



Village of Taos Ski Valley
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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
LOOKING GLASS ROOM, TSV RESORT CENTER
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, NOVEMBER 8, 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 Christof Brownell
Councilor Tom Wittman, Mayor Pro Tem

Governing body absent:

Councilor Chris Stagg

Staff present:

Village Administrator Mark Fratrack
Village Finance Director Nancy Grabowski
Village Clerk Ann Wooldridge
Public Works Director Ray Keen
Police Chief Andrew Bilardello
Building & Construction Director Bill Jones
Administrative Assistant Renee Romero
Administrative Assistant Ruth Martin
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as written

Motion: Councilor Wittman Second: Councilor Brownell Passed: 3-0

4. APPROVAL OF THE MINUTES OF THE OCTOBER 11, 2016 REGULAR VILLAGE COUNCIL MEETING

MOTION: To approve the minutes as presented

Motion: Councilor Wittman Second: Councilor Bennett Passed: 3-0

5. CITIZEN'S FORUM – no one spoke

6. FINANCIAL REPORTS

Director Grabowski reported that GRT remitted to the Village in October was \$142,357.47 compared to \$25,839.07 for October last year. Totals year to date is \$405,564.02 versus last year's \$181,712.31. The TIDD received a distribution in October for August GRT of \$309,315.95. The year to date total for the TIDD is \$1,169,258.97

Lodger's tax collections were \$6,104.38 versus \$5,746.17 for last year. Totals year to date are \$36,365.82 versus last year's \$40,724.81.

The auditors continue to work on the Village and the TIDD audits. Virgil Vigil has been hired to fill the Police Officer position.

7. COMMITTEE REPORTS

A. Planning and Zoning Commission – P&Z met on Monday, November 7, 2016 at 1:00 p.m. at the Taos Mountain Lodge. Commission Chair Wittman reported on the following agenda items:

- Application for Conditional Use for Wireless Communications Tower Placement at the Walsh cabin on Mineslide Road by TaosNet LLC. Two people spoke against the application, the owners of the two neighboring properties on Mineslide Road, and one spoke for the application, TaosNet. The application was approved by a vote of 5-0, with the conditions that TaosNet negotiate any issues with the road, that the location of the tower be clarified as not being in a slide zone, and that the permit have a two-year time period.

The next P&Z meeting is scheduled for Monday, December 5, 2016 at 1:00 p.m. at the Edelweiss Lodge Club Room. The meeting was adjourned at 3:05 p.m.

B. Public Safety Committee – The Public Safety Committee met on November 8, 2016. Committee Chair Bennett reported that the agenda included discussion of the hunting and firearms ordinance, and the possible ordinance regulating ATV use in the Village. The next meeting will take place on January 9, 2016.

C. Firewise Community Board of Directors - The Firewise Community Board of Directors did not meet, however Chairperson Bennett reported that she had applied for, and received, renewal of the Firewise Community designation for the Village of Taos Ski Valley for another year. The next meeting will take place on January 9, 2016.

D. Parks & Recreation Committee

Administrator Fratrack reported that Committee Chair Katherine Kett said the committee is working with the US Forest Service on the Twining Campground steps and rehabilitation, but progress is slow. A stone retaining wall, which has not yet been built, had been in the plans for the dirt bank. A meeting is scheduled with Russell Engineering to discuss the John Ramming Trail, on November 15, 2016.

E. Lodgers' Tax Advisory Board – no report

8. REGIONAL REPORTS

Councilor Bennett reported on activity from the Enchanted Circle meeting on October 19, 2016. Four of the participating thirteen entities were represented. UNM-Taos reported an enrollment of 1,371 students. The growing nursing program is headquartered at the former Taos Convention Center building. The Town of Taos is planning 140 new units of affordable housing to be built. The Enchanted Circle group is interested in identifying regional issues to be presented to the Legislature next January.

The next Enchanted Circle meeting and Landfill Board meeting will take place on November 16, 2016.

9. MAYOR'S REPORT

Mayor King reported that the TIDD Board held a special meeting on November 8, 2016 at 10:00 a.m. at the Village Administrative Office. The matter for discussion and possible approval was an amended Master Development Agreement (MDA), which was adopted by Amended and Restated Resolution No. 2015-275 Approving the Application for Formation of the Village of Taos Ski Valley Tax Increment Development District (TIDD). The changes in the document included language to allow for a more cost-efficient way to issue bonds by the TIDD via a master indenture setup, to allow certain improvements to be financed by a Public Infrastructure District (PID), if formed, even if the infrastructure were dedicated prior to the formation of a PID, and to allow for TSVI to be reimbursed for additional improvements to areas having been previously dedicated, for example improvements to the retention pond. The changes in the MDA do not commit anyone to the formation of a PID. The updated Plan of Finance, which is an exhibit to the MDA, reflects clearer information than was in the original Plan of Finance dated January 2015, from the time of the TIDD formation vote. The TIDD Board voted to table approval of the document until Village staff and TSVI representatives have discussed the amendments more thoroughly.

Mayor King said that efforts will be made to set earlier deadlines for Village staff to receive meeting agenda item submittals. Mayor King and Administrator Fratrack will be meeting with the US Forest Service about the Townsite Act transfer of land at the treatment plant to the Village. The process has been taking far longer than previously stated.

10. STAFF REPORTS

Mark Fratrack, Village Administrator reported on ongoing projects:

- Townsite Act – Fratrack and Mayor King will meet with the US Forest Service on November 14, 2016.
- Communication Tiger Team – A meeting is scheduled for November 9, 2016.
- Taos Mountain Lodge –Leveling the parking lot and installing holding tanks will not move forward this year. Additional work will be required in order to maximize the number of parking spaces. The plans now include four 1500-gallon holding tanks and 31 parking spaces. The NMFA loan includes adequate funding for these improvements, as well as improvements to the main building.
- Natural Gas line – The Firehouse has finally been hooked up to natural gas and various issues have been identified and repaired.
- Kachina Water Tank – Grubbing and clearing for site preparation will not be accomplished this year but will be done early next summer to keep on schedule.
- WWTP – As part of the Environmental Assessment (EA) for the WWTP upgrade, Staff worked with the SE Group to arrange for a meeting with stakeholders at the Quail Ridge Inn on October 13, 2016, and a workshop and scoping meeting at the Looking Glass in the TSV Resort Center on October 26, 2016. Both meetings seemed to go reasonably well, Fratrack reported. SE Group will document the meeting and any feedback. SE Group is managing the process and the timeline moving forward.
- Parks and Recreation – A meeting will take place to discuss possibilities for the location of the JR Trail by Sutton Place.

Roger Pattison asked about a timeline for possible sewer line extension to Amizette. Administrator Fratrack said that Village staff is looking at the possibility of these line extensions, particularly before new paving of State Road 150 were to take place. The new expanded treatment plant capacity may coincide with the addition of Amizette lines, although no definite plans have been set. Administrator Fratrack said that the variance from NMED for the Taos Mountain Lodge holding tanks was not granted on the condition that sewer lines are extended to Amizette by a certain date.

Department Briefs

- **Department of Public Safety Update.** Police Chief Bilardello reported on October activity: (2) Citizen Assists, (27) Hours of Traffic Enforcement, (5) Traffic Stops, (1) Written Warnings, (4) Verbal Warnings, (1) MVC, (3) Residential Alarms and (8) Parking Citations. Fire/EMS: (3) Fire Response Agency Assist, (1) EMS Response – Distraught Person, SAR: (0) Search and Rescue Mission – active but suspended.
Chief Bilardello also reported that he will be working with the Taos County Sherriff’s office to better coordinate coverage for the Village when no officer is on duty. He will be updating the DPS Policy Manual. The body cameras have arrived. Footage is required to be stored in the cloud on the server of the company providing the cameras. Policies surrounding the footage will need to be drafted, such as footage availability for public record requests. Each police office will have access to their own camera footage, and otherwise access will be restricted to Chief Bilardello and Administrator Fratrack.
A new police officer has been hired who previously worked for the Town of Taos and Taos Pueblo. The officers’ schedules will change with ski season, most likely to working 12-hour shifts. Chief Bilardello is obtaining Sherriff’s office records on how much DPS activity occurs during very late nighttime hours to assess the necessity of hiring extra officers, or contracting with off-duty officers. He is looking into the purchase of a license tagger camera for Amizette, which costs \$20,000, in next year’s budget. Fixed video cameras may be placed in the core area for monitoring activity. He will also look into purchasing all new AED devices as the current devices have outdated pads. The same model would be provided at all locations.
Review and Discussion of Vehicle Lockout Procedure: Chief Bilardello recommends discontinuing the practice of officers assisting drivers with locked cars. He said that the liability release waivers currently used may not adequately protect the Village if damage to a vehicle were to occur. This may be added to the DPS policy manual, he said.
- **Building & Construction Update:** Director Jones reported that Village staff and the construction company are working diligently on all of the inspections and safety aspects required for The Blake.

- **Public Works Update:** Director Keen reported that a new snow blower has been ordered. The slash pile is now closed.

11. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve **Ordinance No. 2017-59** Adopting the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings Code and the 1997 edition of the Uniform Administrative Code

The Village has had several instances where buildings or structures have become dangerous and unsafe to occupy or use. Where conditions or defects exist to the extent that the life, health, property, or safety of the occupants of buildings or structures is endangered, the Village needs to be able to protect those occupants. The adoption of this code would allow the Village staff to declare that a building or structure is unsafe, unsanitary, and unfit for human habitation or in such a condition that it is likely to cause sickness or disease

MOTION: To approve Ordinance No. 2017-59 Adopting the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings Code and the 1997 edition of the Uniform Administrative Code

Motion: Councilor Brownell Second: Councilor Wittman Passed: 3-0

B. Consideration to Approve **Resolution No. 2017-321** Regarding Ratification of the Vacation and Relocation of Portions of Emma Street and Gusdorf Street within Amizette

MOTION: To remove this item from the table

Motion: Councilor Wittman Second: Councilor Bennett Passed: 3-0

Attorney Romero said that various items are still being addressed pertaining to this item.

MOTION: To postpone this item until the next meeting

Motion: Councilor Bennett Second: Councilor Wittman Passed: 3-0

12. NEW BUSINESS

A. Consideration to Approve Amended and Restated Master Development Agreement (MDA) adopted by the Amended and Restated **Resolution No. 2015-275** Approving the Application for Formation of the Village of Taos Ski Valley (VTSV) Tax Increment Development District (TIDD), etc.

The applicant has withdrawn this item for approval. Additional discussions need to occur to clarify various details of the updated document.

B. Consideration to Approve entering into a Snowmelt Boiler System Agreement with Parcel G Development, LLC and/or The Blake Hotel Holdings, LLC, and Parcel G Condominium Association, Inc.

As part of the VTSV Tax Increment Development District (TIDD) infrastructure projects, the developers installed a heated plaza and sidewalks. To heat The Blake hotel and the plaza and sidewalks, the developers will be utilizing a boiler system that is installed in The Blake.

The plaza and sidewalks will be conveyed to the Village and the Village will then be responsible for the heating and maintenance of the plaza areas and sidewalks. Since it will be the same boiler system that will service The Blake, plaza, and sidewalks, the developer is requesting that the Village enter into a “Boiler Agreement”. Costs for any maintenance and upkeep, and also natural gas and electricity used, will be allocated depending on usage and the developer will then bill the Village for the allocated costs.

Chaz Rockey with TSVI said that approximately 8-10% of the boiler use would be for public areas, of which the Village will own almost half. The costs are expected to run \$25,000-\$30,000 annually for maintenance of the boiler, of which \$4,000 -\$5,000 will be billed to the Village as its percentage. The snowmelt system is moisture-activated as well as temperature-activated.

MOTION: To table this item

Motion: Councilor Bennett Second: Councilor Brownell Passed: 3-0

C. Introduction and Discussion of Core Public Area Maintenance Covenants

As a part of the TIDD process, certain areas within the Village core will be conveyed to the Village to become Village-owned public areas. These proposed covenants would provide expectations of the level of required maintenance and upkeep of those areas. The Village would utilize these, or very similar, covenants to identify the scope of work in the RFP when the Village goes out for contractor proposals to provide the core area maintenance services.

Items of concern in the proposed covenants should be sent to Administrator Fratrack for further discussion and consideration.

D. Discussion and approval of an Interim Maintenance Service Agreement with Taos Ski Valley, Inc. for Core Area for the predetermined public spaces (plaza areas and sidewalks), which would allow time to publish and assess requests for proposals (RFP), and then award a contract for a Maintenance Service Agreement for the public spaces in the Core Area

Once the Sutton Place plaza areas and sidewalks are conveyed to the Village, the Village will then be responsible for their maintenance and upkeep. Because the Village is not manned to take on the maintenance and upkeep of these areas at this time, the Village will go out for a maintenance and upkeep service contract RFP. The Village may enter into a contingent, or emergency, short-term interim maintenance service agreement with Taos Ski Valley, Inc. for one month for the core area to allow time to conduct an RFP. Some concern was expressed about whether all sections of the procurement code would be followed by entering into such an agreement.

MOTION: To table this item

Motion: Councilor Bennett

Second: Councilor Wittman

Passed: 3-0

E. Discussion and Approval to Support Funding for TSVI's Shuttle

Last year the TSVI shuttle service was widely used by employees who work within the ski valley, and also was available and used by some visitors and some local Taosenos.

TSVI has approached the Lodger's Tax Board to request support to continue running the TSVI shuttle service from the Town of Taos to the Village of Taos Ski Valley. TSVI has estimated that approximately 20% of their ridership was non-TSVI employees. TSVI is requesting \$38,481.00, or 20% of last year's cost. The amount requested at the last Lodger's Tax Board was \$40,000.00, which was voted on and approved. The Village Attorney has reviewed the requirements and feels that the proposal meets the Lodger's Tax Statue intent. TSVI would like to enter into a Memorandum of Agreement (MOA) with the Village which would allow Lodger's Tax funding to be utilized to support a "municipal transportation system". The expenditure has been approved by the Lodger's Tax Board as a budget item.

MOTION: To Approve Funding for TSVI's Shuttle for \$38,481 from Lodger's Tax funds, with the condition that a MOA be approved, that legal approval be obtained, and that the DFA Local Government Division be consulted on the acceptable use

Motion: Councilor Wittman

Second: Councilor Bennett

Passed: 2-1 (Councilor Brownell dissenting)

F. Consideration to Appoint Andrew Bilardello as Police Chief

According to State Statute, the governing body should appoint and affirm staff to the offices of the clerk, treasurer and police chief. Although Chief Bilardello had taken his oath at the September 2016 Council meeting, no vote had been taken on the appointment.

MOTION: To appoint and affirm Andrew Bilardello as Police Chief

Motion: Councilor Wittman

Second: Councilor Bennett

Councilor Brownell asked Chief Bilardello whether he had been doing much patrolling and getting out meeting citizens of the Village. Councilor Brownell also asked about the current patrolling schedule for all officers, especially nighttime coverage. Chief Bilardello explained that more officers would need to be hired if more coverage was desired, as long as more money was added to the budget for personnel. Now that Chief Bilardello has his uniforms and because ski season is starting, Chief Bilardello will be out to meet and greet both citizens and visitors. He also plans to meet and work with the Fire and EMS departments.

The vote was called.

Passed: 3-0

G. Council Acknowledgement of the 1st Quarter Financial Data submitted to the Department of Finance, Local Government Division in October 2016

As per the Department of Finance Local Government Division, it is required to have quarterly financial information submitted no later than 30 days after the close of each quarter. Staff is submitting this report to the Council for their review and acknowledgement of the financial status of the Village as of September 30, 2016.

MOTION: To Approve and Acknowledge the 1st Quarter Financial Data submitted to the Department of Finance, Local Government Division in October 2016

Motion: Councilor Wittman

Second: Councilor Bennett

Passed: 3-0

13. MISCELLANEOUS

14. 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, December 13, 2016, at 2:00 p.m., at the Edelweiss Lodge Club Room. A special meeting of the Council has been noticed for Monday, November 14, 2016 at 9:30 a.m. at the Looking Glass Room in the TSV Resort Center.

15. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Wittman

Second: Councilor Bennett

Passed: 3-0

The meeting was adjourned at 4:10 p.m.

Neal King, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk