



**VILLAGE COUNCIL REGULAR MEETING MINUTES
MEETING TO BE HELD VIA ZOOM TELECONFERENCE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, FEBRUARY 28, 2023 2:00 P.M.**

1. CALL TO ORDER AND NOTICE OF MEETING:

The regular meeting of the Village Taos Ski Valley Council was called to order by Mayor Pro Tem Wittman at 2:00p.m. Notice of the meeting was properly posted.

2. ROLL CALL

Ann Wooldridge, Village Clerk, called the role and quorum was present. In attendance were Councilors Caldwell, Knox, Stagg, and Mayor Pro Tem Wittman.

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as written

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

4. APPROVAL OF THE MINUTES OF THE JANUARY 24, 2023 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes of the January 24, 2023 Village Council Regular Meeting with the amendment of deleting the words "TIDD funding" in the section discussing water system repairs.

MOTION: Councilor Caldwell **SECOND:** Councilor Knox **PASSED:** 4-0

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

Dan Vaughan spoke about Chamber initiatives being made for this summer's Up & Over 10K race hosted by the Chamber. They are seeking volunteers.

Amanda Straka spoke about the need to regulate parking in the Kachina area on busy weekends.

Bob Corroon spoke about the need for the community to come together to face the water infrastructure issues in the Village.

6. COMMITTEE REPORTS

A. Planning & Zoning Commission - Chairperson Wittman reported on the February 6, 2023 P&Z Meeting where a Conditional Use Permit was granted for the Hotel St. Bernard redevelopment project. There have been some appeals of the decision which will need to come before a Special Meeting of the Village Council.

B. Public Safety Committee – Chair Trudy DiLeo reported that forward strides were being made in getting the Kit Carson lines placed underground in Amizette.

C. Firewise Community Board

D. Parks & Recreation Committee – Committee co-chair Pattison reported that informational kiosks would be installed soon pointing out the various trails and hiking opportunities around the Village.

E. Lodger's Tax Advisory Board – Co-Chair Stagg reported that the Board would be calling for a meeting soon to discuss funding for Taos Air summer service.

7. REGIONAL REPORTS

Administrator Avila reported on efforts to get the Recycling Center operational again by the ECCOG Board. Taos Pueblo has joined the ECCOG JPA which requires Council approval later at this meeting.

8. MAYOR PRO TEM'S REPORT

Mayor Pro Tem Wittman reported that the Village continues to address water issues in several parts of the Village. The Village has been in contact with several homeowners on their specific situations.

9. STAFF REPORTS

Staff reports were posted to the Village website along with the rest of the Council packet.

- A. Administrator Avila
- B. Finance Director Griesedieck
- C. Public Safety Director Vigil
- D. Building Official Bowden
- E. Planning Director Nicholson
- F. Public Works Director Martinez
- G. Clerk Wooldridge

10. OLD BUSINESS

11. NEW BUSINESS

- A. Consideration to Approve **Resolution No. 2023-528** Requesting Acceptance and Approval of the FY2022 Final Audit

Auditor Robert Piexotto from Southwest Accounting Solutions went over the Financial Statements in the FY22 Audit. This was an unqualified audit, which is a positive outcome. There is a severe shortfall in funds for the water/sewer utility operation, he said. Two years ago the Village took on a large loan to fund the new treatment plant and this has not been accommodated in the current rates. He invited anyone to contact him directly with questions.

MOTION: To Approve **Resolution No. 2023-528** Requesting Acceptance and Approval of the FY2022 Final Audit

MOTION: Councilor Staggs **SECOND:** Councilor Caldwell **PASSED:** 4-0

- B. Council Discussion of Auditor's suggested Utility Rate Increases and Direction to Perform a Rate Analysis to ensure Compliance with Debt Agreements

Discussion took place on the subject of utility rates, potential rate increases, and the possibility of hiring a third party to conduct a rate study. The general consensus from the Council was that this would be evaluated at budget time discussions.

- C. Consideration to Approve **Resolution No. 2023-527** Requesting a Permanent Budget Adjustment (BAR) to the FY2023 Budget, Increasing Transfers into (01) Water Enterprise, and Increasing Transfers out of the General Fund (03)

The Village submitted its fiscal year 2022-2023 budget in July of 2022. The funds scheduled to be transferred from General Fund 03 to support Fund 01 (Water Enterprise) were underestimated at that time. The recent emergency repairs have resulted in increased expenses in Fund 01 (Water Enterprise) for daily operations, such as increased payroll hours and overtime, contract labor & materials. In addition, anticipated revenues will be reduced due to the credits that will be applied to customer accounts.

DFA requests that budgets be adjusted during the Fiscal Year to accommodate more accurately developing actual revenues & expenses. DFA also requires that the fund balance on the quarterly reports not be negative for any fund. This BAR is needed so that the Village will have a sufficient budget with DFA for transfers should any be needed to keep this fund from going negative, and so that the 3rd Quarter report can be submitted to DFA in April without violations. Violations for either

-- Providing infrastructure & services to a World Class Ski Resort Community --

of the above stated noncompliance events will result in additional procedural requirements, funding scrutiny, and other fiscal constraints.

MOTION: To Approve **Resolution No. 2023-527** Requesting a Permanent Budget Adjustment (BAR) to the FY2023 Budget, Increasing Transfers into (01) Water Enterprise, and Increasing Transfers out of the General Fund (03)

MOTION: Councilor Stagg **SECOND:** Councilor Knox **FAILED:** 2-0

VOTING NAY: Councilor Caldwell and Councilor Knox

D. Consideration to Publish and Post **ORDINANCE NO. 2022-72** AN ORDINANCE PURSUANT TO NMSA 1978, SECTION 1-22-3.1 (2018) TO OPT IN FOR THE ELECTION OF THE MUNICIPAL OFFICERS OF THE VILLAGE OF TAOS SKI VALLEY IN THE NEXT REGULAR LOCAL ELECTION

MOTION: To Publish and Post **ORDINANCE NO. 2022-72** AN ORDINANCE PURSUANT TO NMSA 1978, SECTION 1-22-3.1 (2018) TO OPT IN FOR THE ELECTION OF THE MUNICIPAL OFFICERS OF THE VILLAGE OF TAOS SKI VALLEY IN THE NEXT REGULAR LOCAL ELECTION

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

E. Consideration to Approve **Resolution No. 2023-529** A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY APPROVING AMENDMENT NO. 2 TO THE ENCHANTED CIRCLE COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT

The JPA requires an amendment to include the Taos Pueblo as a party to the Agreement.

MOTION: To Approve **Resolution No. 2023-529** A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY APPROVING AMENDMENT NO. 2 TO THE ENCHANTED CIRCLE COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

F. Consideration to Approve and Acknowledge the annual Capital Improvements Advisory Committee (CIAC) Report

MOTION: To table the Acknowledgement of the annual Capital Improvements Advisory Committee (CIAC) Report until the next regular meeting of the Council

MOTION: Councilor Caldwell **SECOND:** Councilor Stagg **PASSED:** 4-0

G. Consideration to Approve Adoption of formal Council Procedures for Appeal Hearings of Planning and Zoning Commission Decisions

The Village of Taos Ski Valley does not currently have an adopted written procedure for the Council to hear appeals. Any appeal of a Planning and Zoning Commission decision to the Council should have a formal, accepted procedure for all to understand in order to hold the hearing. Village Legal Counsel John Appel has researched and clarified procedures that provide due process for appeals heard by the Council and he has drafted a procedural outline document for Council review and approval.

MOTION: To Approve Adoption of formal Council Procedures for Appeal Hearings of Planning and Zoning Commission Decisions

-- Providing infrastructure & services to a World Class Ski Resort Community --

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

H. Discussion of Use of Fire Funds

Presented by Brad Angst

The Village of Taos Ski Valley has need of a Fire Department building to appropriately house Fire Department Vehicles and Equipment, as is required by the Office of the NM State Fire Marshal (OSFM). The Village and Taos Ski Valley Inc. inquired with the OSFM as to the appropriate use of the Village Fire Funds and found that use of funds to purchase Fire Department facilities as a condominium purchase is acceptable. The Village entered into an MOU with TSVI to seek funding to be able to purchase a Fire Department Building. The use of Fire Funds can be used for that purpose and a loan for purchase can be obtained using those same funds. Understanding how a Fire Fund Loan would proceed is important to understand before any procurement process for the Fire Department Building. The Village's Financial Advisor has done a preliminary review of the availability of fire funds for borrowing.

STAFF RECOMMENDATION: Staff recommends discussion of financial presentation material for a community understanding of the funding process. No decision or procurement direction is asked for at this time.

I. Consideration to Approve Credits for Water Fixed Rates

The Village of Taos Ski Valley suffered an emergency water loss that affected service availability. Most of the issues were in December and January. The Village sent a letter to customers requesting a report of the number of days without service and an estimate of a pro-rated service charge that might be credited. So far, the Village residents reporting lost service days is about 29. Some residents continued to have no water service in 2023 and they may still turn in requests.

Staff recommends approval of credits for days without service during the winter water emergency as mentioned in the Village letter of February 1, 2023. According to the evidence provided by the customers, the estimated total amount of the credits requested so far is \$2,304.70. Some properties continued without service beyond the New Year and would expect to also have credits for the outage dates. Approval for credits for days without service should still be approved in this fiscal year.

MOTION: To Approve Credits for Water Fixed Rates

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

J. Consideration to Approve an Updated Credit and Collection Policy with Prerequisite of Installation of a Customer Remote-read Metering System before Application for Leak Credit

The Village of Taos Ski Valley has procedures for allowing credits for water leak loss in the Revenue Collection Policy adopted in 2014. This practice was questioned by residents during the recent water leak emergency this winter. Recommendations for methods of better monitoring of water usage were offered. The Village had previously reviewed the collection policy with some of the same recommendations without a policy update. The change to the policy to encourage the use of remote read meters will hopefully motivate careful observation of water usage and water conservation on the private side of the water service line. This should also allow the customer to notify the Village if a leak is suspected even while the property is vacant.

-- Providing infrastructure & services to a World Class Ski Resort Community --

Staff recommends approval of changes to the 2014 Credit and Collection Policy to include remote read monitoring before application for a leak loss credit. Approval now for implementation in the new fiscal year will allow property owners time to install the remote read meters.

MOTION: To Approve an Updated Credit and Collection Policy with Prerequisite of Installation of a Customer Remote-read Metering System before Application for Leak Credit, with a six-month phase-in.

MOTION: Councilor Stagg **SECOND:** Councilor Knox **PASSED:** 4-0

12. CLOSED SESSION

MOTION: To go into Closed Session

MOTION: Councilor Stagg **SECOND:** Councilor Caldwell **PASSED:** 4-0

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)

B. Discussion of the Purchase, Acquisition, or Disposal of Real Property. This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (8)

MOTION: To go out of Closed Session

MOTION: Councilor Stagg **SECOND:** Councilor Caldwell **PASSED:** 4-0

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 a Special Meeting on March 21, 2023 at 2:00 p.m.
The next Regular meeting of the Village Council will be the March Meeting on March 28, 2023 at 2:00 p.m.

15. ADJOURNMENT:

MOTION: To adjourn the meeting

MOTION: Councilor Knox **SECOND:** Councilor Stagg **PASSED:** 4-0

Mayor Pro Tem Wittman

ATTEST: Ann M. Wooldridge, Village Clerk

-- Providing infrastructure & services to a World Class Ski Resort Community --