



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, FEBRUARY 13, 2018, 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 Fratrick
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Public Works Director Ray Keen
Police Officer Sam Trujillo
Administrative Assistant Renee Romero
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 Bennett Passed: 4-0

4. APPROVAL OF THE MINUTES OF THE JANUARY 16, 2018 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes as written

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

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

A. Citizen Mike Fitzpatrick thanked the Public Safety Committee for considering the safety issue of vehicles speeding in Amizette. He thanked the Mayor and Council for promoting Officer Trujillo to Police Chief. Mr. Fitzpatrick asked why the Council was holding meetings with closed sessions. He said that the public needs as much information as possible, especially with municipal elections approaching. Mr. Fitzpatrick expressed concern with the mention of possible litigations for these closed sessions and the associated costs to the Village. Given that these things were discussed in closed sessions, he wondered how the Mayor and Council were evaluating trade-offs, or benefits versus cost.

B. David Norden, TSVI CEO, said that in an on-going effort to keep the Village citizens informed, he wanted to introduce Sandy Chio, the new Public Relations Director, and Mike Bower, Facilities Manager, who would be speaking about recycling efforts. Mr. Norden announced that Taos Ski Valley was open for business and would remain open until the scheduled closing date of April 1. He said that the on-piste (on-slope) skiing was great, that TSVI was committed to

hanging in there for the long haul, and that they were committed to projects scheduled for the summer of 2018. He said that it has been tricky to manage facilities and staffing to the visitation level, keeping places open as necessary, or closing when needed. TSVI has decided to move some Guest Services Staff to begin working on summer construction and renovation projects.

C. Sandy Chio, Public Relations Director, announced again that Taos Ski Valley was committed to staying open until April 1, 2018 as scheduled. Ms. Chio said that TSV's greatest strengths were the great terrain that was open, and the new Children's Center which was providing a wonderful experience for families. She said that TSVI was advertising to new skiers in New Mexico and west-Texas. The advertising promotes the fact that this is a good time to learn to ski better. TSVI will be holding a party for the closing ceremony of the Olympics, and from March 16-19, 2018 there will be a celebration for St. Patrick's Day, Ernie Blake's birthday, and the ten-year anniversary of snowboarding coming to Taos Ski Valley. She said that on the weekend of March 30-31, there would be a luau for the end of ski season send-off, instead of pond-skimming.

D. Mike Bower, Facilities Manager for TSVI, said that the community at large, the Village Staff, and the TSVI Staff had all approached him about improving the recycling program at Taos Ski Valley. Currently, TSVI is taking in No. 1 and No. 2 plastics, washing the items, and taking the recyclables down to the Town of Taos. TSVI is also taking clean aluminum and white paper. He asked for public comment and input. Mr. Bower said that TSVI is looking into a food waste digestion processor. The end-product could be distributed as compost. Mr. Bower is working with Public Works Director Keen to continue making improvements to TSVI and Village recycling efforts. There is a cost to recycling but he commented that it is the right thing to do. TSVI is no longer using plastic bottles of water, and they are looking for better resolutions on packaging for products that they purchase.

E. Homeowner Mike Holmquist said that he and his brother have owned a house on Twining Road for 25 years. They are concerned about the realignment of Ernie Blake Road and the affect that this could have on the view from their property due to the lot in front of theirs increasing in size. Mr. Holmquist said that he and his brother have been attending the Ernie Blake Road workshops, the P&Z meetings, and the Council meetings where the road redesign has been discussed, and they have expressed their concern at all of these meetings. In addition, he said that they have met with Village Staff.

F. Councilor Brownell thanked TSVI for making all the snow this year to allow businesses to stay open. Councilor Brownell asked Mr. Norden about TSVI's summer plans, and Mr. Norden explained that TSVI will close the Bavarian and Lift #4 this summer because of work being done in the Kachina area. Summer activities will be moved down to the Plaza by The Blake for the 2018 summer.

6. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in January was \$207,717 compared to \$142,636 for January last year. Year-to-date GRT total is \$628,419 versus \$738,814 for last year.

Lodger's tax collections in January were \$71,991 versus \$52,006 for last year. Year-to-date total is \$145,329 versus last year's \$99,079.

\$20,438 in Hold Harmless GRT revenues were received in January. Year-to-date total is \$56,723. These funds will be transferred to a new Village bank account at Peoples Bank to keep the funds segregated for bond interest payments for the WWTP upgrades.

All impact fees and water and sewer system development fees were collected for Parcel G in January.

7. COMMITTEE REPORTS

A. **Planning and Zoning Commission** –Commission Chair Wittman reported on the February 5, 2018 P&Z meeting. Agenda items included:

- Ernie Blake Road realignment and the land swap required from one side of the road to the other. P&Z recommended approval by the Council.
- Addition of sidewalks on Thunderbird Road. Councilor Wittman noted that this had been in many plans since 2005. P&Z voted to recommend approval by a vote of 6-1.

Commission Chair Wittman announced that the next P&Z Commission meeting would take place on March 5, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. **Public Safety Committee** –Committee Chair Bennett reported that the Committee met on February 5, 2018. Agenda items included:

- TSVI monitoring of its refuse containers is going well and they are abiding by the variance for having wildlife-proof containers.

- Action to be considered to increase Highway 150 traffic safety
- Review of the Open Fires Ordinance. The Committee is considering sending out a “Be Smart” letter concerning open fires.
- Discussion of the water line situation on Phoenix Switchback and Cliffhanger Loop, where old water lines appear to be shifting and breaking.

The Committee will meet again on March 5, 2018 at 10:00 a.m. at the Edelweiss Lodge Club Room.

C. Firewise Community Board of Directors – Board Chair Bennett reported that the Board met on February 5, 2018. Agenda items included:

- Plans to wait another year to organize a Community Preparedness Day
- Discussion of strategies that have emerged from the USGS Fire History Study
- Discussion of Evacuation Plan with TSVI's Peter Johnson
- A forest thinning project to conduct thinning on Highway 150 from the cattle guard to the Bull-of-the Woods, and also up to the Phoenix Restaurant area. Highway 150 will be established as a fire break. Funding partners for the project include the Carson National Forest, Rio Grande Water Fund, The Nature Conservancy, New Mexico Water Trust Board, Taos County, and Taos Pueblo. The Nature Conservancy’s Rio Grande Water Fund, launched in 2014, centers on collaborative projects

The Board will meet again on March 5, 2018 at 11:00 a.m. at the Edelweiss Lodge Club Room.

D. Parks & Recreation Committee – no report

E. Lodgers’ Tax Advisory Board – no report

8. REGIONAL REPORTS

Councilor Bennett reported on the Landfill Board meeting on January 25, 2018. Agenda items included discussions of the Landfill budget and the costs associated with the operation of the Recycling Center. Town of Taos Manager Bellis and Taos County Manager Cordova are working together to determine actual costs for recycling. The Board Chair and Vice-Chair were re-elected. Councilor Bennett did not attend the IGC Economic Development meeting. The next Landfill Board meeting is scheduled for February 15, 2018 at Taos County Commission Chambers.

9. MAYOR’S REPORT

A. Appointment of Police Officer Trujillo to Police Chief

MOTION: To Approve of the Appointment of Police Officer Trujillo to Police Chief

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

Mayor King the oath of office.

B. Mayor King announced that the Enchanted Circle Communities would formulate a method of working together cooperatively through implementation of a Joint Powers Agreement.

10. STAFF REPORTS

Administrator Fratrick reported on ongoing projects:

- Townsite Act – A survey plat of the site needs to be approved by the Forest Service and then recorded at Taos County. The Forest Service has asked whether the Village would be using a title company or using the Forest Service administrative staff for closing on the property.
- Candidate Forum – A forum is scheduled for Saturday, February 24, 2018 at 4:30 p.m. at the Taos Tent.
- Taos Mountain Lodge – Excavation for the gas line trench has begun. A bid has been reviewed and approved for a contractor to perform a general assessment of the propane lines, boilers, and water lines. Richard Duffy is assisting with project management.
- Kachina Water Tank – The bid opening occurred on February 8, 2018 with three bids having been received. FEI Engineering will review the proposals and recommend a contractor. Village Staff is very interested in awarding the bid as soon as possible in order to keep the project moving forward.
- WWTP/WWTP Financing Options – FEI Engineers continue to work with the USDA to get final USDA and NMED approval for the project. When that is complete, the advertisement for bids will take place.
- Ernie Blake Road – The Village attorney continues to work through the drafted closing documents for land swaps and purchases. The Beausoleil owners had been concerned about the PRV vault, but that issue had been resolved.

Owners of the property across the road from the Al's Run property are concerned with possible future changes to their view corridor because of the increase in lot size of that property with the land exchanges.

- Airbnb – Clerk Wooldridge initiated and completed execution of an agreement between Airbnb and the Village for Airbnb to collect and remit Lodger's Tax on its rentals within the Village of Taos Ski Valley starting March 1, 2018. Airbnb and Village Staff are working on a press release which will be distributed when completed.
- TSVI Kachina Area Clean Up and Improvements – TSVI has requested that the Village move the Fire Substation and also relocate the water pressure pump station this summer. The Village has a piece of property dedicated for a fire substation location. Logistics and funding need to be arranged. The pump house was planned to be moved in coordination with the Kachina Water Tank completion. Locations are being considered.
- NMML Municipal Day – Administrator Fratrick reported on several of the bills being considered at the Legislative Session, including a right-to-work bill for retired police officers, and a possible capital outlay towards the Village's WWTP upgrades.

Department Briefs

- Chief Trujillo reported that he had contacted the NM Department of Transportation regarding Highway 150. He anticipated that a representative would be conducting an evaluation on speed signs, passing lanes, and median markings. Chief Trujillo noted that with the Village office moving to the Taos Mountain Lodge site at some point, more dangerous traffic situations could occur. He noted that police radio reception is difficult in Amizette.
- Public Works Administrative Assistant Wilder reported on recent activity, including a service water line break on O.E. Pattison Loop, and a main line water break on Phoenix Switchback. A toxicity test for the WWTP had been fully compliant. The annual Road Coop paperwork had been submitted for the previous year, and Staff is beginning the plans for the current year's project. Consideration is being given to using asphalt millings and concrete rolls in order to assist with dust control and road stabilization. Public Works crews have begun trenching at the Taos Mountain Lodge property for natural gas lines. The propane tank was removed, and the asphalt has been removed to be used for millings. The Source Water Plan Committee met again in February. Plans for work to re-establish the Gunsight Spring have begun.
- Clerk Wooldridge announced the Municipal Election taking place on March 6, 2018 from 7:00 a.m. to 7:00 p.m. at the Snakedance Condominiums. Absentee voting was underway, with early voting to begin on February 14, 2018.

11. OLD BUSINESS

12. NEW BUSINESS

A. Review and Approval of Final Village Audit for Fiscal Year 2017

Mr. Christopher Schmitz with the Village's audit firm Burt & Company reported that the final Village audit recently released by the Office of the State Auditor had no qualifications or modifications. Mr. Schmitz said that all government accounting standards had been followed and that the Village's expenses versus revenues were in good standing.

MOTION: To Approve of Final Village Audit for Fiscal Year 2017

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

B. Consideration to Approve Refinancing the Clean Water State Revolving Fund (CWSRF) Loans

The Village has two outstanding loans with the CWSRF which both have an interest rate of 3%. Since rates have dropped, the New Mexico Environment Department had offered the Village the opportunity to refinance both of the loans at a rate of 1.2%. There would be costs involved to refinance the loans however there would also be long-term savings. Potential savings to the Village would be approximately \$84,000.

MOTION: To Approve Refinancing the Clean Water State Revolving Fund (CWSRF) Loans

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

C. Consideration to Approve Reconfiguration of St. Bernard Expansion II & III, LLC Parcels as Part of the Ernie Blake Road Re-Alignment

Attorney Romero explained that the Village had reached agreement in principle with the owners of the St. Bernard Expansion II, LLC ("SBE2" property) to acquire portions of the SBE2 property for the re-alignment of Ernie Blake Road. The terms of the Village's acquisition are expressed in a draft document entitled Agreement In Lieu Of Condemnation. Final approval of the Agreement In Lieu Of Condemnation is subject to Village Council approval. Under the Agreement, the Village would acquire a right-of-way area from SBE2; the Village would also sell a portion of its existing right-of-way to SBE2.

A condition of the draft Agreement requires that the Village approve the consolidation of the vacated portion of the existing right-of-way property SBE2 is acquiring from the Village with property of St. Bernard Expansion III, LLC located on the north side of the realigned Ernie Blake Road. No new lots would be created by this transaction, the transaction would involve only the adjustment of boundary lines and consolidation of parcels. The P&Z Commission unanimously recommended approval of the lot line adjustments.

Homeowners Ken and Mike Holmquist addressed the Council, saying that the Al's Run lot was going to increase in size from 0.1 acres to 0.336 acres and that a potential future, larger building could obstruct the view corridor from their house. They proposed that a buffer zone be implemented at the edge of the Core Village Zone (CVZ) because of the greater building height allowance. The Holmqists said that they have been presenting their concern to the Village for over two years and that they think that some controls should be implemented in order to not obstruct the views from houses along that section of Twining Road. Discussion followed.

MOTION: To Table Consideration to Approve Reconfiguration of St. Bernard Expansion II & III, LLC Parcels as Part of the Ernie Blake Road Re-Alignment

Motion: Councilor Brownell Second: Councilor Wittman Failed: 1-3 (Councilor Brownell voting aye)

Administrator Fratrick explained that TSVI expected to begin work on the Ernie Blake Road realignment in the spring. Dirt would be available from excavations occurring at the base of Lift #1 and Lift #5. Utility work in the road was planned for not only Ernie Blake Road, but for Thunderbird Road. If the Village were to not sell that portion of the right-of-way, the land swap would cost the Village many, many more thousands of dollars. Village Staff and Council members explained that at the time of an application for conditional use for a building on that property, all of the various aspects of the project would be analyzed in regards to setbacks, building height, snow storage, traffic safety, open space, and other considerations.

MOTION: To Approve Reconfiguration of St. Bernard Expansion II & III, LLC Parcels as Part of the Ernie Blake Road Re-Alignment

Motion: Councilor Wittman Second: Councilor Bennett

Discussion continued.

MOTION: To Call the Question

**Motion: Councilor Bennett Second: Councilor Wittman Passed: 4-0
Mayor King called for a vote. Passed: 3-1 (Councilor Brownell voting nay)**

D. Discussion of Sidewalk Requirements on Thunderbird Road

Various Village Planning Documents discuss improvements needed for Thunderbird Road. The recently adopted 2017 Comprehensive Plan addresses Thunderbird Road improvements saying that Thunderbird Road would have five-foot sidewalks on both sides, but that the Village would continue to work with adjacent property owners to acquire the necessary rights-of-way. The sidewalk, as part of the Thunderbird Road improvements, is a TIDD qualifying project. The Thunderbird Road project would be accomplished in two phases: utilities upgraded in 2018, with paving of the road, and curb and gutter to be completed in 2019.

The Planning & Zoning Commission recommended approval by a vote of 6-1 at its February 5, 2018 meeting.

MOTION: To Direct Staff to Continue to Work with Adjacent Property Owners to Obtain the Required Rights-of-way for two sidewalk on Thunderbird Road.

Motion: Councilor Bennett Second: Councilor Wittman

Councilor Brownell, speaking on behalf of his family, said that they had not been approached with plans to encroach on their property with the road realignment and improvements. He said that they were concerned about removal of the trees and bushes along the riparian area near the river which allows for a buffer for their property from the parking lot. Councilor Brownell said that eventually, two sidewalks would be a positive thing on Thunderbird Road, but was concerned about the timing of the project. The Council agreed that the Brownells were owed the courtesy of having the Village and TSVI work out the details together with them.

Mayor King called for a vote.

Passed: 4-0

E. Discussion and Possible Approval of a Council Resolution to Increase Safety within the Village Limits

Councilor Bennett explained that the Public Safety Committee had met and discussed the various changes required in order to create a safer corridor through Amizette. A resolution will be brought forward at an upcoming meeting.

F. Consideration to Authorize a Utility Billing Credit for Excess Water Usage over a Three Month Period for the Stray Dog Cantina

The owner of the Stray Dog approached Staff during the summer and then sent a letter in December concerning excess water usage over a period of months. The Stray Dog is requesting consideration for an estimated 6000 to 7000 gallons a month leak that extended over several months. There is not a standardized procedure to calculate a possible multiple month credit allowance in the Village's Revenue Collection Policy. Staff proposed three different credit amounts, for the three highest month's usage. Stray Dog staff indicated that a fixture had been replaced, which fixed the leak.

MOTION: To Approve the middle amount of Utility Billing Credit for Excess Water Usage over a Three Month Period for the Stray Dog Cantina, which would total \$817.20 plus tax

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

13. MISCELLANEOUS

A. Councilor Wittman reported that at a Special Meeting of the TIDD Board held on February 6, 2018 approval had been given for bond issuance in the amount of \$44 million.

14. CLOSED SESSION

A Discussion of the Purchase, Acquisition, or Disposal of Real Property

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

B. Discussion of Possible Litigation

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 Bennett Second: Councilor Wittman Passed: 4-0

MOTION: To return to Open Session

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

No decisions or motions were made during closed session.

15. 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, March 13 2018 at 2:00 p.m., at the Edelweiss Lodge Club Room.

16. ADJOURNMENT

MOTION: To Adjourn.

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

The meeting was adjourned at 5:00 p.m.

ATTEST:

Neal King, Mayor

Ann M. Wooldridge, Village Clerk