



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, SEPTEMBER 8, 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 as presented

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

4. APPROVAL OF THE MINUTES OF THE AUGUST 11, 2020 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes with an amendment in Item 7B., second sentence, the word should be "drawn"

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

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

A. VTSV Chamber of Commerce Director Courtney Tucker thanked the Village of Taos Ski Valley staff and TSV Inc. staff for supporting visitor visits to the Village and gave kudos to everyone for helping. The Labor Day weekend was successful and very busy, with the Public Safety team helping to guide parking at the Williams Lake Trail as well as assisting visitors in general.

6. COMMITTEE REPORTS

A. **Planning and Zoning Commission** –Commission Chair Wittman reported that the P&Z Commission would meet on September 14, 2020 at 1:00 p.m. via Zoom.

B. Public Safety Committee – The Public Safety Committee will meet on September 14, 2020 at 10:00 a.m. via Zoom.

C. Firewise Community Board of Directors – The Board will meet on September 14, 2020 at 11:00 a.m. via Zoom.

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that the Committee members would like to enhance Hiker Parking but that it is proving to be a difficult task. For long term facilities, the Committee is looking into something called an Enviro-loo. A grant will be submitted to hopefully get matching funds for such a facility. The next meeting has not yet been planned.

E. Lodger’s Tax Advisory Board – Co-chair Stagg said that the Board thinks the Chamber is doing a good job, but that the Board is being cautious about spending for the upcoming year. The next meeting has not been scheduled.

9. REGIONAL REPORTS

There were none.

10. MAYOR’S REPORT

Mayor Brownell spoke about having attended the ECOG and Landfill meetings. Funding for recycling is still a problem. Items currently being recycled are aluminum and cardboard. Meetings have been taking place between the Village and David Norden with TSVI for coordination of winter opening plans.

11. STAFF REPORTS

Administrator Avila reported on ongoing projects:

- **COVID -19 - Pandemic Emergency:**

With the CARES Local Government Cares Act Relief Funds Application having been submitted, the Village was able to qualify for \$97,800. The funds are to be used to reimburse expenditures to date and to help fund the effort against COVID until the end of 2020. The summer season was successful with precautions consistently taken concerning COVID.

Administrator Avila noted that efforts by the Chamber to serve its members and the community have been appreciated, and he suggested that this should be a role of the Chamber beyond being solely a marketing intermediary. The Chamber’s outreach to its members and support of the wider community has been a noted and welcome role in dealing with the COVID emergency, he said. He hoped that the agreement and funding for the Chamber activities would support this expanded role in economic development and community support.

- **WWTP** – The roof repair to the old plant is a phase that is being done by the Village as it was not in the scope for the project, and a foam repair option was judged insufficient. Ongoing work for the Wastewater Treatment Plant includes continued optimized efficiency of the Ovivo System along with ongoing training. Ovivo engineers and technicians are in contact to address system operations issues.
- **Kachina Water Tank** – Once Kit Carson finishes the fiber installation near the vault, RMCI will plan to remobilize to complete start up. A change order was needed to complete the last phase of connectivity after repeated delays. Plans to supply water from the tank this week to Wheeler Peak Condominiums and other area underserved customers will continue after sufficient notice and exercising the new system. Testing the pumping system after the fiber connection is part of the planned delivery exercise.
- **Village Hall Complex** – There are still a few items to complete before the Village can convert the temporary CID permit into the final permit. Items include fire alarm installation and piping repairs. The Public Safety Office is a workable start to further developing Village offices at the site, and if the Fire/EMS Administration Office is also there, an opportunity exists for additional Fire Grant Funding which can be used for equipment and building.
- **TIDD** - Thunderbird/Ernie Blake Road improvements are underway with regular meetings between the Village, TSVI, and contractors anticipated. Staff has reached out to assist with the permitting process including excavation, and right-of-way and utility requirements. Replacement of the limited capacity sewer line on Thunderbird Road is being considered. Along with placing electrical equipment underground, making natural gas connections, and accommodating driveway requests, the project is moving on to placing the culvert under Thunderbird Road at the river. The Village understands that the financial information for pending TIDD project dedication is to be available

for review soon. Along with the project review required of the Village by the MDA, and recommendations for dedication, audit requirements also need to be met so that the full value of a project can be accounted for by the Village.

There is an effort, announced at the July TIDD Board Meeting, to restart development of a Kachina Area Master Plan. The idea is to consider the planning document as a TIDD project for inclusion in the project list and make it eligible for TIDD reimbursement.

- **Underground electric-** It is anticipated that much work can still be completed in Amizette, as well as on Zap's Road and on Twining Road. Overhead lines will not be taken down this year. It was suggested that the requirement to connect to the underground lines should be enforced by next summer.

Once the underground service is available near a property, the steps to connecting underground are:

1. The Owner to engage a contract electrician for work on their property,
2. Together contact KCEC with the meter number and request an upgrade to an underground service. KCEC and the electrician will contact the Village for underground permitting and start credit request for public ROW work.
3. Proceed with underground work and connect to the underground service.
4. Make the credit application for the portion of work done in the public ROW. If the property is undeveloped the request is for a new service.

KCEC is concerned for reasons of safety, service, and cost, that not all properties within the service area of an underground supply line are connected. There are over a dozen properties that still could be connected to underground service within the Village. Village staff has reached out to those owners to inform them of the opportunity to connect, while KCEC is working on underground projects in the Village. The Village is planning to fund the public portion of the project in coordination with Kit Carson Electric Corporation installation of facilities. The Village is contracting required trenching by using Franchise Fee proceeds. Also anticipated is providing a credit program for the portion of owner costs in the public right-of-way, said Administrator Avila.

Department Briefs

- Finance Director Grabowski's report was submitted with the Council packet. A budget adjustment will be required in October for the Federal CARES act funding that was received by the Village. The Village ended FY20 with over \$1 million in General Fund reserves, of which \$200,000 have been used since that time.
- Chief Trujillo's report was also submitted. He said that the Labor Day weekend had been very busy.
- Chief Molina said that the new building for the medical transport vehicle should be up by mid-November.
- Planning Director Nicholson asked that property owners ensure that a house number is visible from the road. Also, staff will be checking for compliance with the night sky ordinance. Other items were included in Director Nicholson's report. The Shopoff Public Hearing will take place in November or possibly later.
- Building Official Bowden's report was included in the Council packet.
- Public Works Director Martinez said that water has been off to the Schnitzer house for some repairs but that once the water is back on, the water will come from the Kachina tank. A pressure regulator will be installed, as well as at Wheeler Peak Condos, to gauge the pressure, which should be increased from previously. Wheeler Peak Condos will also be connected to the new tank soon. Director Martinez's report was included in the Council packet.
- Clerk Wooldridge announced voting procedures for the November 3, 2020 election. Absentee ballots can be requested through the Taos County Clerk and the NM Secretary of State. Early voting will begin on October 6, 2020 at the Taos County Courthouse, Monday to Friday 8-5. The Village of Taos Ski Valley's polling place on November 3, 2020 will be the Inn at Taos Valley at 1314 A Highway 150, from 7 a.m. to 7 p.m. This information has been distributed in an eblast and is posted on the Village web site.

12. OLD BUSINESS

A. Consideration to Approve Resolution No. 2021-449 Establishing a Capital Improvements Advisory Committee (CIAC)

This item had been introduced at the previous Council meeting. The Village has been working on a Capital Improvements Plan with the goal of updating development impact fees and related water and sewer system development fees, through adoption of an amended development impact fees ordinance.

The Village's actions are regulated by the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* (the Act), which establishes specific procedures for municipalities and counties to impose development impact fees.

Including in these procedures is a requirement that the Village appoint a Capital Improvements Advisory Committee (CIAC), under NMSA Section 5-8-37.

Not less than forty percent of the membership of the advisory committee shall be representative of the real estate, development, or building industries. No members shall be employees or officials of a municipality or county or other governmental entity.

MOTION: To Approve Resolution No. 2021-449 Establishing a Capital Improvements Advisory Committee (CIAC)

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

11. NEW BUSINESS

A. Consideration to Approve Resolution No. 2021-447 in Support of Designating the Rio Hondo and Lake Fork as an Outstanding National Resource Waters

Director Nicholson explained that the Village was recently approached by the Director of the new State of New Mexico Outdoor Recreation Division (ORD), and Rachel Conn, Projects Director for Amigos Bravos, to assist in nominating and petitioning the NM Water Quality Control Board to designate the Rio Hondo and Lake Fork rivers as Outstanding National Resource Waters (ONRW). ONRW designation provides the highest level of water quality protection and prohibits water quality degradation caused by new or increased sources of pollution. ONRW designation also streamlines the approval process for watershed protection and restoration projects such as riparian habitat restoration, forest thinning to mitigate wildfires, and other activities.

The Council asked to have more time to better understand the implications of such a designation for the Village of Taos Ski Valley. Rachel Conn said that their primary concern is with road run-off.

MOTION: To table

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

B. Consideration to Approve Resolution No. 2021-448 to Approve new Internal Fund #44 Underground Electric-General Fund Reserve Restricted, to Separate Reserves in the General Fund Reserve #43 from the Kit Carson Co-op Franchise Fee Revenue Reserves

Director Grabowski explained that Fund #43-General Reserve Fund had been collecting transfers to build Village reserves and has served as repository of the Kit Carson Electric Co-op (KCEC) franchise fee revenues for many years. Franchise fee revenues are distributed to the Village on a quarterly basis and are restricted to projects such as undergrounding electric lines. Franchise fees have accumulated and there is a balance of \$571,759 as of June 30, 2020. Beginning July 1, 2020, Anchor Built Inc. will be working throughout the Village on trench excavations on an on-call, project basis. Creating internal fund #44 Underground Electric-General Fund Reserve Restricted will assist in clearly identifying which funds are restricted for the KCEC project and which are Village reserves.

MOTION: To Approve Resolution No. 2021-448 Approving new Internal Fund #44 Underground Electric-General Fund Reserve Restricted, to Separate Reserves in the General Fund Reserve #43 from the Kit Carson Co-op Franchise Fee Revenue Reserves

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

C. Consideration to Approve Resolution 2021-420 Amending Resolution No. 2020-420 Concerning Governing Body Meetings and Notice Required

Administrator Avila explained that the current Village practice is to have Council meetings on the second Tuesday of the month following the Planning and Zoning Commission meetings which usually occur in the first week of the month. Because of holidays and other scheduling reasons, these meetings occasionally occur back-to-back.

Now that remote attendance through teleconference is a regular practice, moving the regular Council meeting to the third Tuesday does have advantages, such as a better likelihood of complete financial figures reported by mid-month, and Staff not being pressed to prepare and post for both meetings in short order. The spacing would allow for more time planning the work calendar between meetings. In consideration of a more complete agenda package and to meet the requirements of Notice in state statute, this resolution also formalizes the deadline for submission to the agenda.

MOTION: To Approve Resolution 2021-420 Amending Resolution No. 2020-420 Concerning Governing Body Meetings and Notice Required

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

It was agreed to try this schedule for three months until the following year's schedule had to be decided. In the meantime, Councilor Stagg asked whether if for the next three months, the Council meetings could be held on the fourth Tuesday of the month because of some scheduling conflicts. The rest of the Council agreed to this plan.

D. Introduction: Ordinance No. 2021-14 Amended Lodgers Tax Ordinance

The Village of Taos Ski Valley’s Lodgers Tax Ordinance has not been amended for consistency with New Mexico Act SB 106 removing the exception for less than 3 units. With this change, every short-term rental would now be treated the same, with all properties expected to follow the requirements.

This change allows for uniformity of application to all rental units for the requirement of business registration, payment of Gross Receipts Tax to the correct location code, and remittance of Lodgers Tax based on gross rent charges. As this was the introduction of this Ordinance, no Council action was necessary.

E. Consideration to Approve Annual Contract No. 2021-01 between the Village of Taos Ski Valley and the Village of Taos Ski Valley Chamber of Commerce for FY 2021, with a Not-to-Exceed amount of \$350,000
The Chamber of Commerce Contract approval action was heard by the Council at the meeting of July 14, 2020 with the result being that the Council was in favor of extending the contract but that recommendation for a budget of activities was still to be sought of the Lodgers Tax Board. The question was whether there should be a different budgeted amount for advertisement to attract more visitors, or was it better to budget more for business and visitor support. A contract without specific remuneration does not allow a public entity to make payment to the contractor for its services. The Chamber has conducted services in good faith without a contract budget for the extension of the contract. After discussion, it was agreed that the contract “not to exceed” amount should be \$275,00.

MOTION: To Approve Annual Contract No. 2021-01 between the Village of Taos Ski Valley and the Village of Taos Ski Valley Chamber of Commerce for FY 2021, with a Not to Exceed amount of \$275,000

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

F. Consideration to Approve Change Order No. 7 for the Kachina Water Storage Tank Contractor for Extended Services due to Delay of Connecting Electricity and Fiber

For the Kachina Tank Project, extra costs were incurred requiring a \$12,154.05 net change order. This includes deductions and extra service time for delays in facility connection from Kit Carson Electric Cooperative and Kit Carson Fiber to Village underground conduit, and facility connection while closing the construction site. The final connection is needed to operate all equipment installed with the tank as well as temporary upgrade to the pumping station. Kit Carson contractors were not well coordinated with the Village and the Kachina Tank Contractors, RMCI.

MOTION: To Approve Change Order No. 7 for the Kachina Water Storage Tank Contractor for Extended Services due to Delay of Connecting Electricity and Fiber

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

G. Discussion and Direction for a Village-wide COVID Screening, Testing, and Training Plan for the Winter to align with Best Practices and Community Businesses

The current Village enforcement authority allows the Village to investigate infractions of the NM Health Order and to prosecute violations of uncooperative persons and businesses. Additional cooperation of business entities is required to initiate a Village-wide screening, testing, and training program.

Developing a screening, testing, and training plan can be accomplished for review and implementation of the agreement by the next Council meeting. Staff needs to develop an agreement to join with the other entities in the Village and engage in a coordinated plan to stop COVID infection within the Village. Identifying funding sources to accomplish the requirements of the plan will be necessary.

This topic will be discussed at the September 23, 2020 Chamber meeting and will be ongoing. The first, primary, focus will be on Staff precautions.

12. MISCELLANEOUS

A. Discussion of looking into an alternative evacuation route to Red River. This will be brought to the Public Safety and Firewise Boards.

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)

MOTION: To go to Closed Executive Session

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

MOTION: To return to Open Session

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

No decisions or motions were made during closed session.

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

The next meeting of the Village Council will be a Regular Meeting on Tuesday, October 27, 2020 at 2:00 p.m. via Zoom.

17. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Kern

Second: Councilor Wittman

Passed: 4-0

The meeting adjourned at 4:35 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk