



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, MARCH 22, 2022 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 Staggs
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 agenda as written

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

4. APPROVAL OF THE MINUTES OF THE FEBRUARY 22, 2022 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes as presented

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

5. CONSIDERATION TO APPROVE APPOINTMENT OF VILLAGE OF TAOS SKI VALLEY POLICE OFFICER HUTTER

Per NM State Statute (NMSA) Section 29-1-9, each Police Officer shall receive from the Governing Body an appointment in writing as a Police Officer of the municipality. The appointment shall be made by the Mayor with the approval of a majority of all members of the Governing Body. This appointment, usually referred to as a "commission", is necessary to give the officer the authority to assume police powers within the municipality.

MOTION: To approve the appointment of Justin Hutter to Village of Taos Ski Valley Police Officer

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

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

A. Homeowner Tom McCullough expressed concern that the Beaver Pond water level is so low. Mayor Brownell said that information on the status of the pond would be pursued.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the Commission had not met.

The next meeting will take place on April 4, 2022 at 1:00 p.m. via Zoom.

B. Public Safety Committee – Chairman Neal King reported that Kathy Bennett would become the Chair for the Public Safety Committee as well as the Firewise Board. The Committees met on March 7, 2022. Chairman Bennett reported that the advertisements are back in the newspaper seeking EMT/Firefighters. Purchase of a video camera will be investigated to place on Twining Road for speed control. The Evacuation Plan details are being finalized with all of the involved parties. Chief Vigil has ordered two more sirens for use as emergency warnings to the community in the event of a wildfire. Chairman Bennett is working on a grant for use of a woodchipper which would be used to chip slash that property owners would gather on their property and move to the road. The committee is looking into the Regroup text alert system to ensure that it is working and that citizens can sign up. Discussion took place on the complications of using a camera and then sending tickets as a result of a photo or recording.

The next meetings will take place on April 4, 2022 at 10:00 a.m.

C. Firewise Community Board of Directors -see above

D. Parks & Recreation Committee – Chair Kett reported that the Committee had not met but would meet on March 30, 2022 at 2:00 p.m.

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.

7. REGIONAL REPORTS

Director Nicholson said that there were no reports.

8. MAYOR'S REPORT

Mayor Brownell said that he was proud to have served the community over the last six years, two years as Councilor, and four years as Mayor. He thanked the Village staff for their hard work.

9. 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. He noted documents concerning the Wastewater Treatment Plant are readily available for viewing at the Village Office. Documents are being compiled for an IPRA request as well as for working with the Surety for the Treatment Plant contractor. Information on the number of properties that have connected to the Kit Carson electric underline will be provided by Administrator Avila. The north side of Highway 150 has the line in place and work is ongoing for getting the line installed on the south side.

Administrator Avila reported that the Fire Department and the Police Officers were making use of the Village Complex, as well as an office for the Building Inspector. Using the Complex allows the Village to receive \$80,000 annually for the Fire Department. A new office would need to be available for use before the Fire Department could move locations.

Clerk Wooldridge explained that early voting would take place on Saturday, February 26, 2022 at the Village Office from 10 to 6. That is the last day for Early Voting before Election Day, March 1, 2022, from 7 to 7 at the Inn at Taos Valley. Newly elected officials will take office on April 1, 2022.

10. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve Amended **Ordinance 2022-30** Amending Ordinance No. 22-30, Sections 6.22 and 6.37, and Repealing and Replacing Sections 13.4 and 23, to Establish Procedures for the Adoption and Implementation of Revised Development Impact Fees

Attorney Baker explained that the proposed Ordinance updates existing provisions in the Village's Zoning Ordinance No. 22-30 to better comply directly with the New Mexico Development Fees Act. The Ordinance defines how the Village may assess and collect development impact fees on new development. It also specifically addresses refunds and credits of development impact fees as set forth in the Act.

The Development Fees themselves are proposed to be adopted separately by Resolution, and the Ordinance authorizes this approach. The Development Fees Resolution No. 2022-502 is also placed on the Council agenda following consideration of the Ordinance. As set forth in the proposed Ordinance, development fees may be amended or updated by Resolution in the future and at Council's discretion.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. No one spoke in favor. Speaking against was Kathy Bennett who said that she had been unaware of the sections of the Ordinance being amended. TSVI Attorney Joe Canepa spoke against, saying that he had proposed a red-lined version of suggested changes to the Ordinance. He was speaking to explain the objections, especially concerning refunds and credits. He explained the objections in detail.

MOTION: To Approve Amended Ordinance 2022-30 Amending Ordinance No. 22-30, Sections 6.22 and 6.37, and Repealing and Replacing Sections 13.4 and 23, to Establish Procedures for the Adoption and Implementation of Revised Development Impact Fees

Motion: Councilor Wittman Second: Councilor King

Discussion followed. Attorney Baker explained that the suggested language had not been added as it would have been too much of an amendment from first reading to second reading of the Ordinance. She said that the more general language used, instead of the specific language suggested, mirrors the NM State Statute more closely.

There was concern over the Council having to make exceptions on a case-by-case basis. There was also concern with language suggesting that all credits in a category would have to be funded before a credit could be given.

AMENDED MOTION: To Approve Amended Ordinance 2022-30 Amending Ordinance No. 22-30, Sections 6.22 and 6.37, and Repealing and Replacing Sections 13.4 and 23, to Establish Procedures for the Adoption and Implementation of Revised Development Impact Fees with the amendment of eliminating section 8.C.

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

The Mayor called for a vote on the original Motion. **Passed: 4-0**

11. NEW BUSINESS

A. Consideration to Approve Resolution No. 2022-502 Adopting Revised Development Impact Fees Pursuant to NMSA, Sections 5-8-1, et. seq. the NM Development Impact Fees Act, and Village Ordinance No. 22-30, as amended, Section 23

The Development Fees are proposed to be adopted separately from the Ordinance, by **Resolution No. 2022-502**, and the Ordinance No.22-30 authorizes this approach. The Development Fees were reduced as recommended at the first reading. Fees may be amended or updated at Council's discretion by Resolution in the future.

PUBLIC HEARING: Mayor Brownell opened the Public Hearing. No one spoke in favor. Speaking against was Kathy Bennett who said that she thought that the fees were too high. Chaz Rockey also spoke against, saying that it seemed that it was still too early to adopt new numbers when the Village's Plan of Finance was not yet complete.

The Public Hearing was closed.

MOTION: To Approve Resolution No. 2022-502 Adopting Revised Development Impact Fees Pursuant to NMSA, Sections 5-8-1, et. seq. the NM Development Impact Fees Act, and Village Ordinance No. 22-30, as amended, Section 23

Motion: Councilor Wittman Second: Councilor King

Much discussion followed. Some Councilors commented that all costs have risen for operating expenses but that no correlating fee revenue coming into the Village had been made. It did not appear reasonable to assume that rising costs overall were not affecting the Village's operations. Other comments were that Staff and the CIAC had conducted much work towards determining these fees.

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

B. Consideration to Approve Resolution No. 2022-503 Authorizing Village Administration to Create Parking, Traffic, Weather, and Road Condition Control Restrictions and Public Safety Enforcement for Village Roads and Public Facilities

Administrator Avila said that the Village of Taos Ski Valley has historically created and posted signage for speed limits, traffic, and parking control administratively, under authority of New Mexico Statute and Village Ordinance. Additional

temporary or seasonal rules and signage have been used for events, road, or weather conditions. The authority to enforce restrictions and controls is already in place, however, action to formalize the process and authority by Council will help to support enforcement action against possible challenges. The action also helps define a public process and anticipates more participation for both the short and long term.

MOTION: To Approve Resolution No. 2022-503 Authorizing Village Administration to Create Parking, Traffic, Weather, and Road Condition Control Restrictions and Public Safety Enforcement for Village Roads and Public Facilities

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

C. Consideration to Approve Resolution No. 2022-504, Authorizing the Application for Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT COOP

Director Martinez explained that the Village Council needed to approve a resolution for State Highway and Transportation Department application for funding. The LGRF funding would be used for drainage and surface improvements to the Village roadways. The Village requests that NMDOT contribute \$75,000 with the Village to match of at least \$25,000, for a total contract price of \$100,000 which is consistent with recent funding applications with NMDOT.

The project scope of work: drainage structures, culverts, blading, reshaping, hauling, disposal, placement, and compaction of all materials. Staff also plans to continue to apply base course and dust control materials throughout the Village to build up the roads due to material loss from erosion.

MOTION: To Approve Resolution No. 2022-504, Authorizing the Application for Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT COOP

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

D. Consideration to Approve Resolution No. 2022-505, Authorizing the Application for Financial Assistance from the New Mexico State Highway and Transportation Department FY2023, NM Municipal Arterial Program (MAP)

Director Martinez explained that the Village Council needed to approve a resolution for State Highway and Transportation Department application for funding. The MAP funding would be used for improving the drainage on Village roads above Twining Road.

MOTION: To Approve Resolution No. 2022-505, Authorizing the Application for Financial Assistance from the New Mexico State Highway and Transportation Department FY2023, NM Municipal Arterial Program (MAP)

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

E. Consideration to Approve Renewal of Village GIS Outside Contractor Contract

Director Grabowski said the Village has many contracts with outside contractors for ongoing and on-call projects and services. The contract for GIS was running from December to December and was outside of the fiscal year period making it more difficult to budget. Staff is requesting renewal of this contract for 4 months through June 30, 2022. This contract will be grouped with the annual contract renewal request in July 2022.

The impact of the Sage GIS contract renewal is \$14,000 for FY2022 and has already been included in the FY2022 budget. The impact for FY2023 contract renewal is anticipated to be \$42,000 based on a monthly rate of \$3,500.

MOTION: To Approve Renewal of Village GIS Outside Contractor Contract

Motion: Councilor Stagg

Second: Councilor King

Passed: 4-0

F. Consideration to Approve a Contract with Raftelis of Greenwood Village, CO for a Water and Sewer Rate Study with a Separate Study on Trash and Recycling Fees

Director Grabowski said that in the FY2021 audit, the auditors' recommendation was that the Village perform a rate analysis to ensure all protective covenants of bonds and notes outstanding are in compliance with debt agreements, and revenues are sufficient to ensure the long-term viability of the Village's utility operations

Staff issued a request for bid #2022-01 in January sent to a minimum of 3 qualified bidders (as required by NMAC 13-1-125A) and received responses. Based on the stated criteria established within the bid, the committee decided to award the contract to Raftelis of Greenwood Village, CO for a contract amount not to exceed \$56,270 plus applicable GRT tax as stated in the cost breakdown below.

The study for the water/sewer rates would begin in March with the final report to be submitted and presented to the Council by May 1, 2022. Director Grabowski said that this would allow the staff to include potential rate increases into the FY2023 budget. The trash and recycling study would be completed and submitted by June 1, 2022 as agreed upon in the contract.

Raftelis is a financial services company which has many years of experience in rate studies, rate structure development, capital improvement plans and debt issuance support. They have worked with other ski towns such as Crested Butte, Durango, and Aspen, all in Colorado. The contract and proposal were presented.

MOTION: To Approve a Contract with Raftelis of Greenwood Village, CO for a Water and Sewer Rate Study with a Separate Study on Trash and Recycling Fees

Motion: Councilor Stagg Second: Councilor King

Several Councilors said that they believe that local knowledge was more useful than hiring an outside contractor for close to \$60,000. They said that the past couple of years had been an anomaly because of Covid.

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

G. Consideration to Approve a Contract with Casselle Accounting Software

Director Grabowski explained that The Village currently uses QuickBooks (QB) software for its accounting processes.. She said that QB was made for small businesses, retail sales, and personal usage, and that the Village, as a municipality of the State of New Mexico, is required to use funds, which QB does not accommodate well. Many of the abilities the Village lacks using QuickBooks would be remedied in the Caselle accounting software. It will provide more timely and accurate data and reporting capabilities. In addition to more accurate data, staff will be using their time more efficiently and effectively. For example, the data will be more easily transferred into the NM Finance and Administrations online data base LGBMS, which is used for budgets and quarterly reporting, and is currently being done manually.

Director Grabowski said that the other decision to be made was whether the program would be hosted by the software company or housed on a server at the Village office. The hosted option was less expensive upfront but has a higher monthly maintenance cost. Also, when the internet is down, which happens frequently in the Village, the software would not be accessible. Therefore, staff has selected the on-site server-based program. The cost of the software is \$59,500 and the annual licensing cost would be \$12,500. The hope is that implementation of the new software would be successful.

MOTION: To Approve a Contract with Casselle Accounting Software

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

H. Consideration to Approve Village of Taos Ski Valley's Intent to Enter into a Memorandum of Agreement with New Mexico Department of Energy Minerals and Natural Resources, State Forestry for Disbursement of Federal Funds under the Non- Federal Lands Grant

Building Official Bowden explained that Village Community Wildfire Protection Plan of 2016 identified much of the Village at high risk of wildfire. Other factors, such as proximity to forest lands, drought, a single evacuation route, and the long absence of low intensity fire were included proving the Village as a whole to be at great risk. Mitigation activities by TSVI, Taos Land and Cattle, and a planned Highway 150 Corridor project begun in 2021 are making progress toward lessening risk to the Village.

In the summer of 2020 application to State Forestry was made for this grant and it was denied. A second grant application was successfully made in Summer of 2021. In January of 2022 the Memorandum of Agreement was forwarded to the Village for signature.

This memorandum provides the basis for planned mitigation activities on risk assessed properties. The work plan recommended by applicable portions of the 2020-44 Village Wildland Interface Ordinance will be vetted by an experienced board yet to be determined. The work after performance by licensed and qualified contractors is ratified as satisfying the plan through inspection and presentation to the board. Once this ratification has taken place the Village can disburse the federal funds to the contractor. There is no match required of the landowner monetarily, although participation in planning, execution, and long-term maintenance is highly encouraged.

MOTION: To Approve Village of Taos Ski Valley's Intent to Enter into a Memorandum of Agreement with New Mexico Department of Energy Minerals and Natural Resources, State Forestry for Disbursement of Federal Funds under the Non- Federal Lands Grant

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

I. Discussion and Consideration to Approve Out-of- State Travel by Building Official Bowden for ICC Continuing Education Credits for Recertification

Building Officials and Building Inspectors are required to obtain CEU's to maintain certifications. The Colorado Code Council offers training every spring, and this year the training will be held in Loveland, Colorado. Training opportunities are limited in New Mexico.

Building Official Bowden explained that the State of New Mexico is working to adopt the 2021 International Residential Codes and that this training will include the newer codes. The estimated cost of the trip is \$1,300. Out-of-State travel by Staff requires Council approval.

MOTION: To Approve Out-of- State Travel by Building Official Bowden for ICC Continuing Education Credits for Recertification

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

J. Discussion and Consideration to Approve a Village Letter Supporting the TSVI Gondola Project

Administrator Avila explained that the Village of Taos Ski Valley Council and Administration continue to support the Taos Ski Valley, Inc. proposed new gondola, connecting the main base area to Kachina Basin.

The gondola is part of the 2021 Taos Ski Valley Inc. Master Development Plan that the Village Council endorsed by resolution. The Village of Taos Ski Valley Resolution No. 2021-475 supporting the Taos Ski Valley Inc. 2021 Master Development Plan for the USFS includes the gondola project, as one option for Kachina area traffic reduction. A letter of support from the Village to the USFS in favor of starting the NEPA process will help TSVI take the next required steps. The letter acknowledges that the gondola alignment includes a short stretch that crosses Village of Taos Ski Valley owned property and supports the immediate advancement of the NEPA process and the environmental assessment work required for USFS approval of the project. The project will not commence prior to TSVI securing the appropriate easement from the Village. There is the possibility that towers for the gondola could be placed on the Village-owned property.

K. Discussion of Village Municipal Real Property

Administrator Avila said that there had been discussion of consideration to sell the Village Complex and other Village properties. He said that there had been a comment that the Village Complex property had little public value and that the sale could offset the cost of funding a new Fire Station.

Administrator Avila presented information on the Requirements, Procedures, and Options of Real Estate transactions for municipalities, including the NM Constitution and State Statute, current uses of the Village Complex property, Identified Village Properties, Village Complex Apartments budget, the Agreement with the Office of State Fire Marshall for Fire Administration Office Funding, Village Remote Offices use, Condominium Sale, Inter-Government Sale, and other costs and options.

Administrator Avila suggested that a Council Work Study for information on Village Property be scheduled.

Comments included that the Village Complex needed to be evaluated and assessed for better use, or else for sale based on the cost of continuing to own the property.

12. MISCELLANEOUS

13. 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 March 22, 2022 at 2:00 p.m. via Zoom.

14. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Wittman

Second: Councilor King

Passed: 4-0

The meeting adjourned at 4.20 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk