



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, FEBRUARY 11, 2020 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
Community Development Director Patrick Nicholson
Building Official Jalmar Bowden
Public Works Director Anthony Martinez
Police Chief Sam Trujillo
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

4. APPROVAL OF THE MINUTES OF THE JANUARY 14, 2019 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes as presented

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

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

A. Homeowner Mike Fitzpatrick said that several Amizette residents will meet again with Rick Leon of Kit Carson Electric after the snow melts because there are about six homeowners ready to hook up to underground power. He said that the Village Hall Complex and one house are currently connected underground. Mr. Fitzpatrick said that they are very interested in moving forward and accomplishing this task, and the group felt that they had made some progress.

B. TSVI CEO David Norden said that he had been reaching out to residents and had recently held a meeting, inviting certain residents to attend. He said that about 20-25 people attended and expressed their concerns about items in the Village, notably: access to natural gas, access to underground power, and moving towards a more pedestrian-oriented Village. Mr. Norden reported that TSVI would be conducting the construction on Thunderbird Road and completing Ernie Blake Road, the completion of which would result in hooking up the lines to existing

natural gas lines. Mr. Norden asked the Village to take next steps in following through with Kit Carson and expansion of the underground electric lines, and said that he would follow up with calling a meeting to discuss all of these issues.

6. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in January for November filings was \$258,318 compared to \$125,934 for last year. Year-to-date is \$517,408 versus \$922,211 for last year. The low number is a result of a lack of distribution in October, along with a withdrawal of GRT by NM Tax & Revenue for re-payment of funds which it determined should have gone to the TIDD.

The TIDD received GRT in January of \$75,787. Hold Harmless GRT for the month was \$17,730. Director Grabowski reported that a total of \$533,000 had been collected in Hold Harmless GRT since implementation. Lodger's tax collections in January for December were \$100,415 versus \$89,403 for last year. Fiscal year-to-date total is \$201,969 versus \$177,962 for last year.

Property tax collections for FY2020 are down by 14%.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that no meeting had taken place in February. A March meeting will most likely be held, and on the first Monday of April, the Shopoff proposal is due to be heard again.

The next meeting of the P&Z Commission is scheduled for March 2, 2020 at the Edelweiss Lodge Club Room at 1:00 p.m.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee and the Firewise Board met on February 3 2020. He said that attendance continues to grow as more and more TSVI staff attends, which he said was very beneficial.

The Committees continue discussions on their projects:

- Improvements needed for communications, especially at the base level. Progress has been made but grass roots procedures can be improved, he said. Councilor Pattison thanked TSVI for working with the Village on these issues.
- The Firewise Ordinance is on the agenda for introduction at this Council meeting. In answer to a question, Councilor Pattison said that the U.S. Forest Service (USFS) yw\]Eas a plan for thinning around the Village limits, up Highway 150, this summer. Additionally, the USFS has planned for thinning of approximately 300 acres in the Bull-of-the-Woods area.

The next meeting will take place on March 2, 2020 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 February 3, 2020.

Discussion was covered under the Public Safety Committee report.

The next meeting will take place on March 2, 2020 at 11:00 a.m. at the Inn at Taos Valley.

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that the Committee had around ten projects lined up for the summer. Some of the projects include sustaining the Kachina wetlands, the Kachina Vista Park, volleyball, flower baskets in the Village Core, and continued work towards trails and maintenance of trails. A trails meeting was held with Planning Director Nicholson and Enchanted Circles Trails Association Director Carl Colonius to prioritize projects. The Committee has put together its list of projects for inclusion in the Village's Infrastructure Capital Improvements Plan (ICIP), as well as for inclusion in the Village's impact fee study. Chair Kett said that the Committee is very interested in organizing an event for the summer. Mayor Brownell said that the Committee's efforts are going to be helpful in creating a pedestrian-friendly Village. Committee Chair Kett said that events will be planned for the Village Core and the Kachina Area, but that they have not yet considered the Amizette area. She said that there were many factors to creating a trails system. The next meeting will take place on Wednesday, February 26, 2020 at 11:00 a.m. at the Village Administrative Office.

E. Lodger's Tax Advisory Board – No report

8. REGIONAL REPORTS

Planning Director Nicholson said that the Source Water Protection Plan Committee had not met. Building Official Bowden said that the proposed bus service for the World Ski Tour in early April was enthusiastically received by the NCRTD but was not able to be voted on at the last NCRTD meeting because of a lack of quorum. The extended service might be provided to the Village at no cost..

9. MAYOR'S REPORT

A. Consideration to Approve the Appointment of Planning & Zoning Commissioners

Mayor Brownell said that he was appreciative of the applicants who submitted letters of interest. He said that he would like to appoint the three incumbents to their positions, which are Susan Nichols, Tom Wittman, and Jim Woodard.

MOTION: To approve the Mayor's appointment of Susan Nichols, Tom Wittman, and Jim Woodard to the Planning & Zoning Commission.

Motion: Councilor Stagg

Second: Councilor Wittman Passed: 4-0

Mayor Brownell reported that at the IGC meeting, the Town of Taos' Karina Armijo had made a presentation about the Town's concern with short-term rentals. At the ECOG meeting, each municipality's Legislative Requests were discussed. The Village has submitted requests for \$500,000 each for the water booster pump to the Kachina Water Tank, for the installation of upgraded water lines, and the installation of upgraded sewer lines. There has been a request to re-start work on a Kachina Area Master Plan.

10. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **WWTP** – Operation of the new plant is improving as staff and the engineers work to fine-tune the equipment. There was an exceedance on the levels for nitrogen, ammonia nitrogen, and phosphorus a few days during January. Director Martinez will publicize the plans for improving the numbers. He said that treatment of grease is improving. Councilor Stagg noted that the exceedances do not affect drinking water or the river. The treatment plant is treating sewage effectively.
- **Kachina Water Tank** – Planning for spring completion of the tank requires that Kit Carson fiber be included for a cost review of connection to existing facilities versus installation of tank-specific fiber and electric.
- **Village Hall Complex** – Initial meetings with the Village's financial advisor were not promising unless the cost of septic holding tank pumping can be reduced. Landseer's market survey has long term rental rates in the area of \$1,000-\$1,500 monthly. Oversight of building repairs by Building Official Bowden has been very valuable. CID has been onsite to review repair work and has approved fire wall repair to remove unit common doors. Key punch locks have been installed, and baseboard heaters have been replaced, and window work is nearing completion. Dormitory-sized appliances are being replaced with regular sized appliances. The Police and Fire Departments are parking some equipment on-site and Public Works is conducting snow removal from the parking lot. Options for use of the office building are still being evaluated.
- **Other Items:**
 - More meetings have been held with Kit Carson Electric and Fiber representatives to understand the long-term planning underway with Kit Carson infrastructure in the Village. Kit Carson has meetings scheduled with TSVI for construction planning on Thunderbird and Ernie Blake Roads. The plan for Kit Carson and the Village needs to be developed for long-term planning for Village electrical underground facilities. Kit Carson has committed to provide draft mapping of underground facility needs for Amizette and some of the other proposed neighborhoods. Some of those neighborhoods have just one or two houses not in compliance with the undergrounding requirement but once these are addressed, the undergrounding can go forward. A new franchise agreement between the Village and Kit Carson will be negotiated at the same time.
 - The Village of Taos Ski Valley has submitted its Excavation RFP to ECCOG, NM Gas, and Kit Carson, for input.
 - A connection across Highway 150 is a required step in making underground electric available in the Amizette area. Kit Carson will be responsible for the planning and permitting of the best location for the crossing and the Village can plan for the costs.
 - Underground fiber connectivity to the Village office on Firehouse Road was recently made, with underground fiber connectivity to the treatment plant to come soon.

- Staff anticipates having the next TIDD dedications go before Council after review of the projects' financial information. .

Department Briefs

- The January Public Safety report: 911 Hang Up (1), Abandoned Vehicle (0), Animal calls (2), Arrests (0), Assists to other Agencies (15), Battery or Assault (0), Business Alarms (2), Civil Stand-by (1), Citizen Assists (183), Disorderly (0), Domestic Calls (0), Embezzlement (0), Found/Lost Property (0), Foot Patrol Hours (75), Larceny (1), Parking Citations (25), Property Damage (1), Suspicious Persons/Vehicles (0), Traffic Enforcement Hours (105), Traffic Stops (8), Traffic Hazard (2), Theft (2), Unattended Death (1), Vehicle Theft (1), Vehicle Alarm (0), Verbal Warnings (27), Written Warnings (5), Written Citations (0), Welfare Check (3), MVCs (6), B&E (0), Trespass Warnings (1), Reckless Driver (1), Residential Alarms (1), Private Property Crash (7), Trespassing (0), Narcotics Adult (0), Shots Fired (0), Fire Calls (3), Fire Alarms (1), EMS Calls (6), SAR Calls (0).
- Planning Director Nicholson reported that planning department staff and advisors are steadily moving forward for final review of the proposal for the Resort at Taos Ski Valley. The preliminary plat approval and rezoning request are scheduled to be heard at the April 6, 2020 P&Z meeting. Other work continues on the Development Impact Fee updated study, and the final Source Water Protection Plan. The draft SWPP plan will be introduced at the March P&Z meeting, along with a riparian setback variance request for a bridge across the Rio Hondo in Amizette to serve a private residence.
- Building Official Bowden reported that no new permits were issued, though 4-6 Certificates of Compatibility are in the works. He worked with Public Works staff on the heating for Fire Substation #2, and also on completing the paperwork for the Village Complex renovations.
- Clerk Wooldridge reported that the Municipal Officer Election would take place on March 3, 2020, with five candidates for the two open Councilor positions. A candidates' forum is being sponsored by the Chamber of Commerce on Saturday, February 15, 2020 from 4:30 p.m.-6:00 p.m. at the Taos Tent on Thunderbird Road. Absentee and early voting are taking place currently at the Village Office from 9-4 Monday-Friday, and on Saturday, February 29, 10-6. For absentee ballots, please contact the Village office at 575-776-8220.
- Attorney Baker reported that work continues on the Shopoff development agreements and on personnel issues.

11. OLD BUSINESS

A. Consideration to Ratify Parcels C and D Settlement Agreement with TSVI for Water and Sewer System Development Fee Credits

Attorney Baker reported that the Village and TSVI have reached a settlement regarding TSVI's claim of water and sewer system development fee credits (also called connection fee credits) towards its Parcel C development in the Village Core (the settlement also addresses credits related to Parcel D).

TSVI's original claim was for \$610,000.00 in credits. As set forth in the Settlement Agreement, these credits will now be given to TSVI in the total amount of approximately \$255,095.00 in exchange for TSVI's release of its existing claim and any future claims against the Village in relation to both Parcels C and D. In exchange for these credits, TSVI has agreed to release the Village for any further credits or cash amounts related to connection and/or water and sewer system development fees on Parcels C and D. The Village has also agreed to give TSVI an additional 8 water and sewer credits for the Terry Sports building.

Staff recommends that the Council ratify the Settlement Agreement, along with the letter from TSVI's Counsel clarifying that the TSVI system development fee credits for Terry Sports are 8, with the value to be calculated pursuant to the EQR formula established by Village Resolution No. 2007-128. This action item is a ratification of the signed Settlement Agreement because the Council previously approved the Agreement in draft form by formal motion following an executive session on January 14, 2002. The ratification assures both parties of final approval by the Village Council of the signed Agreement.

MOTION: To approve Ratifying Parcels C and D Settlement Agreement with TSVI for Water and Sewer System Development Fee Credits, and to accept the letter from TSVI establishing the remaining water and sewer system development fee credits for Terry Sports at 8 EQRs.

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

B. PUBLIC HEARING: Consideration to Approve Ordinance No. 2020-10 an Ordinance of the Village of Taos Ski Valley Adopting Building and Construction Codes

The Village's Planning and Zoning Commission recommended the precursor draft to this Ordinance, presented to the Council for introduction and consideration at its January 14, 2020 Regular Meeting. Building Official Bowden presented an explanatory document referencing the New Mexico, International, and Uniform Codes. Each of these families of codes will be adopted in part by the Village upon approval of Ordinance No. 2020-10.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. Speaking in favor of approval was Neal King, saying that it's a positive thing for the Village to be in compliance with the State's regulations. No one spoke against. The Public Hearing was closed.

MOTION: To Approve Ordinance No. 2020-10 an Ordinance of the Village of Taos Ski Valley Adopting Building and Construction Codes

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

C. Introduction: Ordinance No. 2020-69 Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

Attorney Baker said that the Village Firewise Committee had drafted an Ordinance adopting regulations to reduce wildfire hazards by requiring the removal of hazardous materials, debris, and flammable vegetation from private property within the Village municipal boundary. The Firewise Board held two educational meetings for the public last fall to discuss the Ordinance and receive feedback. Significant changes were made to the original draft as a result of public participation.

Additionally, the Planning & Zoning Commission reviewed the Ordinance and provided feedback which resulted in a reduction of penalties and a more collaborative approach with Village property owners. The Planning & Zoning Commission ultimately recommended reworking the Ordinance into a Resolution and formally made this recommendation to Council at its last regular meeting on January 6, 2020.

The purpose of the Ordinance is to encourage property owners to engage in wildfire prevention by identifying hazards on their property and removing them, sometimes over a period of several years. Once a property has been mitigated, the Ordinance anticipates that it will be continually maintained to ensure the prevention of future catastrophic wildfires. This Ordinance requires the appointment of a Director of Forestry, who is an expert in the mitigation of wildfire hazards, to work with property owners to develop an individual mitigation plan for each property within the Village. The Ordinance could not be enforced without this important position.

The Firewise Committee recommends passage of the Ordinance with a first reading at this meeting, and a subsequent second reading. The Planning & Zoning Commission recommended converting the Ordinance into a Resolution. Some members of the public have also suggested that the Ordinance be converted into a Master Plan document that provides guidance and standards to later be adopted into an Ordinance.

Staff recommends that any consideration of the Ordinance ensure the creation of the Director of Forestry position.

Without it, the Ordinance cannot be carried out. Staff recommends that this position be created by Resolution of the Council with a full job description attached. Funding of the position should also be considered.

Councilor Wittman said that P&Z had recommended adopting it as a Resolution, and consider making it an ordinance at a later time. He also said that a full-time or part-time employee is very expensive. Councilor Pattison said that all demands had been removed from the draft ordinance. The only requirement is to remove dead and down trees. Funding has already been applied for to pay for a forester. Councilor Stagg said that it was a good plan, but a bad ordinance. The Village has already adopted the Wildland Urban Interface (WUI) code. Consulting with a forester should have come first, in order to make the right plan. Building Official Bowden said that the WUI code presented similar regulations and had been used nationally already, instead of being brand-new. Homeowner Mike Fitzpatrick said that the ordinance could be onerous and that it could be costly for a property owner to remove all of the dead and down trees.

Attorney Baker said that funding for WUI mapping is available through the Nature Conservancy, and that J.R. Logan had presented some good ideas about finding funding. Councilor Kern asked what the reason would be to wait to put teeth into the regulations.

MOTION: To table this item and ask staff to look into the feasibility of contracting with a forester

Motion: Councilor Stagg Second: Councilor Wittman

Vote: 2-2. (Councilors Pattison and Kern dissenting)

Mayor Brownell cast a vote in order to break the tie.

Failed: 2-3

MOTION: To recommend moving ahead with a second reading of Ordinance No. 2020-69 Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

Motion: Councilor Pattison

Second: Councilor Wittman

Councilor Wittman asked that at the following Council meeting a Firewise Resolution be presented for consideration following the vote on the Ordinance, if approval failed. Councilor Stagg asked why the Council would adopt an ordinance the Village can't or won't enforce.

The Mayor called for a vote.

Passed: 3-1 (Councilor Stagg voting against)

12. NEW BUSINESS

A. Council Acknowledgement of the FY2020 2nd Quarter Financial Data Submitted to the Department of Finance, Local Government Division on January 29, 2020

As per the Department of Finance (DFA), Local Government Division, it is required to have the quarterly financial information submitted no later than 30 days after the close of each quarter. Director Grabowski presented the summary report as submitted to DFA, the Profit and Loss from July 1-December 31, 2019, and the Balance Sheet as of December 31, 2019. Staff is submitting this report to the Council for its review and acknowledgement of the financial status of the Village as of December 31, 2019.

MOTION: To Acknowledge the FY2020 2nd Quarter Financial Data Submitted to the Department of Finance, Local Government Division on January 29, 2020

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

B. Approval of a Village Letter of Support to Senators Heinrich and Udall for the Continuation of Local Offices Presence for USFS Staff Especially those in Emergency Dispatch

Administrator Avila reported on a recent meeting with representatives from the offices of the U.S. Senators from New Mexico. Village officials learned of plans to shut down local U.S. Forest Service emergency dispatch offices in order to move staff to a large center in Albuquerque. A letter of support for the local U.S. Forest Service offices has been presented for Council approval. The Senators' representatives said that they would encourage communication by the U.S. Forest Service with the Village of Taos Ski Valley.

MOTION: To approve a Village Letter of Support to Senators Heinrich and Udall for the Continuation of Local Office Presence for USFS Staff Especially those in Emergency Dispatch

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

C. Consideration to Approve Out of State Travel to Brea, CA for International Code Council International Wildland Urban Interface Code Training by Jalmar Bowden March 5, 2020

Building Official Bowden explained that his training is important for the administration of the Wildland Urban Interface and Firewise codes. Recognition of hazardous properties and administration of sensible mitigation measures are addressed in the training. Practical measures for building structures less susceptible to ignition when exposed to wildfires are also part of the code and training. Similar trainings online and at conferences, for example Colorado Chapter International Code Council, commonly utilized for Village Building Official continuing education, were simply not available. The travel expense, \$1,455, was included in the original general fund travel budget estimate for FY2020.

MOTION: To Approve Out of State Travel to Brea, CA for International Code Council International Wildland Urban Interface Code Training by Jalmar Bowden March 5, 2020

Motion: Councilor Stagg Second: Councilor Wittman

Homeowner Maggie Walsh asked why the training could not be taken online. Building Official Bowden explained that this training was the only training available, specific to the WUI. He said that this training would also serve as continuing credits towards his Building Official certification to allow him to continue enforcement of the building codes within the Village.

The Mayor called for a vote.

Passed: 4-0

13. MISCELLANEOUS

14. CLOSED SESSION

A. 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 Pattison Passed: 4-0

MOTION: To return to Open Session

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

No decisions or motions were made during closed session.

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

The next Village Council Meeting will be a Regular meeting on Tuesday, March 10, 2020 at 2:00 p.m. at the Edelweiss Lodge Club Room.

16. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Stagg

The meeting adjourned at 4:50 p.m.

Second: Councilor Wittman

Passed: 4-0

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk