



Village of Taos Ski Valley
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VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
VIA ZOOM TELE CONFERENCE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, JULY 14, 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. 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 Neal King
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
Planning Director Patrick Nicholson
Village Attorney Susan Baker

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda by removing item 13.A. and by moving item 11. L. to after the closed session

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

4. **APPROVAL OF THE MINUTES OF THE JUNE 9, 2020 VILLAGE COUNCIL REGULAR MEETING and the JULY 2, 2020 EMERGENCY COUNCIL MEETING**

MOTION: To approve the three sets of minutes

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

Mayor Brownell asked for a moment of silence in remembrance of two beloved snowboard instructors and members of the community who had passed away recently, Michael Johnston and George Medina.

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

A. VTSV Chamber of Commerce Director Courtney Tucker said that the July 4th weekend had been successful, with TSVI, the Chamber, and the Village all working together to greet, help, and organize the influx of visitors. A visitor station was set up both in the lower parking lot and in Kachina by the Hiker Parking to greet visitors, distribute masks, hand sanitizer, and water. In the lower parking lot, gift certificates to shops were distributed for Village Core shops that were open.

B. TSVI Peter Talty encouraged Village Staff to give more notice of cancellation for what he considered important public hearings, for example for the Shopoff presentations. He said that “transparency” was encouraged. He asked if the Village would include the entire community in reports that were referenced at the end of the meeting (which

meeting?) that were shared with “select members of the community.” He said that he would be very interested in seeing these. Mr. Talty suggested that certain items relayed at the recent P&Z meeting as “Miscellaneous” were quite important, such as the possible adoption of a Planned Unit Development (PUD) Ordinance. He asked that planning items be discussed with the community.

C. TSVI David Norden said that there was an extraordinary collaboration between TSVI, the Village, the Chamber, and the Village businesses for the July 4th weekend. TSVI had been nervous about how things would go, but everyone was calm and organized and things went well. TSVI will take this story to the Governor’s office, he said, on how to collaborate to discuss steps to either move forward or pull back on precautions. Mr. Norden said that a weekly TSVI-VTSV meeting is being helpful now and moving ahead. He said that TSVI has been considering its winter planning and has determined that flexibility will be needed, staffing considerations will be enormous, and that the Taos Ski Valley community will need one clear vision of how to open and how to conduct business.

D. Homeowner Francie Parker thanked the Village Staff for the dust control treatment and for imposing and monitoring a lower speed limit on Twining Road. She said that the Police patrolling had been effective in controlling the traffic, traffic speed, and cars parking on the side of the road. Parking on Village roads is a problem, she said, especially in the Kachina Basin. She hoped that a solution could be found.

6. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the P&Z Commission met on July 13, 2020. Agenda items included a riparian setback variance request for a residence on upper Twining Road, which was not approved by a vote of 2-5, as well as a presentation by Village Administrator Avila on Village Facilities. Commission Chair Wittman thanked Administrator Avila for the work on the presentation and asked for more focus on the Village Complex in particular. Building Official Bowden did not discuss the proposed Wildland Interface firewise ordinance as the P&Z Meeting was already very lengthy. There were three items mentioned under Miscellaneous, concerning administrative approvals, a possible Planned Unit Development ordinance, and the recent approval of a food cart installation.

The next meeting of the P&Z Commission is scheduled for August 3, 2020 via Zoom.

B. Public Safety Committee –Mayor Brownell read the Public Safety and Firewise Board meetings report submitted by Chair Roger Pattison. Chair Pattison reported that good progress had been reported on utilities undergrounding, the NFL grant had not been awarded to the Village, a tentative plan for an evacuation plan fire drill has been moved to September or October, and progress is being made on the installation of a dry fire hydrant in Amizette by the Gavilan Stream. The Committee and Board would support the proposed Wildland Interface Ordinance with certain recommendations.

The next meeting will take place on August 3, 2020 at 10:00 a.m. via Zoom.

C. Firewise Community Board of Directors – The report was combined with the Public Safety report. The next meeting will take place on August 3, 2020 at 11:00 a.m. via Zoom.

D. Parks & Recreation Committee –

Committee Chair Katherine Kett reported that the disc golf course was in a good location this year and that the online map could be found at UDisc.com. The hanging flower baskets are being watered by volunteers. She thanked the Village’s Public Works Department for its assistance. The Committee met on July 10, 2020, with a small group gathering for a picnic at the Kachina Park. Chair Kett said that here is a problem with the trash cans at Hiker Parking as people are disposing of household trash, not just hiking trash. She noted that the Pavilion at Hiker Parking is essential. She is hoping that signage for the Kachina wetlands can be organized and installed. The Amizette Hiking Trail would be an important addition for the Village to keep people away from the highway. The Village’s GIS contractor has developed a shape file showing a potential trail, and some members of the Parks & Recreation Committee, as well as Mayor Brownell, Robert Scram from TSVI, and Richard Holmes from the U.S. Forest Service, met recently to walk the potential trail. It is a big step forward in this effort, she noted. The possibility of this trail coming to fruition is still tentative. There is no intention of infringing on private property. Chair Kett said that an agreement would be needed to use Village impact fees on upkeep of the JR Trail. She urged all parties to work cooperatively at this stage to overcome administrative approvals. The next meeting is planned for July 21, 2020 at 11:00 a.m. at the Twining Campground.

E. Lodger’s Tax Advisory Board – There was no report. The next meeting has not been scheduled.

7. **REGIONAL REPORTS**

Planning Director Nicholson said that the Northern Regional Pueblos Organization had met to prioritize road projects in the region. The NRPO will be conducting a survey, primarily for Taos County on economic goals and assets.

8. **MAYOR’S REPORT**

Mayor Brownell said that the July 4th weekend had gone very well with all parties working together to handle the many cars in the Kachina area. He said that patrolling of Highway 150 has been very effective and thanked the Police, Chief Molina, and other citizens who have been driving Highway 150 in the evening looking for campfires. He said that the US Forest Service would not be going to Stage 3 Fire Restrictions at this time. He thanked the volunteers who helped with two overnight rescues recently. Mayor Brownell said that the Landfill Board had decided to subsidize the Recycling Center for now and hopes that a solution can be found for recycling.

A. Consideration to Approve the Appointment of Capital Infrastructure Advisory Committee Members

The Capital Infrastructure Advisory Committee (CIAC) serves in an advisory capacity and shall:

(1) advise and assist the municipality or county in adopting land use assumptions; (2) review the capital improvements plan and file written comments; (3) monitor and evaluate implementation of the capital improvements plan; (4) file annual reports with respect to the progress of the capital improvements plan and report to the municipality or county any perceived inequities in implementing the plan or imposing the impact fee; and (5) advise the municipality or county of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

Notice of committee member openings was advertised, and the deadline was June 30, 2020 to submit letters of interest. This is a new committee in the Village. While Mayor Brownell had anticipated suggesting members for approval, the Council asked for more details about this Committee’s purpose and the need for the Committee.

MOTION: To table this item

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

9. **STAFF REPORTS**

Administrator Avila reported on ongoing projects:

- **WWTP** – The RFP response to WWTP upgrades with the Ovivo equipment anticipated an increased power usage but the actual amount was not known. Hopes are that the system will be able to become more efficient to lessen the large increase seen in Kit Carson electric bills for the new Treatment Plant.
- **Kachina Water Tank** – Rock excavation and reseeding to be done by TSVI. Trenching for conduit is underway by Village Staff, to be followed by Kit Carson installation of electric cable and a transformer.
- **Village Hall Complex** – Interior and exterior impediments to improvements for a Public Safety Office have continued so that opportunities to move forward have had to wait until this new fiscal year. The \$90,000 repair estimate could be reduced if the Village could undertake some of the remaining demolition and work to make the office useable by August. The Public Safety Office is a workable start to developing a Village Office at the site, and if Fire/EMS were located there also, Fire Grant funding could be sought. Since the COVID emergency, potential renters have been lost for the apartment units. Landseer Management will no longer represent the Village as property managers. The workforce housing lease model seems to be unworkable in the current market and other models of providing workforce housing need to be considered. Conducting an RFP for a company that could make a capital investment in exchange for control and use of the apartment building for a multi-year period, are being considered, as well as methods as to how the Village could place the units on the market as condominiums. Even if sale of the property would be considered, payment of the loan for the property would still be required.
- **TIDD** -Thunderbird/Ernie Blake Road upgrades are underway with regular meetings being held with TSVI and the contractors for the project. Village Staff has assisted with the permitting process including excavation and right-of-way and utility requirements. Meetings with TSVI, Kit Carson, and NM Gas have provided project updates. NMED approved the precautions being taken on Thunderbird Road, as well as the Army Corps of Engineers and the US Forest Service. Future TIDD dedication documents are still pending.
- **Underground electric**- The award for excavation services for facility undergrounding will take place at this meeting. With the contractor onboard, Kit Carson can finish the permit application with NMDOT and undergrounding electricity along Highway 1560 in the Amizette area will be able to start. The parties are focusing on starting this summer. Participation by Amizette owners is extremely important. The Village has a notice to proceed for Precision Service Electric to complete infrastructure in the public right-of-way as soon as their contract

is extended. They can independently be contracted by private owners to complete the connection to their homes. Once the underground service is available near a property, the five steps to connect are for the owner to engage an electrician, to then contact Kit Carson and request an upgrade, after which Kit Carson and electrician will contact the Village for underground permitting and for starting a credit request for work done in the public right-of-way. The underground work can then proceed to connect to the underground service, after which an application can be made for the portion of the work done in the right-of-way. If the property is undeveloped, then the request to Kit Carson is for a new service. Owner participation in connecting their properties is important as the rate payers in the Village are paying for service of two lines (overhead and underground) until 100% connection to the underground line allows the de-energization of the overhead line in a neighborhood.

The Village will use Kit Carson franchise fees to fund the work in the right-of-way.

- **COVID – 19 Emergency** – On July 2, 202 the Village Council amended Resolution 2020-428 to require wearing of protective masks within the Village. This will be reviewed again in August. The intent is to make the Village the “safest place” to visit, with procedures to ensure that it is. TSVI is to be commended on their practices vis-a-vis the virus, said Administrator Avila.
- More work will be conducted in analyzing best uses of the Village Complex property, with possible input by the new Capital Infrastructure Advisory Committee.

Department Briefs

- Finance Director Grabowski reported that GRT remitted to the Village in June for April filings was \$36,980 compared to \$86,838 for last year. Year-to-date is \$1,652,811 versus \$2,206,062 for last year. Payback to the NM Tax & Revenue Department for distributions erroneously given to the Village instead of to the TIDD was \$476,000, making the real decrease \$77,000.

The TIDD received a distribution in June for April collections of \$81,821 in GRT. Hold Harmless GRT for the month was \$11,612.

Lodger’s tax collections in June for May were -\$453.00 because of refunded lodger’s tax that was prepaid, and the lodging ultimately being cancelled because of the pandemic. Last year’s collections were \$5,097 for the month. Fiscal year-to-date total is \$493,217 versus \$524,378 for last year.

Water and sewer sales for the fiscal year ended at a 9% increase from the previous year. Other fiscal year-end information is included in the Finance Director’s report.

- Planning Director Nicholson said that the Twining Road and Gunsite Spring projects are underway. The Twining Road project funding is for the first 1.1 miles, up to the Beaver Pond.
- Public Works Director Martinez said that the dust control being used is a soil stabilizer which contains some magnesium chloride and has proved to be very effective.
- Attorney Baker said that she is working on the details of the potential Pattison land donation to the Village, including getting title work. Councilor King asked for a thorough investigation of possible costs to the Village of accepting this land.
- The other June Department Briefs were included in the Council packet and are posted on the web site with the Council items.

10. OLD BUSINESS

11. NEW BUSINESS

A. Consideration to Approve Resolution No. 2021-437 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Electric Expense in the Sewer Fund (02)

The plant was under construction and an increase to the electric budget was not included in the FY20 budget. With the costs of construction, running two plants simultaneously, and increased costs in the electric to run the new wastewater treatment plant, the electric expense has exceeded the FY2020 budgeted amount. In addition to the increased electric expense, the expense budget for the sewer fund exceeds the original budgeted amount. A BAR is required to account for both issues to submit the 4th quarter FY2020 fiscal report. An adjustment to the electric expense budget of \$22,000.00 in the sewer enterprise fund (02) must be requested.

MOTION: To Approve Resolution No. 2021-437 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Electric Expense in the Sewer Fund (02)

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

B. Consideration to Approve Resolution No. 2021-438 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Transfer Out of the General Reserve fund (43) and Correspondingly Increase the Transfer into the Water Depreciation fund (41)

When the budget was submitted there was a budgeted transfer included from General Reserve (43) to the Water Depreciation fund (41) of \$210,000. Since that time, the Council has approved two additional BARs bringing the total transfer from the General Reserve fund to the Water Reserves of \$440,000. The increased transfers were to cover change orders for the Kachina Water tank.

The Village had a budget of \$50,000 for FY2020 in water connection fee revenue but only received \$27,000 in revenues this fiscal year. Since not all these projects were fully budgeted and revenues were not received, the Water Depreciation fund has a negative ending fund balance. A BAR of \$5,000 from the General Reserve fund to the Water Depreciation fund to cover the shortfall is needed.

MOTION: To Approve Resolution No. 2021-438 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Increase the Transfer Out of the General Reserve fund (43) and Correspondingly Increase the Transfer into the Water Depreciation fund (41)

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

C. Consideration to Approve Resolution No. 2021-441 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer from the General Fund Reserve (43) to the Sewer Depreciation Reserve (42) to Cover Expenses at the Wastewater Treatment Plant

There were \$7million in bond funds available for the wastewater treatment plant while it was under construction. It was expected that a transfer would be required from the General Reserve fund (43) to the Sewer Depreciation fund (42) for construction expenses over the \$7million Reserves were kept available to meet that need, but not included in the FY2020 budget submission as a transfer.

In June 2020, the bond funds were exhausted, and the final pay application was received from Integrated Water Systems, the contractor on the project. In addition, there were outstanding invoices for engineering services, and closing costs for the USDA loan, including attorney fees and financial advising. The funds held at Hillcrest bank could not be utilized for any of these payments since they were restricted for bond debt service payments. A transfer had to be made from the State Treasurer's Office to accommodate a portion of these payments. A Budget Adjustment is necessary for a transfer out of the General Reserve Fund (43) for \$125,000 and a corresponding transfer of \$125,000 into the Sewer Reserve Fund (42) to cover the shortfall.

MOTION: To Approve Resolution No. 2021-441 Requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer from the General Fund Reserve (43) to the Sewer Depreciation Reserve (42) to Cover Expenses at the Wastewater Treatment Plant

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

D. Consideration to Approve Resolution No. 2021-443 requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer of the Ending Fund Balance in the Solid Waste Fund (07) into the new Solid Waste Enterprise Fund (77) as the Ending balance in FY2020 and the Beginning Balance for the FY2021 Budget

The Solid Waste Fund charges for services and receives gross receipts tax (GRT), so it was never categorized as an enterprise fund. At the regular Council meeting on April 14, 2020, the Council passed Resolution No. 2020-430 to change the Solid Waste fund (07) to the Solid Waste Enterprise fund (77). The Solid Waste fund will no longer be receiving GRT beginning July 2020 but will continue to charge for services.

To accomplish this, the Department of Finance requires a budget adjustment (BAR) to create a transfer into another fund. Staff requests the ending fund balance of \$284,607.68 be transferred from Solid Waste fund (07) to the Solid Waste Enterprise fund (77) as its beginning balance.

MOTION: To Approve Resolution No. 2021-443 requesting a Permanent Budget Adjustment to the FY2020 Budget (BAR) to Create a Transfer of the Ending Fund Balance in the Solid Waste Fund (07) into the new Solid Waste Enterprise Fund (77) as the Ending balance in FY2020 and the Beginning Balance for the FY2021 Budget

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

E. Consideration to Approve Resolution No. 2021-440 Requesting a Permanent Budget Adjustment to the FY2020 budget (BAR) for USDA Financing of the Wastewater Treatment Plant, Establishing Required Reserves and Paying Off the Interim Financing Bonds at TIB Bank

When the budget was submitted the Wastewater Treatment Plant was under construction and scheduled for completion in spring of 2020. There was no way to predict if the project would be completed in a timely manner, nor what the exact cost of the financing would be, so it was not included in the original budget.

In March, the Village and USDA were notified by Plummer, the engineer, and IWS, the contractor, that the plant construction had reached substantial completion and the financing could move forward. The Village was offered a lower financing rate by the USDA of 2.375%, a significant savings, if the transaction could be completed before June 30, 2020. Village Staff, Stifel financial advisors, Sherman and Howard Attorneys, and the USDA staff teamed together to get this accomplished. On June 12, 2020, the USDA loan financing closed and the TIB bonds, the upfront financing for the plant, were paid in full. The Village also requested some additional funding to replenish reserves and establish the required reserve accounts for the USDA financing.

Considering the pandemic, staff is requesting a transfer of \$72,000 from loan proceeds into the USDA fund (63) which would be used for payments in case of a shortfall. Should these funds not be needed for loan payments, all, or a portion of them, would be transferred to the general reserve fund (43) via a Council-approved BAR.

MOTION: To Approve Resolution No. 2021-440 Requesting a Permanent Budget Adjustment to the FY2020 budget (BAR) for USDA Financing of the Wastewater Treatment Plant, Establishing Required Reserves and Paying Off the Interim Financing Bonds at TIB Bank

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

F. Consideration to Approve Resolution No. 2021-439 Requesting Approval of Contract #2021-07 between the Village of Taos Ski Valley and Anchor Built, Inc. for Village Excavation Projects in FY2021

The Village of Taos Ski Valley has needed a contractor to do excavation on a project basis. In September 2019 RFP #2020-06 was advertised for these services, but there were no responses. Village staff reviewed and updated the RFP and it was reposted in May 2020. An RFP committee was selected and reviewed the responses. Anchor Built of Albuquerque has been selected as the awarded contractor. Per the contract, the contractor will provide quotes based on assigned task orders on a project basis. Projects may at times exceed \$60,000 and budgets may need to be adjusted accordingly with a BAR. The Village foresees the contractor working on the KCEC three-phase undergrounding project and other projects as they arise.

MOTION: To Approve Resolution No. 2021-439 Requesting Approval of Contract #2021-07 between the Village of Taos Ski Valley and Anchor Built, Inc. for Village Excavation Projects in FY2021, subject to Village Attorney review of the contract

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

G. Consideration to Approve Resolution No. 2021-442 Requesting Approval of Contract #2021-10 Between the Village of Taos Ski Valley and Huitt-Zollars, Inc. for Initial Evaluation of the Twining Road Improvement Project

The Village of Taos Ski Valley has needed a contractor to evaluate the first 1.1 miles of Twining Road for upgrades including: paving, bike lane with curb and gutter, drainage, and erosion control. The Village was awarded a grant from the NM Department of Transportation for the initial phase of this project.

In April 2020, RFP #2020-08 was advertised for these services. An RFP committee was selected and reviewed the responses. Huitt-Zollars, Inc. of Rio Rancho, NM has been selected as the awarded contractor. The contract amount is not to exceed \$142,735.00 plus applicable taxes

MOTION: To Approve Resolution No. 2021-442 Requesting Approval of Contract #2021-10 Between the Village of Taos Ski Valley and Huitt-Zollars, Inc. for Initial Evaluation of the Twining Road Improvement Project, subject to Village Attorney review of the contract

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

H. Consideration to Approve the Annual Contract #2021-01 between the Village of Taos Ski Valley Chamber of Commerce for Fiscal Year 2021

The Village of Taos Ski Valley Chamber of Commerce has been supported by the Village lodger's tax collections for many years. The Village Municipality hires the contractor, Taos Ski Valley Chamber, to manage destination marketing of the area and support member businesses with advertising, consulting and business support.

The Chamber contract includes \$300,000 in monthly grant disbursements, divided into \$25,000 monthly payments. Additionally, it includes funding for special projects of \$50,000.

MOTION: To Approve the Annual Contract #2021-01 between the Village of Taos Ski Valley Chamber of Commerce for Fiscal Year 2021, subject to Village Attorney review of the contract

Motion: Councilor Wittman Second: Councilor King

Councilor and Lodgers Tax Board Co-Chair Stagg suggested leaving the dollar amount out of the contract in case lodging tax revenues were less than expected later in the fiscal year.

AMENDED MOTION: To Approve the Annual Contract #2021-01 between the Village of Taos Ski Valley Chamber of Commerce for Fiscal Year 2021, subject to Village Attorney review of the contract, and leaving the dollar amount out for now

Motion: Councilor Wittman Second: Councilor King
The Mayor called for a vote. Passed: 4-0

I. Consideration to Approve the Renewal of Village Annual Outside Contractor Contracts

The Village has several contracts with outside contractors for on-going and on-call projects and services. These are the FY2021 contracts which will be renewed along with the services provided with a contract amount or not to exceed amount (NTE) and engagement requiring Village Administrator Authorization:

Burt & Company CPA's	7/1-12/31/2020	Audit transition	(NTE)	\$15,000
Good Riddance	7/1-6/30/2021	Pest Control	(NTE)	\$3,000
Jenkins, Mika	7/1-6/30/2021	Office cleaning	(NTE)	\$5,000
Olsen, Lisa	7/1-6/30/2021	Bookkeeping	(NTE)	\$20,000
Precision Electric	7/1-6/30/2021	On-Call Electric	(NTE)	\$59,000
Ray's Septic	7/1-6/30/2021	Tank Pump @ TML	(NTE)	\$59,000
Redtail Survey	7/1-6/30/2021	On-Call surveyor	(NTE)	\$25,000
Plummer Engineering	7/1-6/30/2021	TO7 On-Call	(NTE)	\$50,000
Plummer Engineering	7/1-6/30/2021	TO21 Gunsite	(NTE)	\$10,000
Plummer Engineering	7/1-6/30/2021	TO1 Kachina Pump	(NTE)	\$50,000
Atencio Engineering	7/1-6/30/2021	On-Call	(NTE)	\$25,000
SMA Engineering	7/1-6/30/2021	On-Call	(NTE)	\$25,000

