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VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
SNAKEDANCE CONDOMINIUMS HONDO RESTAURANT
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, OCTOBER 10, 2017, 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 King at 2:00 p.m. The 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 Kathy Bennett
Councilor Christof Brownell
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator Mark Fratrack
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Building & Construction Director Bill Jones
Police Chief Andrew Bilardello
Public Works Director Ray Keen
Administrative Assistant Christina Wilder
Village Attorney Dennis Romero

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda as presented

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

4. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2017 VILLAGE COUNCIL REGULAR MEETING, and the SEPTEMBER 18, 2017 VILLAGE COUNCIL SPECIAL MEETING**

MOTION: To approve both minutes as written

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

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

6. **FINANCIAL REPORTS**

Finance Director Grabowski reported that GRT remitted to the Village in September was \$58,631 compared to \$87,873 for September last year. Year-to-date GRT total is \$137,197 versus \$263,207 for last year. The TIDD received a distribution in September for July GRT of \$3,486.56.

Lodger's tax collections in September were \$11,226 versus \$20,520 for last year. Year-to-date total is \$51,649 versus last year's \$30,261. Most of the lodgers' tax collected has been late submittals.

\$6,689 in Hold Harmless GRT revenues were received in September. These will be transferred to fund 42, Sewer Depreciation, to support the WWTP upgrades. Ad valorem tax collections are up year-to-date by 22%.

Burt & Company, the Village's current auditors, has purchased Taos CPA, which has been the Village's CPA firm. As a result, the Village's Quickbooks program was moved from the Taos CPA server to the Heritage Trust server, to

avoid a conflict. Unfortunately, this caused many technical problems because it resulted in two separate Quickbooks databases being created. The problems are still being straightened out with Heritage Trust and TaosNet. The Village's new IT firm, Ambitions Technology Group, has started and they are reviewing the Village's current systems.

Mayor King said that the Village would be working with NM Tax and Revenue to try to learn more about the GRT calculations for both the Village and the TIDD.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported that the October meeting had been cancelled. The next meeting is scheduled for November 6, 2017 at 1:00 p.m. at the Snakedance Condominiums.

B. Public Safety Committee –Committee Chair Bennett reported that the Committee had not met.

C. Firewise Community Board of Directors – The Firewise Board did not meet. Committee Chair Bennett recently joined a coalition that will be reviewing the fire history study that was conducted last year by the USGS on the ski valley canyon. The U.S. Forest Service will be placing some firewise interpretive materials in the campgrounds which were thinned last summer.

D. Parks & Recreation Committee – Committee Member Kerrie Pattison reported that the Committee members have been taking down and putting away the last of the summer parks and recreation items. The party to inaugurate the Kachina Vista Park will take place on October 19, 2017 at 4:00 p.m. near the lower gate on Kachina Road.

E. Lodgers' Tax Advisory Board – The next meeting is scheduled for November 1, 2017 at 10:00 a.m. at the Snakedance Condominiums to review the new grant proposals.

8. REGIONAL REPORTS

Councilor Bennett reported that no meetings had been held and that the next meetings are scheduled for October 21, 2017.

9. MAYOR'S REPORT

Mayor King said that the firefighters who attended the recent fire academy would be recognized at the next Council meeting. Mayor King will be working on the draft of a letter to be sent to the NM Tax and Revenue Department on behalf of the Village, and also on a draft letter to be sent on behalf of the Village Tax Increment Development District Board.

10. STAFF REPORTS

Mark Fratrack, Village Administrator reported on ongoing projects:

- Townsite Act –No updates at this time, however a meeting with the Village, the U.S. Forest Service, and TSVI will take place onsite at the end of the month.
- Taos Mountain Lodge –A phased plan approach will be undertaken. The contractor is working to repair the eight units on the upper level.
- Kachina Water Tank – Administrator Fratrack has been following up since the workshop with representatives from FEI Engineering and from TSVI. There has been a suggestion for a fourth location for the Kachina tank.
- WWTP/WWTP Financing Options – The working group had a conference call with the USDA to get clarification on further requirements for the USDA funding.
- Ernie Blake Road – The Village has received a counter-offer from the Sierra del Sol and is set to discuss it at the closed session of this Council meeting.
- Doug Terry Cabin Property – The property is for sale and is listed for \$450,000. The Village has been utilizing the property for snow storage. Administrator Fratrack spoke with the listing agent about maintaining that use for the Village, at least for this ski season.
- Holiday Lights – The Chamber will be putting lights up for the holidays which will stay up until the end of ski season.

- A Special Council meeting will take place on October 30, 2017 at 1:00 p.m. to introduce the ordinance required for issuing bonds, which will fund the interim financing required for the USDA loan.
- The Village may be interested in selling its Snowshoe Road property in order to fund the possible purchase of the Doug Terry property.

Department Briefs

- **Department of Public Safety Update:** Chief Bilardello reported on September activity: MVCs (3), Residential Alarm (2), Business Alarm (1), Property Damage (0), Suspicious Persons/Vehicles (3), Citizen Assists/Contacts (22), Traffic Enforcement Hours (46), Traffic Stops (5), Written Citations (3), Written Warning (1), Verbal Warnings (10), Parking Citations (2), Assists to other Agencies (32), Trespass Warnings (0), Foot Patrol Hours (10), Animal Control (31), Welfare Checks (2). Fire EMS: Fire Calls (3), EMS Calls (2). SAR Hours: (4).
The Police Department is looking into producing decals for residents and employees to put on their car windshields. Chief Bilardello said that this would be helpful to the Public Safety Department to indicate cars that are registered with the Village.
- Director Jones said that he is working on an ordinance requiring that all utilities be placed underground.
- Director Keen reported that there are two new employees in the Public Works Department. Steve Geving, laborer/equipment operator, and Christina Wilder, administrative assistant. The Public Works Department staff has been busy conducting jet-rodding of the sewer lines. The Strawberry Hill water line has been completed and the sewer line is nearly finished. Keen said that he has been looking into purchasing a glass crusher for the recycling area. Councilor Stagg commended the efforts to improve the recycling, and suggested that educating the citizens would be the best way to getting the recycling program working better.
- Attorney Romero reported that he is working on the Pattison/Village Emma Road property exchange.

11. OLD BUSINESS

A. Consideration to Approve Proposed Adjusted System Development and Impact Fees for Parcel G
At the August 2017 Council meeting, the Council approved a combined required payment for System Development Fees and Impact Fees in the amount of \$541,030. At the September 2017 Council meeting, an adjusted calculation was presented because an error had been made. It was brought to the attention of the Village Administrator that the TSVI sewer connection credit of \$215,520 was not fully applied. Only a \$184,236 credit was applied from the possible \$215,520. TSVI would like to have the full \$215,520.00 credit amount applied against the Sewer System Development fees presently owed. With the full \$215,520.00 credit applied, the total amount now due is \$509,746.00.

MOTION: To Approve the Proposed Adjusted System Development and Impact Fees for Parcel G

Motion: Councilor Wittman Second: Councilor Brownell

Chaz Rockey from TSVI addressed the Mayor and Council, saying that he objected to the methodology used in the calculation of the system development and impact fees. He said that he respects the Council's decision but hopes that the process will be different for their next project.

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

12. NEW BUSINESS

A. Consideration to Approve a Professional Services Contract with FEI Engineers, Inc. to draft a new Request for Proposal (RFP) for the Kachina Water Tank project

The Council has directed staff to work with FEI Engineers to draft a new RFP to hire a contractor for the adjusted scope of the Kachina Water Tank project, to fit in the original easement boundaries. The new contract with FEI Engineers totaling \$31,020 plus tax is to accomplish this task. This amount was not included in the original FY2018 budget so a budget adjustment request may be necessary later in the fiscal year.

MOTION: To Approve a Professional Services Contract with FEI Engineers, Inc. to draft a new Request for Proposal (RFP) for the Kachina Water Tank project

Motion: Councilor Bennett Second: Councilor Wittman

Councilor Stagg asked that TSVI be shown the RFP to review before it is issued, since TSVI is the landowner. Otherwise, they have no objections.

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

B. Consideration to Approve a Contract between the Village of Taos Ski Valley and Kit Carson Electric Cooperative for Installation and Transfer of Ownership of Electric Installation Line as Contribution in Aid of Construction

Taos Ski Valley, Inc. and Kit Carson Electric Cooperative have coordinated the installation of an electric line running the length of Twining Canyon, within the trench along Highway 150. TSVI paid the initial construction and installation costs. As part of the Master Development Agreement between TSVI and the Village, it is the intention of the parties that TSVI dedicate the electric utility line within the trench to the Village. The Village would then immediately assign and transfer its ownership of the utility lines to KCEC. Upon transfer, KCEC will own, operate and maintain the electric facilities.

Part of the purpose of this agreement is to document the estimated value that the Village is receiving in exchange for transferring its temporary ownership of the electric facilities. To remain in compliance with the Anti-Donation Clause of the New Mexico Constitution, the Village must receive value in exchange for transferring ownership of any asset. In this instance, the value is stated as “reduction of the danger of widespread destruction of property [presently] posed by the overhead electric transmission power lines that the Upgrade Project will replace with underground electric transmission lines.”

The chain of transfer from TSVI to the Village and then to KCEC will also provide TSVI with qualification for reimbursement of certain project costs through the TIDD.

MOTION: To Approve a Contract between the Village of Taos Ski Valley and Kit Carson Electric Cooperative for Installation and Transfer of Ownership of Electric Installation Line as Contribution in Aid of Construction

Motion: Councilor Brownell

Second: Councilor Wittman

Passed: 4-0

The cable should be installed in the conduit soon.

C. Discussion and Direction to Staff Regarding the Certificate of Occupancy for The Blake

The Blake Hotel was given a Temporary Certificate of Occupancy (TCO) on October 27, 2016. The Hotel was given this TCO document to assist in meeting TSVI's opening schedule. Not everything was complete with the hotel, and areas were secured and not allowed occupancy by the public. Several amendments to the document extended the TCO; the most recent amendment extended it to the date of November 30, 2017. The snow retention improvements have not been completed by the roofing contractor, however. In an effort to provide a safe area around the outside of The Blake Hotel, the protection provided by the snow guards must be completed; the installation of these snow guards is forecasted to be completed by November 30, 2017.

In addition, the System Development and Impact Fees for the Development Improvements have not been paid to the Village as required by adopted ordinances.

MOTION: To Approve leaving the Temporary Certificate of Occupancy in place until the end of ski season

Motion: Councilor Wittman

Second: Councilor Brownell

Councilor Stagg asked if a Council action was expected to occur today, since the item was listed as a discussion item. Also, he expressed his concern that the Council be making decisions on certificates of occupancy. Councilor Stagg said that the Village Building Department should be the ones knowledgeable enough to decide about such items.

MOTION: To Rescind the motion

Motion: Councilor Wittman

Second: Councilor Brownell

Passed: 4-0

Mayor King expressed his opinion that it seemed alright to have the Council aware of these issues as this one isn't particular is a public safety issue. By leaving the certificate of occupancy as temporary, there is no liability to the Village. The Village Building Department is working with TSVI to insure that the roof snow melt gets installed correctly, after which the certificate of occupancy will be granted.

The Plaza area is owned by TSVI and they will be conducting the maintenance this winter. As far as any liability for the Village concerning the Plaza maintenance, Attorney Romero explained that the Village could be named as liable concerning any property, not just the Plaza.

D. Discussion and Consideration to Approve the Village of Taos Ski Valley Entering into a Contract with TSVI for Snow Removal on Sutton Place for the 2017-18 Ski Season

TSVI approached the Village to discuss the possibility of TSVI providing snow removal for Sutton Place for this upcoming ski season. TSVI indicated that they would be purchasing a snow blower to be primarily used on the parking lot, but thought that it might be used to help clear Sutton Place also. Public Works Director Keen felt that since the Village hadn't committed to purchasing a smaller piece of multiuse snow removal equipment yet, that for at least this season, TSVI snow removal would be a viable option for the Village to take. The range of cost that was discussed, dependent on the storms and snowfall amounts for the year, was \$5,000 to \$10,000. Contracting with TSVI would take a bit of strain off of the Village's Public Works resources for this season.

David Norden with TSVI explained that they plan to blow snow down the road then into the retention pond. They have estimated the cost at \$500 labor cost for each storm. At an estimate of twenty storms in a winter, that would total \$10,000. If there were more storms, TSVI could approach the Council to amend the contract.

MOTION: To Approve the Village of Taos Ski Valley Entering into a Contract with TSVI for Snow Removal on Sutton Place for the 2017-18 Ski Season

Motion: Councilor Wittman

Second: Councilor Brownell

Passed: 4-0

E. Discussion of Village's Request for a 33 foot Easement and TSVI's Request for a 66 foot easement at the Wastewater Treatment Plant (WWTP) Site

The Mayor has signed off on the boundary surveyed plat for the Town Site Act WWTP property. An easement survey was also presented for signature which showed a 66-foot easement for the benefit of the U.S. Forest Service, through the WWTP property. The Village Administrator advised the Mayor not to sign the easement survey until the Village had time to look into requesting a narrower easement from the Forest Service.

TSVI notified the Village a few months ago that they were requesting an easement "with a minimum width of 66 feet", "a perpetual, non-exclusive roadway and right of way easement for ingress and egress and for utilities", and also "perpetual, non-exclusive day skier parking...and for the parking of TSVI's related day skier transportation trucks and trailers, and for the parking of TSVI's ski resort facility equipment and vehicles and for the parking of TSVI's road maintenance and snow plowing vehicles and equipment." The Village is concerned that such an easement would limit Village access to its own property. The proposed easement language states that TSVI would have priority of use. There is some disagreement over whether these two easements are separate issues or not. Administrator Fratrack contacted the U.S. Forest Service over a month ago about changing to a 33-foot easement, but hasn't heard back. There is a meeting planned for October 30, 2017 with representatives from the Village, the U.S. Forest Service, and TSVI, when hopefully some of these items can be agreed upon. Councilor Bennett said that the Village and TSVI had always worked together in the past, so hopefully would continue to do so.

13. MISCELLANEOUS

A. Councilor Brownell asked about a public notice that had been distributed, concerning the storage of contaminated material on TSVI's private land across the gorge bridge. David Norden explained that during the excavation on Strawberry Hill, some contaminated soil was found at the site of the old VMF building. TSVI contacted the New Mexico Environment Department (NMED) to self-report the contamination. TSVI has removed the soil to the "Tract B" site across the gorge. The soils will be tested by the NMED. The contamination occurred approximately thirty years ago, he explained.

Norden said that TSVI responded as quickly as they possibly could, and that they have acted in full compliance with requests from NMED. Norden said that they have conducted full disclosure and that TSVI is very environmentally minded.

The public notice was sent to property owners within a one-third mile radius of Tract B, and news of the process is being spread on social media.

B. Homeowner Michael Holmquist requested that the Council consider a height restriction for the property across Twining Road from the Homquist's house. The property size will be increased with the land exchange to will take place for the realignment of Ernie Blake Road.

14. CLOSED SESSION

A. Discussion of the Acquisition of Real Property

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (8)

MOTION: To go to Closed Executive Session

Motion: Councilor Stagg

Second: Councilor Bennett

Passed: 4-0

MOTION: To return to Open Session

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

No decisions or motions were made during closed session.

MOTION: To Convene the Ernie Blake Road land-swap negotiating team to work with the Sierra del Sol on a land acquisition for the road realignment

Motion: Councilor Stagg

Second: Councilor Brownell

Passed: 4-0

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

A Council Special meeting will take place on Monday, October 30, 2017 at 1:00 p.m. at the Snakedance Condominiums Hondo Restaurant. The next regular meeting of the Council will take place on Tuesday, November 14, 2017 at 2:00

p.m., at the Snakedance Condominiums Hondo Restaurant. A Public Hearing for the draft Environment Impact Document for the Wastewater Treatment Plant upgrade is scheduled for Wednesday, November 1, 2017 from 6:00 p.m. to 8:00 p.m., at the Snakedance Condominiums Hondo Restaurant.

15. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

The meeting was adjourned at 4:10 p.m.

Neal King, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk