



Village of Taos Ski Valley
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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, JANUARY 12, 2016, 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 Chris Stagg
Councilor/Mayor Pro-Tem Barb Wiard
Councilor Tom Wittman

Staff present:

Village Administrator Mark Fratrack
Village Finance Director Nancy Grabowski
Village Clerk Ann Wooldridge
Public Works Director Ray Keen
Public Safety Director Dave Wallace
Village Planner Matthew Foster
Community Development Director Don Schieber
Administrative Assistant Renee Romero
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

Clerk Wooldridge asked that the Council consider a motion to approve the FY 15 Audit, under item 6.B.

MOTION: To approve the agenda with the above amendment

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

4. APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2016 REGULAR COUNCIL MEETING

MOTION: To approve the minutes from the December 8, 2015 regular Village Council Meeting as presented.

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

5. CITIZEN'S FORUM

Bill Sullivan asked about the paid parking area that is in the TSV parking lots, and Councilor Stagg replied that this is allowed through the special use permit that TSV Inc. has with the U.S. Forest Service. Mr. Sullivan also inquired about why AT&T seemed to provide better cell service in Taos Ski Valley, and Councilor Stagg answered that AT&T had hooked up to the Kit Carson fiber optic lines that were installed on the overhead phone lines the previous year.

6. FINANCIAL REPORTS

A. Nancy Grabowski, Finance Director, said GRT remitted to the Village in December was \$95,986 compared to \$102,904 for December last year. Totals are \$475,096 versus last year's \$341,341. There is still confusion with businesses using the Village GRT location code instead of the TIDD location code. Staff continues to work with NM Tax and Revenue to sort out these issues, and hopes to come to some resolution soon. Lodger's tax was \$9,298 versus \$7,740 for last year. Totals for the year remain up by 19%, at \$54,220 over last year's \$48,063. A total of \$18,816 in late fees paid this year has made the difference. Water and trash revenue line item amounts are up over last year, as are training expenses. Director Grabowski is evaluating other accounting software programs that may meet the Village's needs more adequately. The present software, QuickBooks, is not a fund accounting program and as the Village moves forward with more loans, grants, and activity in general, there will be a need for more functionality in the system.

B. FY 2015 Audit Report and Lodger's Tax Audit Report, presentation by Precision Accounting
Melissa Santistevan from Precision Accounting explained various aspects of the audit. This is the ninth year that this firm has completed the Village's annual audit. The audit was an unmodified report, which is good, and they found that the financial statements were fairly presented. There were three findings, though Ms. Santistevan said that the most detrimental item that the audit showed is that the utility enterprise fund is not self-sustaining; in other words, there is a need to look at the utility rates charged by the Village.

MOTION: To Approve the Precision Accounting FY 2015 Audit Report

Motion: Councilor Wiard

Second: Councilor Wittman

Passed: 4-0

7. COMMITTEE REPORTS

A. Planning and Zoning Commission – P&Z met on Monday, January 4, 2016, at 1:00 p.m. for four hours at the Edelweiss Lodge. Commission Chair Wittman reported on the following agenda items:

- The public hearing for application for conditional use by John Halley involved a lot of work. Halley had put in a lot of effort on revising the plan. The spa was removed in the updated plan, which will allow for improved drainage, parking, and traffic flow. The application was approved in a vote of 6-0 with Commissioner Stagg abstaining. Councilor Wittman commended Planner Foster and Director Schieber for guiding Halley with his plan revisions.
 - The scope of work for creating a Kachina Master Plan. TSV Inc. has pledged \$50,000 towards creating the plan, which will most likely require hiring a consultant.
 - Thunderbird Road and sidewalk design alternatives. Rich Willson presented an alternative alignment, necessary because of the road currently encroaching on the Alpine Village Suites property. The Commission recommends that two sidewalks be installed for the length of Thunderbird Road.
 - Attorney Romero explained that there is a legal basis for imposing a building moratorium due to health or safety issues, but to declare a moratorium in order to wait for a master plan to be finished would require that the law be narrowly defined and well-written to stand up in court. The commission decided to not proceed with a moratorium at this time.
 - The abundance of temporary signs around the Village has become a concern because of safety, such as sandwich boards in the sidewalks blocking pedestrians, and because of the unsightliness of having a lot of banners and sandwich boards. Planner Foster has been giving a lot of leeway to businesses because of to the construction activity, but was now seeking guidance from the Commission. The Commission directed Foster to work with businesses individually and to use his discretion in upholding the ordinance requirements, which are being stretched.
 - The Community Meetings for discussion of the Master Plan draft elements, held by Foster on 1/2/16 and 1/3/16, were a success. More such meetings will be held in the summer.
 - Demonstration of financial viability for builders, as a requirement for approval or issuance of building permit, could be discriminatory on a socio-economic basis for residential proposals, and would most likely require a bond for commercial proposals. The Village has had experience with bonds not getting paid up. Other proof of financial viability could be short-lived and transitory. Attorney Romero is continuing his research into the possibilities for such a requirement.
- The next P&Z meeting is scheduled for Monday, February 1, 2015 at 1:00 p.m., at the Edelweiss Lodge & Spa Club Room.

B. Public Safety Committee – The Public Safety Committee did not meet.

C. Firewise Community Board of Directors - The Firewise Community Board of Directors did not meet.

Both of these committees will meet next on Monday, February 1, 2016 at 9:00 a.m. and 10:00 a.m. consecutively, at a location to be determined.

C. Parks & Recreation Committee– No report

D. Lodgers' Tax Advisory Board

Chairman Roger Mariani reported that grant letters would be going out next month. The Board decided to delay the issuance of lodger's tax grants until later in the fiscal year in order to insure adequate lodger's tax revenues in advance. The Board would like to work more with TSV Inc. in order to leverage advertising and promotional dollars.

8. REGIONAL AND STATE REPORTS

Councilor Wiard reported on several items:

- Taos Regional Landfill Board did not meet
- Intergovernmental Council of the Enchanted Circle (IGC) met to discuss priorities for the Legislative Luncheon. Councilor Wiard and Administrator Fratrack prepared an information sheet on the Village's number one ICIP priority, the Upgrade to the Wastewater Treatment Plant. Funding will be requested through the Village's State Representatives as well as through the Governor's office. The importance of upgrading the treatment plant to allow for future development is being highlighted, as development would be an economic boon to the County in increased jobs and GRT.
- Future meetings include the NMML Legislative Reception, the NMML Municipal Day at the Legislature, the NLC Annual Congressional City Conference, and the NMML District 2 Meeting.
- The Legislative Session convenes January 19, 2016 for a 30-day session. Gas prices and decreased revenues are affecting the State budget. Local concerns center on Holy Cross Hospital, UNM-Taos, TriCounty Services, and Roads.

9. MAYOR'S REPORT

Mayor King has been busy and had no report.

10. STAFF REPORTS

A. Mark Fratrack, Village Administrator reported on ongoing projects:

- Townsite Act – Village concerns on the survey have been relayed to the Forest Service. Staff is working on a new proposal to accommodate snow storage space and a settling pond for the treatment plant property.
- WWTP Funding – Staff submitted a letter to Senator Udall's office requesting help in finding possible funding sources, and steps are being taken to pursue funding through the State.
- Kachina Water Tank / WTB – State Statute requires water rates be approved by ordinance, which will occur at the next Council meeting. This should be the final item to accept and set up the grant/loan.
- Clean Water State Revolving Fund (CWSRF) – The ordinance will be approved at this meeting. Funding should be available in March 2016.
- WWTP Upgrades – The upgrades have begun. Director Keen reported that the improvements are 85% complete. This improved processing will be necessary for next ski season with the addition of the new hotel in Sutton Place.
- Alpine Village – Staff has been working closely with Alpine Village in order for the expansion to meet the building code. Director Schieber and Consultant Willson have been compiling a list of items needing completion.
- Village Sticker – Consideration is being given to reinstating a vehicle sticker for Village residents and business owners, in the hope of alleviating traffic flow around Thunderbird Road.
- CenturyLink and 70-volt AC Current Issues – CenturyLink reported that some ground fields were damaged over the summer and fall, leaving 70 volts of AC current on its phone lines. This may be contributing to limited call capacity and misdirected call problems.

- FCC Emails – the suggestion to contact the FCC has provided various responses by cell carriers. The FCC has followed up, and will supposedly take further action with enough complaints.

Department Briefs

- **Department of Public Safety Update. Chief Wallace reported on December activity:**
- Law Enforcement: (37) Citizen Assists, (48) Hours of Traffic Enforcement, (4) Traffic Stops, (2) Verbal Warnings, (12) Parking Citations, (1) Written Warning, (1) Citation Issued, (3) Crash Reports, (1) Agency Assist, (1) Criminal Damage, (1) Disturbance
- Fire/EMS: (2) Fire Responses, (4) EMS Responses
- SAR: (0) Search and Rescue Missions
- Other Activity: Law Enforcement completed the required biannual training by completing various courses online and spending 8 hours at the range completing firearms training and qualifications.
- **Community Development/Planning & Zoning Update:** Director Schieber reported on the sale of a 70-acre parcel in the Kachina area. The new owner will participate in the master plan development.
- **Public Utilities Department Update:** Director Keen reported that the treatment plant has been running relatively smoothly, but there have been problems with Waste Management being consistent in picking up and dropping off the trash compactor, and the cardboard and recycling bins.
- **Village Clerk:** Clerk Wooldridge reported that three candidates have been certified for running for the two Councilor positions in the March 1, 2016 election. The candidates are: Tom Wittman, Christof Brownell, and Barb Wiard. Absentee voting will run from January 26 to February 26. Early Voting will take place from February 10 to February 26, all at the Village Office.
- **Legal Update:** (Dennis Romero) – The recipient of the ticket being pursued by Attorney Romero did not appear in court, so a bench warrant has been issued.

B. The new Insurance Service Office (ISO) Certificate was presented by Chief Wallace

11. OLD BUSINESS

A. Consideration to Approve **Ordinance 2016-54**, To Enter into a Loan Agreement with the New Mexico Environment Department (NMED) for the Purpose of Obtaining Wastewater Construction Loan Funds in the amount of \$350,000 for the Purpose of Funding the Planning and Preliminary Designing of the Village’s Wastewater Treatment Plant Improvements/Expansion project

MOTION: To Approve Ordinance 2016-54, To Enter into a Loan Agreement with the New Mexico Environment Department (NMED) for the Purpose of Obtaining Wastewater Construction Loan Funds in the amount of \$350,000 for the Purpose of Funding the Planning and Preliminary Designing of the Village’s Wastewater Treatment Plant Improvements/Expansion project

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

12. NEW BUSINESS

A. Introduction: **Ordinance No. 2016-55** Approving a 3% Increase to Water/Sewer Rates as per the Fiscal Year 2016 Budget

This is required as part of the Water Trust Board application. Consideration to approve will occur at the next Council meeting on February 9, 2016.

B. Consideration to Approve **Resolution No. 2016-301** A Resolution Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and between the New Mexico Finance Authority (“Finance Authority” or the “Lender /Grantor”) and the Village of Taos Ski Valley (The “Borrower/Grantee”), In the Total amount of One Million Six Hundred Forty Thousand Dollars(\$1,640,000)

As part of the administrative documentation to secure the loan/grant with the NMFA for construction of the Kachina Water Tank, this resolution must be passed as part of the Village’s commitment to properly use the funding and to repay the loan.

MOTION: To Approve Resolution No. 2016-301 A Resolution Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and between the New Mexico Finance Authority

(“Finance Authority” or the “Lender /Grantor”) and the Village of Taos Ski Valley (The “Borrower/Grantee”), In the Total amount of One Million Six Hundred Forty Thousand Dollars(\$1,640,000)

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

C. Consideration to Approve Resolution No. 2016-302 a Resolution Appointing a Precinct Board for the Regular Municipal Election to be Held On March 1, 2016

This is required by State of New Mexico election code. The following people have agreed to serve on the election board: Kathy Bennett, Sheila Duffy, and Reina Wallace. Holly Burger has agreed to be the alternate.

MOTION: To Approve Resolution No. 2016-302 a Resolution Appointing a Precinct Board for the Regular Municipal Election to be Held On March 1, 2016

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

D. Consideration to Approve Resolution No. 2016-303 a Resolution Concerning Governing Body Meetings and Public Notice Required

Required annually by the State of New Mexico, this is the open meetings act that governs when and how meetings will be conducted.

MOTION: To Approve Resolution No. 2016-303 a Resolution Concerning Governing Body Meetings and Public Notice Required

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

E. Consideration to Approve Resolution No. 2016-304 a Resolution Establishing Legal Holidays, Operating Hours, for Village of Taos Ski Valley Office and Closing of Village Office for Calendar Year 2016

No resolution had been provided for consideration. Administrator Fratrack explained that the holidays are outlined in the Village personnel ordinance.

F. Consideration to Approve Resolution No. 2016-305 Authorizing the Vehicle Use Policy

Director Grabowski explained that the current vehicle use policy is ambiguous. As this is still in draft form, it will be considered at the next meeting.

MOTION: Motion to Table

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

G. Consideration to Approve a Memorandum of Understanding (MOU) By and Between The Village of Taos Ski Valley Tax Increment Development District, Taos County, and The Village of Taos Ski Valley Regarding the Pattison Trust and Lake Fork Creek Holdings, LLC Properties

This MOU has been deemed necessary due to two large parcels that lie partly within and partly outside of the boundaries of the TIDD. The Taos County Tax Assessor informed the TIDD of the difficulty in valuing such properties in order to determine the tax increment. This MOU provides that the portion of property situated within the TIDD will not be included in the property tax 2014 base line determination unless and until the portion within the TIDD is separated from the larger parcel and established as a free-standing parcel within the boundary of the TIDD. Once, and if, subdivision occurs, that parcel of property will then be included as part of the property tax base for the purpose of determining the increment. Taos County approved the MOU at a regular meeting on January 5, 2016. The TIDD Board approved it at their meeting in the morning. Village approval of this MOU is similarly necessary.

MOTION: Motion to Approve a Memorandum of Understanding (MOU) By and Between The Village of Taos Ski Valley Tax Increment Development District, Taos County, and The Village of Taos Ski Valley Regarding the Pattison Trust and Lake Fork Creek Holdings, LLC Properties

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

H. Consideration to Approve Authorizing the Village Administrator to sign the Engagement Letter for the Rodey firm to provide legal services with regard to the financing for acquisition of a certain property consisting of a building and improvements located in the Village, contingent on review and approval by Village Attorney and a GKB representative

The Village’s representative at G.K. Baum & Company, a financial advisory firm, has recommended that the Village obtain legal bond counsel representation as the Village looks to acquiring financing for the acquisition of real property.

MOTION: Motion to Approve Authorizing the Village Administrator to sign the Engagement Letter for the Rodey firm to provide legal services with regard to the financing for acquisition of a certain property consisting of a building and improvements located in the Village, contingent on review and approval by Village Attorney and a GKB representative

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

13. MISCELLANEOUS

A. Councilor Bennett reported on the great turnout for Planner Foster’s Community Meetings earlier in January. She suggested holding a semi-annual Council meeting on a Saturday. Councilor Stagg agreed and suggested that the meetings could be held in a workshop format in order to make them less formal and more open.

14. CLOSED SESSION

A. Discussion of the Purchase or Acquisition of Real Property

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H)(2) which allows for discussion of the purchase or acquisition of real property

MOTION: To go to Closed Executive Session

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

MOTION: To return to Open Session

Discussion was only on the purchase or acquisition of real property. No votes were taken in closed session.

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

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

The next regular meeting of the Village Council is scheduled for Tuesday, February 9, 2016, at 2:00 p.m., at the Edelweiss Lodge & Spa Club Room. .

15. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Bennett **Second:** Councilor Wiard **Passed:** 4-0

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

Neal King, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk