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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
EDELWEISS LODGE CLUB ROOM  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, MARCH 13, 2018, 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 Brownell at 2:00 p.m. The notice of the meeting was properly posted.

**2. ROLL CALL**

Ann Wooldridge, Village Clerk, called the roll and a quorum was present.

**Governing body present:**

Mayor Christof Brownell  
Councilor Jeff Kern  
Councilor Chris Stagg  
Councilor Tom Wittman

**Staff present:**

Village Administrator Mark Fratrack  
Village Clerk Ann Wooldridge  
Public Works Director Ray Keen  
Police Chief Sam Trujillo  
Administrative Assistant Renee Romero  
Administrative Assistant Christina Wilder  
Village Attorney Dennis Romero

**3. APPROVAL OF THE AGENDA**

Mayor Brownell said that TSV Inc. had requested to remove item 14. B. from the agenda.

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

**Motion: Councilor Wittman                      Second: Councilor Stagg                      Passed: 3-0**

**4. CONSIDERATION TO APPROVE MAYOR'S APPOINTMENT TO VACATED COUNCIL POSITION**

Mayor Brownell recommended Roger Pattison for appointment as Councilor to fill Mayor Brownell's vacant Council seat.

**MOTION: To approve Roger C. Pattison as appointed Councilor for a two-year term for the vacated Council position**

**Motion: Councilor Wittman                      Second: Councilor Stagg**

Councilor Kern asked about the State Statute pertaining to the Mayor's appointment for a vacated Council position, which says that the Mayor will appoint "with the advice and consent" of the Council. Attorney Romero said that this means that an affirmative vote is required.

**The Mayor called for a vote.                      Passed: 3-0**

Mr. Pattison signed the qualification statement and Clerk Wooldridge administered the oath of office. Mayor Brownell thanked Neal King and Kathy Bennett for their many years of service as Mayor and Councilor.

**5. ELECTION OF MAYOR PRO TEM AND CONFIRMATION OF THE PERSONS WHO SHALL BE EMPLOYED BY THE MUNICIPALITY INCLUDING THE APPOINTED OFFICES**

After an election, the governing body must hold an organizational meeting. One of the items requiring approval is confirmation of a Mayor Pro Tem to act on the Mayor's behalf in his absence.

In addition, after each election the new governing body should appoint and affirm staff to the offices of Clerk, Police Chief, and Manager. NMSA 3-11-5A, in part states “the mayor shall submit for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality and the names of persons who shall be employed by the municipality.”

**MOTION: To approve Councilor Wittman as Mayor Pro Tem**

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

**MOTION: To confirm, as presented, the persons who shall fill the appointive offices of the municipality and who shall be employed by the municipality. The staff will stay the same.**

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

**6. APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2018 VILLAGE COUNCIL REGULAR MEETING and the FEBRUARY 19, 2018 VILLAGE COUNCIL SPECIAL MEETING**

**MOTION: To approve both minutes as presented**

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

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

**A.** Citizen Mike Fitzpatrick expressed his hope that road safety issues on Highway 150 would continue to be a priority for the Village. He also asked that the Mayor and Council work to facilitate the placement of underground utilities in Amizette.

**B.** David Norden, TSVI CEO, reported that the staff was very busy with spring break. He said that with the limited snow fall this winter, TSVI is concerned about a high fire risk. TSVI would like to meet with the Village and the Fire Department in a workshop to develop a plan to work together to minimize the fire risk over the spring and summer. Mr. Norden also reported that TSVI would be holding a public panel discussion on March 22, 2018 at 5:00 p.m. in the Taos Tent with many of the “Ski Pioneers”, in an effort to begin collecting an oral record of the history of Taos Ski Valley.

**C.** Tim Galvin asked that the Council be transparent in its actions, and asked that there be open communication with the public.

**D.** Kelly Grosstette, with the St. Moritz Condominiums, offered for people to contact her to go in on an order of wildlife-proof dumpsters. Prices might be less with a larger order, she said.

**E.** Katherine Kett reported that a bicycle, which had been locked up and was on the St. Moritz porch, was stolen. She asked that citizens be aware of activity and report anything suspicious.

**6. FINANCIAL REPORTS**

Administrator Fratrack read the financial report in Finance Director Grabowski’s absence. He reported that GRT remitted to the Village in February was \$245,209 compared to \$187,613 for February last year. Year-to-date GRT total is \$879,392 versus \$926,426 for last year.

Lodger’s tax collections in February were \$56,655 versus \$57,922 for last year. Year-to-date total is \$201,984 versus last year’s \$157,001.

\$26,140 in Hold Harmless GRT revenues were received in February. Year-to-date total is \$82,863. These funds will be transferred to the new Village bank account at Hillcrest Bank to keep the funds segregated for bond interest payments for the WWTP upgrades.

Consultants from Tyler Technology, the Village’s new accounting software, had been on-site for the previous two weeks and would be returning in April and May for final setup.

Advertisements for four positions have been posted: Police Officer, Mechanic/Operator, Planner, and Building Inspector.

**7. COMMITTEE REPORTS**

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

- Lot line adjustments for two parcels in Amizette, to make the sites adequate for building or home construction. The Commission recommended that Attorney Romero work to execute the adjustment, unless it appeared that further P&Z Commission approval were required.
- The NM Gas line extension proposal. The P&Z Commission recommended approval by the Council.
- Discussion of view corridors, particularly for the homes along Twining Road. Councilor Wittman explained that this issue might be important for other parts of the village also. This item will be discussed again at future P&Z meetings.

Commission Chair Wittman announced that the next P&Z Commission meeting would take place on April 2, 2018 at 2:00 p.m. at the Edelweiss Lodge Club Room. Councilor Wittman reported that the Kachina Master Plan Committee had met again and had discussed two of the seven elements that are identified in the Village's Comprehensive Plan. He noted that all seven elements might not need to be addressed separately in the proposed Kachina Master Plan.

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

- The resolution adopted by the Council in February was taken to the NM Department of Transportation.
- Review of the Open Fires Ordinance. The Committee is considering sending out a “Be Smart” letter concerning open fires.
- Discussion of installing traffic cameras in Amizette.

The Committee will meet again on April 2, 2018 at 10:00 a.m. at the Edelweiss Lodge Club Room. Bennett said that she would be resigning as Committee Chair, and that the new Chairperson should attend the next meeting on April 2, 2018, as that meeting would be her last.

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

- Discussion of an Evacuation Plan with TSVI's Mike Bower
- The Firewise Board would be glad to hold a workshop to begin discussions of a firewise plan for the spring and summer.

The Board will meet again on April 2 2018 at 11:00 a.m. at the Edelweiss Lodge Club Room. Board Chair Bennett will be resigning.

**D. Parks & Recreation Committee-** Committee Chair Kett reported that a meeting had been held on March 14, 2018 to brainstorm about summer 2018 plans. The play structure will be moved from the Phoenix area. The volleyball court will most likely not be installed this year. Hanging flower baskets will be installed again this summer to beautify the Core area.

The Committee will be working on maintaining and improving the small parks that the Village has, including the Kachina Vista Park. They are considering installing more benches and they have been approached about financial support to dedicate some of the benches to the memory of loved ones.

The disc golf course will get improved signage, and hopefully a permanent location. The Committee hopes that the course will draw some crowds to Taos Ski Valley this summer.

Committee Chair Kett met with TSVI's Peter Johnson and David Norden concerning the JR Trail. TSVI staff will help to clean up the area and to beautify the trail. Committee Chair Kett thanked TSVI for working in collaboration with the Village and with the Committee. Neal King asked the new Mayor and Council to support improvement of the JR Trail.

**E. Lodgers' Tax Advisory Board** – the Board was planning to meet the following week and then again in May.

## 8. REGIONAL REPORTS

Public Works Director Keen had attended the Landfill Board meeting where the main topic of discussion was recycling. Taos County is considering various options, including using a bio-digester for food waste. Keen reported that Taos County would provide trash bags for the Village clean-up day.

The next meeting is scheduled for March 15, 2018 at the Taos County Commission Chambers. Director Keen recommended that an elected official attend these meetings.

## 9. MAYOR'S REPORT

Mayor Brownell thanked everyone for supporting him and for giving him a chance, in the recent close election. He said that he is looking forward to working with everyone in the Village and with TSVI.

Mayor Brownell suggested looking into a technology called Boxcast to stream the Council meetings live and to archive the recordings. He suggested that it would be helpful to the citizens to receive meeting minutes via the e-blast group from the Village office. Mayor Brownell said that it would be good to continue to improve the Kachina Vista Park with benches and more signage.

## 10. STAFF REPORTS

### Administrator Fratrack reported on ongoing projects:

- Townsite Act – A conference call will be held with the Forest Service on March 16, 2018 to discuss closing procedures for the legislated conveyances.
- Taos Mountain Lodge – Staff and plumbers continue to assess the heating system. Repairs have been necessary because of damage caused by freezing. Water heaters and boilers will be replaced with combined water heater/boiler units. Additional inventory assessment has been completed on the eight upper units. The natural gas line will be installed soon. The primary goal is to get rental units ready; the secondary goal is to renovate the office building.
- Kachina Water Tank – The notice of award was signed by RMCI. A pre-construction conference is scheduled for March 22, 2018 at 11:00 a.m. at the Village Office.
- WWTP/WWTP Financing Options – The USDA loan package is now at the Office of the General Counsel (OGC) for review. Receiving OGC approval by the end of March is anticipated. An executive from The Independent Bankers Bank, the bank used for the interim financing, would be visiting soon.
- Ernie Blake Road – The final Beausoleil and Sierra del Sol closing documents are drafted, with final review taking place by the property owners. These items will come before council in April. Village Staff has discussed the engineering design plans for Thunderbird and Ernie Blake roads with TSVI and Russell Engineering.
- TSVI and Village Summer Projects – Staff will continue to work with TSVI to coordinate efforts where needed. Staff will present a summary of the items at the April Council meeting.
- Kachina Fire Substation – TSVI has requested that the Village move the vehicle out and have the building removed by June 2018. Mitch Daniels, Fire Chief, has approved the plan. The Fire Department is interested in a training room in the new building, but isn't certain about the need for sleeping quarters. Councilor Pattison inquired about forming a five-term plan for construction of a new fire substation in the Kachina area, if the present substation would simply be relocated at this time. Could a concrete slab be poured now for both the old and the future building?
- Budget Process – Staff will be meeting to walk through the department budgets over the next two weeks. A meeting to begin discussion of the water and sewer rate figures will be held soon. Director Keen and Administrator Fratrack recently attended a rate setting workshop on March 10, 2018 in Alcalde.
- VTSV Vacant Lot – Staff has been able to make contact with an appraiser who handles residential lots. Staff will move forward with getting the lot appraised for a possible land swap or sale.

### Department Briefs

- Chief Trujillo reported on recent activity. He was concerned about the recent bike theft, and asked all citizens to assist in conducting neighborhood watches and looking out for one another's safety. Chief Trujillo suggested that a "See something, say something" policy was a good rule of thumb.
- Public Works Director Keen reported on recent activity, including a frozen sewer pipe near the lift station in Kachina, trenching at the Taos Mountain Lodge property for the natural gas lines, collaborative efforts with TSVI and the Parks & Recreation Committee on solid waste and recycling improvements, and the research to assess the best location for new sirens.
- Attorney Romero reported on continued work to finalize the Ernie Blake Road documents.
- Clerk Wooldridge thanked the election judges for working hard during a long day of voting, and then for tallying the results at the end of the day. Barb Wiard, Holly Burger, and Sheila Duffy served as election judges. Administrator Fratrack thanked Clerk Wooldridge for organizing the recent election at the same time as preparing for the P&Z meeting and TIDD meeting scheduled for the few days previous to the election.
- Administrator Fratrack thanked Director Grabowski who had been unable to attend the Council meeting because of the large amount of work required to install the Tyler accounting software.

## 11. OLD BUSINESS

## 12. NEW BUSINESS

### A. Update on NM Gas Company Proposal for Summer 2018 Natural Gas Line Extension Project

When the natural gas line was brought into the Core area, the NM Gas Company indicated that there were gas line credits from each entity because of the density of potential customers in the core. All credits amassed could only be used if one entity was identified as the primary point of contact. According to NM Gas Company guidelines, the Village was

the only entity that could take the lead to allow for the consolidation of the credits. The NM Gas Company has been working with the Village Staff over the last two years to come up with a plan that best utilizes these credits and extends the gas line out from the core into the rest of the Village, reaching the most commercial and residential properties for credits used.

Mr. Frank Aragon, with NM Gas, presented the plan to extend the lines down Thunderbird Road, up Ernie Blake Road, down Lake Fork Road and up by the Twining Condominiums, around O.E. Pattison Loop, and along Twining Road to the St. Bernard Condominiums and to just past the top of O.E. Pattison Loop. There would be no obligation for any property to hook up to the gas lines. The credits total \$345,000, with \$475 accumulating in credits for an empty lot, and \$950 for an occupied lot, if no propane usage history were available.

Obtaining easements adjacent to the Beausoleil site and the Twining Condos property will be necessary. The excavation for the gas line installation would need to be bid out, with work to hopefully begin in June 2018. The line would be in the right-of-way in Twining Road, avoiding the existing utilities. The trenches would contain only the gas lines because a joint utility trench is more costly, Mr. Aragon explained. NM Gas is upsizing the lines at its cost, not using the Village's credits. The line on Highway 150 and up Sutton Place is 6", and there would be a 4" line on Twining Road, a 6" line on Lake Fork Road, and a 2" line around O.E. Pattison Loop and on Ernie Blake Road. Mr. Aragon said that flaggers would be used on Twining Road because the traffic would need to be one-way during installation.

After the installation of these gas lines, potential customers would need to apply to NM Gas and request a line extension. With a group of 10 property owners, there is the possibility of obtaining matching funds from NM Gas' parent company, Emera. These funds would be available for the next four years. There are also potential individual rebates of up to \$500. Mr. Aragon explained further that a yard line would cost approximately \$500, but only for "clean" digging. NM Gas would own and maintain the lines up to the service line and the meter. The homeowner could decide on placement of the meter.

#### **B. Summary and Discussion of a Memorandum of Understanding (MOU) between the Village of Taos Ski Valley and TSVI Concerning Summer Projects and Required Agreements**

This item had been removed from the agenda earlier in the meeting.

#### **C. Discussion and Possible Selection of Representatives for Various Committees and Boards**

There are committees and meetings that an elected official regularly runs or attends:

- Public Safety Committee – these have been scheduled for the first Monday of each month. The next meeting is scheduled for Monday, April 2, 2018. Councilor Pattison agreed to Chair.
- Firewise Community Board of Directors – the meetings have been scheduled immediately following the Public Safety Meeting. Councilor Pattison agreed to Chair this committee also.
- Taos Municipal Landfill Board – meets every third Thursday of the month at the Taos County Commission Chamber at 9:00 a.m. The next meeting is March 15, 2018. Mayor Brownell will attend.
- Intergovernmental Council (IGC) of the Enchanted Circle is held after the landfill meeting at about 10:30 on the third Thursday of the month. Mayor Brownell will attend.
- Holy Cross Hospital Nominating Committee for the Board of Directors – the first meeting is Wednesday, March 14, 2018. Councilor Kern will attend.
- Wildfire Urban Interface (WUI) Conference - Santa Fe, April 10-12, 2018. It is important that the Village be represented. Councilor Pattison, as well as Kathy Bennett and Sheila Duffy, will attend.
- NMML District 2 meeting at The Blake, Tuesday, March 27, 2018. The Mayor has been asked to give a welcome speech. Administrator Fratrack is registered to attend. Councilor Wittman volunteered to attend.
- Taos Valley Watershed Coalition – next meeting date unknown at this time. Councilor Stagg will attend.
- The Nature Conservancy/ Rio Grande Water Fund – next meeting date unknown at this time. Councilor Stagg will attend.
- Taos County CWPP Committee – next meeting April 18, 2018 1:00 p.m.–4:00 p.m. Staff will send information on upcoming meetings to Councilor Pattison.
- Source Water Protection Plan Committee – Mayor Brownell is on the Committee along with members of the Public Works staff. The Committee meets the first Thursday of the month. Councilor Pattison also sits on this Committee. Councilor Wittman and possibly Councilor Pattison will sit on the interview committee for the new Village Planner.

**D. Consideration to Approve a Late Fee Waiver for Powderhorn Suites & Condominiums' October Lodger's Tax report**  
The Powderhorn was charged a \$100 fee for filing a late Lodger's Tax form for October 2018. The Powderhorn then contacted Village staff to request a waiver of the fee. The explanation was that during that reporting period their

property management company terminated the contract they had with Powderhorn. None of the HOA Board Members had ever run a vacation rental property company and were unfamiliar with the requirements on when the Lodger's Tax reports were required to be submitted. Because of this, the Powderhorn was late in submitting its "zero" lodger's tax report for October, and thus was charged the \$100 late fee.

Village Ordinance 2012-14 states: "each vendor will make a report by the 25<sup>th</sup> of each month of receipts for lodging for the preceding calendar month."

Section 10, item A: "Every vendor is liable for the payment of the proceeds of any occupancy tax that the vendor failed to remit to the municipality, whether due to his failure to collect the tax or otherwise. He shall be liable for the tax plus a civil penalty equal to the greater of 10 percent of the amount not remitted or one hundred dollars (\$100)."

**MOTION: To Approve a Late Fee Waiver for Powderhorn Suites & Condominiums' October Lodger's Tax report**

**Motion: Councilor Wittman                      Second: Councilor Stagg                      Failed: 1-3 (Councilor Pattison voting aye)**

**13. MISCELLANEOUS**

A. A question was asked about whether the proposed dust/roads committee had met. Administrative Assistant Romero will schedule a meeting. The water truck may be used in the summer for dust alleviation as part of the road co-op project. It is necessary to have a plan at budget time in order for dollar amounts to be allocated for improvements.

**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, April 10, 2018 at 2:00 p.m., at the Edelweiss Lodge Club Room.

**16. ADJOURNMENT**

**MOTION: To Adjourn.**

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

The meeting was adjourned at 3:50 p.m.

\_\_\_\_\_  
Christof Brownell, Mayor

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