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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
SNAKEDANCE CONDOS/ RESTAURANT
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, OCTOBER 13, 2015, 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

Nancy Grabowski, Village Finance Director, called the role and a quorum was present.

Governing body present:

Mayor Neal King
Councilor Kathy Bennett
Councilor Chris Stag
Councilor/Mayor Pro-Tem Barb Wiard
Councilor Tom Wittman

Staff present:

Village Administrator Mark Fratrack
Village Finance Director Nancy Grabowski
Public Works Director Ray Keen
Public Safety Director Dave Wallace
Community Development Director Don Schieber
Village Planner Matthew Foster
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

Councilor Wittman requested that item 12.G. be moved to item 12.A under New Business.

MOTION: To approve the agenda as amended.

Motion: Councilor Wittman **Second:** Councilor Wiard **Passed:** 4-0

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2015 REGULAR VILLAGE COUNCIL MEETING AND THE SEPTEMBER 23, 2015 SPECIAL COUNCIL MEETING.

MOTION: To approve the minutes from the September 8, 2015 Regular Village Council Meeting, and the September 23, 2015 Special Council Meeting.

Motion: Councilor Wiard **Second:** Councilor Wittman **Passed:** 4-0

5. CITIZEN'S FORUM – No one spoke at the forum.

6. FINANCIAL REPORTS

Nancy Grabowski, Finance Director, said GRT is \$97,742.38, from \$45,180.40 for September last year. Totals are \$155,873 over last year's \$115,584. There appears to be problems with the GRT amounts. Staff has asked NM Tax and Rev to look into it. Property taxes are up; water and trash payments are up. Retirement benefits accounting from PERA was an issue for the audit; Precision Accounting has had to hold off filing our audit because of this.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission

Councilor Wittman reported that the P&Z Commission has reviewed 4 out of 8 sections of the master plan draft amendments. The revised Block 4 of the Kachina Subdivision was addressed. Councilor Wittman discussed the problems parking between the Bavarian and the Phoenix. The next P&Z meeting is scheduled for Monday, October 19, 2015 at 1:00 p.m., at the Snakedance Restaurant, where they will review an application for conditional use in Block 3 of the Kachina Subdivision.

B. Public Safety Committee – The Public Safety Committee met on Monday, October 5, 2015, at 9:00 a.m., at the Bennett residence. Councilor Bennett reported on the following agenda items:

- The special events permit will be more closely examined and parking, which will be added to the permit, will be approved and enforced. Garbage cans and port-a-potties will be on the permit.
- The Firearms/hunting ordinance is still in progress and will remain on the agenda.
- TSVI, in conjunction with the USFS, Ray Corral, Supervisor, will be conducting 3 controlled burns, one at Deer Parking with the other two further up the mountain, starting October 19, 2015.
- Sidewalks maintenance will be kept under Miscellaneous on the agenda as problems were found with the sidewalk in front of the temporary building on Thunderbird Road.
- Jaynes Corporation will direct traffic on Sutton Place for the winter months. Snowplowing on Route 150 will begin at 5:00 a.m.

C. Firewise Community Board of Directors

The Board met on Monday, October 5, 2015, at 10:00 a.m., at the Bennett residence. Councilor Bennett reported on the following agenda items:

- She talked about some success stories in the Village where residents made their properties firewise compliant and created defensible space.
- The Firewise Community Renewal application will be submitted before November 1, 2015.
- The Siren System is being reworked.

Both of these meetings have been scheduled for Monday, November 2, 2015, at 9:00 a.m. and 10:00 a.m. consecutively, at the Bennett residence on Snowshoe Road.

C. Parks & Recreation Committee

Mark Fratrick reported that the Parks and Recs Committee is looking at the wetlands in the Kachina area and installing a bench or two along the pathway. Mayor King talked about plans to coordinate trails from the Amizette area to the Kachina area.

D. Lodgers' Tax Advisory Board – No report

8. REGIONAL AND STATE REPORTS

Councilor Wiard talked about the Taos Regional Landfill Board and the IGC meetings. She also spoke about the following:

- The meeting of the NMML Tax Task Force Committee Meeting.
- The next Legislative Session will only be 30 days.
- On October 20, 2015, Councilor Wiard will attend the DWI Grant Council in Santa Fe.
- She will attend the National League of Cities Convention in Nashville.

9. MAYOR'S REPORT

Mayor King said he, Mark Fratrick, and Dave Wallace will attend a yearly Safety Class in Albuquerque on October 29, 2015, which keeps the Village's insurance payments low with the NM Self Insurers Fund. The Mayor also spoke about sending out an e-mail to all property owners in the Village regarding difficulties in getting or retaining home owners insurance. The Mayors of Red River and Angle Fire will also be e-mailed regarding this issue.

10. STAFF REPORTS

- Mark Fratrack, Village Administrator, said all the studies for the Townsite Act have been done and reviewed. They should be submitted this week.
- Mark said all “readiness to proceed” items required by the Water Trust Board have been submitted. NMFA hired an attorney requiring additional docs and info. The WTB approved \$1,640,000 for the Kachina Water Tank (90% grant/10% loan), our match is \$330,000, and the TIDD is slated for \$200,000, for a project total of \$2,170,000. The loan should be in place by January or February.
- Sutton Place culvert construction has been pushed until next season.
- Mark spoke about the T-Bird Sidewalk. Village Staff and Public Safety personnel are concerned for a completed sidewalk on the east side (Sprung structure side) of the road, as more pedestrians will be walking on that side of the road due to the Sprung structure being built. Initial discussion with the landowner to allow the sidewalk to go in has taken place. Mayor King and Mark are going to schedule another meeting with the property owner as the sidewalk is a safety issue.

Department Briefs

- **Department of Public Safety Update: (Chief Wallace) – see next page.**
- **Community Development/Planning & Zoning Update: No report**
- **Public Utilities Department Update:** Ray Keen said they are holding off purchasing a snow blower for this season. They want to see an actual working snow blower, and the lead time for purchasing could be as long as 26 weeks.
- **Village Clerk: (Ann Marie Wooldridge) is out at a conference.** Mark said this is the last section of the conference and Ann was able to obtain scholarship money to help pay for it. Ann had told him that the TIDD boundaries and all paperwork had been submitted to the County.

**Monthly Public Safety Report
For Village Council
September 2015
Calls for Service**

- **Department of Public Safety Update: (Chief Wallace)**

Dave Wallace, Public Safety Director, reported on the Calls for Service for September 2015:

Law Enforcement

- (1) Residential Alarm
- (1) Criminal Damage to Property
- (1) Vehicle Burglary
- (1) Disturbance
- (2) Citizen Assists
- (1) Agency Assist
- (56) Hours of Traffic Enforcement
- (11) Traffic Stops
- (11) Verbal Warnings
- (12) Parking Citations

Fire/EMS

- (0) Fire Responses
- (3)EMS Responses
 - (1) Motorcycle Crash – Labor Day
 - (2) SAR Patients

SAR

- (2) Search and Rescue Missions
 - Wheeler Peak Trail
 - Williams Lake Trail

Other Activities

- Enchanted Circle Fire Academy
 - (2) Students
 - (2) Command Staff - Dave and Mitch
 - (2) Instructors – Mayor King and Nick Bender
 - (3) Assistants
- Enchanted Circle EMS Academy
 - (3) Attendees – Dave Wallace, Mayor Neal King, Councilor Kathy Bennett

11. OLD BUSINESS - None

12. NEW BUSINESS

A. Discussion and Consideration to Approve Sierra Del Sol (SDS) Condominiums request for reimbursement of approximately \$8,000.00 for legal and engineering fees concerning the Burroughs' Culvert Project.

Mark Fratrack spoke about the project which entails removing current culverts and replacing them with 100-year flood culverts, to also include some stream bank work, river work, and road work. The project is contained within two properties: the two property owners in question are Taos Ski Valley, Inc., and SDS Condominiums. SDS was not satisfied with the original engineering drawings done by Russell Engineering or the adjusted drawings. The Village understands that SDS hired legal and engineering services to satisfy concerns with the project in general. The Village facilitated a meeting between TSVI and SDS. The meeting was attended by the TSVI CEO, a Russell Engineering Representative, a SDS Board Member, and SDS's engineering representative. The Village attendees were Mayor King, Councilor Wittman, Don Schieber, Community Planning Director, and Village Administrator Mark Fratrack. SDS is now requesting approximately \$8,000.00 from the TIDD and/or the Village of Taos Ski Valley for reimbursement for said fees.

Carl Fesler, President of the HOA at Sierra Del Sol Condominiums, was present and addressed the Council. He said SDS was "never included in the original design." Fesler said approximately \$3,000 has been spent to date by SDS regarding this issue, but he expects there is more to come. At the TIDD meeting held prior to this Village Council meeting, the TIDD Board stated that "the TIDD is not looking at reimbursing SDS at this time."

Councilor Bennett deferred to Attorney Dennis Romero to ask if consideration of this payment violates the anti-donation clause. Romero answered "yes, it violates the anti-donation clause and such payment would be illegal".

MOTION: To approve Sierra Del Sol (SDS) Condominiums request for reimbursement of approximately \$8,000.00 for legal and engineering fees concerning the Burroughs' Culvert Project.

Motion: Councilor Bennett **Second:** Councilor Wittman **Failed:** 3-0
(Councilor Stagg abstaining)

B. Consideration to Approve Resolution No. 2016-299, Approving a Three Percent (3%) Increase to Water/Sewer Rates as per Fiscal Year 2016 Budget

At the July 14, 2015, Village Council Meeting, Council approved Resolution No. 2016-286 FY2016 Final Budget adoption. As part of the FY2016 Final Budget, the FY 2016 Budget Summary was adopted, which stated in regards to Water/Sewer rates: "Based on a conservative forecasted usage and downward trend, to meet our budgeted billing goals, staff is recommending a 3% increase on fixed and variable rates. For variable rates this will equate to an increase of .12 of a cent increase per gallon. Our variable rate will go from \$.0408 to \$.0420 per gallon. For fixed rates this will equate to an increase of \$1.53 per EQR. Our fixed rate will go from \$51.00 to \$52.53 per EQR. Raising it by 3%, we are trying to keep up with the ever steady raising cost of goods and utilities while hedging against a downward usage trend." The attorney that is drawing up the Water Trust Board (WTB) loan paperwork has asked that the rates be approved through a resolution or ordinance. As part of the follow up paperwork for the WTB Kachina Water Tank project, the resolution will formally approve the water/sewer rates.

MOTION: To approve Resolution No. 2016-299, a resolution approving a three percent (3%) Increase to Water/Sewer rates as per fiscal year 2016 budget.

Motion: Councilor Wiard **Second:** Councilor Wittman **Passed:** 4-0

C. Consideration to approve a Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and the North Central Regional Transit District (RTD) to provide a Bus Route to Taos Ski Valley for the 2015-2016 Ski Season.

This MOA is for an agreement between the Village of Taos Ski Valley and the RTD for the purpose of providing transportation service for the 2015-2016 ski season. The service will commence in mid-

December, 2015, and go through to the end of March 2016. The RTD receives funding in the amount of a 1/8 (or .125) % GRT from the Village of Taos Ski Valley for services. The RTD is requesting to maintain the \$30,000 seasonal payment the Village of Taos Ski Valley had paid to the Town of Taos in previous agreements. The Town of Taos did not receive any GRT for busing services. The schedule will be the same schedule as last year's bus service. A change with this MOA is that roundtrip fare will go from \$2.00 to \$4.00, and the one-way fare will go from \$1.00 to \$2.00.

Discussion took place. Administrator Fratrack had done some research and reported the following: RTD received from the Village of Taos Ski Valley GRT \$41,000 in 2012; \$37,000 in 2013, \$44,000 in 2014. RTD has a Board meeting scheduled for November 6, 2015.

MOTION: To approve the Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and RTD, while deleting Item #4 to pay \$30,000.

Motion: Councilor Wiard **Second:** Councilor Wittman **Passed:** 4-0

D. Consideration to Approve the Nature Conservancy Request for the Village of Taos Ski Valley to Sign the Rio Grande Wildfire and Water Source Protection Collaborative Charter.

To date there are 42 signatures supporting the Collaborative Charter. Discussion followed.

MOTION: To authorize the Village of Taos Ski Valley to sign the Rio Grande Wildfire and Water Source Protection Collaborative Charter.

Motion: Councilor Wiard **Second:** Councilor Wittman **Passed:** 4-0

E. Consideration to Approve the Nature Conservancy Request for a Donation of \$5,000 to the U.S. Geological Survey for a Fire History Study

The Nature Conservancy is planning to conduct a Fire History Study for the Taos area as part of their Rio Grande Water Fund (RGWF) project and in cooperation with the Taos Valley Watershed Coalition. The RGWF is an innovative program designed to accelerate ecological restoration of forests throughout the upper Rio Grande watershed to reduce the risk of catastrophic wildfire, protect water sources, improve wildlife habitat, and benefit local communities through job creation and economic development. The Fund provides a mechanism to facilitate public and private investment at an accelerated pace and scale of restoration, with the goal of generating \$21 million per year of sustainable funding over the next 20 years. Any contribution from the Village of Taos Ski Valley will be considered a government-to-government transfer to the U.S. Geological Survey, so will not create any anti-donation issues. The Nature Conservancy submitted their current draft budget for the planned Fire History Study.

Discussion followed.

MOTION: To approve the Nature Conservancy request for a donation of \$5,000.00 to the U.S. Geological Survey for a Fire History Study.

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

F. Consideration to Approve Authorizing Staff to Initiate a Letter of Intent to purchase the Taos Mountain Lodge Property.

The Village of Taos Ski Valley office space was adequate in the past, but the Village staffing requirement has grown as the ski valley has continued to develop and more activity is taking place. The Village has gotten to a point that most Village staff share office space. Privacy and cramped office space are issues. The Village staff continues to look for property in the ski valley that would allow for reasonable office expansion, a lot more appropriate office space and workspace for individuals and provide required storage area for files and documents, and Village growth in general. At present, the Village does not own any property that would allow for future expansion or that would give the Village options for future building, expansion and growth. The Mayor and Staff were recently given a tour of the Taos Mountain Lodge property by ABI realtors.

Discussion followed. It was determined that the letter of intent is not a commitment to buy; it would allow for investigating the possibility, and would allow four months to look at the property.

MOTION: To authorize Staff to initiate a Letter of Intent in regards to the possible purchase of the Taos Mountain Lodge property.

Motion: Councilor Wiard **Second:** Councilor Bennett **Passed:** 4-0

G. Consideration to Approve Entering into a Contract with a Realtor Firm to represent the Village as the Buyer in the possible purchase of the Taos Mountain Lodge.

During discussion, Dennis Romero, Village Attorney, suggested a Realtor should be hired to help out with the Village's investigation of the property.

MOTION: To approve Entering into a contract with a Realtor Firm to represent the Village as the Buyer in the possible purchase of the Taos Mountain Lodge.

Motion: Councilor Bennett **Second:** Councilor Wiard **Passed:** 4-0

13. MISCELLANEOUS - None

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

The next meeting of the Village Council is scheduled for Tuesday, November 10, 2015, at 2:00 p.m., at the Snakedance Condos/restaurant. There will be a special meeting of the Village Council on Tuesday, November 17, 2015, at 11:00 a.m., at the Village Offices.

15. ADJOURNMENT

MOTION: To Adjourn.

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