



\$7,023 in Hold Harmless GRT revenues were received in October. These will be transferred to fund 42, Sewer Depreciation, to support the WWTP upgrades.  
The Taos Ski Valley Foundation made a donation in October of \$4,800 to the EMS donation fund.

## 7. COMMITTEE REPORTS

**A. Planning and Zoning Commission** –Commission Chair Wittman reported on the November 6, 2017 P&Z meeting. Agenda items included:

- Discussion of a draft ordinance requiring that all utilities be placed underground, if underground service were available at the edge of a property. Discussion took place on the amount of time that should be allowed for a property owner to comply once the utility were at the property line. Also, discussion took place on whether such an ordinance was necessary to adopt at this time, since many of the utilities are not yet underground. The item was tabled.
- Consideration of proceeding with a Kachina Master Plan. Chairman Wittman will be gathering the information on previous plans and discussions so the Commission can determine how to proceed.
- A committee will be formed to begin drawing up a Source Water Plan for the Village’s drinking water.

The next meeting is scheduled for December 4, 2017 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this meeting was later cancelled, and the following meeting scheduled for January 8, 2018 at the Edelweiss Lodge.)

**B. Public Safety Committee** –Committee Chair Bennett reported that the Committee had met to further discuss the requirement for bear-proof dumpsters. They are looking into getting some “Bear Country” posters to raise visitor awareness. The Committee will meet again on December 4, 2017 at the Edelweiss Lodge Club Room.

**C. Firewise Community Board of Directors** – The Firewise Board successfully completed its renewal of the Firewise Community designation for the Village of Taos Ski Valley.

**D. Parks & Recreation Committee** – Committee Chair Katherine Kett reported that all of the summer items had been put away. The inauguration of the Kachina Vista Park took place at a gathering on October 19, 2017.

**E. Lodgers’ Tax Advisory Board** – The Lodger’s Tax Board met on November 1, 2017 and reviewed lodger’s tax collections to date. A rolling grant process is being instituted where grant applications would be reviewed quarterly. The Board has approved transportation funds from lodger’s tax in the same amount as last year, which was \$34,340. RTD may be adding runs, which might require additional funding. TSVI is looking into an air service initiative. The next meeting is scheduled for December 15 2017 at 10:00 a.m. at the Snakedance Condominiums to review any new grant proposals.

## 8. REGIONAL REPORTS

Councilor Bennett reported that the Intergovernmental Council discussed community development at its meeting. Next meetings for the Landfill and the IGC will be held on November 16, 2017 at 9:00 a.m. and 10:30 a.m., respectively.

## 9. MAYOR’S REPORT

Mayor King reported that there had been a lot of EMS activity in the recent month.

The TIDD Board adopted a resolution in its meeting that morning that initiates the process for instituting a draw-down bond structure for reimbursing the developer through the TIDD for approved public infrastructure dedications. Mayor King congratulated Clerk Ann Wooldridge on having achieved Certified Municipal Clerk designation through the International Institute of Municipal Clerks Association.

## 10. STAFF REPORTS

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

- Townsite Act – The Village met with the Forest Service and a 33 foot easement has been granted. Re-surveying of the easement will take place and will be submitted. The Village is working with TSVI to address the Village’s and TSVI’s interests regarding parking and other uses, through a MOU.
- Taos Mountain Lodge – Rich Willson is working hard to get everything arranged for the septic holding tanks to be installed. Some remodel and removal of fireplaces has been completed on units 1 to 8.

- Kachina Water Tank – FEI conducted a pre-bid construction walk at the original tank site location. TSVI indicated that it would be removing from consideration the MOU about another location.
- WWTP/WWTP Financing Options – Village staff is moving forward on interim financing and loan requirements with the USDA. Various items on the Council agenda today will keep this moving forward. The Village will put up \$800,000 for construction, which if necessary, could be reimbursed when the loan is closed with the USDA.
- Ernie Blake Road – The Sierra del Sol preliminarily accepted the Village’s second counter offer of approximately \$20,000. Attorney Romero is working through the agreement with the Beausoleil property.
- EMS Position – The Village has postponed the hiring process because no housing is yet available at the Taos Mountain Lodge.
- RTD – There is an agenda item at this meeting to consider the same service as last year for three and a half months. Discussion is taking place about two additional runs each weekday and weekend day. The additional cost would be approximately \$21,000. Taos County is ready to participate at \$7,000, and the Town of Taos will seek approval for an additional \$7,000 in late November. The Village would need to approve another expenditure of \$7,000 in lodger’s tax for the additional runs.

**Department Briefs**

- Director Keen reported that he has been looking into purchasing a glass crusher for the recycling area, as well as a food digester to produce compost. The snow blower has been repaired and will be picked up in Denver soon. Winter shifts for Public Works employees will be staggered in order to improve snow removal coverage. New concrete collars have been placed on manholes to avoid damage during winter plowing.
- Clerk Wooldridge announced that a municipal election would be taking place on March 6, 2018 for the Mayor position and two Councilor positions. Official documents approving the election will be brought to the Council in the next few months.
- Attorney Romero reported that he is working on the Townsite property exchange.

**11. OLD BUSINESS**

**A. PUBLIC HEARING:** Consideration to Approve **Ordinance No. 2018-64** CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM AND FOR THE ISSUANCE OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000, CONSISTING OF THE VILLAGE’S JOINT WATER AND SEWER DRAW DOWN REVENUE BOND (INTERIM BANK BOND), IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX DRAW DOWN REVENUE BOND (INTERIM BANK BOND), IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000, TO PROVIDE TEMPORARY CONSTRUCTION FINANCING FOR THE PROJECT PENDING THE ISSUANCE BY THE VILLAGE OF ITS REVENUE BOND OR BONDS TO THE UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT (USDA) TO PROVIDE PERMANENT FINANCING FOR SUCH PROJECT; DECLARING THE NECESSITY FOR MAKING AND ISSUING SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND WITH FUTURE FINANCING THEREFOR; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith

This Ordinance outlines the mechanism for the Village to obtain temporary construction financing for upgrading the Village’s wastewater treatment plant through the issuance of revenue bonds. The interim financing is a necessary

component of obtaining the permanent financing through USDA Rural Development. The Village's financial advisor, Brad Angst with G.K. Baum & Associates, said that the ordinance would be published for thirty days before planned closing on December 19, 2017. A lower interest rate on the loan has been obtained, saving the Village \$167,000 in interest.

**PUBLIC HEARING:** Mayor King opened the public hearing. Speaking for adoption of the ordinance was Public Works Director Keen. No one spoke against. The public hearing was closed.

**MOTION: To Approve Ordinance No. 2018-64** CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM AND FOR THE ISSUANCE OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000, CONSISTING OF THE VILLAGE'S JOINT WATER AND SEWER DRAW DOWN REVENUE BOND (INTERIM BANK BOND), IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX DRAW DOWN REVENUE BOND (INTERIM BANK BOND), IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000, TO PROVIDE TEMPORARY CONSTRUCTION FINANCING FOR THE PROJECT PENDING THE ISSUANCE BY THE VILLAGE OF ITS REVENUE BOND OR BONDS TO THE UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT (USDA) TO PROVIDE PERMANENT FINANCING FOR SUCH PROJECT; DECLARING THE NECESSITY FOR MAKING AND ISSUING SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND WITH FUTURE FINANCING THEREFOR; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

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

**B.** Consideration to Approve Proceeding with the 250,000 Gallon Buried Kachina Water Tank Project at the Original Location

At a meeting on November 8, 2017, TSVI indicated that it would be withdrawing the MOU for consideration and would not be coming back to the Village Council to present its support for the second water tank location. TSVI indicated that it would like to see the Village succeed in the construction of a Kachina Water Tank on the Tract A site. TSVI also verified that the 2011 Special Warranty Deed three-year revisionary clause extension was recorded and in place, allowing the Village additional time to construct the tank. TSVI followed up with a letter to the Mayor and Council that confirmed the withdrawal of the MOU and the other items previously indicated.

Because of the MOU withdrawal, the Village staff sees no reason to wait until November 30, 2017 for a vote on the location at which to locate the tank.

**MOTION: To Approve Proceeding with the 250,000 Gallon Buried Kachina Water Tank Project at the Original Location**

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

## 12. NEW BUSINESS

**A.** Consideration to Approve **Resolution No. 2018-342** Approving the Budget Adjustment Request (BAR) for submission to the Department of Finance for investment bank charges for the Clean Water State Revolving Fund (CWSRF) Reserve

The CWSRF fund 62 has not been included in the annual budget review and is not included in the Council budget worksheet. This BAR is to include that expense and revise the 2017-18 Fiscal Year budget.

**MOTION: To Approve Resolution No. 2018-342 Approving the Budget Adjustment Request (BAR) for submission to the Department of Finance for investment bank charges for the Clean Water State Revolving Fund (CWSRF) Reserve**

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

**B. Consideration to Approve Resolution No. 2018-343 Approving the Budget Adjustment Request (BAR) for Submission to the Department of Finance for Adjustments to the FY2018 Beginning Balances**

The Department of Finance & Administration determined that to correct an error in the beginning balances, a BAR would be needed. The net result in the General Fund 03 is an ending fund balance increase of \$67,880.00

**MOTION: To Approve Resolution No. 2018-343 Approving the Budget Adjustment Request (BAR) for Submission to the Department of Finance for Adjustments to the FY2018 Beginning Balances**

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

**C. Consideration to Approve Resolution No. 2018-344 Pertaining to the Depository of Village Funds**

Staff is preparing to open several new bank accounts for the segregation of reserve funds for the WWTP expansion and has been advised by Peoples Bank that their entity would need to be specifically listed in the Village Resolution. This Resolution lists many specific banking institutions within Taos County and Rio Arriba County, should there not be enough banking institutions available to meet the Village's needs while guaranteeing funds are FDIC insured. Included in the list is the interim lending institution for the Waste Water Treatment Plant, The Independent Bankers Bank (TIB) of San Antonio, TX.

**MOTION: To Approve Resolution No. 2018-344 Pertaining to the Depository of Village Funds**

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

**D. Consideration to Approve Resolution No. 2018-345 Approving the Addition of a New Fund 63 for the Waste Water Treatment Plant (WWTP) Reserves**

The Village submitted its Fiscal Year 2017-18 budget in July 2017. At that time, staff knew that there would be reserve requirements for the interim financing and the USDA financing for the WWTP, but did not know what they would be. The interim financing should be closing in December, so it is now time to set up these reserve accounts. These monies must not be co-mingled with other monies or funds, so it was determined that the best way to keep them trackable was to create a new WWTP Financing Reserve Fund 63.

**MOTION: To Approve Resolution No. 2018-345 Approving the Addition of a New Fund 63 for the Waste Water Treatment Plant (WWTP) Reserves**

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

**E. Consideration to Approve Professional Services Contract Number VTSV-2018-08 between Sherman & Howard, LLC and the Village of Taos Ski Valley**

Financing for the Waste Water Treatment Plant project has been tentatively secured through the USDA, however they will only finance a project once it is completed. Therefore the Village is currently working to secure interim financing for this project. Because of the complexity of the project financing, the Village's financial advisor, Brad Angst of GK Baum, advised that the Village secure bond counsel to assist in a smooth transaction to finalize the interim funding. Staff has secured Sherman & Howard LLC from Denver, Colorado to accomplish the undertaking. This firm has the expertise the Village needs to complete the transaction so that the project will not be delayed and all costs for the project will be covered. Total contract expense is not to exceed \$30,000.

**MOTION: To Approve Professional Services Contract Number VTSV-2018-08 between Sherman & Howard, LLC and the Village of Taos Ski Valley**

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

**F. 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 2017-2018 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 2017-2018 Ski Season. Service will run from December 15, 2017 through March 25, 2018. The RTD is requesting \$46,340 for the service dates above, which is a 5% increase from last year. The Town of Taos has committed to \$12,600.00, so the Village would be required to contribute \$34,340. The Lodger's Tax Advisory Board voted to approve this amount from lodger's tax at its November 1, 2017 meeting. As with last year, there will be five roundtrips a day on weekdays and seven roundtrips a day on weekends.

The RTD also receives funding in the amount of a 1/8th (or.125) % GRT from the Village of Taos Ski Valley for services.

**MOTION: 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 2017-2018 Ski Season**

**Motion: Councilor Brownell**

**Second: Councilor Wittman**

**Passed: 4-0**

**G. Consideration to Approve a Memorandum of Understanding and Agreement (MOU&A) between the Village of Taos Ski Valley (VTSV) and the Twining Associates LLC (Twining) for a Lease of Property for Installation of the Village's Police Headquarters**

This MOU&A is for an agreement between VTSV and Twining for a lease on property next to the Village Firehouse. This would allow the Village to purchase a new building for the Public Safety Headquarters to place on this land. Chief Bilardello and Administrator Fratrack have worked with Mickey Blake of Twining Associates on a property lease to accommodate a large enough structure that would fit the needs of the Police Department. At present, the space where the Police Officers work is cramped, does not have room to temporarily secure individuals or suspects, does not allow proper access, and is dilapidated on the inside.

The Memorandum has been reviewed and approved of by Village Counsel.

From the MOU&A:

"1. Term of the Lease. The term of this lease shall commence on August 1, 2017 to July 31, 2022, with an extension of five years from August 1, 2022 to July 31, 2027. At the end of each five year period, it will be mutually agreed upon to adjust the amount based on the CPI."

"2. The monthly lease amount will be \$200.00. The Village shall make semi-annual payments to Twining in the amount of Twelve Hundred Dollars (\$1200.00). Payments shall be delivered to Twining at its address above no later than the 20th day of the month in August and February."

**MOTION: To Approve a Memorandum of Understanding and Agreement (MOU&A) between the Village of Taos Ski Valley (VTSV) and the Twining Associates LLC (Twining) for a Lease of Property for Installation of the Village's Police Headquarters**

**Motion: Councilor Bennett**

**Second: Councilor Wittman**

**MOTION: To Approve an Amended Memorandum of Understanding and Agreement (MOU&A) between the Village of Taos Ski Valley (VTSV) and the Twining Associates LLC (Twining) for a Lease of Property for Installation of the Village's Police Headquarters with the Provision that the Village could withdraw from the lease if necessary**

**Motion: Councilor Bennett**

**Second: Councilor Wittman**

**Passed: 4-0**

**H. Discussion and Presentation by NMED on Source Water Protection Plans**

The Village's source water is one of the most important assets for Taos Ski Valley. In the past, the Village has put together draft informational documents that could be used for a Source Water Protection (SWP) plan, but they were never formalized and were never presented to Council for formal approval. A SWP plan team will be formed to evaluate the Village's source water. New Mexico Rural Water Association has agreed to spearhead this team and work with the Village on developing a SWP Plan.

Jill Turner from NMED spoke about the importance of creating a SWP plan. Attorney Romero inquired as to whether this plan would become the basis for a Village ordinance, stating that if so, specific data would be required. It was agreed that the better the information that was gathered, the better it would be for the basis of decision-making.

**I. Discussion and Consideration to Approve a Variance(s) to Ordinance No. 2011-49, the Solid Waste Ordinance**

The Public Safety Committee met on November 6, 2017 and discussed the possibility of granting a variance to Ordinance 2011-49, Section 4, Storage and Disposal.

Various entities have requested a variance to the ordinance, which states:

"A. It is unlawful for any Responsible Tenant to store Mixed Municipal Solid Waste on the premises for more than one week. All such storage shall be in plastic bags and kept in sealed, bear proof containers. The containers shall be maintained in a clean and sanitary condition..."

"B. It is unlawful for any person to store putrescible Waste on Commercial or Industrial Establishment premises for more than 72 hours, or any waste of any type for more than one week, unless written approval is received from the Village authorizing a longer storage period. Such storage shall be in containers with close fitting, sealed, bear proof covers and enclosed in plastic bags."

Representatives from TSVI attended the November 6, 2017 Public Safety Committee meeting to discuss their proposed operational and storage procedures, and request a possible “seasonal”, or ski season, variance to having to use bear proof containers. TSVI is very interested in complying with the requirements, said Councilor Stagg.

**J. Discussion and Consideration to Approve Out-of- State Travel by Fire Department members to Salina, Kansas to research Fire Department apparatus**

The Fire Department has arranged a tour of a facility in Salina, Kansas to view equipment available for possible purchase. Four volunteers would travel for a three-day round trip. Travel expenses would come from the Fire Department Fund 18. Estimated cost of trip is \$890. Out-of-state travel is required to have Council approval.

**MOTION: To Approve Out-of- State Travel by Fire Department members to Salina, Kansas to research Fire Department apparatus**

**Motion: Councilor Stagg**

**Second: Councilor Bennett**

**Passed: 4-0**

**13. MISCELLANEOUS**

**A.** Councilor Brownell reported on a Town Hall meeting that TSVI recently held at KTAO. Councilor Brownell said that many residents who live in the vicinity of where TSVI is remediating some contaminated soils found during excavation last summer are worried about the safety of their drinking water. TSVI’s Peter Johnson said that the Town Hall meeting was intended to be about the upcoming ski season and new improvements on the mountain, and that they had not been prepared to have such a discussion without their consultants and engineers. Johnson said that TSVI has already begun removal of the soils from across the gorge to a remediation site near Farmington. He also said that TSVI had acted in full compliance with the New Mexico Environment Department in placing the soils on TSVI’s private land.

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

The next regular meeting of the Council will take place on Tuesday, December 12, 2017 at 2:00 p.m., at the Edelweiss Lodge Club Room.

**15. ADJOURNMENT**

**MOTION: To Adjourn.**

**Motion: Councilor Wittman**

**Second: Councilor Bennett**

**Passed: 4-0**

The meeting was adjourned at 4:40 p.m.

\_\_\_\_\_  
Neal King, Mayor

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk