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**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
EDELWEISS LODGE CLUB ROOM  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, DECEMBER 13, 2016, 2:00 P.M.**

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**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  
Finance Director Nancy Grabowski  
Public Works Director Ray Keen  
Police Chief Andrew Bilardello  
Building & Construction Director Bill Jones  
Planner Adrienne Anderson  
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 Stagg                      Passed: 4-0**

**4. APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2016 REGULAR VILLAGE COUNCIL MEETING**

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

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

**5. CITIZEN'S FORUM – no one spoke**

**6. FINANCIAL REPORTS**

Director Grabowski reported that GRT remitted to the Village in November was \$41,995.22 compared to \$197,397.64 for November last year. Total year to date is \$447,559.24 versus last year's \$379,109.95. The TIDD did not receive a distribution in November for September GRT. Lodger's tax collections were \$4,731.31 versus \$4,197.87 for last year. Totals year to date are \$41,097.13 versus last year's \$44,922.68.

The Village has now received \$181,600 in Clean Water State Revolving Fund reimbursements and \$104,600 in Water Trust Board reimbursements in FY16.

**7. COMMITTEE REPORTS**

**A. Planning and Zoning Commission** – P&Z met on Monday, December 5, 2016 at 1:00 p.m. at the Edelweiss Lodge Club Room. Commission Chair Wittman reported on the following agenda items:

- Application for Variance for Front and Side-Yard Setbacks on Lot 6, Block F by Kent Kiehl. An addition is being added to this residence, which is situated on a very steep lot. Staff recommended approval of a variance to the front setback from 25 feet to 9 feet and the side setback from 20 feet to 14 feet. A public hearing was held, no one spoke against granting the variance, and it was approved by the Commission.

- Planner Anderson reported that she is working towards revising and completing the comprehensive plan in the first quarter of 2017.

- Improvement of upper portion of the JR Trail will be spearheaded by TSV Inc., as they are the permit holder of the land with the U.S. Forest Service. The Village of Taos Ski Valley will afterwards become involved in restoration of the lower part of the trail.

- Director Jones is getting started on enforcement of the new sign code requirements.

- The Commissioners drew lots for reinstatement of their terms, with Commissioners Wittman, Nichols, and Woodard starting one-year terms as of January 1, 2017, and Commissioners Caldwell, Stagg, Bender, and Duffy starting two-year terms on the same date. A motion was passed to re-elect Commissioner Wittman as Chairperson of the Commission.

The next P&Z meeting is scheduled for Monday, January 9, 2017 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: This meeting was later cancelled.) The P&Z meeting was adjourned at 2:10 p.m.

**B. Public Safety Committee** – The Public Safety Committee did not meet in December. The next meeting will take place on January 9, 2017.

**C. Firewise Community Board of Directors** - The Firewise Community Board of Directors did not meet in December. The next meeting will take place on January 9, 2017.

**D. Parks & Recreation Committee** - no report

**E. Lodgers' Tax Advisory Board** – Councilor Stagg announced that the Board would be meeting in the near future concerning eligible lodgers' tax expenditures.

**8. REGIONAL REPORTS**

Councilor Bennett reported on activity from the Landfill Board and the Enchanted Circle meeting. The Landfill plans to buy a drone to use for better surveillance of the pods. Representative Roberto Gonzales will be attending the next Enchanted Circle meeting.

The next Enchanted Circle meeting and Landfill Board meeting will take place on December 15, 2016.

**9. MAYOR'S REPORT**

**A.** Consideration to Appoint Virgil Vigil as a Police Officer for the Village of Taos Ski Valley

**MOTION: To appoint Virgil Vigil as a Police Officer for the Village of Taos Ski Valley**

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

**B.** Consideration to Approve Planning & Zoning Commission Appointments

Commission Chair Wittman announced that at the December P&Z meeting, Commissioners drew lots for reinstatement of their terms. Commissioners Wittman, Nichols, and Woodard will start one-year terms as of January 1, 2017, and Commissioners Caldwell, Stagg, Bender, and Duffy will start two-year terms on the same date.

**MOTION: To approve the slate of P&Z Commission appointments**

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

**10. STAFF REPORTS**

**Mark Fratrack, Village Administrator reported on ongoing projects:**

- Townsite Act – Mayor King, Red Tail Surveying, and Administrator Fratrick met with the Forest Service. There were a few surveying questions to be discussed. The Forest Service informed them that they estimate the process moving forward will take six months to a year to complete.
- Taos Mountain Lodge – Administrator Fratrick met with the NM DOT District Engineer concerning the placement of holding tanks, and also talked with them about the longer term vision of water and sewer lines to the Amizette area. The Village water master plan includes provisions for line extensions to Amizette. The variance that the Village has with the NM Environment Department for the septic system is for a period of ten years.
- Kachina Water Tank – No change
- WWTP – Administrator Fratrick will be getting with the SE Group to discuss feedback received from the scoping meeting, and the process and timeline moving forward.
- Parks and Recreation – TSVI will be meeting with the Village and Parks and Recreation Committee towards the end of the month to discuss the JR Trail plan.
- WWTP Financing Options – Administrator Fratrick has been discussing financing options for the WWTP upgrade with Brad Angst of G.K. Baum & Company (GKB). There are a myriad of products to choose from, and to possibly blend, to finance the project, such as CWSRF, USDA, GO Bonds, Hold Harmless GRT, to name a few. Staff is suggesting that a workshop be held to walk through the different financing products available. The date GKB and Administrator Fratrick would like to suggest is Wednesday, December 21, 2016.
- Ernie Blake Road – A request for proposals has been advertised for appraisal services regarding the land that will need to be exchanged and/or purchased in connection with the road redesign.

**Department Briefs**

- **Department of Public Safety Update.** Police Chief Bilardello reported on November activity: (26) Hours of Traffic Enforcement, (3) Traffic Stops, (2) Written Warnings, (1) Verbal Warning, (2) Residential Alarms, (1) Criminal Damage to Property, (1) Welfare Check, and (14) Parking Citations. Fire/EMS: (0), SAR: (0) Search and Rescue Mission –suspended.

Chief Bilardello also reported that he is continuing work on the Department of Public Safety policy manual. Officer Vigil has started already and knows many people as he previously worked for the Town of Taos and Taos Pueblo. Chief Bilardello said that the officers will start conducting more patrolling on foot. The trailer which houses the police department is undersized and inadequate. When purchased fifteen years ago, the plan was for the building to be a temporary space for the department. Bilardello will be looking for a new building to be placed in the same location. He said that the upstairs of the Firehouse would be difficult to use because of the potential trouble of handling prisoners up the long stairs, and the Taos Mountain Lodge is too far down the highway for timely response by officers.

- **Public Works Update:** Director Keen reported that a new snow blower has arrived.

**11. OLD BUSINESS**

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

Attorney Romero reported that he and the attorney for the other party agreed to delay for another month.

**MOTION: To postpone indefinitely**

**Motion: Councilor Stagg**

**Second: Councilor Wittman**

**Passed: 4-0**

**B.** 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.

As part of the VTSV TIDD formation, an MDA was adopted through Amended and Restated Resolution No. 2015-275. The applicant, which is Taos Ski Valley, Inc. as agent for Twining Development, LLC and Santander Holdings, LLC, has brought forward an updated and amended MDA.

Chaz Rockey, speaking on behalf of TSVI, reported that some misinformation had been spreading that there was to be a vote on the formation of a Public Infrastructure District (PID) at this meeting. No such item is up for a vote today. He said that TSVI prefers not to form a PID, but that application for formation of a PID may be considered at some point, in order to fund the installation of natural gas lines throughout the Village. The assessment that would be levied if a PID were to be formed would be a small portion of the discount that owners would realize from hooking up to natural gas, Rockey said. The PID levy would be outlined at the time



big step forward for reducing electrical outages. There were some concerns about the system not being on a generator, as well as concerns about the ice flow problem that seems to be occurring in front of the Snakedance.  
**MOTION: To postpone approval of 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.**  
**Motion: Councilor Wittman                      Second: Councilor Bennett                      Passed: 4-0**

**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

**MOTION: To remove this item from the table**

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

An agreement is unnecessary until the dedication of Sutton Place occurs.

**MOTION: To postpone indefinitely approval of an Interim Maintenance Service Agreement with Taos Ski Valley, Inc.**

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

## 12. NEW BUSINESS

**A.** Consideration to Approve Natural Gas 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: To postpone Approval of Natural Gas Line Improvements and Related Portions of Underground Trench Improvements Dedication from Taos Ski Valley, Inc. to the Village of Taos Ski Valley**

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

There will be a need to move ahead with this dedication in the near future, according to Mr. Rockey, in order to take advantage of the NM Gas credits and provide natural gas throughout the Village.

**B.** Consideration to Approve Natural Gas Line Improvements and Related Portions of Underground Trench Improvements Assignment of Infrastructure and Permit Rights, from the Village of Taos Ski Valley to NM Gas Company

**MOTION: To postpone Approval of Natural Gas Line Improvements and Related Portions of Underground Trench Improvements Dedication from the Village of Taos Ski Valley to NM Gas Company**

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

**C.** Consideration to Approve Final Design Service and Descriptions for the Ernie Blake Road Improvements, Amendment # 1 to Task Order #16 with FEI Engineers for \$87,968.40

One of the steps for the Ernie Blake Road realignment is to get the 100% Final Design completed. FEI Engineers have proposed an amendment to their contract which outlines a scope of work to complete the final design. This is a necessary step if the Village would like to continue to pursue the improvements to Ernie Blake Road that were outlined at the workshop and were previously approved by council. TSVI will become more involved in the project, as this is reimbursable to the developer by the TIDD.

**MOTION: To Approve Final Design Service and Descriptions for the Ernie Blake Road Improvements, Amendment # 1 to Task Order #16 with FEI Engineers for \$87,968.40**

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

**D.** Discussion and Approval of Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and Taos Ski Valley, Inc. for Lodgers' Tax Contribution of \$38,481.00 for the Service Employees Bus Transportation System

At the November 2016 council meeting, the council made a motion to support the Lodgers' Tax Committee recommendation that \$38,481.00 be used to support the TSVI shuttle. Staff recommended approval based on legal concurrence, Lodger's Tax Board vote to support, and a proper MOA be negotiated and accepted. Also, staff recommended that the Village speak with the DFA Local Government representative for an opinion. Attorney Romero's opinion is that this is an allowable cost for lodger's tax funds. Councilor Stagg said that there will be defined schedules for tourist use and that the schedule complements the RTD schedule.



**D.** Mayor King asked each of the Councilors to contact Administrator Fratrick with their concerns about the amended MDA so that Fratrick could then meet with Mr. Rockey to make a plan on how to proceed.

**E.** Roger Pattison addressed the Council saying that the community is concerned that Councilor Stagg has a conflict of interest that is not being identified on some items being presented to the Council for a vote.

Councilor Stagg said that a conflict of interest comes to play when a person stands to gain personally by a vote of the Council. Mayor King noted that Councilor Stagg's family no longer owns TSV Inc., and that in a small town many people are involved in businesses that come up in discussions or votes at a Council meeting. Mayor King said that he also works for TSV Inc., as did Councilor Bennett until recently. Attorney Romero will look into the parameters surrounding the nature of the conflict of interest guidelines and perceptions.

**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, January 17, 2017, at 2:00 p.m., at the Edelweiss Lodge Club Room. This is a week later than usual due to Administrator Fratrick being out of town on the second Tuesday of the month. A Council workshop will be held on December 21, 2016 at 1:00 p.m. at the Edelweiss Lodge Club Room to discuss Wastewater Treatment Plant funding options.

**15. ADJOURNMENT**

**MOTION: To Adjourn.**

**Motion: Councilor Wittman**

**Second: Councilor Bennett**

**Passed: 4-0**

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

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Neal King, Mayor

ATTEST:

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Ann M. Wooldridge, Village Clerk