



Village of Taos Ski Valley
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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, JANUARY 17, 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 role 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
Public Works Director Ray Keen
Police Chief Andrew Bilardello
Building & Construction Director Bill Jones
Planner Adrienne Anderson
Administrative Assistant Renee Romero
Administrative Assistant Ruth Martin
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

Councilor Wittman asked to have item 13.D. as discussion only. Councilor Stagg asked to remove items 12. B., C., and D. from the agenda.

MOTION: To approve the agenda as amended

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

4. APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2016 REGULAR VILLAGE COUNCIL MEETING and the DECEMBER 21, 2016 SPECIAL VILLAGE COUNCIL MEETING

MOTION: To approve the minutes as presented

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

5. PRESENTATION TO ELISABETH BROWNELL FOR SERVING AS A COMMISSIONER ON THE PLANNING & ZONING COMMISSION

Mayor Neal King presented an award of appreciation to Ms. Elisabeth Brownell, Ski Pioneer, for her eighteen years of service to the citizens of Taos Ski Valley by serving as Commissioner on the Planning & Zoning Commission. Ms. Brownell thanked the Mayor, Council and Staff by saying that she appreciated the certificate for serving as a volunteer Commissioner for eighteen years on the P&Z Commission at the

Village of Taos Ski Valley from its incorporation on July 1, 1996 until August 4, 2014. She said that as our Village grows and new generations move in, she suggests that all future terms of service be two years or less, according to Ordinance No. 1997-15. She also wanted to take the opportunity to mention her major contribution to the community by operating the Thunderbird Lodge for over fifty years with her late husband, Tom Brownell, in close relationship and in cooperation with Taos Ski Valley and its founder Ernie Blake. Ms. Brownell said that she will continue her commitment to the Village and to TSV, Inc. She said that many people may know that she continues to host longtime former Thunderbird Lodge guests who loyally still return to the Brownell Chalet.

6. CITIZEN’S FORUM

A. Homeowner Mike Fitzpatrick shared his hope for an “Amizexit” from the Village of Taos Ski Valley, whereby Amizette would become its own entity. His opinion is that the Village is “bringing a knife to a gunfight” in dealing with the changes occurring in the Village. He recommended additional legal counsel for the Village if formation of a Public Infrastructure District (PID) is sought. Mr. Fitzpatrick suggested that all Village documents be posted to a Dropbox account when they are received by the Village, and that records of all phone calls be made, as well as logs of all emails. Mayor King suggested that Mr. Fitzpatrick make public records requests to Clerk Wooldridge for any information that he is seeking from the Village. **B.** TSV Inc. CEO David Norden said that they are offering the Sprung Structure for meeting space. He also acknowledged all of the many changes that have been occurring in Taos Ski Valley and suggested that a workshop be held on maintenance of all the new infrastructure, roads, landscaping, hotel, plaza, with lots of new Staff. He expressed TSV Inc.’s sincere desire to work together with the Village of Taos Ski Valley, as one.

7. FINANCIAL REPORTS

Director Grabowski reported that GRT remitted to the Village in December was \$148,618.10 compared to \$95,985.99 for December last year. Total year to date is \$596,177.34 versus last year’s \$475,095.94. The TIDD received a distribution in December for October GRT of \$183,044.09. Lodger’s tax collections were \$5,975.60 versus \$9,297.58 for last year. Totals year to date are \$47,072.73 versus last year’s \$54,220.26. Property tax collections have been one month later than usual this year, as the Assessor’s office had to work out the increment for a TIDD allocation. Property tax received by the Village this year totals \$365,636 versus last year’s \$309,499. The TIDD will be receiving \$4,065 in ad valorem tax. Grabowski announced that the Taos Ski Valley Foundation made a contribution to the Village EMS department in December 2016 of \$4,800.

8. COMMITTEE REPORTS

A. Planning and Zoning Commission – P&Z did not meet in January. The next meeting is scheduled for February 6, 2017, when the revised comprehensive plan will be discussed.

B. Public Safety Committee – The Public Safety Committee met on January 9, 2017. Councilor Bennett reported on agenda items discussed:

- The firearms ordinance will be brought to the Council as an introduction, most likely in April
- An ordinance concerning off-road vehicles, which is still being worked on

C. Firewise Community Board of Directors - The Firewise Community Board of Directors met on January 9, 2017. Councilor Bennett reported on agenda items discussed:

- Determining a location in the Village core area for a second siren. A third siren will be purchased to be located in the Kachina area.
- The Community Wildland Protection Plan (CWPP) approval was on hold pending three items, which Planner Anderson completed quickly
- Implementation of the new Text Interactions system for emergency alerts
- A potential grant for firewise thinning in Amizette

The next meeting of the Firewise Board is scheduled for February 6, 2017 at the Edelweiss Lodge at 9:00 a.m., followed by the Public Safety Committee at 10:30 a.m. Jack Lewis from the US Forest Service

Questa Ranger District office will be attending to discuss the thinning projects taking place next summer on State Road 150, especially at the campground areas.

Councilor Bennett reported that she had received a call from a property owner in Amizette who was very distraught about cars speeding through Amizette, and especially about a drunk driving accident that had occurred on the evening of January 7, 2017. Chief Bilardello said that he is talking with the State patrol about monitoring speeding in the mornings through Amizette.

D. Parks & Recreation Committee – the committee is taking a winter sports sabbatical

E. Lodgers' Tax Advisory Board – Councilor Stagg said that the Board would be meeting in early February.

9. REGIONAL REPORTS

Councilor Bennett reported that the Landfill Board had not met in December or January. Representatives Bobby Gonzales and Carlos Cisneros had attended the December meeting, reporting that they had no money to spend and that there is a \$130 million shortfall in the State's budget. The only capital outlay was for a senior center in Amalia, Councilor Bennett reported. The State is taking a hard look at how to cut expenditures.

10. MAYOR'S REPORT

A. Consideration to Appoint a Representative to the Holy Cross Hospital Nominating Committee

MOTION: To appoint Councilor Bennett as Representative to the Holy Cross Hospital Nominating Committee

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

B. Consideration to Appoint an Elected Official Representative to North Central New Mexico Economic Development District (NCNMEDD) Board of Directors

MOTION: To appoint Councilor Brownell as Representative to the to North Central New Mexico Economic Development District (NCNMEDD) Board of Directors

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

C. Consideration to Participate in the New Mexico Municipal League (NMML) 28th Annual Municipal Day

Councilor Bennett, Councilor Stagg, and Administrator Fratrack may plan to attend the Municipal Day meetings.

MOTION: To approve the expenditure for Council members or Staff who may want to participate in Municipal Day.

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

11. STAFF REPORTS

Mark Fratrack, Village Administrator reported on ongoing projects:

- Townsite Act – The Forest Service is still waiting on final plats for review. The SE Group is suggesting that another meeting take place between the Village and the Forest Service to discuss the timeline and way forward.
- Appraisal – The Village may proceed with an appraisal of the Bull-of-the-Woods property in case the Village may want to swap it or sell it.
- Mountain Pact Thank You Letter – The purpose of these letters is to thank our Senators and Representatives for supporting the outdoor recreation economy and to build accountability for the completion of the Bureau of Economic Analysis study.
- Police Station Upgrade – Chief Bilardello and Administrator Fratrack met with Mickey Blake, the owner of the land on which the current police trailer sits. Mr. Blake is supportive of a slightly larger Police Station. He would like to see the proposal, and possibly a nominal charge for the leased space.
- Taos Mountain Lodge – Fratrack reported that in discussions the NM Environment Department, he learned that they are interested in getting houses in Amizette off of septic tanks.
- Kachina Water Tank – This project is ready to go out for bids. Construction could start late spring or early summer.

- Tagging – A citizen alerted the Village to a couple of electric utility boxes that had been “tagged”. Village Public Works Staff are taking immediate steps to paint over them.
- WWTP/WWTP Financing Options – Village Staff met with USDA representatives to discuss loan options. George K. Baum & Company is still researching best options for the Village. The MBR equipment RFP has been completed and is on the agenda for approval.
- Ernie Blake Road – The appraisal services RFP is complete and is on the agenda for approval. Final engineering and construction, when they take place, will be turned over to TSVI as part of the TIDD infrastructure improvements.
- Village Server Reorganization – Administrative Assistant Martin spearheaded the reorganization of the Village server. Village Staff has conducted some planning meetings; input was received from all the staff, and the new structure is being put into place. Fratrack commended Martin on this work, and he also commended Finance Director Grabowski for her work in getting the Village audit completed.

Department Briefs

- **Department of Public Safety Update.** The monthly report on calls for service was not available by the time of the meeting.
Chief Bilardello introduced Taos County Sheriff Hogrefe, saying that hopefully the Village and the County public safety departments will work together. Chief Bilardello reported the Village was experiencing more calls for service in the evening, so the public safety officers have changed schedules to accommodate these needs. Bilardello recommended that citizens notify State police if certain contractors’ trucks are seen speeding below the Village limits. Bilardello is hopeful that State police officers will patrol more. Bilardello also reported that he is researching prices for a new trailer to serve as a police station. He also reported on the chaotic situation that occurs around the parking area for the Kinderkafig during morning drop-offs and afternoon pick-ups.
- **P&Z Update:** Planner Anderson reported that she and Katherine Kett had met with Peter Talty concerning the JR Trail.
- **Public Works Update:** Director Keen reported that the new snow blower is performing well. He expressed interest in attending a workshop with TSVI to discuss maintaining the new infrastructure
- **Village Clerk:** Clerk Wooldridge reported that she had been pursuing getting homeowners who rent to register to remit lodgers’ tax and business registrations. She will be pursuing the possibility of getting a contract with Airbnb for remittance of lodgers’ tax for their clients.
- **Legal Update:** Attorney Romero addressed the concept of conflict of interest. He said that the guidance in the Statutes has been recently revised with a description saying that a public officer or employee shall be disqualified if there is a financial interest. However, there is an exception when the benefit is greater to the general public than to the person, and then the person can vote.

12. OLD BUSINESS

A. Consideration to Approve Resolution No. 2017-321 Regarding Ratification of the Vacation and Relocation of Portions of Emma Street and Gusdorf Street within Amizette

Attorney Romero introduced the attorney for the Dominguez Trust, who said that the plan had now changed and the road will stay where it is. They will not re-build the road, in the new or the old location, due to the cost. They had permission to conduct clear-cutting based on the plan in place at the time. The vacation of the two roads should still proceed.

MOTION: To Approve Resolution No. 2017-321 Regarding Ratification of the Vacation and Relocation of Portions of Emma Street and Gusdorf Street within Amizette

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

Items B., C., and D. had been removed from the agenda.

13. NEW BUSINESS

A. Consideration to Approve Award Recommendation for Procurement of Membrane Bio-Reactor (MBR) System Equipment for the VTSV Wastewater Treatment Expansion Project

Because of the various sizing and dimensions of WWTP equipment, and in order to properly design the upgraded plant, this equipment must be preliminarily procured before the plant can be designed. An RFP was conducted and Ovivo USA, LLC was chosen. The plant will be designed around the type of MBR equipment

used, which is why this must be purchased in advance. The bid received was less than expected, by around \$100,000.

MOTION: To Approve Award Recommendation for Procurement of Membrane Bio-Reactor (MBR) System Equipment for the VTSV Wastewater Treatment Expansion Project

Motion: Councilor Wittman

Second: Councilor Brownell

Passed: 4-0

B. Consideration to Approve Tasking for Professional Engineering Services for Conceptual Level Alternatives Analysis for Sewer Service to Amizette

Designing Phase IV of the Wastewater Collection System to Amizette has been on the Water Master Plan as well as on the ICIP, for approximately ten years. In discussions with the NM DOT District Engineer, Village Staff was informed that there are plans to repave State Road 150 from Valdez to the skier parking lot, during the building season of 2017. With tentative future plans to eventually hook the Amizette area into water and sewer, there is now a decision as to the timing of line extensions to Amizette. When the Village buries the water/sewer lines, they will be buried within the NMDOT right-of-way, and more than likely underneath the existing asphalt. It does not seem reasonable to dig up a newly paved road to put in water/sewer lines. NMDOT would like to review engineering plans on how and where the lines are being proposed. If the Village does not extend the lines soon, it would be more logical to wait until the asphalt degraded after some years of use, which would push this project out. According to the variance the Village received from NMED for Taos Mountain Lodge, the Village has ten years to put in sewer lines to at least the Taos Mountain Lodge.

As part of the initiative to get this project started, the Village Administrator has asked FEI Engineers for a proposal to provide Professional Engineering Services to produce a Conceptual Level Alternatives Analysis for Sewer Service to Amizette.

MOTION: To postpone Tasking for Professional Engineering Services for Conceptual Level Alternatives Analysis for Sewer Service to Amizette

Motion: Councilor Brownell

MOTION: To approve Tasking for Professional Engineering Services for Conceptual Level Alternatives Analysis for Sewer Service to Amizette

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 3-1 (Councilor Brownell dissenting)

Councilor Brownell said that he did not think it was worth the expense to conduct a study at this time. Mayor King directed Staff to look into alternatives for serving the wastewater needs at the Taos Mountain Lodge.

C. Discussion and Direction Concerning a Proposal from TSVI to Construct a Joint 5,000,000 Gallon Water Storage Tank in the Kachina Area

Approximately two months ago, TSVI approached the Village Staff to open up discussions on a private/public partnership to construct a 5,000,000 gallon water storage tank. Various discussions have taken place on the pros, cons, and hurdles to the possible viability of such a project. The Village would abandon the 250,000 Kachina Water tank and utilize the remaining funding from the Water Trust Board (WTB) loan/grant/match and the proposed TIDD funding towards the construction of a new 5,000,000 gallon tank. As part of the discussions, the proposal is for TSVI to cover all additional costs for the project and possibly provide site prep and site work. The 5,000,000 tank would be filled via surface water, from the Kachina Maintenance Facility and the Beaver Pond. One of the benefits to the larger tank would be to have extra storage capacity for fire-protection and snow-making. TSVI would provide 90% of the maintenance costs, based on their pro-rata share. The project has been approved by NMED, and the WTB will be contacted to check whether it is feasible to use the funds for this project. An RFP for a contractor to conduct the work would need to be issued by March 1, 2017 in order to proceed with getting work completed next summer.

MOTION: To Recommend Pursuing the Possibility of Constructing a Joint 5,000,000 Gallon Water Tank

Motion: Councilor Wittman

Second: Councilor Brownell

Passed: 4-0

This item will be brought up again to Council before the March 1, 2017 deadline for issuing an RFP.

D. Discussion and Consideration to Approve of Proposed System Development and Impact Fees for Parcel G

As part of the MDA adopted in the TIDD formation, the developer Impact and System Development fees are subject to possible relief of 25% to 100%. Village Staff and TSVI Staff have been in discussion on appropriate amounts between the 25% and 100% that the developer does not, or should not, have to pay because of the improvements that they have made to the Village infrastructure system. According to Village ordinance, Village

Council must approve the amount of credits allowed. No credits are being sought for the general government administration impact fees or the public safety impact fees. Chaz Rockey with TSVI will work with Brad Angst of G.K. Baum on finance plans which will include all of the various future infrastructure projects. In the meantime, TSVI will pay \$400,000 in fees to the Village, to be accounted for in the final fee negotiations.

E. Introduction: Ordinance No. 2017-60 An Ordinance Adopting a Municipal Hold Harmless Gross Receipts Tax

At the Wastewater Treatment Plant (WWTP) funding workshop on Dec 21, 2016, Brad Angst with G.K. Baum & Co, who is the financial advisor to the Village, discussed a variety of options on how the Village might finance the \$6.8 million proposed upgrades to the WWTP. One of those options is for the Village to adopt up to 3/8 percent in GRT increase in accordance with the New Mexico Gross Receipts and Compensating Act, which would be referred to as the “municipal hold harmless gross receipts tax”. While this is only one of the options discussed, the Council did give staff direction to initiate the process. By initiating the process now, it will be possible to meet appropriate deadlines for the hold harmless GRT adoption. No action is necessary at this time. A public hearing will take place at the next Council meeting to consider adoption of the ordinance.

F. Consideration to Approve a Contract for Bond Attorney for the Village of Taos Ski Valley

At the December 21, 2016 WWTP finance workshop, one of the items that was discussed was the possible need for the Village to hire a Bond Counsel service. Bond Counsel would be essential if the Village decides on bonding or tax options, depending on the financing platform used. G.K. Baum (GKB) is recommending having counsel retained during the planning process for consultation and to make sure that the Village operates in compliance with regulations during the debt financings. GKB’s recommendation for Bond Counsel is Jill Sweeney of Sherman & Howard, who has 25 years of experience working with New Mexico municipalities and debt issuers. She also specializes in TIDDs, PIDs, and other New Mexico special districts, having represented both municipalities and developers. The fee proposed is up to \$30,000 for \$7 million of financing, if necessary.

MOTION: To Approve a Contract for Bond Attorney for the Village of Taos Ski Valley

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

G. Consideration to Approve a Village of Taos Ski Valley Locked Vehicle Policy

Chief Bilardello presented a policy that stated no officer should assist in unlocking a vehicle. It has been common practice for the VTSV DPS personnel to use vehicle entry tools to assist motorists who have locked their keys inside of their vehicles. Until now, there has been no policy or guidelines on how to do this. With the majority of vehicles today having electronic locking systems and in-door air bags, Chief Bilardello believes that it is only a matter of time before the Village subjects itself to liability for damaging a vehicle while attempting to open the door. Discussion took place, with several Councilors saying that DPS Staff should be helping citizens and visitors to Taos Ski Valley. If Staff is acting within the scope of their duties, then any problem with a vehicle should be covered by the tort claims act.

MOTION: To Approve the Village of Taos Ski Valley Locked Vehicle Policy

Motion: Councilor Stagg

Second: Councilor Wittman

Failed: 0-4

New protocols for the police will be drawn up and revised and updated liability waivers be put into place.

H. Consideration to Approve Contract No. 2017-05, a Professional Service Contract with Whitney Appraisal Associates, Inc.

The Village would like to move forward with Ernie Blake (EB) Road improvements. To meet the design and construction requirements of the new road, the Village will have to acquire some additional property so that the project can be constructed appropriately. The first step to the possible acquisition of these properties is for the Village to have an appraisal completed on the properties in question.

MOTION: To Approve Contract No. 2017-05, a Professional Service Contract with Whitney Appraisal Associates, Inc.

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

I. Consideration to Approve Resolution No. 2017-323 A Resolution to Authorize and Approve Contract No. 2017-06 with Tyler Technologies Accounting Software

The Village currently uses QuickBooks software for accounting, a program which was designed for small businesses, retail sales and personal use. Given QuickBooks' limitations, many of our bookkeeping, payroll and other processes are maintained manually and require inordinate time and effort to complete.

The Village is a municipality, a state agency that is required to maintain different types of funds, and account for them as such. Staff has considered several accounting software packages and has found that Tyler Technologies will best meet the Village's needs. Staff has also determined that on-site software will meet our needs better than a hosted site because of intermittent internet service in the Ski Valley.

The initial investment in the software is \$54,600.00 with on-going license and maintenance fees of \$8,642.00.

MOTION: To Approve Resolution No. 2017-323 A Resolution to Authorize and Approve Contract No. 2017-06 with Tyler Technologies Accounting Software

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

J. Consideration to approve Professional Services Contract Number VTSV 2017-07 between Text Interactions.com and the Village of Taos Ski Valley

This contract has been drawn up between Text Interactions.com and the Village of Taos Ski Valley for a period of one year, ending December 31, 2017. The program allows for constant and effective communication via text messaging in the event of a power outage, mud and rock slides, wildland fires, and other events deemed to be emergencies. The cost is \$264.00 for 12,000 messages per year, at \$.02 per message. The ability to reach all subscribing visitors and residents is invaluable especially in the event of a wildland fire. It will become an integral part of our Firewise Community efforts.

MOTION: To Approve Professional Services Contract Number VTSV 2017-07 between Text Interactions.com and the Village of Taos Ski Valley

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

K. Consideration to Authorize Village Staff to Draft and Mayor to Sign a Support Letter for "AN ACT RELATING TO TAXATION; REMOVING AN EXEMPTION FOR CERTAIN SHORT-TERM OCCUPANCY RENTALS FROM THE LODGERS' TAX."

There is an effort by the New Mexico Hospitality Association (NMHA) to garner legislative support that would remove exemption (G) from 3-38-16 NMSA 1978, which is part of the statutes known as the Lodgers' Tax Act. The portion of the act which would be stricken from the Statute is "G. if the vendor does not offer at least three rooms within or attached to a taxable premises for lodging or at least three other premises for lodging or a combination of these within the taxing jurisdiction."

MOTION: To Authorize Village Staff to Draft and Mayor to Sign a Support Letter for "AN ACT RELATING TO TAXATION; REMOVING AN EXEMPTION FOR CERTAIN SHORT-TERM OCCUPANCY RENTALS FROM THE LODGERS' TAX."

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

14. MISCELLANEOUS

15. CLOSED SESSION

A. Discussion of Possible Litigation in Regards to Land Acquisition adjacent to Ernie Blake Road
This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H) (7)

MOTION: To go to Closed Executive Session

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

MOTION: To return to Open Session

No decisions or motions were made during closed session.

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

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

The next regular meeting of the Village Council is scheduled for Tuesday, February 14, 2017, at 2:00 p.m., at the Edelweiss Lodge Club Room.

15. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Wittman
The meeting was adjourned at 6:00 p.m.

Second: Councilor Bennett

Passed: 4-0

Neal King, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk