



Village of Taos Ski Valley
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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
SNAKEDANCE CONDOMINIUMS HONDO RESTAURANT
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, SEPTEMBER 12, 2017, 2:00 P.M.**

1. CALL TO ORDER & NOTICE OF MEETING

The regular meeting of the Village of Taos Ski Valley Council was called to order by Mayor King at 2:00 p.m. The notice of the meeting was properly posted.

2. ROLL CALL

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

Governing body present:

Mayor Neal King
Councilor Kathy Bennett
Councilor Christof Brownell
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator Mark Fratrack
Village Clerk Ann Wooldridge
Building & Construction Director Bill Jones
Police Chief Andrew Bilardello
Administrative Assistant Renee Romero
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

Councilor Stagg asked to move items 12 C and 12 D to after item 5.

MOTION: To approve the agenda as amended

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

4. APPROVAL OF THE MINUTES OF THE AUGUST 8, 2017 REGULAR VILLAGE COUNCIL MEETING, and the AUGUST 14, 2017 VILLAGE COUNCIL SPECIAL MEETING

MOTION: To approve both minutes as written

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

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

A. David Norden with TSVI told the Council that TSVI will be making an effort to improve communication with the Village and that TSVI will be meeting regularly with the Village as part of this effort. Norden introduced Peter Johnson, who is the new Development Director for TSVI. Johnson said that he is looking forward to working with the Village in a two-way relationship and said that TSVI is working towards better transparency.

B. Luis Reyes, CEO of Kit Carson Electric Cooperative, spoke about the work they have been doing to get the underground lines active in the State Road 150 trench. He said that it is necessary to mitigate the many risks that having aboveground lines presents. TSVI conducted the design and installation for the underground line from mile marker nine. Recently, the hurricanes and storms around the country have stalled the procurement of cable to install in the trench. The overhead lines are still necessary for the Amizette area and the upper Village, where underground lines have not yet been installed. Reyes reported that Kit Carson will be moving towards using 100% solar energy during daytime hours. The goal is to be using solely a combination of solar and storage by 2022. They are working

with Paradise Power and Sol Luna to have new solar arrays built. Reyes noted that Taos Ski Valley is important to Kit Carson Electric, as a partner in working towards improved solutions. Reyes thought that underground fiber optic line distribution to homes should occur within the next two years. Kit Carson has been storing the list of names of entities wishing to hook up.

12. NEW BUSINESS

C. Consideration to Approve Electric Utility Line Improvements and Related Portions of Underground Trench Improvements Dedication, Bill of Sale, Assignment of Permit Rights and Agreement, from Taos Ski Valley, Inc. to the Village of Taos Ski Valley

As part of the Village of Taos Ski Valley Tax Increment Development District (TIDD) infrastructure projects, the developers installed a utility trench up State Road 150. Conduit for electrical lines and fiber optic lines were installed in the trench, as well as pipes for natural gas. The trench lies in the NM Department of Transportation right of way. Once the utility trench was completed, which occurred in early fall 2016, the lines in the trench could be dedicated to the proper utility company. To qualify for TIDD reimbursement, Taos Ski Valley, Inc. must dedicate over each utility line to the Village. The Village will then dedicate the line over to the rightful utility company. Neither of these items will be executed until Taos Ski Valley, Inc. notifies the Village that it has finalized its agreement with Kit Carson

MOTION: To Approve Electric Utility Line Improvements and Related Portions of Underground Trench Improvements Dedication, Bill of Sale, Assignment of Permit Rights and Agreement, from Taos Ski Valley, Inc. to the Village of Taos Ski Valley

Motion: Councilor Wittman

Second: Councilor Brownell

There was a question as to why this was being brought forth if the power is not yet in the conduit. Luis Reyes answered that their plan is to install all of the cable this year, which would take approximately four weeks. Workers will pull the cable in thirty-three sections. If they are able to get all of the 126,000 feet of cable in the underground conduit, then the overhead lines could be retired. The first mile up from the cattle guard is already underground, so the next eight miles need to be buried. Kit Carson cannot run the cables unless they have control of the conduit, so this is the reason for the dedication. The Village will not be liable for anything with this transaction. Kit Carson is eager to get the lines underground as there is always the risk of having power lines fall and start forest fires. Reyes explained that TSVI had paid for the trench, to be reimbursed by the TIDD. The Village will work with Kit Carson to use franchise fees to pay for burying the lines throughout the rest of the Village. By Village ordinance, homeowners will be required to hookup by a certain amount of time to the underground lines, once the power is buried to the property line. Franchise fees cannot be used to install service lines on private property. All new connections are being made underground. Reyes said that it is very difficult to have power lines going from underground to above ground, and then back underground again.

The Mayor called for a vote.

Passed: 4-0

D. Consideration to Approve Kit Carson Electric Coop (KCEC) Line Improvements and Related Portions of Underground Trench Improvements Assignment of Infrastructure and Permit Rights, from the Village of Taos Ski Valley to Kit Carson Electric Coop

Since the ultimate owner of the improvement is KCEC, the assignment of the infrastructure from the Village to KCEC needs to be executed.

MOTION: To Approve Kit Carson Electric Coop (KCEC) Line Improvements and Related Portions of Underground Trench Improvements Assignment of Infrastructure and Permit Rights, from the Village of Taos Ski Valley to Kit Carson Electric Coop

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

6. FINANCIAL REPORTS

In Director Grabowski's absence, Administrator Fratrack reported that GRT remitted to the Village in August was \$48,702 compared to \$55,423 for August last year. Year-to-date GRT total is \$78,566 versus \$175,333 for last year. The TIDD did not receive a distribution in August for June GRT.

Lodger's tax collections in August were \$13,961 versus \$6,428 for last year. Year-to-date total is \$40,423 versus last year's \$9,741. Most of the lodgers' tax collected has been late submittals.

The FY2018 budget has been approved by DFA. The Village will be opening a new bank account for the USDA funds; this is required according to the loan agreement.

A new Public Works Administrative Assistant and a new laborer/equipment operator will both start on September 18, 2017.

Chaz Rockey, with TSVI, commented that according to his calculations, there is a \$1 million shortfall of GRT to the TIDD, and an approximate \$1.6 million shortfall to the Village. It is difficult to get more information from the NM Tax and Revenue Department. Rockey said that he spoke to representatives of the NM Legislative Finance Committee at their recent conference in Taos Ski Valley, and the Committee members are in favor of sorting out these issues. Mayor King said that he understands the New Mexico Municipal League and the NM Attorney General are also working to get the NM Tax and Revenue Department to provide more information on their calculations.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission –Commission Chair Wittman reported on agenda items from the September 11, 2017 meeting:

- David Norden spoke about working more closely with the Village and then introduced TSVI’s new Development Director, Peter Johnson.
- The 2019-2013 Infrastructure Capital Improvements Plan (ICIP) was introduced, and the Commission recommended approval by the Council. The ICIP will be brought forth to the Council later in the agenda.
- A public hearing was held for extending the conditional use permit for parking at the Beausoleil site. The Commission approved the application for one year, with specific conditions on improving the drainage on the lot.

The next meeting is scheduled for October 2, 2017 at 1:00 p.m.at the Snakedance Condominiums. (Note: this meeting was later cancelled.)

B. Public Safety Committee –Committee Chair Bennett reported that the Committee had not met. They plan to meet on October 2, 2017. Chairperson Bennett reported that the NM Game and Fish Department had conducted a recent presentation about living in bear country. She had some information about the best type of bear-proof dumpsters, which cost about \$220. The Committee hopes to increase signage for the public about the prevalence of bears.

C. Firewise Community Board of Directors – The Firewise Board did not meet. The next meeting has not yet been scheduled.

D. Parks & Recreation Committee – Committee Member Kerrie Pattison reported on recent Committee activities:

- They are planning a ribbon-cutting ceremony for the Kachina Vista Park on October 5, 2017 at 4:30 p.m. (Note: this was later changed to October 19, 2017 at 4:00 p.m.)
- Signs for the park are being made.
- Hanging flower baskets in the Village core area will be taken down soon.
- The Committee will not be holding the community barbecue this fall.
- They will be working with the Public Safety Committee to provide signs throughout the Village concerning bear activity.

David Norden expressed his appreciation for the beautification efforts around the Village by the Parks & Recreation Committee.

E. Lodgers’ Tax Advisory Board – The next meeting is scheduled for November 1, 2017 at 10:00 a.m. at the Snakedance Condominiums.

8. REGIONAL REPORTS

Councilor Bennett and Administrator Fratrack had attended the Landfill Board meeting that morning where a vote was held to ratify the settlement arising from mediation efforts, because of a lawsuit with the company that built a cell at the landfill. The final cost to settle will be \$62,500, much less than the original \$450,000. If the settlement amount had been over \$150,000 the Board might have approached participating municipalities for additional contributions, Councilor Bennett explained.

The next Intergovernmental Council meeting will take place on September 21, 2017.

9. MAYOR’S REPORT

A. Proclamation of Constitution Week 2017

Mayor King read the proclamation naming the week of September 17-23 as Constitution Week, in order to ask citizens to reaffirm the ideals that the framers of the Constitution had in 1787, protecting the freedoms guaranteed to Americans through this guardian of their liberties.

B. Mayor King mentioned that the Village is investigating the possibility of storing snow with a potential new owner at the Terry A-frame property, which is for sale. The Village has used the empty lot to store snow for many years, under a verbal agreement with the owner.

C. Firehouse Road is currently closed, but should re-open on Wednesday, September 13, 2017. There may be other closures in the near future as construction crews work on the Children's Center and Strawberry Hill.

10. STAFF REPORTS

Mark Fratrack, Village Administrator reported on ongoing projects:

- Townsite Act – The letter requesting a narrower easement has been sent. No other update.
- Taos Mountain Lodge – Rich Willson is ordering the proper tanks that can go under the parking lot. He's working with the engineer to design the entrance road and parking lot to meet ADA guidelines. There is a chance that the units may be ready for rental this winter.
- Kachina Water Tank – A Council Workshop on potential water tank locations is scheduled for Monday, September 18, 2017 at 2:00 p.m. Staff has been working through a matrix table with FEI Engineers about the three possible sites: the original site, the TSVI site, and the FEI site. The matrix will list the advantages and disadvantages of each site.
- WWTP/WWTP Financing Options –A lot of supporting documentation and information has been required for working on the USDA loan. Brad Angst is coordinating a working group to undertake procuring and creating the necessary items.
- Ernie Blake Road – There is a proposal on the agenda for the Beausoleil negotiated amount. An offer has been submitted to the Sierra del Sol, but the Village has not heard back yet.
- NM Gas Co. –There is no update at this time.
- Strawberry Hill Improvements – As part of these improvements, the Village has had to relocate an electric transformer close to the Firehouse that services the building. The project is underway currently. The Village office will be on a generator when the transition takes place. The flag pole was taken down because it was not on the Firehouse property and the space was needed for TSVI work. The flag pole will be erected at a later time in a better location.
- KCEC/ Fiber Optic – Administrator Fratrack spoke with Andrew Gonzales, with Kit Carson Electric, who said that Kit Carson would be working on fiber optic from Taos East and into the core area only this year. Kit Carson does not have plans to move it past the core area this year.
- There may be plans to meet with NMRTD about the winter shuttle.

Department Briefs

- **Department of Public Safety Update:** Chief Bilardello reported on August activity: MVCs (1), Residential Alarm (7), Business Alarm (1), Property Damage (2), Suspicious Persons/Vehicles (2), Citizen Assists/Contacts (23), Traffic Enforcement Hours (28), Traffic Stops (4), Written Citations (1), Written Warning (1), Verbal Warnings (8), Parking Citations (0), Assists to other Agencies (13), Trespass Warnings (1), Foot Patrol Hours (21), Animal Control (18), Welfare Checks (1). Fire EMS: Fire Calls (1), EMS Calls (2). SAR Hours: (0).
All police officers are now required to carry a tourniquet, a trauma kit, and Narcan. The State will be furnishing those items to Village officers. The purchase and placement of the new police trailer is more involved than previously thought; a concrete pad will need to be poured, and utility lines will need to be buried deeper in the ground. The project will be postponed until next spring. Funds will now be earmarked for a new vehicle, and the older vehicle will be used for a part-time officer. A bear trap has been placed near the grease bin at the treatment plant.
- Clerk Wooldridge reported that because of the Village's good track record in meeting all of its safety requirements, and because its workers' compensation modifier is low, the Village received a dividend credit on the liability insurance premium of 21%, or \$7,063. The discount for the workers compensation insurance premium was 19%, or \$8,010.
- Attorney Romero reported that he is working with Mickey Blake on developing the agreement for the Village to lease the land for the police trailer.

Peter Talty, with TSVI, asked Administrator Fratrack if the Forest Service easement at the treatment plant site would affect the easement that TSVI has requested. Talty said that he presented easement documents to the Village several months earlier and not heard back. It was decided that this item should be brought forth to the Council at the next meeting.

11. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve Ordinance No. 2018-63 to Approve a 4% Increase to Water and Sewer Rates and to keep Trash Rates the Same for Fiscal Year 2018

As part of the FY2018 Final Budget, a 4% increase in the fixed and variable water and sewer rates was adopted. The trash rates stayed the same for FY2018.

Mayor King opened the public hearing. **PUBLIC HEARING:** No one spoke in favor. No one spoke against. The public hearing was closed.

A question was asked as to whether this was an additional 4% above the previously discussed 4% increase.

Administrator Fratrack answered that this was the same 4%, just that the rates needed to be adopted by ordinance.

MOTION: To Approve Ordinance No. 2018-63 to Approve a 4% Increase to Water and Sewer Rates and to keep Trash Rates the Same for Fiscal Year 2018

Motion: Councilor Wittman Second: Councilor Bennett Passed: 3-1 (Councilor Stagg voting nay)

Councilor Brownell said that he was not necessarily in favor of the increase, but thought that it was a necessity.

Councilor Stagg said that he did not think it was necessary. Mayor King stated that he did think it was necessary.

B. Discussion and Approval of Proposed Adjusted System Development and Impact Fees for Parcel G

At the August 8, 2017 Council meeting, the Council approved a combined required payment for system development fees and impact fees in the amount of \$673,526. It was brought to the attention of the Village Administrator that there was an error in the calculation regarding the impact fee, and a credit for space not required for impact fee calculation was removed. Staff previously recommended a payment of \$673,526, but now recommends the recalculated and verified amounts for Council approval of \$541,030.

MOTION: To Approve the Proposed Adjusted System Development and Impact Fees for Parcel G

Motion: Councilor Wittman Second: Councilor Brownell

Chaz Rockey, with TSVI, asked for staff to review the sewer system development fee credit to insure that the full amount that TSVI has be used. In addition, Rockey said that he disagreed with the method of calculation, and that if he had seen the calculation schedule, he could have helped to correct the errors. He noted that there have been many changes in the calculation spreadsheet. Rockey asked that the fees be discussed in more depth and asked that they be negotiated before being brought to Council for approval.

The TIDD Master Development Agreement requires that a credit of between 25% and 100% for development fees for TSVI projects be given.

MOTION: To Table this item

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

12. NEW BUSINESS

A. Consideration to Approve Resolution No. 2018-341 Adopting the Village of Taos Ski Valley 2019- 2023 Infrastructure Capital Improvements Plan

The updated ICIP list for submission to NM Department of Finance was presented. The Planning & Zoning Commission recommended approval by Council at its September 11, 2017 meeting.

Discussion took place on the ICIP list of projects. Councilor Bennett asked about the line item for Block N water and sewer lines. She said that having water accessible for firefighting was a public safety issue. Administrator Fratrack responded that projects could be moved up if funds became available. It was decided to move the Block N water and sewer infrastructure to the first and second priorities in 2022. Once a Kachina area water tank was built, funding could be sought for new water lines, and both water and sewer could be installed in a trench. Councilor Brownell asked about recycling and why that item was not higher on the list. Councilor Wittman said that the ICIP is supposed to be a living document for the Village to use and that it can be revisited at any time, not just annually when it is submitted to the State.

MOTION: To Approve Resolution No. 2018-341 Adopting the Village of Taos Ski Valley 2019- 2023

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

B. Consideration to Accept Counter Offer from Beausoleil Management in Regards to Purchase of Required Property for the Realignment and Construction of Ernie Blake Road

Administrator Fratrack explained that the Ernie Blake Road realignment has been deemed a vital road infrastructure upgrade that needs to take place to benefit the flow of traffic in and out of the core area. The Village sought appraisals for the properties necessary to allow the Village to relocate and construct upgrades to meet the needs of the overall community.

A group from the Village has been conducting negotiations, with a few offers and counters offers having been made, with the owners of the two largest parcels of land that would need to be obtained for the Ernie Blake Road realignment. The most recent offer has been accepted, with Council approval required to accept the offer before moving forward with legal documents to finalize the purchase.

Besides some final costs for additional surveying and title insurance, the total outlay of funds required to be paid by the Village to Beausoleil Management would be \$252,145.67.

MOTION: To Accept Counter Offer from Beausoleil Management in Regards to Purchase of Required Property for the Realignment and Construction of Ernie Blake Road

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

13. MISCELLANEOUS

A. Councilor Brownell asked about a potential timeline for drafting a Kachina Area Master Plan. He noted that it is increasingly busy in the Kachina area. He recommended that the Village and TSVI work together on plans for parking, for both hikers and guests of the Bavarian. There should have been a master plan in place to guide the placement of the water tank, he suggested.

Peter Talty said that TSVI would financially support the creation of such a plan, and that it is an important task. Mayor King noted that the Village could look into creating a Kachina Master Plan once there was a better idea of how much revenue would be coming in this fiscal year. Mayor King did agree that the parking issue in Kachina needed to be solved, in both summer and winter.

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

The next regular meeting of the Council will take place on Tuesday, October 10, 2017 at 2:00 p.m., at the Snakedance Condominiums Hondo Restaurant. A Council Workshop on potential Kachina Water Tank locations will be held on Monday, September 18, 2017 at 2:00 p.m. at the Snakedance Condominiums Hondo Restaurant.

15. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Brownell

Second: Councilor Bennett

Passed: 4-0

The meeting was adjourned at 4:20 p.m.

Neal King, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk