Road Improvements Project

Village Staff recommend that Thunderbird Road design be remanded back to the Planning Commission for consideration. The Commission considered the matter at the September 9, 2019 meeting and made a recommendation to Council that they approve the 2018 Public Works Director signed engineering plans, with the condition that the Village and the Developer work with the Brownells on acquisition of the necessary property and the condition that the Village issue a revocation of the letters which rescinded approval for the Thunderbird Road plans.

TSVI Peter Talty said that all of the documents are in order for the road to proceed as shown. The agreements with the Cottams are in place, he said. Other documents are ready, including for the Brownell property. The Parcel C land will be donated for road alignment.

Much discussion took place.

MOTION: To Accept the Planning & Zoning Commission Review and Recommendation of Remanded Thunderbird Road Improvements Project

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

B. Discussion and Consideration of the Acquisition of Private Properties to Expand and Realign the Thunderbird Road Right-of-Way

Attorney Baker recommended that the Council discuss the Village's intent to acquire private property to facilitate the expansion of the Thunderbird Road right-of-way. If the Council determines to move forward with the acquisition of private property, it should make a formal motion to do so which includes directing the developer to meet with staff to determine the exact area to be acquired. Once this determination is made, a surveyor should be retained to describe the area specifically in metes and bounds, including any easements for drainage and other utilities.

Because costs related to the acquisition of private property are dependent upon the exact area to be acquired, Council may wish to consider having Staff report back with the survey before acquiring an appraisal. Or as another option, Council could direct staff to obtain both a survey and appraisal and then report back for further action.

Village staff is hopeful that acquisition of private properties can be resolved through negotiation. However, should negotiation fail, it would be necessary to engage in eminent domain legal proceedings. Therefore, any appraiser retained by the Village should be an expert in these matters.

Much discussion followed. Several recommendations were made to remove the sidewalk from the plans at this time.

Thunderbird Road is an important project with a major utility installation all of the way to the Burroughs crossing.

MOTION: To Acquire Private Properties to Expand and Realign the Thunderbird Road Right-of-Way, with the contingency to obtain a survey and appraisal

Motion: Councilor Stagg

Second: Councilor Kern

Mayor Pro-Tem Wittman called for a vote

Failed: 0-4

More discussion took place. TSVI representatives asked for a definitive answer on the road.

MOTION: To Reconsider the previous item and to approve the construction of Thunderbird Road without considering the acquisition of property from the Brownells. The sidewalk would come under consideration in Phase Two.

Motion: Councilor Stagg

Second: Councilor Kern

More discussion followed.

Mayor Pro-Tem Wittman called for a vote.

Passed: 4-0

Mayor Brownell recused himself from the table for the discussion and vote.

12. NEW BUSINESS

A. Consideration to Approve Out of State Travel to New Orleans, LA for National Government Finance Conference and Training by Nancy Grabowski May 16-21, 2020

The 114th annual National Government Finance Office Conference is taking place in New Orleans, LA this fiscal year in May 2020. The training which is available at this conference focuses specifically on the needs of Government Finance Officers and Administrators.

MOTION: To Approve Out of State Travel to New Orleans, LA for National Government Finance Conference and Training by Nancy Grabowski May 16-21, 2020

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

B. Consideration to Accept Donation of Fire Truck from Taos County Fire Department

MOTION: To Accept Donation of Fire Truck from Taos County Fire Department

Motion: Councilor Pattison

Second: Councilor Kern

Passed: 4-0

C. Consideration to Approve Resolution No. 2020-414 Municipal Officer Election

As part of the new election code, it is required that the Council adopt a resolution between October 5, 2019 and November 4, 2019 of all local government positions that are to be filled at the next regular local election. This resolution will be presented to the Taos County Clerk and the NM Secretary of State. The NM Secretary of State shall issue an election proclamation on December 4, 2019 which shall be published in conformance with the requirements of the federal Voting Rights Act of 1965 and shall be posted on the Village's web site.

Two Councilor positions will be up for election in this election. Candidacy shall be filed on January 7, 2020 between 9:00 a.m. and 5:00 p.m. in the Office of the Village Clerk, 7 Firehouse Road, Taos Ski Valley, NM 87525.

MOTION: To Approve Resolution No. 2020-414 Municipal Officer Election

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

D. Discussion and Direction to Apply to the Village of Taos Ski Valley Lodgers Tax Board for Additional Eligible Project Funding in FY 2020

Staff recommends that Council give direction to apply for consideration of funding the projects of the Lodgers Tax Board. Some of the contracts are in effect currently, and funding requested to expand or continue the projects.

Additionally, the Village Administrator has asked the Lodgers Tax Board directly for funding Fire Department Personnel during the season to cover increased tourism.

MOTION: To Direct Staff to Apply to the Village of Taos Ski Valley Lodgers Tax Board for Additional Eligible Project Funding in FY 2020

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 3-1 (Councilor Stagg voting nay)

E. Consideration to Approve Payment to Taos Ski Valley, Inc. for the Ski Season 2018-2019 Sutton Place Snow Removal

Director Martinez explained that according to Mr. Kelly, Director of Operations, TVSI received requests last winter from various Village Staff to do more snow removal because complaints that the Village was receiving. From Director Martinez's conversation with Mr. Kelly, this communication from Village Staff reinforced the understanding that the Village wanted TSVI to handle snow removal and were operating under the terms from the previous ski season. It is estimated that TSVI did approximately seventy-five percent (75%) of the snow removal on Sutton Place.

MOTION: To Approve Payment to Taos Ski Valley, Inc. for the Ski Season 2018-2019 Sutton Place Snow Removal

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

F. Consideration to Approve Resolution No. 2020-413, A Resolution Authorizing and Approving Financial Assistance from the New Mexico Department of Transportation FY2020 NM LGRF DOT Control No. L500369
A Resolution is needed to approve the NMDOT FY2020 Road Coop funding. NMDOT will be drafting a contract for Village approval. At this point, the State has committed to funding in the amount of \$74,158 with the Village contributing 25% of total project costs, or \$24,719, for a total project cost of \$98,877. Monies for the project will be used for full construction with drainage improvements of various local streets.

MOTION: To Approve Resolution No. 2020-413, A Resolution Authorizing and Approving Financial Assistance from the New Mexico Department of Transportation FY2020 NM LGRF DOT Control No. L500369

Motion: Councilor Stagg

Second: Councilor Kern

Passed: 4-0

G. Consideration to Approve Awarding Contract to The Plumbers for Natural Gas Service Line Installation along with Appliance Conversion and Installation of Hot Water Heater Installation

Director Martinez contacted The Plumbers (Hawk Mechanical), Bond Plumbing and Heating, Prompt Professional Services and Matt's Refrigeration & Appliance Repair. The scope of work that was requested was to pressure test the existing lines and provide a quote for Appliance Conversion to natural gas. One quote was received for the work. The quote covered the following items:

- Gas Service Line Installation
- Gas Fired Heating Unit Conversion from Propane to Natural Gas
- Replacing existing Propane Water Heater with New Natural Gas Water Heater

MOTION: To Approve Awarding Contract to The Plumbers for Natural Gas Service Line Installation along with Appliance Conversion and Installation of Hot Water Heater Installation

Motion: Councilor Stagg

Second: Councilor Kern

Passed: 4-0

H. Consideration to Approve Contract No. 2020-09 with Willdan Financial Services for the Village Impact Fee and System Development Study

The last Village Needs Assessment Report, substantiating the imposition of Development Impact Fees, was done in 2014. This was the last time Impact and System Development Fee assessments were updated. These fees should be reviewed and updated at a minimum of every five years.

MOTION: To Approve Contract No. 2020-09 with Willdan Financial Services for the Village Impact Fee and System Development Study

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

13. MISCELLANEOUS

14. CLOSED SESSION

A. Discussion of the Acquisition of Real Property – Water Rights

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

B. Discussion of Possible Litigation – Parcel C Fees

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

C. Discussion of Limited Personnel Matters - General

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 Stagg

Second: Councilor Stagg

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.

Direction was given to Attorney Baker to pursue negotiations according to direction given in Closed Session.

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

A Special Council meeting will be held on Tuesday, October 29, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room. The next Regular Village Council Meeting will be held on Tuesday, November 12, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room.

16. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Stagg

Second: Councilor Kern

Passed: 4-0

The meeting adjourned at approximately 5:35 p.m.

Christof Brownell, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: **Consideration to Approve Amended and Restated Resolution No. 2020-412 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Water Depreciation (41) Fund Budget for Purchase and Installation of a Booster Pump Station at the New Kachina Water Tank, and Increased Transfer from the General Reserve (43) Fund to Cover the Additional Expense**

DATE: October 29, 2019

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: Old Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village submitted its fiscal year 2019-20 budget in July of 2019. The Kachina Tank is now nearing completion and it was determined that a pump station should have been included in the original project estimate but was not. In order to be completed, the tank will need to be tested by filling it with water. Also, in order to put the Kachina Tank into service this winter a temporary booster pump station will need to be installed. The engineers have estimated that the pumps, labor and electrical to install a 3 phase pump at the tank will be approximately \$60,000.. To cover the expense an additional transfer of funds from the General Fund Reserve (43) will be required in the amount of \$60,000..

This Resolution was originally brought to Council at the regular Council meeting on September 10, 2019, however there was an error and one side of the transfer was left off. The budget adjustment request was not accepted by the Department of Finance, Local Government Division and so is being brought to Council for approval of the Amended and Restated Resolution No. 2020-412.

RECOMMENDATION: Staff requests approval of **Amended and Restated Resolution No. 2020-412** to amend the FY2020 Water Depreciation (41) fund budget for the \$60,000.00 expense, a transfer in to complete the Kachina Tank project, and a General Fund Reserve transfer out for \$60,000.00 to cover the additional unbudgeted expense.

**VILLAGE OF TAOS SKI VALLEY
AMENDED AND RESTATED
RESOLUTION NO. 2020-412**

A RESOLUTION REQUESTING A PERMANENT BUDGET ADJUSTMENT (BAR) TO THE FY2020 WATER DEPRECIATION (41) FUND FOR PURCHASE AND INSTALLATION OF A BOOSTER PUMP STATION AT THE NEW KACHINA WATER TANK, AND INCREASED TRANSFER FROM GENERAL RESERVE FUND (43) TO COVER THE ADDITIONAL EXPENSE.

WHEREAS, it is hereby resolved that the Village of Taos Ski Valley having met in a special meeting on October 29, 2019 proposes to make an adjustment to the Fiscal 2019-20 budget as follows:

<u>FUND</u>	<u>ACCOUNT/DESCRIPTION</u>	<u>AMOUNT</u>
Water Depreciation (41/53400)	8322/58040 Capital/Infrastructure	\$60,000.00
Water Depreciation (41/53400)	9001/61100 Transfer in	(\$60,000.00)
General Reserve (43/11000)	9002/61200 Transfer Out	\$60,000.00

WHEREAS, at the special meeting of the Village of Taos Ski Valley Governing body on October 29, 2019, it considered adjustments to its budget for the Fiscal Year 2019-2020; and

WHEREAS, said budget was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meetings for the review of said documents were duly advertised and posted in compliance with the State of New Mexico Open Meetings Act; and

WHEREAS, it is the majority opinion of this Council that the proposed budget adjustments meets the requirements as currently determined for Fiscal Year 2019-2020.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the governing body of the Village of Taos Ski Valley, State of New Mexico hereby approves authorizes and directs that the Village of Taos Ski Valley budget for Fiscal Year 2019-2020 be amended accordingly.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

THE VILLAGE OF TAOS SKI VALLEY

By: _____
Christof Brownell, Mayor

(Seal)

ATTEST:

Ann M. Wooldridge, Village Clerk

VOTE: For ____ Against ____

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: **Consideration to Approve Resolution 2020-415, the Local Government Transportation Project Fund Grant Agreement, Control No. LP50011 - Twining Road Improvement Project, Preliminary Engineering**

DATE: October 29, 2019

PRESENTED BY: Patrick Nicholson, Director of Planning & Community Development

STATUS OF AGENDA ITEM: New business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village's recent application submission to the Local Government Road Fund program established by the New Mexico Department of Transportation (NMDOT) succeeded and an award has been offered. Phase 1 - preliminary engineering is awarded at this time. Total cost for phase 1 is estimated to be \$275,500. The grant award, NMDOT's share, is \$261,725.. The Village's 5% match is \$13,775. The linear extent of the project is Twining Road from the NE corner of the Parking Lot to the 'Beaver Pond', approximately 1.1 miles.

The initial project scope entails two (2) ten (10) foot paved travel lanes and a four (4) foot bike/pedestrian lane with curb and gutter. Drainage improvements, erosion control, safety enhancements, and environmental preservation and sustainability in this fragile mountain habitat are included as part of the overall project.

RECOMMENDATION: Staff recommends approval of **Resolution 2020-415** to enter into Local Government Transportation Project Fund Grant Agreement, Control No. LP50011 - Twining Road Improvement Project, Preliminary Engineering. .

Contract No. _____
Vendor No. 0000052151
Control No. LP50011

LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND GRANT AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and **Taos Ski Valley** (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-78 and 18.27.6 NMAC, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Transportation Project Funds (LGTPF) to the Public Entity for the following project scope **Twining Road Improvement Project - Preliminary Engineering, Survey and ROW acquisition** (Project or CN LP50011). This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

- a. The estimated total cost for the Project is Two Hundred Seventy Five Thousand Five Hundred Dollars and No Cents (**\$275,500**) to be funded in proportional share by the parties as follows:
 1. Department's share shall be 95% **\$261,725.00**
Twining Road Improvement Project - Preliminary Engineering, Survey and ROW acquisition
 2. The Public Entity's required proportional matching
Share shall be 5% **\$13,775.00**
For purpose stated above
 3. Total Project Cost **\$275,500.00**
- b. The Public Entity is responsible for all costs that exceed Project funding.
- c. All allocated funds must be spent by **June 30, 2022**.
- d. The Public Entity represents that no federal funds will be used to finance the Project.
- e. The Public Entity must repay Project funding to the Department if:
 1. The Project is cancelled or partially performed.
 2. A final audit conducted by the Department at Project completion determines the following: an overpayment, unexpended monies or ineligible expenses.

3. The Department:

- a. Shall distribute the funds, identified in Section 2a1, in a lump sum to the Public Entity after:
 - 1. The Department has received this Agreement fully executed with a Resolution of Sponsorship attached as Exhibit B.
 - 2. Receipt of a letter requesting funds, which includes the following Project documents: Notice of Award/Work Order and Notice to Proceed for the Project.
 - 3. If a Department's or another entity's right-of-way is involved, a permit or letter of approval/authorization, from the entity with jurisdiction over the Project right-of-way.
- b. Will not:
 - 1. Perform any detailed technical reviews of Project scope, cost, budget, schedule, design or other related documents;
 - 2. Have any involvement in the construction phase;
 - 3. Be involved in permit preparation or the review or coordination with regulatory agencies.
 - 4. Conduct periodic assurance inspections or comparison material testing.
 - 5. Participate in resolving bidding and contract disputes between the Public Entity and contractors.
- c. May perform Project monitoring that might consist of the following:
 - 1. Review of Project status to ensure that project goals, objectives, performance requirements, timelines, milestone completion budgets and other guidelines are being met.
 - 2. Request written Project status reports.
 - 3. Conduct a review of the Local Entity's performance and administration of the Project funds identified in Section 2a.
- d. Reserves the right, upon receipt of the Public Entity's Certification of Completion, Exhibit A, to request additional documents that demonstrate Project completion.
- e. If required, the District Engineer or designee, will conduct a Project review to determine if permit is required from the Department. If there is a determination that a permit is not required, a letter of approval and authorization will be forwarded to the Public Entity.

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- c. Be responsible for all design activities necessary to advance the Project to construction and coordinate construction.
- d. Unless otherwise specified in a letter of authorization or permit, design and construct the Project in accordance with the Public Entity's established design standards.
- e. Have sole responsibility and control of all project phases and resulting quality of the completed work.
- f. If the Project is in full or on a portion of a state highway, on a Department right of way or a National Highway System route:
 - 1. Obtain from the Department a permit in accordance with 18.31.6.14 NMAC, State Highway Access Management Requirements or a letter of authorization; and
 - 2. Design and construct the Project in accordance with standards established by the Department.

- g. Adopt a written resolution of Project support that includes a commitment to funding, ownership, liability and maintenance. The resolution is attached to this Agreement as Exhibit B.
- h. Consider placing pedestrian, bicycle and equestrian facilities in the Project design in accordance with NMSA 1978, Section 67-3-62.
- i. Comply with any and all state, local and federal regulations including the Americans with Disabilities Act (ADA) and laws regarding noise ordinances, air quality, surface water quality, ground water quality, threatened and endangered species, hazardous materials, historic and cultural properties, and cultural resources.
- j. Be responsible for all permit preparation, review and coordination with regulatory agencies.
- k. Cause all designs, plans, specifications and estimates to be performed under the direct supervision of a Registered New Mexico Professional Engineer, in accordance with NMSA 1978 Section 61-23-26.
- l. Allow the Department to perform a final inspection of the Project and all related documentation to determine if the Project was constructed in accordance with the provisions of this Agreement. At the Department's request, provide additional documentation to demonstrate completion of the required terms and conditions.
- m. Meet with the Department, as needed, or provide Project status reports within thirty (30) days of request.
- n. Within 60 days after Project completion, provide the Certification of Completion, which is attached as Exhibit A, that it has complied with the requirements of 18.27.6 NMAC and this Agreement.
- o. Upon completion, maintain all the Public Entity's facilities constructed or reconstructed under this Agreement.

5. Both Parties Agree:

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Unless otherwise indicated in a letter of authorization, the Project will not be incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- c. Pursuant to NMSA 1978, Section 67-3-78, Local Government Transportation Project Funds granted under this provision cannot be used by the Public Entity to meet a required match under any other program.
- d. The requirements of 18.27.6 NMAC are incorporated by reference.
- e. The inability to properly complete and administer the Project may result in the Public Entity being denied future grant funding.

6. Term.

This Agreement becomes effective upon signature of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on the earliest of the following dates: (a) Department receipt of the Certification of Completion or (b) **June 30, 2022**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60)

days prior to the expiration date to ensure timely processing of an Amendment. Neither party shall have any obligation after said date except as stated in Sections 2e, 4l, 4n and 7.

7. Termination.

If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement by providing thirty (30) days written notice. This Agreement may also be terminated pursuant to Section 15. Neither party has any obligation after termination, except as stated in Sections 2e, 4l, 4n and 7.

8. Third Party Beneficiary.

It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

9. New Mexico Tort Claims Act.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq.*

10. Contractors Insurance Requirements.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.

This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents will be valid or enforceable unless embodied in this Agreement.

12. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations must conform

with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

14. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

15. Appropriations and Authorizations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity and the Legislature this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.

There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five (5) years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) days.

17. Severability.

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement will remain in full force and effect.

18. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its

choice of law provisions. Venue is proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

19. Amendment.

This Agreement may be amended by an instrument in writing executed by the parties.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated opposite that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: Cynthia A. Christ
Assistant General Counsel

Date: 9-26-19

Taos Ski Valley

By: _____

Date: _____

Title: _____

Attest: _____

Title: _____

EXHIBIT A

CERTIFICATION OF PROJECT COMPLETION

Public Entity:

Control No. LP50011

I, _____, in my capacity as _____ of _____
_____ certify in regard to Control No. **LP50011**:

1. That the Public Entity has complied with the terms and conditions of the requirements under this Agreement and 18.27.6 NMAC.
2. That all work in was performed in accordance with the Agreement.
3. That the total Project cost of _____, with New Mexico Department of Transportation 95% share of _____ and the Public Entity share of _____ is accurate, legitimate, and appropriate for the Project.
4. That the Project was completed on _____ of _____, 20_____

In Witness Whereof, _____ in his/her
capacity as _____ of _____
certify that the matters stated above are true to his/her knowledge and belief.

Taos Ski Valley

By: _____ Date: _____

Title: _____ Date: _____

ATTEST:

By: _____ Date: _____

Public Entity Clerk

When completed, send Certification of Project Completion to the District Coordinator, New Mexico Department of Transportation.

EXHIBIT B
VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2020-415

**PARTICIPATION IN LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the **Village of Taos Ski Valley** and the New Mexico Department of Transportation have entered into a grant agreement under the Local Government Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$275,500 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$261,725.00
- and
- b. **Village of Taos Ski Valley**'s proportional matching share shall be 5% or \$13,775.00

TOTAL PROJECT COST IS \$275,500.00

The **Village of Taos Ski Valley** shall pay all costs, which exceed the total amount of \$275,500.00.

Now therefore, be it resolved in official session that **Village of Taos Ski Valley** determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2022 and the **Village of Taos Ski Valley** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

Now therefore, be it resolved by the **Village of Taos Ski Valley** to enter into Cooperative Agreement for Project Control Number **LP50011** with the New Mexico Department of Transportation for the LGTPF Program for year 2019 for Twining Road Improvement Project - Preliminary Engineering, Survey and ROW acquisition within the control of the **Village of Taos Ski Valley** in New Mexico.

CHRISTOF BROWNELL, MAYOR

DATE