MOTION: To Approve the Renewal of Village Annual Outside Contractor Contracts

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

J. Discussion of Village Revenue Collection Policy and Ordinance 2019-68 FY20 Water/ Sewer/ Trash Rates

The Current Revenue Collection Policy of December 4, 2014 was adopted by Council to give instruction to Staff as to action regarding revenue collection for fair application to all customers. It contains certain formulas for deciding the possible credit amount for application of an allowance for leaks in the customer's system.

The charges to a customer are determined by usage over time, and monthly, and are described in the Rates Ordinance 2019-68. The rates formula has been developed over time to accommodate the varied fluctuation in seasonal utility usage in the Village.

Continued input and discussion is desired for these interrelated subjects to improve the current policy if possible.

Councilor King said that the policy seemed good when it was adopted, but that it might not be adequate now. He suggested that either the Council leave the policy as it is, review and discuss at a future Council meeting, or convene a new committee. Councilor Wittman suggested taking it to a committee.

Garrett Cottam said that the utility rates in Taos Ski Valley are much more than other resorts that he had investigated. Attorney Baker said that as enterprise funds, there are statutory requirements that would not allow subsidizing these funds from the general fund. It was noted that the high rates are the result of the necessity to keep the Rio Hondo clean, and that transferring funds from one fund to another just serves a "rob Peter to pay Paul" action. The costs to run the water and wastewater systems must be covered and there are only 160 rate-paying customers in the Village. Costs to run the wastewater treatment plant and the water system, which must be sized to accommodate flows at peak holiday periods, are high.

Homeowner Mike Fitzpatrick said that various locations have unique costs that are out-of-line with the norm and that here it is the small size of the Village and being at the headwaters of the river. Usually, the cost of running a building would be borne by the owner and costs would be passed along to tenants.

K. Consideration to Approve Credit Request for Alpine Village Suites May Utility Bill

The current Revenue Collection Policy was applied in determining a credit for the May bill for Alpine Village Suites. The credit allowed was \$745.88 which was applied in June. The Cottams have requested that the Mayor and Council consider additional credits for this bill.

MOTION: To Approve the Credit Request for Alpine Village Suites May Utility Bill as presented for double the five-year average

Motion: Councilor King Second: Councilor Stagg

Discussion followed. Councilor Stagg said that he supported Councilor King's calculation example. Councilor Kern suggested that new meter monitors were available and that perhaps these should be required for new construction, or for

all properties, or maybe in exchange for a billing credit. All agreed that this would help in catching these unexpected water usages early on.

The Mayor called for a vote.

Passed: 4-0

12. MISCELLANEOUS

13. CLOSED SESSION

A. Discussion of Pending Litigation

This matter may be discussed in closed session under Open Meetings Act exemption 0-15-1(H) (7)

B. Discussion of the Acquisition of Real Property

This matter may be discussed in closed session under Open Meetings Act exemption 0-15-1(H) (8)

MOTION: To go to Closed Executive Session

Motion: Councilor Wittman Second: Councilor King 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.

11. L. Consideration to Approve Pursuing a Purchase and Sale Agreement with Mickey Blake for Property Located East of the Village Office

The Village property at 7 Firehouse Road contains the Village offices, and Fire Station #1 of the Village Fire and EMS Departments. The Village currently leases a portion of the property adjacent to the west for the Police Office Trailer, and for parking Emergency Response (Fire/EMS, Police) vehicles, as well as for visitor and staff parking.

These lands are not yet for sale to the public and the Village can enter into a purchase agreement to secure the property for Village Facilities including construction of proper Fire equipment buildings.

MOTION: To direct staff and the Mayor to investigate the possibility of purchasing the land adjacent to the Village office

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

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

The next meeting of the Village Council will be a Special Meeting on Tuesday, July 28, 2020 at 2:00 p.m. via Zoom.

The next Regular Meeting will take place on Tuesday, August 11, 2020 at 2:00 via Zoom.

15. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 4:55 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk