



Village of Taos Ski Valley
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VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, MARCH 10, 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
Building Official Jalmar Bowden
Public Works Director Anthony Martinez
Police Chief Sam Trujillo
Public Works Superintendent Olaf Mingo
Village Attorney Susan Baker

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda as presented

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

Mayor Brownell asked for a moment of silence to observe the passing of an Edelweiss Lodge employee who passed away recently in an automobile accident.

4. **APPROVAL OF THE MINUTES OF THE FEBRUARY 11, 2020 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 have developed a plan for hooking up to underground power. He distributed the plan to the Mayor and Council and asked that everyone pull together to make this a top priority. He asked that the Village coordinate private land hookups. He said that the Village Ordinance requires property owners to connect within 45 days of the underground power being at the property line.

B. Homeowner Francie Parker asked the Council to consider whether there are enough infrastructure services for the entire Village, including the Kachina area. She said that existing users must be considered as they will continue to need services as well as any new development.

6. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in February for December filings was \$319,336 compared to \$323,306 for last year. Year-to-date is \$836,744 versus \$1,245,517 for last year. The low number is a result of a lack of distributions in August and 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 \$309,179. Hold Harmless GRT for the month was \$50,172. A total of \$583,172 has been collected in Hold Harmless GRT since its implementation.

Lodger's tax collections in February for January were \$111,590 versus \$100,794 for last year. Fiscal year-to-date total is \$313,558 versus \$278,757 for last year.

Property tax collections for FY2020 are now up by 9% from last year.

A GRT take-back summary from the Village to the TIDD based on NM Tax & Revenue's assessment was presented. The amount paid back from August – November 2019 was \$280,700.85, with an additional \$186,958.84 to be paid back monthly over six years. Based on discussions with David Monteith at NM Tax & Revenue, no additional amounts are owed to the TIDD from the Village.

TSVI Chaz Rockey asked if better executive-level reports could be created about the financial status of the Village, in order to portray a more detailed financial picture. He asked about information concerning liquidity, and what the cash basis looked like. Director Grabowski said that she will take a look at QuickBooks to see what reports can be created.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the P&Z Commission had met on March 2, 2020. Agenda items included:

- An application for variance to the riparian setback for a residential bridge on a lot by the river in Amizette. The item was presented by Director Nicholson, Building Official Bowden, and Douglas Patterson of Living Designs Group. The comments from the Army Corps of Engineers were nonchalant, he said. The application for variance was approved unanimously, 7-0.
- A presentation from the Source Water Protection Plan Committee. This was an introduction of the plan, to be voted on at a subsequent meeting. The Plan is a 70-page document, which will be considered for adoption as an amendment to the Village's Comprehensive Plan.
- Under Miscellaneous, there was discussion of a request to get back on-course with developing a Kachina Master Plan. Commission Chair Wittman thought that the plan was approximately 60% complete, from the work conducted previously, a couple of years ago.

The next meeting of the P&Z Commission is scheduled for April 6, 2020 at the Edelweiss Lodge Club Room at 1:00 p.m. (Note: this meeting was later cancelled due to the Declaration of Emergency for the Village of Taos Ski Valley and the concern about public meetings due to the Coronavirus.)

TSVI CEO David Norden said that many Village residents wanted to get together to discuss creating a pedestrian-friendly Village. To facilitate this discussion, a community meeting is planning to be held on Saturday, April 4, 2020 from 4:30-6:00 p.m.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee met on March 2, 2020. The Committee discussed improving communication on the mountain, and there were some suggestions for better inter-community communication

The next meeting will take place on April 6, 2020 at 10:00 a.m. at the Inn at Taos Valley. (Note that all Village meetings have been postponed.)

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Committee met on March 2, 2020.

The Board is planning its May 2, 2020 Firewise Community Day. Next year, a County-wide emergency drill is being planned. The Board recommends that the Village hire a part-time, or full-time, grant writer. The Town of Taos has experienced success by using a grant writer, he said. J.R. Logan is very familiar and knowledgeable about various grants. Some grants make an allowance for use of 10% of funds for administrative expenses.

The next meeting will take place on April 4, 2020 at 11:00 a.m. at the Inn at Taos Valley. (Note that all Village meetings have been postponed.)

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that the Committee had been working on its list of future projects to be used in the impact fee study and for use in the ICIP. A Village Clean-up

day is planned for Thursday, May 21, 2020, with lunch provide at the Village Firehouse. The Blake plans to open on May 22, 2020. She hopes that all of the new electors in the recent election will become involved and aware of Village committees and initiatives.

Chairperson Kett said that the Committee is hoping and planning for a good summer of activities, and is conducting on-going trails meetings. The Committee can work with efforts to create a more pedestrian-friendly Village, being already familiar with the parcels along the river possibly to be used for trails. She said that the Committee would be able to work with TSVI on river crossings, and would work to delineate maintenance of private parcel boundaries. Homeowner Neal King requested some efforts to improve the Hiker Parking port-a-potty situation, and Homeowner Henry Caldwell asked for assistance in providing bathrooms and a doggie station by the RV parking in the lower parking lot.

The next meeting is planned for March 25, 2020 at 11:00 a.m. at the JR Ramming Trail entrance on Firehouse Road

E. Lodger's Tax Advisory Board – No report

8. REGIONAL REPORTS

Planning Director Nicholson was out and there was no report.

9. MAYOR'S REPORT

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. Some new ordinances are being considered for adoption, especially concerning these rentals in and around the historic district. The Town of Taos has hired a firm to monitor short-term rentals.

There was no Landfill meeting or ECOG meeting.

The NCRTD is looking into the use of electric buses. Service to Taos Ski Valley will continue through the World Pro Ski Tour in early April.

Mayor Brownell congratulated the newly elected Village Councilors. He reported that 107 ballots had been cast, compared to 83 ballots at the 2018 election. Mayor Brownell said that he had heard of complaints of new voter registrations, which he thought had created a feeling of mistrust in this small community.

Homeowner King mentioned that the rules in the NM Statutes for electors, construed as "intent to reside", which is different than for candidates.

10. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **WWTP** – The updated substantial completion date estimate has had to be extended into March because of additional repair. Preparations are being made for demobilization of the temporary MBR Plant on March 9, 2020. USDA substantial completion site review now scheduled for the week of March 23rd.
- **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** – Landseer Management has three units rented and a fourth under contract soon. Rents are running around \$1,000 a month. EMS personnel still have units to use. A temporary ambulance garage will be placed at the Village Complex and a budget will need to be created around this project.
- **Underground fiber-** Long-term planning is underway with KCEC on the Village of Taos Ski Valley infrastructure. KCEC does not have definitive long-term plans in place for electrical facilities, and for easements on private property. The Village's Franchise Agreement, as well as the expired Village Ordinance 2015-51, was discussed. KCEC committed to providing mapping of underground facilities in neighborhoods where only a few connections stand between completing underground service and eliminating overhead lines. The plan is for underground fiber connectivity to be placed in joint trenching with KCEC electric lines. Whenever possible, joint trenching will be conducted with NM Gas. Additional planning with the relevant companies will continue, and additional meetings with public participation will be announced.
- **Other Items:**
 - Staff has participated in NM Department of Health state-wide conference calls on readiness for the Corona virus emergency. With the new connection to fiber optic at the Village office, staff would be able to work remotely if this were to become necessary.
 - Staff will be attending seminars to better understand workforce housing options at the Village Complex.

- The contractor bid process is underway for the Thunderbird Road/Ernie Blake Road construction project this summer. The Village is meeting with TSVI on the project and meetings are occurring with Kit Carson and NM Gas on the project.

TSVI Chaz Rockey asked whether there had been budget overruns on the WWTP project and the Kachina Water Tank project. Administrator Avila responded that the WWTP project had exceeded the budget by about \$20,000 and that the Kachina Tank project had exceeded the amended budget numbers. A temporary pump will be used for the tank for the next couple of years but a request has been made by the Village for legislative outlay funds for a new permanent pump.

Department Briefs

- The February Public Safety report: 911 Hang Up (1), Abandoned Vehicle (1), Animal calls (0), Arrests (1), Assists to other Agencies (11), B&E (0), Battery or Assault (1), Business Alarms (1), Civil Stand-by (1), Citizen Assists (161), Disorderly (0), Domestic Calls (0), Embezzlement (0), Foot Patrol Hours (75), Found/Lost Property (2), Larceny (1), Missing Person (2), MVCs (5), Narcotics Adult (1), Parking Citations (25), Private Property Crash (2), Property Damage (0), Reckless Driver (4), Residential Alarms (1), Shots Fired (0), Suspicious Persons/Vehicles (2), Theft (3), Traffic Enforcement Hours (100), Traffic Hazard (7), Traffic Stops (33), Trespass Warnings (0), Trespassing (0), Unattended Death (0), Vehicle Alarm (0), Vehicle Theft (1), Verbal Warnings (33), Welfare Check (2), Written Citations (12), Written Warnings (7), Fire Calls (3), Fire Alarms (2), EMS Calls (6), SAR Calls (0). Chief Trujillo said that he is working with NMDOT to get speed limits reduced to 35 mph in Amizette. Amizette resident Henry Caldwell thanked him for monitoring speeding on Highway 150.
- Building Official Bowden reported that one permit was issued for a condominium remodel, with three to four new residence permits expected in the near future. Framing completions for The Blake Residences will be occurring soon with almost daily inspections upcoming as mechanical, plumbing, and electrical contractors secure inspections from the State of New Mexico.
- Public Works Director Martinez said that staff is continuing to work through processes at the new treatment plant. The numbers are much improved, he said. Public Works staff will be working on lower Twining Road and is working on a dust control plan beginning in May. The application will be different than the previously used magnesium chloride.
- Clerk Wooldridge reported that the results of the Municipal Officer Election held on March 3, 2020 would be canvassed by the Taos County Commission at the Commission meeting on March 17, 2020 at 9:00 a.m. The voting results showed that candidates Neal King and Tom Wittman received the most votes and have been elected for the two outstanding Councilor positions. The candidates take office on April 1, 2020.
- Attorney Baker reported that work continues on the Shopoff development agreements. Hearing for the applications has been postponed until May, most likely. Consideration to adopt the Source Water Protection Plan has been postponed until at least April. She has been working on a water-sharing agreement with TSVI for Beaver Pond water diversion. Attorney Baker said that a mutual-aid agreement is needed for providing emergency services. Grant funds should be sought for Village strategic planning, she said. An advisory committee will need to be appointed with a minimum of five members to participate in the development of the needs assessment report for the updated development impact fees. Attorney Baker said that the committee would work with the Planning & Zoning Commission over a period of eight months to develop the report. Committee members cannot be elected officials or staff members. She said that an advertisement would go out the following week, that the Mayor and staff would review applications, and that the Mayor would appoint the committee members at the April Council meeting.

11. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve **Ordinance No. 2020-69** Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

PUBLIC HEARING: Speaking in favor was Councilor Pattison, saying that the Firewise Board and the Public Safety Committee were in favor of approval. Speaking against was homeowner Kathy Bennett who said that it would take time to make the Village firewise-compliant, but that the basic need is to eliminate dead, down, and dying trees on properties. She said that this would be a simple way to get things moving and that it would present a very noticeable difference. Implementing an ordinance is too much and is an unnecessary step at this time, she said. Volunteers and members of the Village staff could go out and assist property owners with information on conducting firewise thinning on their properties. The ordinance implies that there would be threats and bullying to property owners, she said. Ms. Bennett said that this would be an expensive way to achieve the goal, and that if there was money in the Village budget for hiring a forester, then why wouldn't the Village pay for EMT staffing. Homeowner Mike Fitzpatrick said that it would be premature to adopt an ordinance as the first step would be to have someone advise homeowners on Firewise compliance, then regulate actions with a public nuisance ordinance. Homeowner Neal King said that the intent is good but that

making this into an ordinance was too much. Property owner Henry Caldwell said that this would be onerous for property owners and wasn't appropriate at this time.

Property owner Kerrie Pattison said that for someone who was proposing to build a home, the lack of initiative on the part of property owners to thin dead and down trees was dangerous and she was in favor of approval.

Building Official Bowden said that he was not speaking in favor or against but wanted to advise the Council that there is a Wildland Urban Interface ordinance in place for the Village which has not been enforced. The two parts which regulate new construction and then existing structures could be workable and enforceable. If he were to work in partnership with the Firewise Board, this effort would make the community safer in Firewise compliance. There is a newer version of the WUI code which could be adopted and fine-tuned for the Village if necessary.

The Public Hearing was closed.

MOTION: To Approve Ordinance No. 2020-69 Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

Motion: Councilor Pattison Second: Councilor Wittman

Discussion took place including comments from Councilors about some ambiguous terms in the ordinance. There were items in the ordinance that are mandated that perhaps should not be mandated. Since an election has recently occurred, the current Council would be forcing the new Council to regulate and pay for this ordinance. It is necessary to trend towards regulations that are enforceable, and the P&Z Commission voted against adoption of the ordinance by a vote of 1-6. The Commission's recommendation was to make this into a resolution.

The Mayor called for a vote. Failed: 1-3 (Councilors Kern, Stagg, and Wittman dissenting)

12. NEW BUSINESS

A. Consideration to Adopt Resolution No. 2020-426 Requesting Acceptance and Approval of the FY2019 Audit

The fiscal year 2019 audit was submitted to the State Auditor's office in January 2020. The audit has now been approved and finalized by the Office of the State Auditor. Copies of the audit were distributed to the Council along with the letter from the auditors with a discussion of the financial status of the Village of Taos Ski Valley. The Village received an unmodified opinion. Ron Schranz from Burt & Company presented the audit saying that there were two findings but that the Village had a strong balance sheet with total liabilities less than total assets and more revenues than expenses.

MOTION: To Adopt Resolution No. 2020-426 Requesting Acceptance and Approval of the FY2019 Audit

Motion: Councilor Wittman Second: Councilor Kern

Director Grabowski said that although there remains \$6 million in reserves after the WWTP reserve amount, some reserve amounts are committed for certain allowable expenditures. There had been instances of the Village having to borrow funds in the first few years after incorporation due to cash-flow being tight in the fall because of the reduced GRT being collected at that time.

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

B. Consideration to Approve a Letter of Support for the Taos Valley Watershed Coalition's Rio Lucero Watershed Restoration Proposal

Councilor Pattison said that this would support the neighboring community near the Rio Lucero.

MOTION: To Approve a Letter of Support for the Taos Valley Watershed Coalition's Rio Lucero Watershed Restoration Proposal

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

C. Consideration to Adopt Resolution No. 2020-422 requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase Hold Harmless GRT Revenues in the General Fund (03) and the Transfer Out of General fund and into the Sewer Depreciation Fund (42). Hold Harmless GRT revenues are pledged to the waste water treatment plant debt service repayment

The Village submitted its fiscal year 2019-20 budget in July of 2019. At that time it was estimated and budgeted that the Village would receive \$200,000 in hold harmless GRT revenues. In fiscal year 2020 the Village general fund has already received and transferred \$156,911.35 to the sewer depreciation fund. Note that in August and October the distributions of revenue were not recorded as there was no cash received, however the required transfers were made to the sewer depreciation fund. There is an additional four months remaining in the fiscal year. Based on collections year to date the Village anticipates receiving more than the budgeted revenue. The additional revenue will then need to be transferred to the sewer depreciation fund. Since the increase in a transfer out is considered an expense, a BAR is required by the Department of Finance to increase the expense. Staff estimates that as much as an additional \$200,000 may be received and require a transfer to the Sewer Fund.

MOTION: To Adopt Resolution No. 2020-422 requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase Hold Harmless GRT Revenues in the General Fund (03) and the Transfer Out of General fund and into the Sewer Depreciation Fund (42)

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

D. Consideration to Adopt Resolution No. 2020-423 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 budget to Account for the Local Government Transportation Project Fund Grant Agreement Awarded to the Village and Accepted in October 2019

The Village submitted its fiscal year 2019-20 budget in July of 2019 but at that time the LGTPFGA had not been awarded to the Village. A request for funding to begin assessing the needs on Twining Road was submitted in the spring of 2019. In October 2019 the award was made to the Village and accepted by the Council by Resolution No. 2020-415.

The award was for \$261,725.00 with a 5% Village match of \$13,775.00.

The award is now being recognized via a budget adjustment (BAR) to the Roads Fund (05) and is being added to the FY2019-2020 budget. Since it is later in the fiscal year staff does not anticipate utilizing the entire amount in this fiscal year so a rough estimate of possible expenses is being added to the budget along with the Village match. The remaining balances will be carried forward into the FY2020-21 budget.

Without Planner Nicholson in attendance, a plan was not able to be presented for next steps. Director Grabowski said that an RFP would be conducted soon for a contractor to begin assessing the needs.

MOTION: To Adopt Resolution No. 2020-423 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 budget to Account for the Local Government Transportation Project Fund Grant Agreement Awarded to the Village and Accepted in October 2019

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

E. Consideration to Adopt Resolution No. 2020-424 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Expense Budget in Lodger's Tax fund (15)

On February 10, 2020 the Lodger's Tax Committee met to review a new proposal from Taos Ski Valley (TSVI) requesting funding for the World Pro Ski Tour Championship event planned for April 10-12, 2020. TSVI requested \$50,000.00 for promotional expenses for the event which will be held in Taos Ski Valley.

The Lodger's Tax Committee reviewed the proposal and voted 3-0 to fund the request by TSVI. Documentation of expenses including invoices and payments will be required for reimbursement as any normal grant request. A budget adjustment is required by the Department of Finance, Local Government Division to add the \$50,000 expense to the FY19-20 budget. On October 9, 2019, the Lodger's tax committee also agreed to increase revenue collections by \$50,000.00 based on increased year to date revenue collections.

MOTION: To Adopt Resolution No. 2020-424 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Expense Budget in Lodger's Tax fund (15)

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

F. Consideration to Adopt Resolution No. 2020-425 Adopting the Village of Taos Ski Valley Building Permit Fee Schedules

Building Official Bowden explained that the purpose of adopting this resolution was to provide contractors, design professionals, and prospective homeowners public information on the process of determining fees for construction in the Village. This is primarily to formalize the process as the practice will not be any different. He said that Building Valuation Data is provided semi-annually and the intention is that the jurisdiction would make updates accordingly. Once the valuation is established the total is then referred to an appendix L for fee determination.

The intention is that the Building Department expenses versus fee income would equalize and would be reviewed annually for any adjustments.

MOTION: To Adopt Resolution No. 2020-425 Adopting the Village of Taos Ski Valley Building Permit Fee Schedules

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

G. Consideration to Adopt Resolution No. 2020-427 Approving Application to the NMDOT FY 2020/2021 Local Government Road Program

The New Mexico Department of Transportation has a yearly application process for municipalities to request grant funding on a 25% match basis. The funds can be used for a number of projects identified in the Local Government Road Program Handbook. The Village has been able to use in-kind costs to match the grant funding and would plan to do so this year.

The Village has a number of streets where the funding would be of use and will use the funding if awarded to have the highest beneficial use.

MOTION: To Adopt Resolution No. 2020-427 Approving Application to the NMDOT FY 2020/2021 Local Government Road Program

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

H. Discussion and Direction in Consideration of Village of Taos Ski Valley Fire Board Action to Combine Fire Fighting and Emergency Medical Services

Fire Chief Molina explained that there would be better coverage for the community if the departments were combined. The Taos Ski Valley Fire Department met with the Taos Ski Valley Fire Board on February 24, 2020 and voted to combine the Taos Ski Valley Fire Department and the Taos Ski Valley EMS Department. Councilor Stagg said that he would support the wishes of the department, and Councilor Wittman and Mayor Brownell agreed. There might be opportunities to obtain some of the Governor's \$5 million in grant funding soon to be available. The Fire Department is under the authority of the NM State Fire Marshall, and the state oversees the EMS Department. Funding of the two would remain separate. Chief Molina said that many smaller municipalities are combining departments.

13. MISCELLANEOUS

A. Councilor Stagg reported that the Taos County Commission had approved the 3/16th GRT allotment for Holy Cross Hospital. The vote on the mill levy dedication will take place in November.

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

The next Regular Village Council Meeting will be on Tuesday, April 14, 2020 at 2:00 p.m. at the Edelweiss Lodge Club Room. (Note: an Emergency Council meeting was held on Monday March 16, 202 at 2:00 p.m. outside at the Edelweiss Lodge Patio for a declaration of emergency in the Village.) A Council budget workshop will be scheduled for late April, date to be determined.

15. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 5:00 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk