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**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
SNAKEDANCE CONDOMINIUMS  
HONDO RESTAURANT  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, MAY 10, 2016, 2:00 P.M.**

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**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 Finance Director Nancy Grabowski  
Village Clerk Ann Wooldridge  
Public Works Director Ray Keen  
Interim Public Safety Director Sam Trujillo  
Village Planner Matthew Foster  
Administrative Assistant Renee Romero  
Village Attorney Dennis Romero

**3. APPROVAL OF THE AGENDA**

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

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

**4. APPROVAL OF THE MINUTES OF THE APRIL 12, 2016 REGULAR COUNCIL MEETING**

**MOTION: To approve the minutes from the April 12, 2016 regular Village Council Meeting as presented.**

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

**5. CITIZEN'S FORUM**

Mitch Daniels described the parking situation by the Snakedance as unsafe. He said that although it is supposed to be for 5-minute parking, many vehicles are parked there all day. There are many contractors working and it is not safe. He also expressed concern at having 4-wheelers going up and down Strawberry Hill; the ballet students will arrive in late June and they walk on Strawberry Hill to access the Kinderkafig for classes. Administrator Fratrack will get with Daniels to meet with Gordon Briner at TSV Inc. for a solution.

**6. FINANCIAL REPORTS**

Nancy Grabowski, Finance Director, reported that GRT remitted to the Village in April was \$180,838 compared to \$208,944 for April last year. Totals are \$1,150,392 versus last year's \$1,067,531. The TIDD received a distribution in April for February GRT of \$274,387. Total TIDD GRT received to date totals \$1,001,911. The 455 reports for the first quarter of 2016 that list which businesses are reporting under the old Village code instead of the new TIDD location code of 20-430 have not yet been sent by NM Tax and Revenue.

Lodger's tax collections were \$71,224, versus \$75,221 for last year. Totals for the year remain up by 19%, at \$328,378 over last year's \$305,798. Substantial late payments were made in this fiscal year, so revenues are actually ahead by \$7,741 year over year.

Public Safety Officer Ramey Stevens submitted his resignation effective May 7, 2016. Advertisements for the Police Chief and Building Inspector positions have been placed, with 11 and 12 applications received, respectively. Selection Committees will begin reviewing the resumes. Unbudgeted expenses for this year include salary items related to payouts of vacation leave for departing employees. However, with vacancies in several positions that are not yet filled, some salary expenses should be recouped.

## 7. COMMITTEE REPORTS

**A. Planning and Zoning Commission** – P&Z met on Monday, May 2, 2016, at 1:00 p.m. for two and a half hours at the Snakedance Condominiums. Commission Chair Wittman reported on the following agenda items:

- An access easement is being sought by John Kammerdiener across Village land in Block F to Lot 4, owned by Mr. Kammerdiener. Attorney Romero will look into the value of any easement and the rules surrounding the Village granting such an easement to a private property owner.
- The draft amended sign code, which Planner Foster presented with more suggested changes. This will be discussed once again at the next P&Z meeting and then be sent to Council as an amendment to Ordinance 16-30.
- The landscape and lighting designs for Sutton Place, which Pedro Campos of Zehren & Associates illustrated and described for the Commission
- Redesign of Ernie Blake Road. The Commission had chosen to wait until Commissioner Wittman and Administrator Fratrack met with Jerome de Bontin and Randy Hannebut. Now, this will go back to the P&Z for discussion and determination of any changes to the P&Z's previous recommendation. The next P&Z meeting is scheduled for Monday, June 6, 2016 at 1:00 p.m., at the Snakedance Condominiums Hondo Restaurant.

**B. Public Safety Committee** – The Public Safety Committee met on May 2, 2016 at 9:00 a.m. at the Village Administration Office. Chairperson Bennett reported on the following agenda items:

- The firearms and hunting draft ordinance will be reviewed again at the next meeting.
- The special event permit for July 4<sup>th</sup> will be completed at the next meeting
- Open garbage cans are not allowed by Village ordinance. There are two trash cans on Thunderbird Road that should be replaced by bear-proof cans. Administrator Fratrack will get with John Kelly from TSV Inc. about the Village purchasing some bear-proof cans since this is a public road. Also, there is a bear-proof can by the J.R. Trail that could be used elsewhere since the trail is not being used.
- Recent legislation passed that would allow all-terrain vehicles (ATVs) to use public , at speeds of less than 55 miles per hour, if local authorities allow. Commissioner Stagg said that TSV Inc. is interested in its staff using smaller vehicles, such as ATVs, for getting around as they are easier and cheaper. Fire Chief Daniels said that about 20 TSV Inc. employees will work on search and rescue missions as well as wildland fires. They will use the department of public safety's 6-wheeler, and they may want to use TSV Inc.'s 4-wheelers. TSV Inc. is interested in sending these employees to wildland fire school. Roger Pattison said that it would be convenient to use ATVs around the Village, and some people are doing it already. He didn't think that allowing this would make the ski valley a big destination for 4-wheelers. The Public Safety Committee will work on a draft policy or ordinance to address ATVs.

**C. Firewise Community Board of Directors** - The Firewise Community Board of Directors met on May 2, 2016 at 10:00 a.m. at the Village Administration Office. Chairperson Bennett reported on the following agenda items:

- Another siren has been purchased for better coverage throughout the Village.

- July 4<sup>th</sup> event is being planned, and give-aways will be purchased by the Firewise Board..

Both of these committees will meet next on Monday, June 13, 2016 at 9:00 a.m. and 10:00 a.m. consecutively, at the Village Administration Office.

**D. Parks & Recreation Committee**

The committee will meet again after Memorial Day.

**E. Lodgers' Tax Advisory Board**

The board is getting the grants and next year's budget in order.

**8. REGIONAL AND STATE REPORTS**

Councilor Bennett reported on the following items:

- The Landfill Board agenda included discussion on the leasing of equipment, and an increase in the cost for sludge hauling. The next meeting will be held on May 18, 2016.
- A special meeting was held to discuss ongoing litigation, dollar amounts to be proposed in mediation talks, and a board representative for the mediation.
- Councilor Bennett is concerned about whether all parties had signed the most recent JPA from 2008. Staff will look into the details of any JPAs.
- The Holy Cross nominating committee voted unanimously to have Chris Stagg remain as Chairman of the Holy Cross Hospital Board.

**9. MAYOR'S REPORT**

Mayor King reported that he attended an Enchanted Circle Mayor's meeting in Red River recently. Red River reported that they are not having any trouble with the Forest Service land conveyance. The next Mayor's meeting will take place in Angel Fire. The Mayor hopes that the meetings will be fruitful for sharing information amongst the towns of the Enchanted Circle.

**11. STAFF REPORTS**

**A. Mark Fratrack, Village Administrator reported on ongoing projects:**

- Townsite Act – Staff is waiting for the Forest Service to get back with us in regards to their adjustments and our counter- proposed adjustments to the WWTP surveyed area.
- Communication Tiger Team – Staff is holding off on setting up a Team until after the budget process is complete.
- TIDD Improvements Dedications – Staff is still in discussions on the dedication of the alley between the Snakedance and Hotel St. Bernard.
- Taos Mountain Lodge (TML) Financing – Administrator Fratrack and Brad Angst with GKB attended the NM Finance Authority Board meeting. Carmela Manzari, NMFA staff, presented the Village's lending request. Fratrack and Angst fielded various questions. The NMFA voted to approve financing for purchase of the TML. An appraiser has been put under contract. A septic variance will be requested from NMED. The estimated closing date is June 24 2016.
- Gas Line – Administrator Fratrack met with NM Gas Company (NMGC) to discuss the franchise agreement, the benefits of the Village becoming the "agent" for the distribution lines laydown, the location of trunk lines going up to Twining Road, and how to bring the gas line across Firehouse Road, among other items.
- RTD Meeting – Another meeting is set for June 2nd to discuss next year's RTD bus schedule.
- Building Construction Director and Police Chief positions– The Village has advertised for both positions. The deadline to apply was May 6th. About ten applications for each position were received. Selection panels for the hiring process will be put together. Officer Trujillo will be authorized to take his vehicle home until vacant positions within the police department are filled.
- The Mountain Pact Coal Reform – They are organizing a sign-on letter and they will have three listening sessions with the Department of the Interior concerning the comprehensive review of the federal coal program. The Mountain Pact would like to know if the Village wants to attend and testify from a mountain

town perspective. The Mountain Pact can reimburse any travel-related expenses (flight, mileage, hotel, etc.) up to \$500. Fratrack will not participate at this time.

- FEI Engineering has gained approval for the new permit for the upgraded WWTP, with a lot of assistance from Director Keen.
- Mitch Daniels will move in to the fire department apartment in order to have someone on-site at the firehouse for quick response. One of the old police units will become a department of public safety vehicle for use by the fire, EMS, and search and rescue departments. Mitch Daniels will be the new fire chief and has agreed to be on-call.

### Department Briefs

- **Department of Public Safety Update. Public Safety Officer Trujillo reported on April activity:**
- Law Enforcement: (3) Citizen Assists, (65) Hours of Traffic Enforcement, (14) Traffic Stops, (14) Verbal Warnings, (3) Citizen Assists, (2) Agency Assist, (1) Suspicious Person, (2) MVCs, (1) Larceny
- Fire/EMS: (0) Fire Responses, (1) EMS Response – Distraught/Distressed
- SAR: (0) Search and Rescue Mission – active but suspended
- Officer Trujillo will work weekdays, with the Sheriff’s Department on-call for nights and weekends
- **Public Safety Director Keen** reported on activity completing jet-rodding and also searching for infiltration
- **Attorney Romero** reported on a recent court case where damages were awarded for bias on planning and zoning commission decisions

### 11. OLD BUSINESS

#### **A. PUBLIC HEARING: Consideration to Approve Ordinance No. 2016-56 Authorizing the Execution and Delivery of a Loan Agreement with New Mexico Finance Authority (NMFA) of a Special Limited Obligation for Possible Purchase of the Taos Mountain Lodge**

Mayor King opened the Public Hearing: Bill Sullivan spoke against the loan saying that other alternatives for locations had not been adequately explored, that the Village would have an unfair advantage if it were to rent out rooms, and that the location is too far away. No one else spoke. The Public Hearing was closed.

#### **MOTION: To Approve Ordinance No. 2016-56 Authorizing the Execution and Delivery of a Loan Agreement with New Mexico Finance Authority (NMFA) of a Special Limited Obligation for Possible Purchase of the Taos Mountain Lodge**

**Motion:** Councilor Wittman                      **Second:** Councilor Bennett

Administrator Fratrack explained that no short-term rentals would be conducted by the Village if it were to purchase the Taos Mountain Lodge. There is a possibility that long-term rentals would occur, at a reasonable cost. Councilor Brownell suggested exploring building a municipal building by the WWTP. Councilor Stagg agreed with some of these items, but said that the price per square foot is very good, and there seem to be no other options for creating more room for Village staff. Councilor Wittman suggested that having more space will not only help the Village, but also the Fire, EMS, and Public Safety Departments.

**The question was called.**

**Passed: 4-0**

### 12. NEW BUSINESS

#### **A. Introduction: Ordinance No. 2016-57 Proposed Natural Gas Distribution Franchise Agreement with New Mexico Gas Co, Inc. (NMGC)**

This agreement will allow NMGC to utilize Village rights-of-way and utility easements to place their lines when need. This agreement also allows NMGC to perform maintenance or repairs as required or needed. As part of the franchise agreement, VTSV will receive (2%) of the Company’s gross receipts (exclusive of sales or gross receipts taxes) collected. The period of the agreement is for 25 years.

#### **B. Authorization for the Village Administrator to enter into an Agreement with New Mexico Gas Co, Inc. (NMGC) for the Village to Act as "Agent" on behalf of Village Residents and Business Owners regarding Natural Gas Distribution**

Frank Aragon with NM Gas Co. talked about optimizing credits on the gas distribution system. There are customer credits, and lot credits, which can be spread out among all customers. For example, a cluster of businesses is less expensive to connect to the gas system, but there would be more credits, and these could be used towards residential connections that may be more spread out. NM Gas will dig the trench on their side of the meter; the property owner would have their side of the trench dug. NM Gas will be using public rights-of-way and would call for spots for all excavations. Mr. Aragon said that they will conduct safety trainings for all Village emergency personnel on the new gas systems and meters. The Village will be acting as a “point of contact” if the Council agrees to enter into this agreement.

**MOTION: To Authorize the Village Administrator to enter into an Agreement with New Mexico Gas Co, Inc. (NMGC) for the Village to Act as "Agent" on behalf of Village Residents and Business Owners regarding Natural Gas Distribution**

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

**C. Introduction of FY 2017 Budget**

The FY2017 budget was reviewed at the morning budget workshop. This is the formal introduction, with final adoption to occur at the July Council meeting.

**D. Consideration to Authorize Village Staff to enter into a Contract with Selected Auditor**

The Village has used Precision Accounting for 12 successive years, and the NM State Auditor’s Office recently changed the rules requiring using a different auditor every 6 years. The Village received 9 responses to its RFP, and a committee reviewed the proposals. From the short list, 4 audit firms were interviewed. Staff has selected and negotiated a price with Burt & Company CPA LLC for a one year contract with an option to renew for two additional years. The same audit firm has been chosen for the TIDD audit, which the TIDD Board will ratify at its next meeting.

**MOTION: To Authorize Village Staff to enter into a One-year Contract with Burt & Company CPA LLC**

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

**E. Consideration to Approve Sutton Place Landscape Design and Streetlight Standards**

Planner Foster and Pedro Campos with Zehren & Associates presented the landscape design for Sutton Place. The landscape palette will include native species. Sutton Place will be dedicated to the Village once it is completed. The P&Z Commission recommended this to the Council for approval, with a desire to connect the JR Trail to Sutton Place once again. This approval does not include the alleyway behind the Snakedance.

**MOTION: To Approve the Sutton Place Landscape Design**

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

The design of the proposed lights for Sutton Place was illustrated. TSV Inc. will purchase and install the lights, and these will also be dedicated to the Village along with the rest of Sutton Place. This lighting design will become the standard for all lights in the core area. The Village will be paying for the electric service for these lights, and Village Staff will be responsible for maintenance of the lights as well as for the vegetation. The P&Z Commission recommended approval.

**MOTION: To Approve the Sutton Place Lighting Design**

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

**13. MISCELLANEOUS**

**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, June 14, 2016, at 2:00 p.m., at the Snakedance Condominiums Hondo Restaurant.

**15. ADJOURNMENT**

**MOTION: To Adjourn.**

**Motion:** Councilor Wittman **Second:** Councilor Bennett  
The meeting was adjourned at 4:05 p.m.

**Passed:** 4-0

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Neal King, Mayor

ATTEST:

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Ann M. Wooldridge, Village Clerk