



**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
MEETING TO BE HELD VIA ZOOM TELECONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, SEPTEMBER 27, 2022 2:00 P.M.**

**1. CALL TO ORDER AND 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:** Notice of the meeting was properly posted. Roll was called:

**Governing Body Present:**

Mayor Pro Tem Tom Wittman

Councilor Henry Caldwell

Councilor Brent Knox

Councilor Chris Stagg

**Staff Present:**

Village Administrator Avila

Village Finance Director Griesedieck

Public Safety Director Vigil

Building Official Bowden

Planning Director Nicholson

Public Works Director Martinez

Village Clerk Wooldridge

**3. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda as written

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

**4. APPROVAL OF THE MINUTES OF THE AUGUST 23, 2022 VILLAGE COUNCIL REGULAR MEETING and the AUGUST 26, 2022 VILLAGE COUNCIL SPECIAL MEETING**

**MOTION:** To approve the minutes, amending the typo in 11. B. of the Regular Meeting minutes.

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

**5. CITIZEN'S FORUM** –for non-agenda items only. Limit to 5 minutes per person (please email [awooldridge@vtsv.org](mailto:awooldridge@vtsv.org) to sign up)

**A.** Homeowner Kathy Bennett thanked Chief Vigil, Village Law Enforcement, Village Fire Department, all of the business owners and residents, and everyone else who came out to form a motorcade and procession out of the Village to DeVargas Funeral Home after Neal's passing in the morning of August 22, 2022. Ms. Bennett also announced that she will be resigning from the Public Safety Committee and Firewise Community Board. Homeowner Trudy DiLeo has agreed to step in and chair these committees.

**6. COMMITTEE REPORTS**

**A. Planning & Zoning Commission:** Commission Chair Wittman announced that the P & Z meeting would be held on November 7, 2022 at 1:00 pm.

**B. Public Safety Committee:** Trudy DiLeo thanked Kathy Bennett and Mayor Neal King for their dedication to the Village of Taos Ski Valley. She also thanked Sheila Duffy for her hard work on the Public Safety and Firewise Board. Ms. DiLeo welcomed Ben Pitz as the newest member of the Committees. Chief Vigil relayed that quite a few changes have taken place

in the Public Safety Department, with Chief Vigil now in charge of Police, EMS, Fire, and Search and Rescue. Fire Chief Molina resigned, and Eddy Wisdom has stepped in to be Fire Chief, with Mitch Daniels as Fire Administrator. EMS Director Gonzales also resigned. Chief Vigil said that he has applications for the EMS Department and hopes to fill some positions soon.

**C. Firewise Community Board:** Chair Trudy DiLeo suggested discussing the NFL Grant status, which Mayor Pro Tem Wittman explained would be discussed later in the meeting in Building Official Bowden's report.

**D. Parks & Recreation Committee:** Committee Chair Kat Kett said that Parks and Rec was looking for additional members. The Committee is planning a Fall Appreciation gathering on October 21, 2022 at 5:00 pm at the Twining Campground around a bonfire. Benches are being constructed to be placed in various locations around the Village, with one bench being donated to honor Mayor Neal King and Kathy Bennett.

**E. Lodger's Tax Advisory Board: no reports:** No reports

## **7. REGIONAL REPORTS:** No Reports

**8. MAYOR PRO TEM'S REPORT:** Mayor Pro Tem Wittman reported on his attendance at the Municipal League Conference in Albuquerque in September. He went specially to seek advice on the possibility of holding a special election to fill the vacant Mayor position. Mayor Pro Tem Wittman attended a function in Arroyo Seco where Governor Lujan-Grisham spoke, and Wittman thanked her for the \$750,000 grant for water line repairs in the Village. Mayor Pro Tem Wittman said that he was proud to have participated in spreading Neal King's ashes on Kachina Peak on September 17, 2022. A Planning and Zoning Commission training hybrid meeting was held at the Lake Fork Meeting Room. The contract with Village Attorney Baker was terminated on September 15, 2022. More information will be available at a later date.

## **9. STAFF REPORTS**

**A. Administrator Avila:** Administrator Avila said that he attended the Enchanted Circle meeting. Discussion took place concerning the State Funding of \$5 million to various projects within the Enchanted Circle. The Village office is open full time Monday through Friday. The Wastewater Treatment plant work is still underway. Corrections should be completed by IWS in the first part of October. The Kachina water tank booster station's designs have been started. TSVI has been exploring the possibility of finding meters for these stations. The Village Complex will be discussed further on in the meeting, but Administrator Avila said that he is working on obtaining additional funding for Units 9 and 10, above the original insurance claim funds. KCEC undergrounding joint trenching on Coyote, Chipmunk, and Phoenix has been completed. The Amizette Alleyway undergrounding project has been delayed due to KCEC and the Village having issues getting material for the project. Work completed pursuant on the Water Study recommendation is anticipated to be a TIDD project. A meeting will take place in October between TSVI and the Chamber of Commerce concerning the Post Office and any updates. Administrator Avila welcomed Carol Griesedieck as the new Finance Director.

**B. Finance Director Griesedieck:** Finance Director Griesedieck is familiarizing herself with the

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Village Municipal accounting processes.

An Income and Expense Report was presented, as well as the GRT and Lodgers Tax report, as before. The Income Summary and the Expense Summary run from July to August 2022. The reports show percentages by fund for Village income and expenses.

Administrator Avila said that new software for the Finance Department will be purchased within the next three months.

**C. Public Safety Director Vigil:** Chief Vigil reported previously in the meeting about the recent staffing changes in the Public Safety Department. Chief Vigil said that two Police officers graduated from the Fire Academy, along with Chief Vigil, and other firefighters. The Fire Department has been helping with EMS calls. Volunteers include qualified Search and Rescue, Ski Patrol, and Paramedic members.

**D. Building Official Bowden:** Official Bowden reported that there has been continued fair and impartial assessment for mitigation work in the Village for private properties. The Village will be separated by zones that can be defended well by fire fighters. There is an extensive work plan that is almost completed for submission to NM State Forestry. Once this submission is approved it will then go to the NM State Legal Department for review in order to meet the standards for the Federal Monies to be dispersed. He said that the paperwork will be submitted to US Forestry within the next few days. A list was presented of names of citizens that qualified for the mitigation. Councilor Caldwell asked that letters of explanation be sent to citizens that have applied for the NFL Grant and did not meet the standards.

**E. Planning Director Nicholson:** Director Nicholson reported that the Village had been successful in obtaining a trail grant from the NM State Outdoor Recreation Division. This will help to develop five Village trails.

The initial assessment of Development Impact Fees for the Hotel St. Bernard shows that a little over \$1.8 million, before any discounts, should be collected to help fund critical Village capital projects. In response to a question from Councilor Caldwell about whether the Village would qualify for another intern, Director Nicholson said that the matter would have to be discussed directly with AmeriCorps.

**F. Public Works Director Martinez:** The Public Works report was included in the packet and is on the Village website.

**G. Clerk Wooldridge:** No report

## 10. OLD BUSINESS

**A. Discussion and Direction from Council of Village Complex Property, Considering Public Value of the Property and Projected Net Proceeds of the Transaction**

Administrator Avila reported that an appraisal had been done of the Village Complex. A market value figure is needed to decide whether it would be more beneficial to put the Complex up for sale, or to use it for public functions. The Village filed insurance claims for damage done to the buildings by several incidents of trees falling on the buildings.

Councilors expressed interest in providing affordable housing in the Village, at the Complex. The question arose as to whether the Staff is interested in using the facility as additional office space.

Councilor Stagg, Councilor Caldwell, and Councilor Knox said that they oppose putting the complex up for sale at this time. Mayor Pro Tem Wittman would like to put the complex up for sale to see how much any bids are worth. Administrator Avila said that the units are up to standard and can be rented. The complex is already being used for Village Office space. Administrator Avila said that some of the apartments could be sold as condominiums, while other units could remain as Village office space. Alternatively, the entire complex could be sold. There are many options remaining to be discussed regarding the Complex, and the pros and cons of keeping it or selling it.

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Councilor Caldwell volunteered to lead an effort to meet with Building Official Bowden and Planning Director Nicholson, discuss plans for the complex, and come up with a solution and other options and move this item forward.

**MOTION: To Nominate Councilor Caldwell to explore options for the Village Complex**

**Motion: Mayor Pro Tem Wittman Second: Councilor Stagg Passed: 4-0**

**B. Consideration to Approve and Authorize Plumbing Material Purchase from Roger Pattison**

Administrator Avila explained that the Public Works Department would be able to utilize the materials as they are in good condition. The materials will be used internally and not for projects using contractors.

**MOTION: To Approve and Authorize Plumbing Material Purchase from Roger Pattison**

**Motion: Mayor Pro Tem Wittman Second: Councilor Stagg Failed: 1-3 (Councilors Caldwell, Knox, and Stagg voting nay)**

**11. NEW BUSINESS**

**A. Consideration to Affirm Escrow Agreements for TSVI Firehouse, Mogul Medical, and Warehouse Developments:**

Administrator Avila said that the Village has an ordinance that requires development and impact fees to be paid in full in order for the Village to issue a building permit. TSVI agreed to deposit the entire amount of the fees into an Escrow Account until such time as the Council voted on any discounts to these fees for TSVI. The Agreements were discussed.

**MOTION: to Affirm Escrow Agreements for TSVI Firehouse, Mogul Medical, and Warehouse Developments:**

**Motion: Mayor Pro Tem Wittman Second: Councilor Knox Passed: 4-0**

**B. Consideration to Approve Development Impact Fee Discounts for TSVI Firehouse, Mogul Medical, and Warehouse Developments:**

Administrator Avila explained that after much consideration to the TSVI discount request, the Village responded that the discount requested from the total amount due of \$312,055.00 was not substantiated. After a discount is applied, the amount due would be \$211,040.00.

Staff Recommendation: Approval of the discounts to the DIF for the Mogul Medical (5,640 sf), Firehouse Complex (16,038 sf), and Warehouse (7,500 sf) Development project not to exceed \$101,015.00 on the assessed DIF due of \$312,055.00 for an amount due of \$2011,040.00.

Councilor Caldwell said that he thought the discounts were high considering the Village's current finances and that the Village has a lot of other expenses coming up. Chaz Rockey said he would like to clarify that this was partially in negotiation and a clarification and discussion of the interpretation of the new development impact fee ordinance. This is one of the first projects that TSVI has been assessed on under the new Ordinance. Mr. Rockey requested that the Council look at the Ordinance and address any loopholes that seem to have come up which may have been unintended, and to acknowledge that since TSVI is paying the impact fees for the existing Mogul Medical, this project be a credit item when the Hotel St. Bernard Project is done.

**MOTION: To Approve Development Impact Fee Discounts for TSVI Firehouse, Mogul Medical, and Warehouse Developments as outlined**

**Motion: Councilor Stagg Second: Mayor Pro Tem Wittman Passed: 3-1 (Councilor Knox voting nay)**

**C. Consideration to Approve GIS Services Agreement with Sage GIS LLC**

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Administrator Avila explained that this agreement was a renewal of a previous year's contract. This agreement is for the continued development a Village GIS system. The service is important currently to the NFL project. The limit of the contract is \$36,000.00 with a rate of \$28.00 per hour at 1200 hours.

**MOTION: To Approve GIS Services Agreement with Sage GIS LLC**

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

**D. Consideration to Approve an MOU between the North Central Rural Transit District and the Village of Taos Ski Valley to Provide 2022-2023 Ski Season Winter Bus Service**

Administrator Avila explained that there is a need for transportation services to allow visitors and staff an alternative for reaching the Village during ski season. There has been an agreement most years, using lodgers tax money to fund the service. This winter's schedule was presented, and the hope is that there will not be a shortage of drivers, as there has been in recent years. The Village would commit to \$42,140, while the Town of Taos would commit to \$25,000, and Taos County to \$20,000.

**MOTION: to Approve the MOU between the North Central Rural Transit District and the Village of Taos Ski Valley to Provide 2022-2023 Ski Season Winter Bus Service**

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

**E. Discussion of Special Election**

Mayor Pro Tem Wittman stated that we cannot have a special election until after February 17, 2023 because of timing restrictions in the election code. He reported that he has an inquiry ticket into the NM Secretary of State's office, and Charles Romero has been assigned to the ticket. Per Village Clerk Wooldridge all possibilities are being investigated concerning holding a special election. The Village has not received a clear answer from the Secretary of States' office, the NM Municipal League, or from the Taos County Bureau of Elections. The Statutes don't always match up, it appears. Mayor Pro Tem Wittman suggested that once the Village hears back from the Secretary of State, the Council could hold a special meeting if necessary.

**F. Consideration to Approve Contract with Coppler Law Firm, P.C. for First Amended Professional Services Agreement as Special Counsel for Wastewater Matters, and Other Matters as Specifically Assigned.**

Per Administrator Avila this is an amended agreement/contract for special services for legal support. surrounding the Wastewater Treatment Plant, and the issues between the General Contractor and Sub-Contractor for the membrane reactors that were provided. There is a possibility the Village could be drawn into litigation.

**MOTION: To Approve the Contract with Coppler Law Firm, P.C. for First Amended Professional Services Agreement as Special Counsel for Wastewater Matters, and Other Matters as Specifically Assigned.**

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

Councilor Caldwell asked that someone monitor this situation closely for the Village's interests.

**12. CLOSED SESSION**

**A. Discussion of Threatened or Pending Litigation.** This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (7)

**MOTION: To Move to Closed Session**

**Motion: Councilor Stagg                      Second: Mayor Pro Tem Wittman                      Passed:4-0**

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**MOTION: To move to Open Session**

**Motion: Councilor Stagg      Second: Mayor Pro Tem Wittman      Passed:4-0**

No action was taken in Closed Session.

**13. MISCELLANEOUS: No Reports**

**14. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL:** The next meeting of the Village Council will be held on Tuesday October 25, 2022 via zoom.

**15. ADJOURNMENT**

**MOTION: To Adjourn**

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

The meeting adjourned at 5:30 p.m.

\_\_\_\_\_  
Mayor Pro Tem Tom Wittman

ATTEST

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Clerk Ann Wooldridge

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