



Village of Taos Ski Valley
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VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, OCTOBER 9, 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 Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator Mark Fratrack
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Police Chief Sam Trujillo
Community Development Director Patrick Nicholson
Building Official Rich Willson
Building Inspector Jalmar Bowden
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:** 4-0

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2018 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes as presented

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

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

A. Homeowner Kathy Bennett asked the Council to address the fact that the Village medical transport vehicle is currently parked outside with no supplies except the gurney. She said that she had learned that two vehicles would now be required to be sent to a medical emergency call, as the medical supplies are now being stored in the new fire truck, which is parked in the garage where the transport vehicle was previously parked. Ms. Bennett also pointed out that it would be extremely difficult to clear snow from a vehicle parked outside in an emergency; it should be ready to go, cleared of snow, and warm.

Ms. Bennett also asked the Council to consider hiring two full-time, year-round, paid EMTs, who could possibly be lodged at the new Village Hall in Amizette.

B. David Norden, TSVI CEO, reported that TSVI has been working diligently on bringing air service to Taos, and that they will hopefully announce on Thursday the opening of Taos Air. This air service will operate similarly to a charter air service, between Dallas and Taos and between Austin and Taos. Flights would most likely occur on Thursdays, Saturdays, and Sundays, from December 20, 2018 until March 31, 2019. Round trip cost would be \$400. Mr. Norden explained that TSVI has the airplane and will be providing marketing services. Ultimate Jet would be the operator, providing the pilots and maintenance.

Mr. Norden also explained that TSVI is making huge strides forward in eliminating the use of plastic, by the corporation and by its visitors. TSVI will no longer sell plastic bottles of water. Mr. Norden asked that other establishments in the Village of Taos Ski Valley join in this effort, such as the hotels, and the Village. He asked that perhaps an ordinance requiring regulations on use of plastic could be considered. Councilor Stagg noted that it is a difficult issue, as the recycle center cannot generate any money on plastics, and also because the plastics must be rinsed and dried in order to be recycled.

C. Councilor Pattison announced that his uncle, Buell Pattison, had passed away that morning. The Council expressed its condolences. Services will be announced at a later time.

7. **FINANCIAL REPORTS**

Finance Director Grabowski reported that GRT remitted to the Village in September was \$80,877 compared to \$56,630 for September last year. Year-to-date GRT total is \$178,940 versus \$137,197 for last year. The TIDD received \$48,274 in GRT in September for July collections. Hold Harmless GRT for the month was \$11,319. Lodger's tax collections in September were \$15,936 versus \$11,226 for last year. Year-to-date total is \$42,420 for this year, compared to \$51,650 for last year.

Village Staff continues to work with Tyler Technologies concerning implementing a workable accounting system for the Village.

In Human Resources, searches are being conducted for the Village Administrator position, as well as for the Public Works Director position and another Public Works experienced operator. In the absence of a Public Works Director, Planner Patrick Nicholson will serve as interim Director. A new Public Works Superintendent has been hired, Anthony Martinez, who has the double level four certifications required to take on the running the wastewater treatment plant. Superintendent Mingo will move to other operations, including roads.

Building Inspector Bowden successfully passed the tests for certification as the Village Building Official. Congratulations to Inspector Bowden!

8. **COMMITTEE REPORTS**

A. Planning and Zoning Commission –Commission Chair Wittman reported on the October 1, 2018 P&Z meeting. Agenda items included:

- A Public Hearing for a conditional use permit application to install and operate a ropes course adventure tour on Tract L around the Pioneer Glade Ski Run Area, by TSV Inc. The course would be built in April 2019 and would be open for both summer and winter seasons. At the Public Hearing, five people spoke in favor and no one spoke against. The application was approved unanimously with a vote of 6-0.
- A presentation of a Subdivision Sketch Plat for Lots 1 & 2 of Block 2 and Block 4 of the Kachina Village Subdivision, by The Resort at Taos Ski Valley, LLC. Brain Rupp, with the Shopoff Group, explained that applications would need to be made for re-zoning of the area, which would require a public hearing. Work could potentially begin in 18-24 months.

The proposal includes two boutique luxury hotels and approximately 60 villas with resort access. The hotels will incorporate retail, food and beverage, and pool/spa amenities. Mr. Rupp said that the overall goal is to provide a sensitive development that unifies natural resource protection, trail access and recreation, while maintaining approximately 75% of the forested land as permanent open space.

The public expressed concern with traffic to the Kachina area.

The next P&Z meeting will be held November 5, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee met on October 1, 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 footers installed and the concrete pad to be poured in the next week. Relocation of the building will occur soon afterwards.

- The Committee recommends the hiring of paid EMTs, perhaps living at the new Village Hall. They recommend trying part-time employees at the beginning. Councilor Pattison said that they are asking Staff to investigate possible sources of funding for this.
- The Committee recommends that the emergency transport vehicle be supplied with the necessary items.
- The Committee is working on a test of the Text Alert system.

The Committee will meet again on November 5, 2018 at 10:00 a.m. at the Martini Tree in the TSV Resort Center.

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Committee met on October 1, 2018. Agenda items included:

- A presentation about the Ruidoso ordinance which requires that property owners perform Firewise thinning maintenance. Penalties for non-compliance include fines, liens, and foreclosure. Attorney Romero will consider a draft ordinance for the Village of Taos Ski Valley. He spoke with the Ruidoso attorney as well as the Ruidoso Fire Marshall. Various aspects would need to be modified for Taos Ski Valley terrain and vegetation. Homeowner Mike Fitzpatrick commented that it is most important to save lives before property and that the evacuation plan was the most important item to consider. He also noted that it is problematic to consider Firewise thinning, as the Village is surrounded by U.S. Forest Service forests as well as Bureau of Land Management forests.
- Councilor Pattison noted that slash must currently be taken to the landfill.
- The Board is making it a priority to get electric lines buried underground.

The Board will meet again on November 5, 2018 at 11:00 a.m. at the Martini Tree in the TSV Resort Center.

D. Parks & Recreation Committee – Mayor Brownell reported that the Committee was completing its work on the JR Trail, that the Kachina Vista Park were nearing completion, and that large logs would be installed for Kachina Vista Park benches.

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

9. REGIONAL REPORTS

A. Update on Taos Airport

Councilor Stagg said that Mr. Norden had described the service in the Citizen's Forum item. They are waiting for Department of Transportation approval before commencing advertising.

Mayor Brownell reported that the Landfill Board hired a drone to film the landfill. He said that only 7% of trash is recycled. There was discussion of allowing other municipalities to take trash to the Taos Landfill for a fee, in order to support funding for the recycling program.

At the IGC, once the JPA is approved by all parties, the Enchanted Circle Trails Association will continue ahead with progress towards plans for bicycle trail enhancement from KTAO to Arroyo Seco, from Bull-of-the-Woods to Red River, and the widening of the highway shoulder on State Road 150 up to the Village of Taos Ski Valley.

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 the Quitclaim Deed and Purchase & Sale Agreement for the Mayor's signature. The U.S. Forest Service would like to close on the transfer of the property at the end of October.
- Current RFPs in process:
 - a. Legal Services: 4 proposals will be considered for interviews on October 17, 2018.
 - b. Property Management RFP: the RFP will be re-advertised.
 - c. Civil Engineering RFP: this item will be considered for approval later at this meeting
- Village Hall – Excavation is in full motion. Additional block is arriving for the remaining retaining walls. Building Official Willson presented an update.
- Kachina Water Tank – RMCI will be finishing up trenching and lines and will be demobilizing the week of Oct 22, 2018.

- Fire Substation Relocation Project – The contractor is arranging for pouring the concrete. The building will soon thereafter be relocated.
- WWTP – Patrick O’Brien reported that one item increasing costs is the requirement to use only U.S.-made steel, which they are investigating further. FEI Engineers will meet with the USDA to insure that all requirements are being met and that there are no surprises further down the road. The plan is to advertise for a contractor in January, with bids submitted in February. An award could be made in March, with mobilization occurring in May. The hope is to have the new treatment plant completion in December 2019.

Administrator Fratrack reported that the final financing draw previously scheduled for October 2018 was delayed until April 2019. Concerning water and sewer rates, FY 2018 rates are in place as the FY 2019 rates were not approved by Council.

Councilor Stagg encouraged holding a rates workshop to continue discussion of water and sewer rates. He suggested that a better rates structure could be implemented that is more stable to meet the needs of the treatment plant budget, but that also reflects water-saving measures.

- Ernie Blake Road – The closing on the Sierra del Sol property has been finalized.
- Natural Gas Line – NM Gas Co. has completed all its work on the gas lines. TSVI will complete the gas line for Ernie Blake Road and might initiate the Thunderbird Road line and culvert crossing.
- Kachina Pump Station – This will be a project for FY2020. Timing wise, it will not be completed until spring or late summer 2020. Staff will pursue Drinking Water State Revolving Fund money in the amount of \$300,000.
- Legal Work/Discussions: Previously ten items, now down to four: 1. Townsite Act/WWTP TSVI’s Easement request (on hold); 2. Property Management RFP (re-advertise); 3. Alpine Village Cabin Easement (underway); 4. Civil Engineering RFP (completed).
- **Department Briefs**
- Chief Trujillo reported on recent activity: Residential Alarms (5), Business Alarms (0), Suspicious Persons/Vehicles (3), Citizen Assists (73), Embezzlement (1), Traffic Enforcement Hours (81), Traffic Stops (16), Theft (0), Vehicle Theft (0), Larceny (3), Property Damage (1), Verbal Warnings (20), Written Warnings (14), Parking Citations (2), Written Citations (4), Assists to other Agencies (9), Foot Patrol Hours (47), Welfare Check (3), Animal calls (5), MVCs (2), B&E (0), Trespass Warnings (0), Found Property (1), Fire Calls (3), EMS Calls (2), SAR Hours (1)
Chief Trujillo said that the officers are now using new software which is available from their vehicles.
- Community Development Director and Interim Public Works Director Nicholson announced the addition of a highly qualified Public Works Operator. Dust Abatement is occurring on weekends. Drop-inlet collars are being installed. The push for placement of underground electric lines will take place next spring/summer. In the Planning Department, the Source Water Plan Committee is continuing its work on a draft plan, which is near a draft completion. An evaluation of the Gunsite Spring has begun. An RFP for GIS services is underway, with a contract to be considered for approval at the next Council meeting. A Kachina Master Plan Open House took place on Saturday, September 22, 2018, with approximately 45 attendees. The Kachina Maser Plan Committee meets once a month and hopes to make significant progress in the next couple of months.

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

Director Nicholson explained that 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.

MOTION: 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

Motion: Councilor Wittman Second: Councilor Kern

Discussion took place and Attorney Romero said that he had spoken with Mr. Vigil and explained the process. The Village is considering hiring a contractor, the costs of which would be billed to the owner, with a lien then placed on the property for the dollar amount. The Village could foreclose on the lien. Or, Attorney Romero could obtain a court order requiring that the owner proceed with the work. Mr. Vigil said that he would like to keep some of the buildings to use for storage.

Members of the Council said that there could be an environmental hazard exposure for anyone entering the property. In addition, the property is an eyesore to the neighborhood. Building Inspector Bowden explained that dangerous conditions exist on the property, with trees having fallen on the propane tank, a basement open to the sky, multiple piles of firewood, and many dead trees.

The Mayor called for a vote.

Passed: 4-0

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
The Village purchased the Taos Mountain Lodge, and as part of the purchase, various items were acquired in the main office / manager’s quarters. These items have been stored in some of the apartments but will not be of use to the Village. Staff is requesting that these items be removed from the Taos Mountain Lodge and disposed of through a garage sale, consignment, donation, or disposal at the landfill. The list of items includes sofas, pictures, chairs, and tables. The New Mexico Department of Finance (NMDFA) requires that Council approve any disposal of assets prior to their sale or disposal.

MOTION: 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

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

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

In fiscal year 2016 the Village acquired three military vehicles from military surplus, with estimated values: a 1997 Stewart Stevenson #M10 Truck, \$12,000, a 1997 Stewart Stevenson #M10 Truck, \$12,000, and a 1986 AM General #M93 Truck, \$19,000. The only cost to the Village was the transportation to get the vehicles to Taos Ski Valley. There had been a perceived need for them and an anticipated usage, but none of the vehicles have been utilized. Staff is requesting to put the vehicles on state surplus for sale to outside parties and to remove them from the capital assets listing.

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

Motion: Councilor Kern

Second: Councilor Pattison

Passed: 4-0

D. Consideration to Approve the On-Call Civil Engineering Services

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. Three submittals were received for civil engineering (Atencio Engineering, Chavez-Grieves, and Souder Miller) and one for surveying (Red Tail). Staff will open up an “on-call” tasking with one, some, or all of the firms depending on the need, and which firm is best suited for a particular project. The “on-call” tasking will be less than \$25,000 annually for any one firm.

MOTION: To Approve of On-Call Civil Engineering Services

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

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)

The Forest Service (FS) has sent the Quitclaim Deed and Purchase & Sale Agreement to the Village for final approval and signature, for the Wastewater Treatment Plant property. The FS has requested that the Village set up a closing date near the end of October to close on the property and to 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 its Special Use Permit 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 an MOU that would recognize some rights, but does not see the benefit to the Village to grant an easement as part of any agreement. TSVI has made it known that they feel an MOU is not substantial enough and are insisting on an easement as part of any agreement. Village staff has contacted the FS to set up a meeting with the FS Superintendent to discuss the FS’s interpretation of this issue, and TSVI said that they will now also try to coordinate a joint meeting with the FS. TSVI requested that the meeting take place prior to the Mayor signing the documents and the Village closing on the property.

Administrator Fratrack said that Staff is willing to meet and discuss this issue with the FS and TSVI, but would prefer not to delay the process. Staff requests that the Mayor be authorized and approved to sign the documents to move the process forward at the appropriate time, and try to meet the FS requested closing by the end of the month.

MOTION: To Approve the Mayor signing 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)

Motion: Councilor Kern Second: Councilor Pattison

TSVI President David Norden thanked Administrator Fratrack for portraying the discussions accurately and said that TSVI would like to work collectively for a suitable outcome. He said that a proposed easement has been presented to the Village. Mr. Norden said that he understands that an MOU is not permanently binding on a piece of property. He said that TSVI needs the easement in order to park cars during the busiest times of ski season, and possibly to store cattle cars. Mayor Brownell said that the Village would allow overflow parking but that the Village does not want to give up its rights on the property. He said that eventually the Village will need more space for equipment or possibly parking bays for fire trucks.

More discussion took place concerning historic use of the property versus future use of the property, as well the overlapping rights of TSVI's Special Use Permit, the rights of the Village to operate the Treatment Plant, and the rights associated with the Townsite Act.

The Mayor called for a vote. Passed: 4-0

14. MISCELLANEOUS

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

The next regular meeting of the Council will take place on Tuesday, November 13, 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 adjourned at 4:20 p.m.

Christof Brownell, Mayor

ATTEST:_____
Ann M. Wooldridge, Village Clerk