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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
VIA ZOOM TELE CONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, APRIL 26, 2022 2:00 P.M.

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1. **CALL TO ORDER & NOTICE OF MEETING**

The regular meeting of the Village of Taos Ski Valley Council was called to order by Mayor Pro Tem Wittman 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 Neal King  
Councilor Henry Caldwell  
Councilor Brent Knox  
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 Vigil  
Fire Chief Roberto Molina  
Planning Director Patrick Nicholson  
Village Attorney Susan Baker

3. **APPROVAL OF THE AGENDA**

**MOTION: To approve the amended agenda eliminating item 13. B.**

**Motion: Councilor Stagg                      Second: Councilor Caldwell                      Passed: 4-0**

4. **APPROVAL OF THE MINUTES OF THE MARCH 22, 2022 VILLAGE COUNCIL REGULAR MEETING and the APRIL 15, 2022 VILLAGE COUNCIL SPECIAL MEETING**

**MOTION: To approve the minutes as presented**

**Motion: Councilor Stagg                      Second: Councilor Caldwell                      Passed: 4-0**

5. **PRESENTATION OF THE NON-FEDERAL LANDS GRANT APPLICATION**

Building Official Bowden presented the Non-Federal Lands (NFL) grant application and an explanation of the process of applying for the grant funds. The Board to oversee the NFL applications will be the Public Safety/Firewise Boards with the addition of hopefully some foresters. The hope is to have a quick turnaround by Village Staff to allow property owners to move ahead. The Village will also make application for Village-owned properties. The application will be emailed to the public, posted on the website, and mailed to all property owners.

6. **PRESENTATION OF THE UPDATED VILLAGE EVACUATION PLAN**

Public Safety Committee Chair Kathy Bennett presented the latest version of the Evacuation Plan. The plan is to gather at the Rio Hondo Learning Center. The plan may be further evaluated.

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

A. TSVI CEO David Norden reported that the State of New Mexico had asked TSVI to make application for funds for a private-public partnership program on a large scale. TSVI had made application for a \$150 million program, which was the Clean Energy and Transportation Corridor. The plan proposed installation of a solar array in the Village, increased use of electric vehicles, a solar-powered gondola going from the base area to Kachina, as well as funds to improve trailheads on Highway 150, improve campgrounds, trails, and the road leading up to the Village. In the end, the State granted \$5 million, which will be divided up in the following manner: \$1.5 million to Taos County to reduce erosion damage at the bottom of the canyon, \$500,000 to Taos Pueblo, \$500,000 to Rocky Mountain Youth Corps to complete their building, \$250,000 to the Rio Hondo Acequia Associations to improve water quality monitoring, \$500,000 to forest thinning efforts, \$250,000 to Trout Unlimited, and \$750,000 to the Village of Taos Ski Valley to repair water lines which are leaking. Taos County will be the fiscal agent. The funds must be spent within one year.

## 8. COMMITTEE REPORTS

A. **Planning and Zoning Commission** –Commission Chair Wittman reported that the Commission met on April 4, 2022 to hold a Public Hearing on a Parking Variance request from TSVI for the parcel surrounding and adjacent to the current Firehouse on Firehouse Road. The Commission voted to approve the variance request in a vote of 6-1. Designated parking for the new facility will be in Deer Parking lot. The Ordinance regulating the P&Z Commission is being updated and will be brought to the Council soon for a first reading.

The next meeting will take place on June 6, 2022 at 1:00 p.m. via Zoom.

B. **Public Safety Committee** – Chairman Kathy Bennett reported that various items were discussed at the Committee meetings, including welcoming back Officer Justin Hutter, installation of cameras above the speed signs on Twining Road, installation of new sirens, getting the community members to sign up for the Taos County Regroup Notifications, and the possibility of applying for a grant to use a woodchipper for slash.

The next meetings will take place on May 2, 2022 at 10:00 a.m.

C. **Firewise Community Board of Directors** -see above

D. **Parks & Recreation Committee** – Committee member Kerrie Pattison reported that the Spring Clean Up day will take place on May 26, 2022. Citizens can collect trash bags and grabbers at the Village Office from 8:30am to 9:30 am. Parks & Recreation Committee members will be serving lunch at the Twining Campground from 11:30 am to 1:00 pm. She asked that the Council consider a paid Village Staff member to oversee Parks & Recreation efforts.

The next meeting has not been planned.

E. **Lodger's Tax Advisory Board** – Councilor Stagg said that the Lodgers Tax Board would be meeting soon to look at collections and finalize a budget. There are several commitments which need to be addressed, for the Chamber budget, grants for transportation, and for Taos Air. Overall, lodgers tax collections are good for this fiscal year.

## 9. REGIONAL REPORTS

Director Nicholson said that there were no reports.

## 10. MAYOR'S REPORT

Mayor King thanked Councilor Wittman for standing in for him running the meetings. Mayor King will be undergoing another round of radiation therapy soon. Everyone wished Mayor King a speedy recovery.

## 11. STAFF REPORTS

Staff reports were included in the Council packet and were posted to the Village web site. Administrator Avila highlighted parts of his report. The Landfill Board discussed its budget. He reported on an increase in Covid cases in Taos County. Testing is being conducted on the Wastewater Treatment Plant. The water tank valve repair work will occur after snow has thawed. More damage has occurred at the Village Complex from strong winds and unstable trees. More trees are down along Highway 150, and this has become a regional issue. Electric undergrounding efforts will continue this summer.

Councilor Caldwell asked about the funding for the water tank. Administrator Avila explained that the project cost was \$2,239,996, not including the necessary booster station. Funding was received in the amount of \$1,476 million from the Water Trust Board, and a grant for \$164,000. The additional work on the tank should be at no cost to the Village, he said. Cost of the Booster Station has been entered into the budget for \$500,000.

TSVI Chaz Rockey reported that payment of Development Impact Fees for the proposed new Firehouse, Warehouse, and Mogul Medical buildings are being discussed. The funds most likely will be put into an escrow account until agreed upon, so that TSVI can obtain a building permit to start the buildings.

Chief Vigil reported that the new sirens had arrived.

Chief Molina reported that the new engine would be arriving soon. The Village Fire Department is gearing up for fire season.

Director Martinez reported that the Treatment Plant was currently functioning very well

Clerk Wooldridge reported that the March 1, 2022 Municipal Officer Election and the subsequent required ballot recount had occurred. The results had been the same as the first time. With the inclusion of the one accepted Provisional Ballot, a tie had occurred, which was confirmed by the recount. A coin toss was held, which Henry Caldwell won. Candidate Brent Knox was appointed and confirmed for the vacant Councilor seat left by Neal King's election to Mayor. Clerk Wooldridge said that all necessary reporting had been completed for this election.

## 12. OLD BUSINESS

## 13. NEW BUSINESS

### **A. Consideration and Direction to Publish and Post Ordinance No. 2022-70 Establishing Water and Sewer Connection Fees Based Upon the Cost of a Physical Connection**

Attorney Baker explained that the proposed Ordinance establishes parameters for the physical connection to the Village's water and sewer system. It allows the Village to be reimbursed for the cost of a physical connection, including pipe, meters, trenching, and labor. It also gives the Council the right to adopt specific connection fees in the future by Resolution.

Connection fees are distinguishable from system development fees (impact fees) because connection fees are designed to recover all or a portion of the materials and labor cost of connecting a customer to the nearest water or sewer line.

System development fee charges are designed to cover the cost of capital outlay for future development, such as the expansion of major system components, including treatment plants and distribution lines.

System development fees are created by the New Mexico Development Fees Act. Under the Act and other established legal authority, connection fees cannot be charged as part of a system development fee, nor can a system development fee be assessed as part of a connection (hook-up) fee.

### **MOTION: To Publish and Post Ordinance No. 2022-70 Establishing Water and Sewer Connection Fees Based Upon the Cost of a Physical Connection**

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

The Ordinance will be brought to the next Council meeting for a Public Hearing and a vote to approve.

### **B. Consideration to Accept the Engineered Plans and Design for the Entry Road Realignment Project**

This item had been removed from the agenda.

### **C. Consideration to Approve Resolution No. 2022-507 Requesting Acceptance of the State of New Mexico Non-Federal Lands (NFL) Grant Funding and Creating a new Fund #64/21800, adding the Revenue and Expenses to the FY2022 budget**

Director Grabowski explained that the Village applied for and was awarded grant funding for hazardous fuel treatments within the Village. The grant MOA was presented to Council and approved at the regular Village Council meeting on February 22, 2022. To add the grant revenues and corresponding expenses, a State BAR is needed. Additionally, the Village will create a new fund 64 (21800) NFL Grant to accommodate the revenues and expenses of \$300,00 each.

### **MOTION: To Approve Resolution No. 2022-507 Requesting Acceptance of the State of New Mexico Non-Federal Lands (NFL) Grant Funding and Creating a new Fund #64/21800, adding the Revenue and Expenses to the FY2022 budget**

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

### **D. Consideration to Approve Resolution No. 2022-508 requesting a permanent Budget Adjustment to the FY2022 budget (BAR) to increase the Lodgers Tax Revenue and the transfer out from Lodger's Tax Fund (15) and the increase the transfer into the General Fund (03), for administrative fees based on revenue collections for fiscal year FY2022**

Director Grabowski explained that the Village submitted its fiscal year 2021-22 budget in July of 2021. At that time, the budgeted revenue in the Lodger's Tax Fund was \$450,000. The budget also included a \$45,000 corresponding transfer to the Village General Fund for the 10% administrative fees based on the budgeted revenue. The 10% administrative fee is allowed by the State of New Mexico Lodger's tax statute: 2.105.2.11. Administrative costs shall not exceed ten percent of the total revenue prior to allocation between promotional and non-promotional fund.

As of March 31, 2022, the Lodger's Tax revenues for FY2022 have exceeded the budgeted revenues for a total of \$543,283. To submit the 3<sup>rd</sup> Q report and make the 10% transfer to the Village General fund, Staff is requesting an additional \$15,000 be allotted to the Village for administrative expenses

**MOTION: To Approve Resolution No. 2022-508 requesting a permanent Budget Adjustment to the FY2022 budget (BAR) to increase the Lodgers Tax Revenue and the transfer out from Lodger's Tax Fund (15) and the increase the transfer into the General Fund (03), for administrative fees based on revenue collections for fiscal year FY2022**

**Motion: Councilor Caldwell                      Second: Councilor Wittman                      Failed: 1-3 (Councilors Knox, Stagg, and Wittman dissenting.)**

**E. Consideration to Approve Resolution No. 2022-509 A Resolution to Approve the Disposal of Capital Assets, the Fire Department Garage, owned by the Village of Taos Ski Valley**

In fiscal year 2021 the Village acquired an Eagle Carport enclosed building from Portable Buildings of Moriarty, NM. It was placed at 7 Firehouse Road next to the Village Office to be utilized as additional fire bays for Station 1.

Inspection of the bracing intended to support the roof loads for our environment evidence failure, as do the anchoring and support measures for the building base rail. These failures point to the inadequacy of this building structure for continued service. The building was purchased for \$15,638.50 in August 2020. This Council action will provide Staff the authorization to pursue the best action for building removal.

**MOTION: To Approve Resolution No. 2022-509 A Resolution to Approve the Disposal of Capital Assets, the Fire Department Garage, owned by the Village of Taos Ski Valley**

**Motion: Councilor Stagg                      Second: Councilor Knox                      Passed: 4-0**

**F. Review, discussion, and acknowledgement of the Village's 3<sup>rd</sup> Quarter FY2021 financial report**  
Director Grabowski said as per the State of New Mexico Statute and the New Mexico Department of Finance and Administration (DFA), all municipalities are required to submit quarterly reports 30 days after the end of each quarter. The 3<sup>rd</sup> quarter of FY2022 ended on March 31, 2022, therefore the report is due to the DFA by April 30, 2022.

Staff presented a summary of the 3<sup>rd</sup> Quarter FY2022 report along with the Profit and Loss statement from July 01, 2021 through March 31, 2022 for council review, discussion, and acknowledgement. This report will be submitted to the DFA as required by April 30, 2022.

**MOTION: To Acknowledge and Approve the Village's 3<sup>rd</sup> Quarter FY2021 financial report**

**Motion: Councilor Stagg                      Second: Councilor Caldwell                      Passed: 4-0**

**14. MISCELLANEOUS**

**15. CLOSED SESSION**

**A. Discussion of Pending Litigation**

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

**MOTION: To go to Closed Session**

**Motion: Councilor Stagg                      Second: Councilor Caldwell                      Passed: 4-0**

**MOTION: To go to Open Session**

**Motion: Councilor Stagg                      Second: Councilor Knox                      Passed: 4-0**

No action was taken in 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 the Regular Council Meeting on May 24, 2022 at 2:00 p.m. via Zoom.

**17. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Stagg                      Second: Councilor Caldwell                      Passed: 4-0**

The meeting adjourned at 4.15p.m.

\_\_\_\_\_  
Mayor Neal King

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk