



VILLAGE COUNCIL REGULAR MEETING AGENDA  
EDELWEISS LODGE CLUB ROOM  
116 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, OCTOBER 9, 2018 2:00 P.M.

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1. CALL TO ORDER AND NOTICE OF MEETING
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2018 VILLAGE COUNCIL REGULAR MEETING
5. CITIZEN'S FORUM – Limit to 5 minutes per person (please sign in)
  - A. David Norden, TSVI, Update on Reduction of Plastic Products
6. FINANCIAL REPORTS
7. COMMITTEE REPORTS
  - A. Planning & Zoning Commission
  - B. Public Safety Committee
  - C. Firewise Community Board
  - D. Parks & Recreation Committee
  - E. Lodger's Tax Advisory Board
9. REGIONAL REPORTS
  - A. Update on Taos Airport
10. MAYOR'S REPORT
11. STAFF REPORTS
12. OLD BUSINESS
13. NEW BUSINESS
  - A. Consideration to Approve Resolution No. 2019-372 Finding the Property at 20 Zap's Road to be Ruined, Damaged, and Dilapidated and Directing Staff to Take Further Corrective Actions
  - B. Consideration to Approve Resolution No. 2019-373, A Resolution Approving the Disposal of Assets from the Previous Taos Mountain Lodge Property Office/ Manager's Quarters, the Village of Taos Ski Valley New Village Hall
  - C. Consideration to Approve Resolution No. 2019-374 A Resolution to Dispose of Capital Assets Consisting of Three (3) Military Vehicles Owned by the Village of Taos Ski Valley
  - D. Consideration to Approve the On-Call Civil Engineering Services
  - E. Approval for the Mayor to sign the Quitclaim Deed and Purchase & Sale Agreement for Forest Service Townsite Act Land Conveyance, and Authorization for the Mayor to Negotiate an Agreement with TSVI Regarding its Special Use Permit (SUP)
14. MISCELLANEOUS
15. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL
16. ADJOURNMENT

-- Providing infrastructure & services to a World Class Ski Resort Community --



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VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
TENDERFOOT KATIE'S MTSV RESORT CENTER  
116 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, SEPTEMBER 11, 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 Brownell 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 Christof Brownell  
Councilor Jeff Kern  
Councilor Roger Pattison  
Councilor Tom Wittman, Mayor Pro Tem

**Governing body absent:**

Councilor Chris Stagg

**Staff present:**

Village Administrator Mark Fratrack  
Village Clerk Ann Wooldridge  
Finance Director Nancy Grabowski  
Police Chief Sam Trujillo  
Public Works Director Ray Keen  
Community Development Director Patrick Nicholson  
Public Works Superintendent Olaf Mingo  
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 Kern                      **Passed:** 3-0

4. **APPROVAL OF THE MINUTES OF THE AUGUST 14, 2018 VILLAGE COUNCIL REGULAR MEETING**

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

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

5. **PRESENTATION BY LUIS REYES, KIT CARSON CEO, AND FIBER OPTIC GENERAL DISCUSSION**

Mr. Reyes said that Kit Carson has run fiber optic up to the Village of Taos Ski Valley in the Highway 150 trench, along with natural gas and electricity. Fiber optic cable is active up to the Phoenix Restaurant. He said that the 2014 funds were designated for 5,000 to 6,000 drops of fiber optic. These funds have been expended. 7,000 properties were hooked onto the fiber optic, and there are 7,000 more waiting for the service to be completed. The Broadband grant's main objective was to provide fiber optic to underserved areas as well as non-served areas. There was also a

requirement to serve large institutions such as schools, hospitals, etc. The parameters of the grant that Kit Carson received were approved by the NM Legislature, he said.

Mr. Reyes said that since the Village is not a low to moderate income area, a plan must be formulated for serving the properties in Taos Ski Valley. He suggested that perhaps a franchise agreement, in the vein of the underground electric franchise agreement, could be implemented. In the Village, 40 properties are connected while 60 have not yet been connected but have been given estimates. He said that he would guess that either the owners thought the estimate was too costly, or else they have decided that fiber optic was not that important. Perhaps costs could be reduced by hiring a third party contractor to dig the trenches, which would require coordination. Some private properties may not require that conduit be installed, lowering the cost for that property. There would be legal ramifications if public sector funds were to be used to get private properties connected. Going forward, Mr. Reyes said that the best practice would be to put conduit for fiber optic in any new road.

According to Mr. Reyes, Kit Carson is in discussions with TaosNet for TaosNet to gain access to the Kit Carson network. There are cyber security issues that would have to be satisfied once other equipment was hooked into the Kit Carson network.

Councilor Kern said that homeowners are exasperated that some quotes to connect are so much higher than others, even in the same neighborhood. Mr. Reyes explained that the cost is largely due to the length of the trench, as well as the difficulty of trenching for each property. Councilor Kern said that if some sort of cooperative effort would be made to connect the remaining properties, those owners who had paid their full cost would be upset.

Kit Carson promised to provide as-built maps of all underground conduits and fiber optic lines, and the locations of where the fiber is live. Homeowner Duncan McBranch asked if some sort of Village-wide solution could be found. Mr. Reyes said that Kit Carson is very interested in a solution that is cost-effective for everyone. There is technology that would allow for wireless connections, but for that to occur, the backhaul in the fiber optic would need to be increased.

Mr. Phil Linsalata, property manager for Lake Fork Condominiums, said that he had submitted applications for all 13 of the Lake Fork Condominiums. Since the fiber optic was initially being offered for free, he said that they consider these applications to be contracts. The recent quote given him for the cost of hooking up included a charge of \$12,400 for 645 linear feet going down the private Lake Fork Road. Mr. Linsalata suggested that Kit Carson work with the NM Gas Co. to combine trenching efforts. He also suggested that the Village help Kit Carson work with other utilities to conduct joint trenching.

Another citizen, from Wheeler Peak Condominiums, asked why Kit Carson could not connect all properties along a road if connecting one property. Mr. Reyes explained that they had been overwhelmed with 15,000 requests being submitted in a short period of time. He said that Kit Carson continues to look for funding sources. Kit Carson had received an early grant for broadband, but now other cooperatives are applying. He said that Kit Carson now needs local agreements.

**6. CITIZENS' FORUM – Limit to 5 minutes per person (please sign in)**

A. Jim Sanborn, IT Director for TSV Inc. (TSVI), reported that TSVI is trying to improve cell service, particularly on the back side of the mountain. Currently, there is an AT&T Cell on Wheels (COW) but TSVI is working on a method to improve service in conjunction with the improvements at the Phoenix Restaurant. TSVI envisions a new single tower adjacent to the Phoenix with the same roof line, in order to get Verizon as well as AT&T service. TSVI will be leveraging new infrastructure with remote locations at the Resort Center and possibly the Children's Center. Fiber optic will be run up Rubezahl return trail to the Kachina area. TSVI will install one tower and then assess the coverage, using a phased approach. Eventually, a tower could be placed at the top of the old Lift #1, which would improve service to Amizette.

B. David Norden, TSVI CEO, explained that TSVI is re-focusing on its purpose with three main missions: 1. Enjoyment, by guests, staff, and locals alike, 2. Protection and enhancement of the environment and of natural resources, and 3. Giving, namely in the form of philanthropy. In light of this last mission, TSVI plans to hold a "Night of Philanthropy" event on September 21<sup>st</sup> at the TSVI plaza. TSVI's hope is to include TSV residents, locals, and staff to attend a gathering with music, food and beverages to learn about the Taos Community Foundation and to spearhead a donation drive in order to make a combined Taos Ski Valley/ Village of Taos Ski Valley gift to the Taos Community Foundation.

Mr. Norden reported that the Williams Lake Trail had been relocated off of private property onto U.S. Forest Service Land.

B. Homeowner Brandon Swim expressed his concern about the roads not getting plowed in a timely manner when there are big snowfalls. He commented that at one time an outside contractor had conducted the plowing, and he thought that it was an excellent job.

7. **FINANCIAL REPORTS**

Finance Director Grabowski reported that GRT remitted to the Village in August was \$49,342 compared to \$48,720 for August last year. Year-to-date GRT total is \$98,063 versus \$78,566 for last year. The TIDD received \$32,236 in GRT in August for June collections. Hold Harmless GRT for the month was \$7,322.

Lodger's tax collections in August were \$17,791 versus \$13,960 for last year. Year-to-date total is \$26,484 for this year, compared to \$40,423 for last year.

In Human Resources, searches are being conducted for the Village Administrator position, as well as for the Public Works Director position.

8. **COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported on the August 23, 2018 P&Z meeting. Agenda items included:

- A Public Hearing for a variance request for the retaining wall height at the new Village Hall property in Amizette. At the Public Hearing, two people spoke in favor and none against. The Commission voted to approve the variance request with a vote of 6-0. The second variance was deemed unnecessary.
- A Public Hearing for a variance request to the riparian setback at Parcel D. At the Public Hearing, four people spoke in favor and four people expressed concern with the setback request. Discussion followed. The Commission voted to approve the variance request with a vote of 6-0. A second variance was deemed unnecessary.
- The 2020-2024 ICIP was recommended for approval by the Council.
- New public meeting signs will be used to notice the public of hearings for variance or conditional use requests.

The September P&Z meeting will be cancelled. The next P&Z meeting will be held October 1, 2018 at 1:00 p.m. at Tenderfoot Katie's in the TSV Resort Center.

The Kachina Master Plan Committee will meet on the same day at 9:00 a.m. at the Edelweiss Lodge Club Room.

A Kachina Master Plan Open House will take place on Saturday, September 22, 2018 at 1:00 p.m. at Tenderfoot Katie's in the TSV Resort Center. The hope is to allow more citizens to attend the meeting for active discussion, as the meeting is on a Saturday.

**B. Public Safety Committee** –Committee Chair Pattison reported that the Committee met on September 10, 2018. Agenda items included:

- Chief Trujillo continues his search for cost-effective but accurate cameras for the Village entrance road.
- The Fire Substation relocation is progressing forward with the concrete pad to be poured in the next couple of weeks.
- The second siren will be installed by the sewer lift station in Kachina.
- The Committee is working with Community Development Director Nicholson on a signage plan.
- The Committee is working with TSVI on a Kachina area evacuation plan.

The Committee will meet again on October 1, 2018 at 10:00 a.m. at Tenderfoot Katie's in the TSV Resort Center.

**C. Firewise Community Board of Directors** – Committee Chair Pattison reported that the Committee met on September 10, 2018. Agenda items included:

- TSVI will be conducting a fuels management program, working through the Forest Stewards Guild. The result of the prescribed burns could be used to urge homeowners to conduct firewise thinning on their properties.
- The Board is still investigating enforcement actions. The most concern centers on dead wood. Also, property owners seem to like large trees, though this is a dangerous circumstance next to a house.

The Board will meet again on October 1, 2018 at 11:00 a.m. at the Tenderfoot Katie's in the TSV Resort Center.

Councilor Pattison said that the Source Water Protection Committee and the Taos Valley Watershed Coalition continue to meet, with discussion continuing on the same topics.

**D. Parks & Recreation Committee** – Committee Chair Katherine Kett reported that the Committee has been busy finishing projects for the coming winter. There are plans to hold a fall party with a ribbon-cutting for the new boardwalk which runs from the parking lot to Sutton Place. The Committee is conducting monthly JR Trail work

days, with the next one to take place on Wednesday, September 19, 2018 at 9:30 a.m. at the Firehouse Road entrance. Signage for Kachina Vista Park is getting completed. The hanging baskets will be coming down soon.

E. **Lodgers' Tax Advisory Board** – there was no report

9. **REGIONAL REPORTS**

Administrative Assistant Wilder reported that at the Landfill Board meeting, the JPA is getting finalized and will be sent out for approval. Plans are in the works to conduct wood chipping at various locations throughout the County. The use of punch cards for the landfill is being considered.

Mayor Brownell reported that at the Inter-Governmental Council meeting, the Enchanted Circle Trails Association made a presentation. Of interest to the ski valley is a potential trail adjacent to Highway 150 from the old blinking light to Arroyo Seco, and possible continuation up Highway 150 when the road gets re-paved. There are plans for a Bull-of-the-Woods trail over to Lost Lake.

Councilor Pattison reported that the Taos Valley Watershed Coalition is considering a full-time employee to coordinate efforts and to seek grant money. Source water protection and watershed protection are the main focuses.

10. **MAYOR'S REPORT**

The Mayor's items are discussed in various other parts of the meeting.

11. **STAFF REPORTS**

**Administrator Fratrack reported on ongoing projects:**

- Townsite Act – The Village has received documents for review and has sent requested changes back to the U.S. Forest Service
- Current RFPs in process:
  - a. Legal Services: 17 proposals were received and the Committee will proceed with review.
  - b. Property Management RFP: just one entity was in attendance at the mandatory meeting on-site
  - c. Civil Engineering RFP: the response deadline is September 20, 2018
- Village Hall – Excavation is in full motion. The contractor is installing World Block for the driveway retaining wall. Staff is requesting the Mayor and two Council members for a workshop on-site for a project management update to review plans, walk the property, and preview rental units.
- Kachina Water Tank – Working on trenching and laying pipe for tank and water system connectivity
- Fire Substation Relocation Project – Drainage completed. Ran into issues with property owners requesting additional liability insurance from the Village above the Tort Limits set by state statutes. Plan is to go across the road instead.
- WWTP – Update on possible way forward. Water / Sewer rates – would like a workshop later in the month
- Ernie Blake Road – Working to set up closing at this time. Once a date is set up with the title company, the closing will be executed.
- Gas Line – NM Gas Co. has completed all its work on the gas lines. TSVI will initiate the gas line for EB Road and T-Bird Road.
- Kachina Pump Station – Will be a project for FY20. Timing wise, it will not be completed until spring or late summer 2020. Will pursue Drinking Water State Revolving Funding (DWSRF). Estimated \$300,000.
- Legal Work/Discussions: 1. Townsite Act/WWTP, TSVI's Easement request, on hold; 2. Strawberry Hill Utilities VTSV access, completed; 3. Property Management RFP, in process; 4. Century Link easement, completed per the USFS; 5. Temporary On-call Engineering RFP, completed; 6. EB Road MOU, completed; 7. Substation culvert onto private property, abandoned; 8. Temporary Construction License Cottam & Brownell, completed; 9. Alpine Village Suites Easement, ongoing; 10. Civil Engineering RFP, in process

**Department Briefs**

- Chief Trujillo reported on recent activity: Residential Alarms (1), Business Alarms (1), Suspicious Persons/Vehicles (4), Citizen Assists (43), Traffic Enforcement Hours (67), Traffic Stops (14), Theft (0), Vehicle Theft (0), Larceny (3), Property Damage (1), Verbal Warnings (21), Parking Citations (6), Written Citations (5), Assists to other Agencies (11), Foot Patrol Hours (40), Welfare Check (1), Animal calls (3), MVCs (0), B&E (2), Trespass Warnings (2), Fire Calls (4), EMS Calls (3), SAR Hours (0)

Chief Trujillo said that he recently attended the Police Chiefs' meeting at the annual NMML Conference and appreciated the positive experience and knowledge gained.

- Community Development Director Nicholson announced a Kachina Master Plan Open House to take place on Saturday, September 22, 2018 at the Taos Tent. The community is invited and welcome to attend, especially Kachina area property owners. A presentation on a Kachina area preliminary plat proposal will be presented for discussion at the next P&Z meeting. The Source Water Protection Committee should have a draft final document by December. Hydrologic studies for the Bull-of-the-Woods and the Gunsite Springs will begin.
- Public Works Director Keen reported on recent department activity including numerous road drainage projects, Phoenix Switchback improvements, and relocation of the Fire Substation. The Kachina Water Tank project will be finishing up for the winter, to begin construction next year. The retaining wall project is underway at the new Village Hall property.
- Clerk Ann Wooldridge announced that the EMS department had received a very complimentary letter concerning volunteers' efforts in a hiker rescue. A monetary donation was also sent. The letter had been published in the Taos News. The audience applauded the efforts of the volunteers.
- Attorney Romero is working on the contractual obligations of a contract for accounting software which has not been workable.

## 12. OLD BUSINESS

## 13. NEW BUSINESS

### A. Discussion and Update on Wastewater Treatment Plant

Patrick O'Brien gave an update on the design and engineering for the new wastewater treatment plant.

### B. Consideration to Approve Resolution No. 2019-370 Adopting the Village of Taos Ski Valley 2020-2024 Infrastructure & Capital Improvements Plan

This is the current Village ICIP prepared for submission to the NM Department of Finance. It establishes Village policy and project funding priorities. A TIDD project priority list is also included for review and consideration for approval.

The plan was presented, discussed, and approved by the Village P&Z Commission on August 23, 2018.

Discussion took place on the funding for some projects that are listed on the TIDD Plan of Finance as being funded by both the Village and by the TIDD. Some residents of Block N asked why the Block N water and sewer line extension remained on the list when it appeared that there was little chance of the project being funded.

### **MOTION: To Approve Resolution No. 2019-370 Adopting the Village of Taos Ski Valley 2020-2024 Infrastructure & Capital Improvements Plan**

**Motion: Councilor Wittman**

**Second: Councilor Kern**

**Passed: 3-0**

### C. Consideration to Approve Resolution No. 2019-371 A Resolution to Join the North Central Regional Transit District as a Voting Member of the District and Participate in the Affairs of the District

The adoption of this resolution requires that a notice of public hearing be published in the newspaper, which had been unknown earlier.

### **MOTION: To table until the hearing can be published**

**Motion: Councilor Wittman**

**Second: Councilor Kern**

**Passed: 3-0**

## 14. MISCELLANEOUS

## 15. CLOSED SESSION

### A. Discussion of Threatened or Pending 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 Pattison**

**Second: Councilor Wittman**

**Passed: 3-0**

### **MOTION: To return to Open Session**

**Motion: Councilor Wittman**

**Second: Councilor Pattison**

**Passed: 3-0**

No decisions or motions were made during closed session.

## 16. 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, October 9, 2018 at 2:00 p.m. at Tenderfoot Katie's in the TSV Resort Center. (This was later changed to the Edelweiss Lodge Club Room.)

**17. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Pattison**

**Second: Councilor Kern**

**Passed: 3-0**

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

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

# VILLAGE OF TAOS SKI VALLEY

## GROSS RECEIPTS & LODGER'S TAX COLLECTION SUMMARY

Gross Receipts Tax  
CURRENT RATE = 9.25%

## GROSS RECEIPTS

	July	August	September	October	November	December	January	February	March	April	May	June
FY 2008	\$20,214.64	\$49,552.50	\$30,529.91	\$18,716.47	\$24,225.26	\$23,499.17	\$50,734.80	\$146,293.94	\$160,211.63	\$167,362.79	\$212,589.13	\$20,102.55
YTD	\$20,214.64	\$69,767.14	\$100,297.05	\$119,013.52	\$143,238.78	\$166,737.95	\$217,472.75	\$363,766.69	\$523,978.32	\$691,341.11	\$903,930.24	\$924,032.79
FY 2009	\$5,978.98	\$31,604.97	\$36,411.72	\$34,168.28	\$36,755.21	\$36,869.62	\$81,443.70	\$194,410.32	\$178,012.59	\$176,315.78	\$191,892.82	\$36,332.99
YTD	\$5,978.98	\$37,583.95	\$73,995.67	\$108,163.95	\$144,919.16	\$181,788.78	\$263,232.48	\$457,642.80	\$635,655.39	\$811,971.17	\$1,003,863.99	\$1,040,196.98
FY 2010	\$32,800.00	\$38,773.70	\$39,381.43	\$61,759.08	\$56,887.02	\$54,858.12	\$42,174.35	\$223,797.16	\$189,376.01	\$176,576.34	\$221,448.63	\$59,190.36
YTD	\$32,800.00	\$71,573.70	\$110,955.13	\$172,714.21	\$229,601.23	\$284,459.35	\$326,633.70	\$550,430.86	\$739,806.87	\$916,383.21	\$1,137,831.84	\$1,197,022.20
FY 2011	\$31,002.86	\$62,982.96	\$26,127.83	\$33,610.96	\$60,913.74	\$74,949.02	\$42,282.39	\$171,246.82	\$139,053.09	\$142,336.03	\$154,287.41	\$27,928.23
YTD	\$31,002.86	\$93,985.82	\$120,113.65	\$153,724.61	\$214,638.35	\$289,587.37	\$331,869.76	\$503,116.58	\$642,169.67	\$784,505.70	\$938,793.11	\$986,721.34
FY 2012	\$64,073.01	\$26,203.38	\$23,181.89	\$42,430.30	\$60,186.45	\$32,954.89	\$47,797.29	\$207,267.40	\$162,805.78	\$182,358.83	\$200,924.87	\$42,673.54
YTD	\$64,073.01	\$90,276.39	\$113,458.28	\$155,888.58	\$216,075.03	\$249,029.92	\$296,827.21	\$504,094.61	\$666,900.39	\$849,259.22	\$1,050,184.09	\$1,092,857.63
FY 2013	\$36,835.14	\$20,863.12	\$45,705.38	\$27,699.69	\$66,674.98	\$48,677.59	\$50,727.81	\$178,549.60	\$163,125.28	\$166,032.40	\$203,817.88	\$21,818.85
YTD	\$36,835.14	\$57,698.26	\$103,403.64	\$131,103.33	\$197,778.31	\$246,455.90	\$297,183.71	\$475,733.31	\$638,858.59	\$804,890.99	\$1,008,708.87	\$1,030,527.72
FY 2014	\$32,785.51	\$20,399.76	\$33,382.63	\$32,521.83	\$42,153.17	\$47,625.85	\$41,859.55	\$187,697.06	\$165,940.26	\$157,119.60	\$217,538.39	\$33,070.40
YTD	\$32,785.51	\$53,185.27	\$86,567.90	\$119,089.73	\$161,242.90	\$208,868.75	\$250,728.30	\$438,425.36	\$604,365.62	\$761,485.22	\$979,023.61	\$1,012,094.01
FY 2015	\$50,101.37	\$20,302.81	\$45,180.40	\$67,963.83	\$54,978.94	\$102,903.79	\$88,137.83	\$228,895.80	\$200,123.07	\$208,944.00	\$231,566.84	\$70,845.96
YTD	\$50,101.37	\$70,404.18	\$115,584.58	\$183,548.41	\$238,527.35	\$341,431.14	\$429,568.97	\$658,464.77	\$858,587.84	\$1,067,531.84	\$1,299,098.68	\$1,369,944.64
FY 2016	\$37,891.82	\$20,239.04	\$97,742.38	\$25,839.07	\$197,397.64	\$95,985.99	\$224,614.99	\$103,161.00	\$166,682.00	\$180,838.00	\$201,624.53	\$38,366.93
YTD	\$37,891.82	\$58,130.86	\$155,873.24	\$181,712.31	\$379,109.95	\$475,095.94	\$699,710.93	\$802,871.93	\$969,553.93	\$1,150,391.93	\$1,352,016.46	\$1,390,383.39
FY 2017	\$119,909.94	\$55,423.48	\$87,873.13	\$142,357.47	\$41,985.22	\$148,618.10	\$142,636.32	\$187,613.18	\$204,129.97	\$165,451.68	\$208,890.93	\$76,774.96
YTD	\$119,909.94	\$175,333.42	\$263,206.55	\$405,564.02	\$447,559.24	\$596,177.34	\$738,813.66	\$926,426.84	\$1,130,556.81	\$1,296,008.49	\$1,504,899.42	\$1,581,674.38
FY 2018	\$29,884.17	\$48,702.07	\$58,630.68	\$75,354.62	\$89,599.77	\$118,550.59	\$207,717.57	\$250,972.85	\$212,959.98	\$187,022.24	\$243,419.70	\$35,925.42
YTD	\$29,884.17	\$78,586.24	\$137,196.92	\$212,551.54	\$302,151.31	\$420,701.90	\$628,419.47	\$879,392.32	\$1,092,352.30	\$1,279,374.54	\$1,522,794.24	\$1,558,719.66
FY2019	\$48,720.47	\$49,342.75	\$80,877.03									
YTD	\$48,720.47	\$98,063.22	\$178,940.25									

Current month GRT collections reflects money generated 2 months prior.

\* NOTE: Feb 2007-Sept. 2012: includes NMFA loan pay deduction- Note starts again Aug 2016



Lodger's Tax

CURRENT RATE = 5%

7/01/04 thru Current the tax rate is 5%; 2/97 thru 6/04 tax rate was 4.5%

LODGERS' TAX

	July	August	September	October	November	December	January	February	March	April	May	June
FY 2008	\$2,722.84	\$5,440.23	\$4,285.04	\$2,754.53	\$3,901.84	\$577.12	\$51,173.76	\$59,427.24	\$69,853.67	\$77,642.16	\$6,257.25	\$6,805.31
YTD	\$2,722.84	\$8,163.07	\$12,448.11	\$15,202.64	\$19,104.48	\$19,681.60	\$70,855.36	\$130,282.60	\$200,136.27	\$277,778.43	\$284,035.68	\$290,840.99
FY 2009	\$2,308.21	\$17,029.81	\$4,613.37	\$1,998.89	\$2,683.42	\$2,329.41	\$69,821.07	\$48,658.30	\$64,074.56	\$83,514.05	\$2,163.00	\$1,019.51
YTD	\$2,308.21	\$19,338.02	\$23,951.39	\$25,950.28	\$28,633.70	\$30,963.11	\$100,784.18	\$149,442.48	\$213,517.04	\$277,031.09	\$279,194.09	\$280,213.60
FY 2010	\$6,555.17	\$6,692.88	\$6,626.34	\$2,464.04	\$3,071.98	\$3,065.62	\$58,358.23	\$53,226.27	\$63,632.42	\$73,788.32	\$5,154.71	\$2,591.00
YTD	\$6,555.17	\$13,248.05	\$19,874.39	\$22,338.43	\$25,410.41	\$28,476.03	\$86,834.26	\$140,060.53	\$203,692.95	\$277,481.27	\$282,635.98	\$285,226.98
FY 2011	\$3,799.08	\$5,779.40	\$4,203.94	\$4,540.58	\$826.80	\$4,048.19	\$48,139.08	\$38,771.02	\$56,737.62	\$53,736.46	\$1,376.99	\$1,907.76
YTD	\$3,799.08	\$9,578.48	\$13,782.42	\$18,323.00	\$19,149.80	\$23,197.99	\$71,337.07	\$110,108.09	\$166,845.71	\$220,582.17	\$221,959.16	\$223,866.92
FY 2012	\$5,123.77	\$5,559.34	\$7,292.78	\$3,573.23	\$2,125.17	\$25,832.86	\$57,242.46	\$54,829.42	\$66,115.91	\$72,972.48	\$6,978.68	\$4,665.17
YTD	\$5,123.77	\$10,683.11	\$17,975.89	\$21,549.12	\$23,674.29	\$49,507.15	\$106,749.61	\$161,579.03	\$227,694.94	\$300,667.42	\$307,646.10	\$312,311.27
FY 2013	\$3,611.20	\$6,647.21	\$6,362.49	\$6,914.30	\$3,587.06	\$4,412.71	\$41,548.72	\$58,051.35	\$69,819.08	\$65,779.34	\$2,387.53	\$1,223.37
YTD	\$3,611.20	\$10,258.41	\$16,620.90	\$23,535.20	\$27,122.26	\$31,534.97	\$73,083.69	\$131,135.04	\$200,954.12	\$266,733.46	\$269,120.99	\$270,344.36
FY 2014	\$2,832.98	\$7,754.90	\$7,045.56	\$19,777.25	\$4,319.60	\$4,888.83	\$54,643.19	\$58,342.34	\$68,032.70	\$67,580.97	\$4,688.03	\$1,953.28
YTD	\$2,832.98	\$10,587.88	\$17,633.44	\$37,410.69	\$41,730.29	\$46,619.12	\$101,262.31	\$159,604.65	\$227,637.35	\$295,218.32	\$299,906.35	\$301,859.63
FY 2015	\$2,492.93	\$6,804.83	\$15,377.68	\$9,451.74	\$6,196.45	\$7,739.68	\$48,605.50	\$66,074.56	\$67,834.16	\$75,221.00	\$5,450.60	\$1,138.28
YTD	\$2,492.93	\$9,297.76	\$24,675.44	\$34,127.18	\$40,323.63	\$48,063.31	\$96,668.81	\$162,743.37	\$230,577.53	\$305,798.53	\$311,249.13	\$312,387.41
FY 2016	\$3,159.70	\$22,368.20	\$9,450.74	\$5,746.17	\$4,197.87	\$9,297.58	\$53,807.00	\$72,513.85	\$76,593.23	\$71,244.05	\$3,250.86	\$2,501.47
YTD	\$3,159.70	\$25,527.90	\$34,978.64	\$40,724.81	\$44,922.68	\$54,220.26	\$108,027.26	\$180,541.11	\$257,134.34	\$328,378.39	\$331,629.25	\$334,130.72
FY 2017	\$3,312.79	\$6,428.45	\$20,520.20	\$6,104.38	\$4,731.31	\$5,975.60	\$52,006.45	\$57,922.20	\$70,032.91	\$81,036.07	\$5,683.84	\$3,145.21
YTD	\$3,312.79	\$9,741.24	\$30,261.44	\$36,365.82	\$41,097.13	\$47,072.73	\$99,079.18	\$157,001.38	\$227,034.29	\$308,070.36	\$313,754.20	\$316,899.41
FY 2018	\$26,463.06	\$13,960.76	\$11,225.88	\$8,960.06	\$6,207.19	\$6,521.15	\$71,990.70	\$56,655.53	\$68,454.45	\$74,080.27	\$1,667.88	\$3,332.25
YTD	\$26,463.06	\$40,423.82	\$51,649.70	\$60,609.76	\$66,816.95	\$73,338.10	\$145,328.80	\$201,984.33	\$270,438.78	\$344,519.05	\$346,186.93	\$349,519.18
FY2019	\$8,692.23	\$17,791.85	\$15,936.00									
YTD	\$8,692.23	\$26,484.08	\$42,420.08									

Current month LT collections reflects money generated in the previous month.

Aug FY2016 includes \$15K late LT  
 Sept 2016 includes \$10,172 in Late LT for FY2016  
 July FY2018 includes \$17,455 Late lodgers tax For FY2017  
 Sept 2016-Approx \$3,261 is for Late Lodgers Tax

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10/05/18

Cash Basis

**VILLAGE OF TAOS SKI VALLEY**  
**Profit & Loss Prev Year Comparison**  
 July through September 2018

	Jul - Sep 18	Jul - Sep 17	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4012 · REVENUE -Water Sales	70,426.12	191,095.42	-120,669.30	-63.2%
4013 · Revenue - Sewer	102,202.84	0.00	102,202.84	100.0%
4019 · Hold Harmless GRT Revenue	24,463.57	6,689.32	17,774.25	265.7%
4020 · REVENUE - GRT MUNICIPAL	78,160.50	59,359.85	18,800.65	31.7%
4021 · REVENUE - GRT- STATE	64,818.39	49,265.03	15,553.36	31.6%
4022 · REVENUE - GRT - ENVIRONMENT	3,198.48	2,431.28	767.20	31.6%
4023 · REVENUE - GRT - INTFRASTRUCTURE	12,794.86	9,725.72	3,069.14	31.6%
4027 · REVENUE - OTHER	12,288.78	37,957.87	-25,669.09	-67.6%
4028 · REVENUE - GASOLINE TAX	1,358.85	1,251.00	107.85	8.6%
4029 · REVENUE - LODGER'S TAX	42,420.17	51,703.70	-9,283.53	-18.0%
4031 · REVENUE - PARKING FINES	80.00	1,000.00	-920.00	-92.0%
4034 · REVENUE - MOTOR VEHICLE FEES	4,369.56	4,278.45	91.11	2.1%
4036 · REVENUE -Licenses/Permits Other	16,782.89	6,899.33	9,883.56	143.3%
4037 · REVENUE - GENERAL GRANTS	21,200.00	26,843.00	-5,643.00	-21.0%
4040 · REVENUE - WATER CONNECTION FEES	11,084.16	5,586.24	5,497.92	98.4%
4041 · REVENUE - SEWER CONNECTION FEES	8,925.56	8,054.34	871.22	10.8%
4046 · REVENUE - SOLID WASTE FEE	13,739.52	17,352.31	-3,612.79	-20.8%
4047 · REVENUE - OTHER OPERATING	782.02	3,560.88	-2,778.86	-78.0%
4049 · REVENUE - FIRE GRANTS	46,726.80	0.00	46,726.80	100.0%
4050 · REVENUE - IMPACT FEES	13,174.78	11,884.18	1,290.60	10.9%
4053 · REVENUE - GRT MUN CAP OUTLAY1/4	12,794.86	9,725.72	3,069.14	31.6%
4058 · Plan Review Fees	7,358.43	3,190.21	4,168.22	130.7%
4060 · WTB FY2016 revenue	425,084.87	0.00	425,084.87	100.0%
4100 · Miscellaneous Revenues				
4110 · Misc Revenue- TIDD reimburse	2,528.66	1,528.29	1,000.37	65.5%
<b>Total 4100 · Miscellaneous Revenues</b>	<b>2,528.66</b>	<b>1,528.29</b>	<b>1,000.37</b>	<b>65.5%</b>
7004 · REVENUE - FINANCE CHARGE ON W/S	247.88	276.43	-28.55	-10.3%
7005 · REVENUE - INTEREST INCOME	21,850.89	12,083.82	9,767.07	80.8%
7007 · REVENUE - INTEREST IMPACT FEES	0.00	51.68	-51.68	-100.0%
7010 · REVENUE - AD VALOREM TAX	10,337.72	15,167.34	-4,829.62	-31.8%
9000 · BEG. BALANCE	0.00	0.00	0.00	0.0%
<b>Total Income</b>	<b>1,029,201.16</b>	<b>536,961.41</b>	<b>492,239.75</b>	<b>91.7%</b>
<b>Gross Profit</b>	<b>1,029,201.16</b>	<b>536,961.41</b>	<b>492,239.75</b>	<b>91.7%</b>
<b>Expense</b>				
6100 · Salary and Benefits				
6112 · SALARIES - STAFF	290,464.77	248,131.46	42,333.31	17.1%
6113 · SALARIES - ELECTED	9,191.49	9,191.49	0.00	0.0%
6115 · Overtime salaries	340.46	0.00	340.46	100.0%
6121 · WORKER'S COMP INSURANCE	18,175.12	18,389.00	-213.88	-1.2%
6122 · HEALTH INSURANCE	50,948.38	47,968.47	2,979.91	6.2%
6125 · FICA EMPLOYER'S SHARE	22,599.15	19,359.53	3,239.62	16.7%
6126 · WORKMAN'S COMP PERSONAL ASS...	86.00	81.70	4.30	5.3%
6127 · SUTA STATE UNEMPLOYMENT	356.06	177.22	178.84	100.9%
6128 · PERA Employer Portion	22,858.32	21,634.52	1,223.80	5.7%
6130 · HEALTH INCENTIVE - SKI PASS/GYM	300.00	518.00	-218.00	-42.1%
<b>Total 6100 · Salary and Benefits</b>	<b>415,319.75</b>	<b>365,451.39</b>	<b>49,868.36</b>	<b>13.7%</b>
6220 · OUTSIDE CONTRACTORS	633,728.28	114,061.54	519,666.74	455.6%
6225 · ENGINEERING	22,838.63	184,909.53	-162,070.90	-87.7%
6230 · LEGAL SERVICES	15,482.58	15,115.19	367.39	2.4%
6242 · ACCOUNTING	644.49	468.72	175.77	37.5%
6244 · AUDIT	9,978.44	3,977.50	6,000.94	150.9%
6251 · WATER PURCHASE, STORAGE	75.51	81.36	-5.85	-7.2%
6253 · ELECTRICITY	5,925.59	5,641.35	284.24	5.0%
6256 · TELEPHONE	4,026.99	4,403.91	-376.92	-8.6%
6257 · RENT PAID	630.00	576.00	54.00	9.4%
6258 · WATER CONSERVATION FEE	48.51	58.11	-9.60	-16.5%
6259 · Natural Gas	310.60	129.97	180.63	139.0%
6270 · LIABILITY & LOSS INSURANCE	33,395.51	32,992.35	403.16	1.2%
6310 · Advertising	902.19	0.00	902.19	100.0%
6311 · Uniforms and Safety Equipment	0.00	0.00	0.00	0.0%
6312 · CHEMICALS & NON DURABLES	2,328.56	2,407.86	-79.30	-3.3%
6313 · MATERIAL & SUPPLIES	26,522.73	25,283.54	1,239.19	4.9%
6314 · Dues/fees/registration/renewals	4,931.46	15,134.90	-10,203.44	-67.4%
6315 · BANK CHARGES	550.37	20.00	530.37	2,651.9%
6316 · Software	0.00	210.25	-210.25	-100.0%
6317 · Personal Protective Equipment	966.68	622.34	344.34	55.3%
6318 · Postage	481.00	599.00	-118.00	-19.7%
6320 · EQUIPMENT REPAIR & PARTS	2,748.30	5,199.69	-2,451.39	-47.1%
6322 · SMALL EQUIP & TOOL PURCHASES	4,009.46	3,952.14	57.32	1.5%
6323 · SYSTEM REPAIR & PARTS	301.83	2,424.29	-2,122.46	-87.6%

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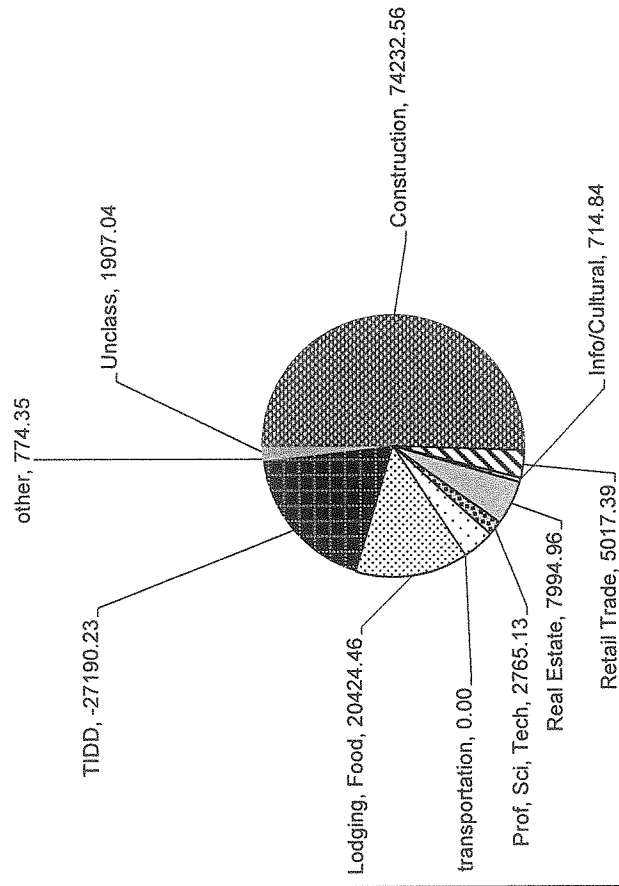
10/05/18

Cash Basis

**VILLAGE OF TAOS SKI VALLEY**  
**Profit & Loss Prev Year Comparison**  
 July through September 2018

	Jul - Sep 18	Jul - Sep 17	\$ Change	% Change
6331 · OUTSIDE TESTING SERVICES	0.00	3,178.06	-3,178.06	-100.0%
6332 · EQUIPMENT RENTALS	7,370.35	5,123.12	2,247.23	43.9%
6417 · VEHICLE MAINTENANCE	628.28	14,164.21	-13,535.93	-95.6%
6418 · FUEL EXPENSE	4,668.71	8,615.83	-3,947.12	-45.8%
6432 · TRAVEL & PER DIEM	7,322.76	7,722.32	-399.56	-5.2%
6434 · TRAINING	6,550.76	1,740.05	4,810.71	276.5%
6560 · Payroll Expenses	18.13	-0.02	18.15	90,750.0%
6712 · LAB CHEMICALS & SUPPLIES	1,666.08	1,498.60	167.48	11.2%
6715 · LAB SMALL EQUIP & TOOL PURCHASE	596.25	0.00	596.25	100.0%
6716 · LAB TESTING SERVICES	3,300.46	2,466.57	833.89	33.8%
6720 · LAB OUTSIDE CONTRACTORS	0.00	0.00	0.00	0.0%
8322 · CAPITAL EXPENDITURES	34,934.35	12,748.28	22,186.07	174.0%
8325 · EQUIPMENT & TOOL PURCHASE	329,085.41	31,444.57	297,640.84	946.6%
8425 · Hold Harmless Bond Interest pay	17,009.17	0.00	17,009.17	100.0%
8427 · Net Revenue Bond Interest pay	11,340.83	0.00	11,340.83	100.0%
<b>Total Expense</b>	<b>1,610,639.00</b>	<b>872,422.52</b>	<b>738,216.48</b>	<b>84.6%</b>
<b>Net Ordinary Income</b>	<b>-581,437.84</b>	<b>-335,461.11</b>	<b>-245,976.73</b>	<b>-73.3%</b>
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
9001 · TRANSFER TO FUND	-179,083.06	-293,197.89	114,114.83	38.9%
9002 · TRANSFER FROM FUND	179,083.06	293,197.89	-114,114.83	-38.9%
<b>Total Other Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Net Income</b>	<b>-581,437.84</b>	<b>-335,461.11</b>	<b>-245,976.73</b>	<b>-73.3%</b>

# Village of Taos Ski Valley Gross Receipts Distribution September 2018



Construction	Retail Trade	Info/Cultural	Real Estate
Prof, Sci, Tech	NMFA Intercept	transportation	Lodging, Food
TIDD	other	other	Unclass

FY2019 TIDD GRT Distribution

Date	VTSV Increment	State Increment	Admin Fees	Total TIDD	NMFA Offset	Hold Harmless GRT	VTSV Cash Received/with HH GRT (NOT offset)
<b>TOTAL FY17</b>	<b>1,228,639.12</b>	<b>971,699.37</b>	<b>(18,978.72)</b>	<b>2,181,359.77</b>	<b>79,096.87</b>		<b>1,523,355.61</b>
7/15/2017	-	-	-	-	5,763.47		24,100.70
8/15/2017	-	-	-	-	5,763.47	375.39	42,938.60
9/15/2017	1,963.78	1,553.10	(30.32)	3,486.56	5,763.47	6,313.93	52,867.21
10/15/2017					5,763.47	7,023.40	69,591.15
11/17/2017	19,717.45	15,594.02	(304.57)	35,006.90	5,763.47	10,664.15	83,836.30
12/15/2017					5,763.47	11,907.89	112,787.12
1/16/2018					5,763.47	20,438.47	201,954.10
2/17/2018	9,639.99	7,478.59	(147.66)	16,970.92	5,763.47	26,140.24	245,209.38
3/17/2018	4,088.96	3,233.85	(63.16)	7,259.65	5,763.47	21,753.62	207,196.51
4/18/2018	9,079.59	7,180.81	(140.25)	16,120.15	5,763.47	18,859.26	181,258.77
5/17/2018	59,594.75	47,132.00	(920.55)	105,806.20	5,763.47	28,367.80	243,419.70
6/15/2018	5,916.19	4,678.97	(91.38)	10,503.78	5,763.47	4,685.39	35,925.42
<b>TOTAL FY18</b>	<b>110,000.71</b>	<b>86,851.34</b>	<b>(1,697.89)</b>	<b>195,154.16</b>	<b>69,161.64</b>	<b>156,529.54</b>	<b>1,501,084.96</b>
7/18/2018	3,989.99	3,155.58	(61.63)	7,083.94	5,763.47	5,821.77	48,720.47
8/15/2018	18,157.01	14,359.92	(280.46)	32,236.47	5,763.47	7,322.71	49,342.75
9/15/2018	27,190.23	21,504.06	(420.00)	48,274.29	5,763.47	11,319.09	80,877.03
<b>TOTAL FY19</b>	<b>49,337.23</b>	<b>39,019.56</b>	<b>(762.09)</b>	<b>87,594.70</b>	<b>17,290.41</b>	<b>24,463.57</b>	<b>178,940.25</b>
<b>TOTAL FY16, FY17, FY18 &amp; FY19</b>	<b>2,239,911.67</b>	<b>1,755,582.74</b>	<b>(34,726.13)</b>	<b>3,960,768.28</b>	<b>165,548.92</b>	<b>180,993.11</b>	<b>4,118,668.59</b>

Village Baseline

Month GRT is Generated	Month GRT is Reported to State	h GRT is distributed fr State to Entiti	Total	State	Village
December	January	February	371,622.37	201,645.53	169,976.84
January	February	March	328,741.64	178,378.07	150,363.57
February	March	April	310,404.18	168,428.01	141,976.17
March	April	May	429,910.95	233,273.42	196,637.53
April	May	June	64,234.89	34,854.41	29,380.48
May	June	July	93,353.53	50,654.43	42,699.09
June	July	August	40,142.02	21,781.41	18,360.61
July	August	September	89,560.14	48,596.11	40,964.03
August	September	October	134,697.23	73,087.89	61,609.34
September	October	November	108,590.92	58,922.38	49,668.54
October	November	December	204,035.98	110,711.70	93,324.28
November	December	January	174,517.70	94,694.82	79,822.88
<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>2,349,811.54</b>	<b>1,275,028.17</b>	<b>1,074,783.36</b>

Monthly Public Safety Report  
Sep-18

<b>Law Enforcement</b>	<b>Hutter</b>	<b>Vigil</b>	<b>Sammy</b>	<b>Totals</b>
MVC's	1	1		2
Battery	0	0		
Embezzlement	0	1		1
Residential Alarm	1	4		5
Business Alarm	0	0		
Property Damage	0	1		1
Larceny	0	3		3
Vehicle Theft	0	0		
Theft	0	0		
Suspicious Persons/Vehicles	0	2	1	3
Arrests	0	0		
Citizen Assists/Contacts	23	30	20	73
Traffic Enforcement Hours	43	35	3	81
Traffic Stops	10	6		16
Written Citations	2	2		4
Written Warnings	9	2	3	14
Verbal Warnings	0	20		20
Parking Citations	2	0		2
Assists to other Agencies	4	5		9
Tresspass Warnings	0	0		
Foot Patrol Hours	17	30	3	47
B & E	0	0		
Animal Calls	4	1		5
Welfare Check	3			3
Found Property	1			1
<b>Fire/EMS</b>				
Fire Calls	0	3		3
EMS Calls	2	0		2
<b>SAR</b>	0	1		1

**VILLAGE OF TAOS SKI VALLEY**  
Village Council  
Agenda Item

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**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2019-372 Finding the Property at 20 Zap's Road to be Ruined, Damaged, and Dilapidated and Directing Staff to Take Further Corrective Actions

**DATE:** October 9, 2018

**PRESENTED BY:** Patrick Nicholson

**STATUS OF AGENDA ITEM:** New business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:** The present and long-standing condition of the property and structures at 20 Zap's Road is a public nuisance and presents a threat to the public's health, safety, and welfare. Staff seeks to take a proactive approach to address and remedy the situation. The current property owner has been notified via letter by the Village Attorney of the intent of the Village to take corrective action.

**RECOMMENDATION:** Staff recommends the Village Council approve Resolution No. 2019-372 finding the property at 20 Zap's Road to be ruined, damaged, and dilapidated and directing staff to take further corrective actions.

VILLAGE OF TAOS SKI VALLEY

RESOLUTION NO. 2019-372

A RESOLUTION FINDING THE PROPERTY AT 20 ZAP'S ROAD TO BE RUINED, DAMAGED AND DILAPIDATED TO THE EXTENT THAT THE PROPERTY IS A MENACE TO THE PUBLIC COMFORT, HEALTH AND SAFETY AND SHOULD BE REMOVED; DIRECTING STAFF TO SERVE THE RESOLUTION ON THE OWNER, OCCUPANT OR AGENT IN CHARGE OF THE PROPERTY AND ESTABLISH A TIME TO COMMENCE REMOVAL OF THE UNSAFE STRUCTURES PURSUANT TO NMSA 1978, § 3-18-5; TO USE VILLAGE FUNDS TO REMOVE THE STRUCTURE; AND TO PLACE A LIEN ON THE PROPERTY IN THE AMOUNT OF THE COSTS OF REMOVAL, AND TO FORECLOSE ON SAID LIEN.

WHEREAS, the Village of Taos Ski Valley Planning Officer inspected the structure situated at 20 Zap's Road on September 13, 2018 and the Building Official subsequently examined the property and structure on October 4, 2018;

WHEREAS, a copy of the Inspection Report of the Village Building Official is attached hereto;

WHEREAS, it appears from the Village designated Code Enforcement Official that the structure situated at 20 Zap's Road, consisting of a residential building at the address noted above, is ruined, damaged and dilapidated to the point that the structure is an immediate threat to the public comfort, health, peace or safety, in violation of numerous provisions of Ordinance No. 97-10 of the Village of Taos Ski Valley (adopting, with amendments, the International Building Code) to the extent that the structure is not safe for human occupation;

WHEREAS, the Municipal Code, NMSA 1978, § 3-18-5, permits a municipality organized and existing under the Laws of the State of New Mexico to make a finding that ruined, damaged or dilapidated structures are a menace to the public comfort, health, peace or safety;

WHEREAS, once such a resolution is approved, the Municipal Code requires the municipality to serve the resolution on the owner, occupant or agent in charge of the building, structure or premises and, in default of such service, post a copy of the resolution on the building, structure or premises and publish the resolution in a newspaper;

WHEREAS, within ten (10) days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner, occupant or agent in charge of the building shall commence removing the building, structure, or premises or file a written objection with the municipal clerk asking for a hearing before the governing body of the municipality;

WHEREAS, if the owner, occupant or agent in charge of the building, structure or premises fails to commence removing the building, structure, premises within ten (10) days of being served a copy of the resolution or of the posting and publishing of the resolution, or within five (5) days of the determination by the governing body that the resolution shall be enforced, the



municipality may remove the building, structure or premises at the cost and expense of the owner;

**WHEREAS**, the reasonable cost of removal pursuant to the previous paragraph shall constitute a lien against the building, structure or premises so removed and against the parcel from which it was removed;

**WHEREAS**, the lien placed pursuant to the previous paragraph may be foreclosed upon in the manner provided in the New Mexico Statutes;

**WHEREAS**, the municipality may pay for the costs of removal of any condemned building, structure or premises by granting to the person removing such material the legal title to all salvageable materials in lieu of other compensation;

**WHEREAS**, the structure at 20 Zap's Road is found to be ruined, damaged and dilapidated to the point that the structures are an immediate threat to the public comfort, health, peace or safety, in violation of numerous provisions of Ordinance No. 97-10 of the Village of Taos Ski Valley (adopting, with amendments, the International Building Code) to the extent that the structures are not safe for human occupation; and

**WHEREAS**, the structure should be immediately closed and removed from the site to protect the public comfort, health and safety and prevent loss or injury.

**IT IS THEREFORE RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY, AS FOLLOWS:**

1. Village of Taos Ski Valley staff is directed to serve this Resolution on the owner, occupant or agent in charge of the property at 20 Zap's Road immediately or, if owner, occupant or agent cannot be found, to post the Resolution at 20 Zap's Road and publish the resolution once in the *Taos News*.
2. Village of Taos Ski Valley staff is directed to arrange for the removal of the structure at 20 Zap's Road, absent an appeal of this Resolution as specified in NMSA 1978, § 3-18-5(C)(D) and (E).
3. Village of Taos Ski Valley staff is directed to track the expenses of demolition and may pay for the costs of removal in part by granting to the person removing such material the legal title to all salvageable materials in lieu of other compensation.
4. Once the total cost of the demolition is determined, Village of Taos Ski Valley staff is directed to forthwith file a lien on the real property in the amount of the costs of demolition.
5. Village of Taos Ski Valley staff is directed to complete the demolition in such a way as to leave the premises in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

6. Village of Taos Ski Valley staff is directed to foreclose on the lien placed on the property within a reasonable time following the completion of the aforementioned tasks.

**PASSED, APPROVED and ADOPTED**, this \_\_\_\_ day of October, 2018, at the Regular Meeting of the Village Council.

**THE VILLAGE OF TAOS SKI VALLEY**

By: \_\_\_\_\_  
**Christof Brownell, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Ann Marie Wooldridge, Clerk**

DENNIS C. ROMERO, P.C.

TELEPHONE  
(575) 758-2297

ATTORNEY AT LAW  
POST OFFICE BOX 1932  
212 PASEO DEL PUEBLO NORTE  
TAOS, NEW MEXICO 87571

FACSIMILE  
(575) 758-2298

September 25, 2018

Mr. Toby J. Vigil  
P. O. Box 114  
Taos Ski Valley NM 87525

Re: 20 Zap's Road – Notice of Intent to Declare Blight

Dear Mr. Vigil:

I represent the Village of Taos Ski Valley. According to Village records, you are the owner of the property located at 20 Zap's Road in Taos Ski Valley. I am writing to inform you that the Village Planning Department has determined that the structure situated at 20 Zap's Road constitutes a public nuisance. Portions of the structure have collapsed and are open to the elements. The structure is dangerous, uninhabitable and presents an aesthetic blight upon the community of Taos Ski Valley.

Due to the condition of the structure as I've described, the Village Planning Department intends to present to Village Council, for its consideration at the next regular meeting of the Council on October 9, 2018, a resolution formally declaring the structure to be a menace to the public comfort, health, and safety of the community. The purpose of the resolution will be to seek Council authority ordering the removal of the structure in accordance with Section 3-18-5 of the New Mexico Statutes.

In this regard, you are welcome to attend the Village Council meeting on October 9<sup>th</sup> and to address the council regarding your intentions to demolish and remove the structure on your property. Be advised that unless you take your own actions to demolish and remove the structure and bring into code compliance, the Village will pursue all rights and remedies available under New Mexico law to have the structure demolished and removed. The Village would then pursue a claim against you to recover its costs of demolition, removal, and legal fees.

Please feel free to call me if you have any questions.

Sincerely,

  
Dennis C. Romero

Cc: Village of Taos Ski Valley

## INSPECTION REPORT

Date: October 4, 2018

Time: 2:30 PM

Location: 20 Zap's Rd.

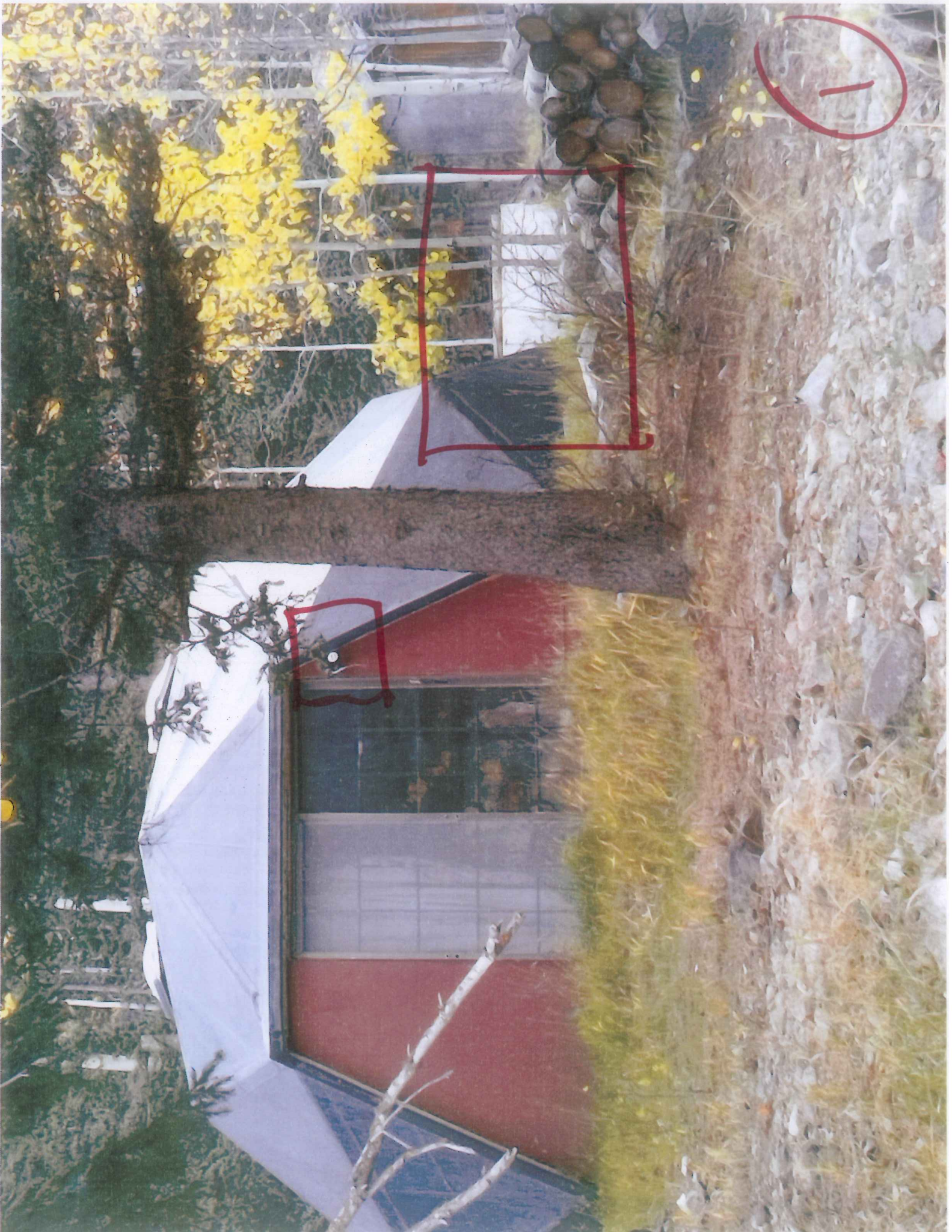
Observation of the property was made from the roadway edge and village utility and setback easements on the road side of the property. Photographs attached document the conditions as found.

1. The light fixture at front of the property has bare electrical wires protruding where one would expect a light bulb (small red box). The large box outlines a stem wall apparently of insulated concrete forms. Also at right is one of the piles of firewood on the property. Above it is a dilapidated shed.
2. The box on the right outlines the other end of the same stem wall as it returns to the house. The edge of the picture has a glimpse of another wood pile. The large box outlines a large propane tank. Likely compromised by one or both of the trees that have fallen on it, you will see their broken trunks supported by the tank where they landed on it.
3. Entrance to the property is on the left side where the trash shelf rests and some type of hand rail fashioned from galvanized plumbing pipe stands. The center is the best view possible from the easement of the stem wall noted in photos 1 and 2. The arrow points out a beam of sizable girth protruding up from the bottom of the excavated area surrounded by the wall. A beam of that size would be at least 6 feet in length to be at all usable for building. I surmise the floor of that excavation to be easily four feet from top of stem wall.
4. At left is a glimpse of the shed previously noted, you will see coming out of its roof a woodstove chimney cocked at an angle since it has broken at the roof. The white plane in front of the shed is several decaying plywood sheets that may harbor any number of small animals or rodents. The right box outlines another shed on the property that has a fabric membrane attempting to protect it from rain and snow. The plywood walls appear compromised also. In front of it is another of the firewood piles.
5. Two more diseased and down trees that are unabated and contribute to the extreme danger and violation of our Firewise Community Standards.

The outbuildings located at 20 Zap's road are dilapidated, ruined and damaged so as to be a menace to the community. I have no doubt that careful inspection of the main building on the property would yield a similar finding as it appears to have been built with no regard to building codes. Without doubt the excavation at rear of the main house is a danger to the community. The prevalence of rubbish and likelihood of damage to the propane tank elevate the immediacy of the danger of this property.

Jalmar Bowden, ICC Certified Building Official, Building Inspector Village of Taos Ski Valley.









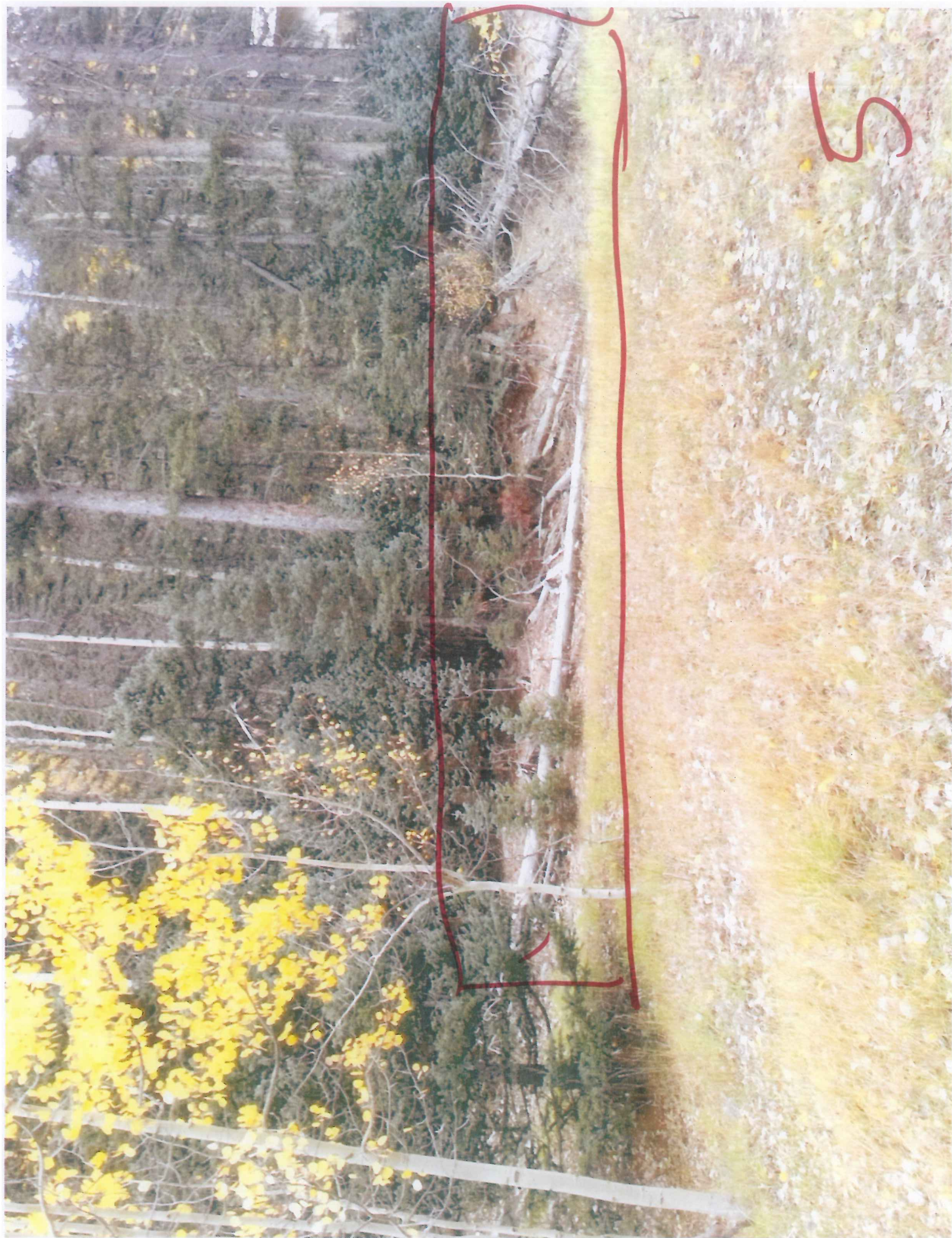














Village of Taos Ski Valley  
Village Council  
Agenda Item

**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2019-373, A Resolution Approving the Disposal of Assets from the Previous Taos Mountain Lodge Property Office/ Manager's Quarters, the Village of Taos Ski Valley New Village Hall

**DATE:** October 9, 2018

**PRESENTED BY:** Mark G. Fratrack, Village Administrator

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not recommended

**BACKGROUND INFORMATION:** The Village purchased the Taos Mountain Lodge in the Amizette area. As part of the purchase, various items were acquired in the Main Office / Manager's Quarters. These items have been stored in a couple of the apartments. These items will not be of use to the Village. Therefore staff is requesting that these items which are no longer usable by the Village be removed from the Taos Mountain Lodge and disposed of accordingly. A list of items are, but not limited to, sofas, pictures, chairs, and tables. It is required by the New Mexico Department of Finance (NMDFA) that Council approve any disposal of assets prior to the sale or otherwise disposal of said assets. Staff will initiate disposal of all items not required to furnish the apartments or future Village office. The disposal method will include one, some, or all of the following: garage sale, consignment, donation, or disposal at the landfill.

**RECOMMENDATION:** Motion to approve Resolution No. 2019-373 A Resolution concerning the disposal of unwanted assets

STATE OF NEW MEXICO  
VILLAGE OF TAOS SKI VALLEY

RESOLUTION NUMBER 2019-373

A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY COUNCIL REQUESTING APPROVAL OF THE DISPOSITION OF NON-CAPITAL ASSETS ACQUIRED BY THE VILLAGE OF TAOS SKI VALLEY UPON PURCHASING THE TAOS MOUNTAIN LODGE.

WHEREAS, the Village of Taos Ski Valley owns certain property which the Village cannot utilize in daily operations or items are obsolete; and,

WHEREAS, The Village has identified such property herein; and,

WHEREAS, following the requirements of the New Mexico Department of Finance, it is mandatory to have council approval by resolution prior to disposal of any assets; and,

WHEREAS, Village Staff believes it is in the best interest of the Village to dispose of the obsolete or unwanted property pursuant to state and village requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Village of Taos Ski Valley Council:

The list of items are, but not limited to, sofas, pictures, chairs, and tables identified for disposal, to be sold at a public sale, consignment, or disposed of, if of no value.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the property:

1. Is worn-out, unsafe to use, unusable and or obsolete to the extent that the items are of no economic or operational value to the Village; and
2. Items will be disposed of by public sale or consignment; these and all other items will be taken to the landfill or recycled if not sold.

PASSED, ADOPTED, AND APPROVED this 9<sup>h</sup> day of October 2018.

VOTES: \_\_\_\_ Yes      \_\_\_\_ No

MUNCIPAL GOVERNING BOARD OF  
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Village Clerk

Village of Taos Ski Valley  
Village Council  
Agenda Item

**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2019-374 A Resolution to Dispose of Capital Assets Consisting of Three (3) Military Vehicles Owned by the Village of Taos Ski Valley

**DATE:** October 9, 2018

**PRESENTED BY:** Nancy Grabowski

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not recommended

**BACKGROUND INFORMATION:** In fiscal year 2016 the Village acquired 3 military vehicles from military surplus as follows:

Make/Year	Model	Estimated Value
1997 Stewart Stevenson	#M10 Truck	\$12,000.00
1997 Stewart Stevenson	#M10 Truck	\$12,000.00
1986 AM General	#M93 Truck	\$19,000.00

When these vehicles were secured from military surplus for the Village there was a perceived need for them and an anticipated usage. The only cost to the Village was the transportation to get the vehicles to Taos Ski Valley. Since that time, none of these vehicles have been utilized and the Village is maintaining insurance on them. As the Village has a lot of equipment and limited space, staff is requesting to put the vehicles on state surplus for sale to outside parties and to remove them from our capital assets listing.

**RECOMMENDATION:** Motion to approve Resolution No. 2019-374 A Resolution to Dispose of Capital Assets Consisting of Three (3) Military Vehicles Owned by the Village of Taos Ski Valley

STATE OF NEW MEXICO  
VILLAGE OF TAOS SKI VALLEY

RESOLUTION NUMBER 2019-374

A RESOLUTION REQUESTING APPROVAL TO DISPOSE OF CAPTIAL ASSETS CONSISTING OF THREE (3) MILIARTY VEHICLES OWNED BY THE VILLAGE OF TAOS SKI VALLEY.

WHEREAS, the Village of Taos Ski Valley owns certain property which the Village cannot utilize in daily operations or items are obsolete; and,

WHEREAS, The Village has specifically identified such property herein; and,

WHEREAS, following the requirements of the New Mexico Department of Finance, it is mandatory to have council approval by resolution prior to disposal of any assets; and,

WHEREAS, Village Staff believes it is in the best interest of the Village to dispose of the obsolete property pursuant to state and village requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Village of Taos Ski Valley Council:

The capital assets identified for disposal will be sold at a public surplus or disposed of, if of no value.

Make/Year	Model	Estimated Value
1997 Stewart Stevenson	#M10 Truck	\$12,000.00
1997 Stewart Stevenson	#M10 Truck	\$12,000.00
1986 AM General	#M93 Truck	\$19,000.00

PASSED, ADOPTED, AND APPROVED this 9<sup>h</sup> day of October, 2019

VOTES: \_\_\_\_\_ Yes      \_\_\_\_\_ No

MUNCIPAL GOVERNING BOARD OF  
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Village Clerk

Village of Taos Ski Valley  
Village council  
Agenda Item

AGENDA ITEM TITLE: **Consideration to Approve the On-Call Civil Engineering Services**

DATE: October 9, 2018

PRESENTED BY: Mark G. Fratrack, Village Administrator

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village went out for an RFP and advertised for “On-Call” Professional Consulting Services and basic Engineering Services to include Civil, Electrical, Mechanical, Structural and Surveying. The Village received three submittals civil engineering (Atencio Engineering, Chavez-Grieves, and Sounder Miller) and one for surveying (Red Tail). Staff will open up a “on-call” tasking with one, some, or all of the firms dependent on village projects and which firms is deemed to meet the needs best for a particular project or projects. The “on-call” tasking will be up to \$25,000 annual for any one firm.

RECOMMENDATION: Staff recommends the approval of the “On-Call” Professional Consulting Services and basic Engineering Services list.

Attachments: n/a

VILLAG OF TAOS SKI VALLEY  
Villafe Council  
Agenda Item

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AGENDA ITEM TITLE: **Approval for the Mayor to sign the Quitclaim Deed and Purchase & Sale Agreement for Forest Service Townsite Act Land Conveyance, and Authorization for the Mayor to Negotiate an Agreement with TSVI Regarding its Special Use Permit (SUP)**

DATE: October 9, 2018

PRESENTED BY: Mark G. Fratrack, Village Administrator

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

**BACKGROUND INFORMATION:**

The Forest Service (FS) has sent the Quitclaim Deed and Purchase & Sale Agreement to the Village for final approval and signature. The FS has requested that the Village set up a closing date towards the end of the month, October 2018, to close on the property and finalize the conveyance process.

The FS reserved a 33-foot wide easement for its own use and purposes through the property. TSVI claims various rights under their SUP with the FS, and would like to preserve those rights and have priority of use over the property. Village staff has made it known that they are willing to work with TSVI on a MOU that would recognize some rights, but does not see the benefit to the Village in granting an easement as part of any agreement. TSVI has made it known that they feel a MOU is not substantial enough and are insisting on an easement as part of any agreement. Village staff has contacted the FS on many occasions to set up a meeting with the FS Superintendent to discuss the FS's position, or interpretation on this issue. TSVI has asked to join this meeting when it was set up. The Village Administrator has contacted the FS to set this meeting up, but has not been successful, and is waiting for the FS to get back with a possible date and time. TSVI has indicated that they will now try to coordinate a joint meeting with the FS.

TSVI has indicated that they feel the MOU and/or easement should be negotiated before the Mayor signs the Quitclaim Deed and Purchase & Sale Agreement. They have indicated that they feel TSVI and the Village should meet together with the FS to discuss this issue prior to Mayor signing the documents or the Village going to the closing on this property.

Staff is willing to meet and discuss this issue with the FS and TSVI. But staff would prefer not to delay the process, that the Mayor be authorized/approved to sign the documents as to move this process forward at the appropriate time, and try to meet the FS requested closing by the end of the month, October 2018.

**RECOMMENDATION:** Staff recommends Approval for the Mayor to sign the Quitclaim Deed and Purchase and Sale agreement for Forest Service Townsite Act land conveyance, set up closing in most time manner with FS, and authorization for the Mayor to negotiate an agreement with TSVI regarding their Special Use Permit (SUP).



United States  
Department of  
Agriculture

Forest  
Service

Southwestern Region  
Regional Office

333 Broadway SE  
Albuquerque, NM 87102  
505-842-3292  
Fax: 505-842-3800

File Code: 5570  
Date: August 20, 2018

Christof Brownell  
Mayor, Village of Taos Ski Valley  
7 Firehouse Road  
Taos, New Mexico 87525

COPY

Dear Mayor Brownell:

Enclosed is the original, unsigned and undated Quitclaim Deed (QCD) and the original copy of the Purchase and Sale Agreement (PSA). The QCD and PSA have been reviewed and approved by our Office of General Counsel for use in this transaction. The enclosed documents require your signature. Please sign and date, in the presence of a Notary Public, page 5 of the QCD and page 4 of the PSA. Your signature on the QCD acknowledges acceptance of the Deed and the Village's consent to have the QCD recorded at closing. There is no consideration involved in the conveyance of the land, however the PSA is used to document the terms and conditions of the conveyance. After execution of the documents, please return the originals to Debrah Solano of this office for further processing.

As part of the conveyance, the Village will need to issue an easement to Qwest/CenturyLink. The easement previously provided to this office remains in draft format. Said Easement should be provided in its final format before we can proceed with execution of the Quitclaim Deed by the Forest Service official. Please return the final version of the Easement Agreement at the time you return the executed QCD and PSA.

It is our understanding the Village may be enlisting the services of a title company to assist with the closing. If so, please provide us with the contact information. If you have any questions, contact Debrah Solano, Realty Specialist, at 505-842-3456. We look forward to working with you towards the closing of this real estate transaction.

Sincerely,

/s/ Tracy Parker  
TRACY PARKER  
Director, Lands and Minerals

Enclosures

cc: Amy Simms; Sarae Leuckel; Linda Fox; Debrah Solano







**WHEN RECORDED MAIL ORIGINAL TO:**

Village of Taos Ski Valley

P.O. Box 100

Taos, NM 87525

**QUITCLAIM DEED**

**THIS QUITCLAIM DEED** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **UNITED STATES OF AMERICA**, acting by and through the Forest Service, Department of Agriculture, 333 Broadway SE, Albuquerque, New Mexico, 87102, hereinafter called **GRANTOR**, and **VILLAGE OF TAOS SKI VALLEY**, an incorporated municipality and political subdivision of the State of New Mexico, whose address is P.O. Box 100, Taos Ski Valley, New Mexico, 87525, hereinafter called **GRANTEE**.

**WITNESSETH:** The Grantor is directed to convey certain National Forest System lands pursuant to the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, dated December 19, 2014, (Public Law 113-291), Title XXX, Subtitle E, Sec. 3061(c)(2); 128 Stat. 3819.

**NOW THEREFORE**, the Grantor, without consideration, does hereby remise, release, quitclaim, and convey unto the Grantee, all its right, title, and interest, to the real property, including any improvements to the land, situated in the County of Taos, State of New Mexico, more particularly described as follows:

**NEW MEXICO PRINCIPAL MERIDIAN**

**PARCEL 1**

**T. 27 N., R. 14 E.**

Sec. 4 (Projected)--Identified as Parcel 1 - and as shown on a plat of survey, Sheet 2 of 3, entitled "Boundary Survey Plat - Parcel #1 within Projected Section 4, Township 27 North, Range 14 East, NMPM, in the Village of Taos Ski Valley, Taos County, New Mexico" by Robert A. Watt, New Mexico Professional Land Surveyor No. 11770, dated November 1, 2016 and filed for record on May 24, 2017, in Cabinet F, page 66-B, Document #420538, records of Taos County, New Mexico.

Containing 4.910 acres, more or less.

**RESERVING TO THE UNITED STATES**, a perpetual, non-exclusive easement, for an existing road, 33.00 feet wide, 16.50 feet each side of centerline, and all appurtenances thereto, along and across a strip of land, hereinafter defined as the "premises," for administrative purposes. Said easement is cited in Public Law 113-291, Title XXX, Subtitle E, Sec. 3061(c)(2)(C)(ii). The easement contains 0.565 acres, more or less, and is further depicted on that certain survey plat entitled "Easement Survey Plat, within Parcel #1, in projected Section 4, Township 27

Approved as to description, acreage, consideration and the condition of the conveyance.

Deborah Solano

North, Range 14 East, NMPM., in the Village of Taos Ski Valley, Taos County, New Mexico, Columbine-Hondo Wilderness Act of 2014, P.L. 113-291", dated November 7, 2017, by Robert A. Watt, New Mexico Professional Land Surveyor, No. 11770. Said Plat was filed for record on January 16, 2018, in Cabinet F, Page 75-B, Document No. 425584, Taos County, New Mexico.

The easement hereby reserved is for the full, free, and quiet use and enjoyment of a road as it shall be located over and across the above described premises. The word "premises" when used herein means said strip of land, whether or not there is an existing road located thereon. Except where it is defined more specifically, the word "road" shall mean roads now existing or hereafter constructed on the premises or any segment of such roads.

If the road is located substantially as described herein, the centerline of said road as constructed, is hereby deemed accepted by the United States Forest Service and the Grantee as the true centerline of the premises reserved. If any subsequent survey of the road shows that any portion of the road, although located substantially as described, crosses land described herein, the easement shall be amended to include land traversed; if any lands described herein are not traversed by the road as constructed, the easement traversing the same shall be terminated in the manner hereinafter provided.

The United States alone may extend rights and privileges for use of the premises to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public.

The United States shall have the right to use the road on the premises without cost for all purposes deemed necessary or desirable in connection with the protection, administration, management and utilization of its lands or resources, now or hereafter owned or controlled, subject to such traffic-control regulations and rules it may reasonably impose upon or require of other users of the road.

The Grantee has the right to use the road hereinafter for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands or resources now or hereafter owned or controlled, subject, however, to traffic-control regulations as the United States may reasonably impose.

The Grantee has the right to cross and recross the premises and road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with use of the road.

**PROVIDED**, that if the Regional Forester determines that the road, or any segment thereof, is no longer needed, for the purposes reserved, the easement shall terminate. The termination shall be evidenced by a statement in recordable form furnished by the Regional Forester to the Grantee, or their successors or assigns in interest.

The foregoing reservation is in accordance with the provisions of the Act of February 28, 1925 (43 Stat. 1090).

**SUBJECT TO:**

1. The land hereby conveyed shall be used by the Village of Taos Ski Valley as a Waste Water Treatment Plant, pursuant to Public Law 113-291, Sec. 3061(c)(2)(E). The Parcel shall revert to the Secretary, at the election of the Secretary, if said Parcel is used for purposes other than the purpose for which it is conveyed.
2. CERCLA Notice/Indemnification: To the extent allowed by law, the Grantee shall indemnify, defend, and hold the United States of America, its various agencies and/or employees, harmless from any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of Grantee, including its employees, agents, contractors, or lessees, arising out of, or in connection with, Grantee's use, occupancy, or operations on the quitclaimed real property. This Notice/Indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the Grantee, its employees, agents, contractors, or lessees arising out of, or in connection with the use and/or occupancy on the quitclaimed real property which has resulted, or does hereafter result in: (1) violations of Federal, State and local laws and regulations which are now, or may in the future become, applicable to the quitclaimed real property, including, but not limited to, the Oil Pollution Act, 33 U.S.C. Sec. 2701 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec. 9601 et seq., as amended, the Federal Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; (2) judgments, claims, or demands assessed against the Grantor; (3) costs, expenses, or damages incurred by the United States; (4) the releases or threatened releases on or into the land, property and other interests of the Grantor by solid waste and/or hazardous substances as defined by Federal, State and local environmental laws; (5) or other activities by which hazardous substances or wastes, as defined by Federal, State and local environmental laws, were released, stored, used, or otherwise disposed of at the quitclaimed real property, and any clean-up response, natural resources damage, or other actions related in any manner to said hazardous substances or wastes. This covenant shall be construed as running with the land, and may be enforced by the United States in a court of competent jurisdiction.

The information contained in this NOTICE is voluntarily provided pursuant to the authority of regulations promulgated under section 120(h), 42 U.S.C. 9620(h), of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec. 9601 et seq., as amended.

IN WITNESS WHEREOF, the Grantor, by its duly authorized representative has executed this Quitclaim Deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60 and Public Law 113-291, Sec. 3061(c)(2)(A) enacted December 19, 2014.

By: TRACY PARKER  
Director of Lands and Minerals  
Southwestern Region, Forest Service  
United States Department of Agriculture

[illegible]

Notary Public

Page 4 of 5

This Quitclaim Deed, subject to all terms and conditions, is accepted by and on behalf of the Village of Taos Ski Valley. Additionally, Grantee hereby consents to recordation of said Quitclaim Deed.

DATE: \_\_\_\_\_

Title: Mayor, Village of Taos Ski Valley

STATE OF NEW MEXICO )  
 )  
 ) §  
COUNTY OF \_\_\_\_\_ )

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: \_\_\_\_\_

**PURCHASE AND SALE AGREEMENT**  
**Village of Taos Ski Valley Land Conveyance**

**THIS PURCHASE AND SALE AGREEMENT**, (hereafter called the Agreement) is made effective as of the date of the last authorized signature below between the Village of Taos Ski Valley, hereinafter referred to as the Village, and the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter referred to as the Forest Service. This Agreement is hereby executed pursuant to the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, enacted December 19, 2014, Public Law 113-291.

**WITNESSETH:**

**WHEREAS**, the parcel of land, and improvements, described below, totaling approximately 4.910 surveyed acres, more or less, located in Taos County, State of New Mexico, was offered to the Village without consideration.

**NEW MEXICO PRINCIPAL MERIDIAN**

**PARCEL 1**

**T. 27 N., R. 14 E.**

Sec. 4 (Projected)

Identified as Parcel 1 – and as shown on a plat of survey, Sheet 2 of 3, entitled “Boundary Survey Plat – Parcel #1 within Projected Section 4, Township 27 North, Range 14 East, NMPM, in the Village of Taos Ski Valley, Taos County, New Mexico” by Robert A. Watt, New Mexico Professional Land Surveyor No. 11770, dated November 1, 2016, and filed for record on May 24, 2017, in Cabinet F, page 66-B, Document #420538, records of Taos County, New Mexico.

Containing 4.910 surveyed acres, more or less.

**RESERVING TO THE UNITED STATES**, a perpetual, non-exclusive easement, for an existing road, and all appurtenances thereto, along and across a strip of land, hereinafter defined as the “premises,” for administrative purposes. Said easement is cited in Public Law 113-291, Title XXX, Subtitle E, Sec. 3061(c)(2)(C)(ii). The easement contains 0.565 acres, more or less, and is 33.00 feet wide, 16.50 feet wide, each side of centerline, and further depicted on that certain survey plat entitled “Easement Survey Plat, within Parcel #1, in projected Section 4, Township 27 North, Range 14 East, NMPM., in the Village of Taos Ski Valley, Taos County, New Mexico, Columbine-Hondo Wilderness Act of 2014, P.L. 113-291”, dated November 7, 2017, by Robert A. Watt, New Mexico Professional Land Surveyor, No. 11770. Said Plat was filed for record on January 16, 2018, in Cabinet F, Page 75-B, Document No. 425584, Taos County, New Mexico.

**NOW THEREFORE**, in consideration of the terms and conditions of this Agreement, the parties agree as follows:

**A. The Village shall:**

1. Bear the cost of any survey work required for the conveyance of the Federal parcel, pursuant to P.L. 113-291.
2. Bear the cost of all recordation services and title insurance, if desired or required, by the Village. The Federal government does not provide title insurance, title commitments, or other title documents.
3. Prepare draft easement deeds, or incorporate into existing Franchise Agreements, the following uses currently under Special Use Permit with the Forest Service: (1) Kit Carson Electric Cooperative; (2) Gas Company of New Mexico; (3) and Qwest (dba Centurylink). Submit draft documents to the Forest Service.
4. After the closing, execute and record easement documents noted above (item 3). Provide certified copy to the Forest Service.
5. To the extent allowed by law, shall indemnify, defend and hold the United States of America, its various agencies and/or employees, harmless from any damage, loss, claims, liability and costs resulting in any way from Grantee's activities, past, present or future, on the above described property, specifically including those activities by which potentially hazardous substances, pollutants, or contaminants, or hazardous wastes, as defined by federal or state environmental laws were stored, used or otherwise disposed on the above-described property, and any response actions related in any manner to said hazardous substances, pollutants, or contaminants, or hazardous wastes. The Grantee further agrees that its obligation to indemnify the United States shall survive the conveyance of the Property and shall run with the land. This covenant may be enforced by the United States in a court of competent jurisdiction.

**B. The Forest Service shall:**

1. Remove any personal property and equipment that is not included in the conveyance, prior to the date of closing.
2. Terminate and/or modify the existing Special Use Permits with: (1) Kit Carson Electric Cooperative; (2) Gas Company of New Mexico; (3) Qwest



dba CenturyLink, Inc.; (4) Taos Ski Valley, Inc. (Ski area) and (5) Village of Taos Ski Valley, (WWTP).

3. Execute and deliver the Quitclaim Deed conveying the property to the Village of Taos Ski Valley. Such deed shall be prepared by the Forest Service and approved by the Office of General Counsel. At closing, the property shall be free and clear of all exceptions to title, liens, easements, covenants, restrictions, encumbrances, etc., now known as Exceptions, except for those which will appear in the Quitclaim Deed.
4. Insert a reversionary clause into the Quitclaim Deed in the event the Grantee attempts to transfer title to or control over the land to another entity or if the lands are devoted to a use other than the use for which the lands are being conveyed as directed by Public Law 113-291.
5. Pursuant to P.L. 113-291, the USA shall reserve an easement for administrative use.

**C. Other Terms and Conditions:**

1. The Village understands that the Forest Service does not furnish title insurance for the property it conveys, and if needed, or desired by the Village, title insurance will be the responsibility of the Village.
2. The Village agrees that no representative or agent of the United States has made any representations or promise with respect to this agreement not expressly contained herein.
3. The terms of this contract shall be binding on the Village and the Forest Service, subject to the terms and conditions stated herein, provided:
  - a. The agreement is not terminated by mutual consent.
  - b. No substantial loss or damage occurs to the property from any cause.
  - c. No undisclosed hazardous substances are found on the property prior to the conveyance.
4. In accordance with State law, either party may record this Agreement in the appropriate county land records.

IN WITNESS THEREOF, the parties hereto have executed this agreement.

**VILLAGE OF TAOS SKI VALLEY:**

**USDA FOREST SERVICE:**

By: \_\_\_\_\_  
CHRISTOF BROWNELL  
Mayor  
Village of Taos Ski Valley

By: \_\_\_\_\_  
TRACY PARKER  
Director, Lands and Minerals  
Southwestern Region  
USDA Forest Service

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Christof Brownell, known to me to be Mayor of the Village of Taos Ski Valley, and that he executed same as the free act therein contained.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Tracy Parker, known to me to be the Director of Lands and Minerals, Southwestern Region, Forest Service, United States Department of Agriculture, who being duly sworn stated that he signed said instrument on behalf of the United States of America under authority duly given, and he executed same as the fee act on behalf of the United States of America for the purposes therein contained.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_