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**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
SNAKEDANCE CONDOMINIUMS  
HONDO RESTAURANT  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, APRIL 12, 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

**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  
Administrative Assistant Renee Romero  
Village Attorney Dennis Romero

**3. APPROVAL OF THE AGENDA**

Councilor Wittman asked to move item 11.B. Consideration to Approve a Purchase Offer Amount for the Purchase of the Taos Mountain Lodge, with an Appraisal Contingency to follow item 13. Miscellaneous.

**MOTION: To approve the agenda with the above amendment**

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

**4. APPROVAL OF THE MINUTES OF MARCH 8, 2016 REGULAR VILLAGE COUNCIL MEETING and the MARCH 25, 2016 SPECIAL COUNCIL MEETING**

**MOTION: To approve the minutes of the March 8, 2016 regular Village Council Meeting and the March 25, 2016 special Village Council Meeting as presented**

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

**5. CITIZEN'S FORUM**

Resident Bill Sullivan asked about the possibility of televising Council meetings. Peter Talty with TSV Inc. wanted to make a clarification on a statement made at the previous P&Z meeting about Louis Bacon having made an offer to purchase the Beausoleil site. Mr. Talty said that no offer had been made. Chaz Rockey with TSV Inc. said that the possibility of forming a PID will be brought forward by TSV Inc. and Twining

Development in the fall. Jerome de Bontin said that he has concerns with the Beausoleil site vis a vis the realignment of Ernie Blake Road.

## 6. FINANCIAL REPORTS

Nancy Grabowski, Finance Director, reported that GRT remitted to the Village in March was \$166,682 compared to \$200,123 for March last year. Totals are \$969,554 versus last year's \$858,588. The TIDD received its third distribution in March of \$70,009, for January GRT. The 455 reports that list which businesses are reporting under the old Village code instead of the new TIDD location code of 20-430 have still not been sent by NM Tax and Revenue.

Lodger's tax collections were \$76,593 versus \$67,834 for last year. Totals for the year remain up by 19%, at \$257,134 over last year's \$230,577. Since this is due to substantial late payments made in this fiscal year, revenues are actually ahead by \$7,741.

Water and sewer revenue line item amounts remain up over last year; this may be due in part to metered water used for construction. Outside contractor and engineering expenses are up because of all the projects the Village is working on, including the treatment plant improvements and the Kachina water tank. Two requests for reimbursement, totaling about \$80,000, have been sent to the Water Trust Board. Requests for Proposals for audit services for both the Village and the TIDD have been advertised.

In personnel matters, Director Grabowski announced that Chief Dave Wallace had submitted his resignation. His last day will be May 6, 2016, with a celebration to be planned to honor him and thank him for his service.

## 7. COMMITTEE REPORTS

**A. Planning and Zoning Commission** – P&Z met on Monday, April 4, 2016, at 2:00 p.m. for two and a half hours at the Edelweiss Lodge. Commission Chair Wittman reported on the following agenda items:

- Direction to Staff regarding draft amendments to the Village Sign Code. Discussion continued on this subject, with a final draft to be brought forth to the Council in the next month or two.

- Direction to Staff regarding the funding and scope of work of a Kachina Master Plan. There has been an offer to help pay for the master plan, but the Village is being cautionary. Instead of using just private funds on phase 1 and only public funds for phase 2, the Commission discussed using both private and public funds on each phase. This will be discussed again at the next meeting, when hopefully Mr. Fox will be able to attend.

- Update from Chairman Wittman regarding the Ernie Blake Road design and meeting with property owner. In March, Commission Chair Wittman and Administrator Fratrack met with Jerome de Bontin and Randy Hannebutt, who represent each group of owners of the properties on either side of the top of Ernie Blake Road. Commissioner Wittman reported that Mr. de Bontin and Mr. Hannebutt said the owners are not willing to give up this land, as they consider it very valuable, and in a prime location on the properties. They are in favor of re-routing traffic along Lake Fork Road and then going up to Twining Road by the Twining Condominiums parking lot.

Mr. de Bontin, who had asked to address the Council during this report, explained that he and his partners had not been involved in the decision to go with the Option #1, which had been chosen as the most preferable option for an Ernie Blake Road redesign. He said that engineered plans had not been presented. Mr. de Bontin said that access has always been an issue in the core, and that it would be best to limit traffic. He said that the proposed Ernie Blake Road redesign would potentially raise the road itself 8 feet by the Al's Run Condominiums, 5 feet at the Powderhorn, and 3 feet by the Cottam's house. Mr. de Bontin recommended working with engineers on a solution that would provide easier access from the core area to Kachina. He said that as the biggest property owner of land on Thunderbird Road and on Ernie Blake Road, he would prefer to change Ernie Blake Road to a cul-de-sac and provide access to Twining Road down Lake Fork Road.

Mr. Talty told the Council that two-way access to the core area was an essential part of approval for Parcel D. They could work with the Option #1. Using Lake Fork Road and the land next to the Twining Condominiums parking lot would require cooperation from the Sierra del Sol as well as the Twining Condominium owners, which could take some time. Mr. Talty said that NM Gas is interested in looking at a distribution network and needs access to Twining Road this summer.

There was some discussion about whose needs would best be met with either option. P&Z will discuss the issue again at its May meeting and make a recommendation to the Council.

- Planner Foster asked for the Commissioners' input for implementation priorities for each of the eight elements of the proposed comprehensive plan (previously named the master plan). The next P&Z meeting is scheduled for Monday, May 2, 2016 at 1:00 p.m., at the Snakedance Condominiums Hondo Restaurant.

**B. Public Safety Committee** – The Public Safety Committee met on April 4, 2016 at 9:00 a.m. at the Village Administration Office. Chairperson Bennett reported on the following agenda items:

- The firearms and hunting draft ordinance is being reviewed again; a final copy, with one exception, should be available soon.
- Since Medic 1 has been used more frequently for transporting patients, the Committee was concerned about liability issues. Village Staff looked into the insurance and found that the current liability policy in place will cover transporting patients.
- Dr. Quigley spoke to the Committee about the possibility of acquiring an ambulance, and the need for a full-time paid EMT in the Village. Mogul Medical will be staying in the same building for the next couple of years.
- The Committee sees a need for a 5 mile-per-hour speed limit sign on Thunderbird Road, as well as a stop sign at the end, not a yield sign, going towards the resort center.
- Planning is underway for a special event on July 4<sup>th</sup> to celebrate the 20<sup>th</sup> anniversary of the incorporation of the Village as well as Independence Day.

**C. Firewise Community Board of Directors** - The Firewise Community Board of Directors met on April 4, 2016 at 10:00 a.m. at the Village Administration Office. Chairperson Bennett reported on the following agenda items:

- Another siren has been purchased for better coverage throughout the Village. Not many people can hear it at the present location. The old siren will be moved to the Columbine Inn in Amizette, and the new siren will hopefully be placed at a location in the core area. A third siren will be purchased to place in the Kachina area.
  - The draft Community Wildland Protection Plan (CWPP) presented by Planner Foster was approved and recommended for review by the P&Z Commission.
  - Planner Foster has been looking into some possible grants, one for approximately \$450,000 to be used for tree thinning along the State Road 150 corridor on US Forest Service land, and another grant for \$300,000 to be used for thinning on private land.
  - A letter and a map have been sent out to all property owners giving information on the Taos Soil and Water Conservation District 80/20 grant split for tree thinning on private property. The map identifies properties with higher fire dangers. Several property owners in the Village have received this grant and used the funds to make their properties more firewise.
- Both of these committees will meet next on Monday, May 2, 2016 at 9:00 a.m. and 10:00 a.m. consecutively, at the Village Administration Office.

**D. Parks & Recreation Committee** – There were no updates available, but Director Grabowski announced that a new bench and picnic table had been ordered for placement at the Kachina area wetlands.

**E. Lodgers' Tax Advisory Board** – The next meeting will be held on Wednesday, April 20, 2016 at 10:00 a.m. at the Snakedance Condominiums to review applications for Lodger's Tax grants.

**F. TIDD Board of Directors** – Councilor Wittman reported on items of note involving the TIDD:

- The NM Tax and Revenue Department seems to be having difficulties with all of the GRT allocations between the Village and the TIDD and the baselines and the increments. Co-treasurer Chaz Rocky continues to work on getting all of these items straightened out.
- Taos County has released the baseline for the property taxes, which is for 2014.
- The State Road 150 trench, which is a project to be funded by the TIDD, is making progress. The lines for natural gas should have a capacity adequate to serve all of the Village's needs for at least 50 years.
- It is impossible for municipalities to know if their GRT collections are correct or not, due to very limited reporting by NM Tax and Revenue. The same applies to GRT reporting for the TIDD. Administrator Fratrack said that the NMML continues to lobby for improving the reporting process.

## 8. REGIONAL AND STATE REPORTS

Councilor Bennett attended the Taos Regional Landfill Board meeting and reported on the following items:

- A tour of the landfill was provided.
- It will be necessary to rent a tire shredder for one month, at a cost of \$30,000.

No IGC meeting was held, as the previous chairperson was the Village's Councilor Wiard.

A question was asked by Kent Forte, manager of the Edelweiss Lodge, about how recycled items are handled that are produced in the Village of Taos Ski Valley. Director Keen answered that it can be very difficult because a few people seem to be contaminating the recycle bins by placing trash or plastic bags in the bins along with their recyclables. Once the bin is contaminated, the Town of Taos Recycle Center will not accept the bin and so it is sent to the landfill.

## 9. MAYOR'S REPORT

A. Mayor King presented a Certificate of Service to Barb Wiard to honor and thank her for serving as Village Councilor for 16 years, as well as for all of the many other volunteer duties that she has done for the Village over the years.

Mayor King announced that Mitch Daniels will become the new fire chief; the fire department will be conducting a review of its bylaws.

Roger Pattison asked to address the Council concerning an initiative by the US Forest Service to characterize land that presently has wilderness characteristics as wilderness areas. The potential parcels of land would then be managed as if they were wilderness areas.

## 10. STAFF REPORTS

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

- Townsite Act – Administrator Fratrack met with the Forest Service to discuss their adjustments and the Village's counter proposed adjustments to the surveyed area. The Forest Service is supposed to respond to the Village within a month.
- Communication Tiger Team – Village Staff is considering whether there is a better way to communicate with residents, business owners, visitors and the public in general. A team will gather to look at what processes might be implemented to help with communications. Volunteers should contact Administrator Fratrack.
- Salary Survey – Personnel Concepts walked through the work sheets with the majority of the management staff. Pay comparisons were shown using various communities. Staff will review the worksheets and finalize job descriptions.
- District 2 Meeting – Administrator Fratrack attended the NMML District 2 meeting. It will be necessary to designate a primary and alternate voting member for NMML meetings. Municipalities are being asked to request support of the E-Fairness bill. The legislative session saw just 700 bills introduced. 101 bills went to Governor's desk. 100 plus memorials were passed. The Village's insurance dividend will be \$6,744 off of the liability and worker's compensation premiums because Village Staff met the safety requirements. Barbara Cottam, Angel Fire, was voted in as District Director, and George Woerndle, from Red River, was voted in as Vice District Director. A Bill SB270 allowing off-highway vehicle on paved roads was passed, and Fratrack asked if the Council would like to consider this. The general consensus was to not allow this.
- Budget Process – It has started. Department heads have begun to review budgets.
- TIDD Improvements Dedications – Village Staff have met with TSVI representatives to walk through Sutton place design and dedication. Staff have also met with Joe Canepa about the timeline and infrastructure project list to be dedicated to the Village once completed.
- Kachina Property Owners Association (POA) – Fratrack had a preliminary meeting with the POA concerning the donation of various open space properties to the Village. Also discussed were the easement and issues for a future hiking trail above the Quast house.
- Gas Line – Fratrack met with TSVI and the Gas Company to discuss how and where bring the natural gas line into the Village core, and also about how far to extend the line in first phase.
- RTD Meeting – TSVI proposed that RTD possibly taking on all the runs that TSVI provided over this past season. TSVI could be willing to help fund the routes if, by having RTD provide the services, it saved TSVI money in the long run. Considering the more robust schedule, RTD asked if the Village might be

willing to provide funding support back to past amounts. TSVI and the Village might have to pay more up front until the ridership went up and then RTD could apply for more funding.

- Concerns with Thunderbird Road, and also concerns with the Village accepting ownership and maintenance of the alley behind the Snakedance.

### Department Briefs

- **Department of Public Safety Update. Chief Wallace reported on March activity:**
- Law Enforcement: (32) Citizen Assists, (66) Hours of Traffic Enforcement, (6) Traffic Stops, (2) Verbal Warnings, (10) Parking Citations, (1) Written Warning, (1) Larceny, (2) MVCs, (5) Written Citations, (1) Battery, (1) Embezzlement, (1) Residential Alarm, (1) Criminal Damage to Property, (2) Vehicle Thefts, (1) Suspicious Person, (1) Arrest
- Fire/EMS: (0) Fire Responses, (1) EMS Response – Respiratory Distress
- SAR: (1) Search and Rescue Mission – active but suspended
- **Public Works Director:** Director Keen talked about air quality reporting for the Burn Boss, and the bionic soil application.
- **P&Z Update:** Planner Foster reported on working with Zehren & Associates on design standards, getting a letter sent to all property owners on firewise programs, a lot split in Amizette, hiring a GIS consultant, the comprehensive plan, recycling services, the CWPP, a Regional Trails Plan, and support for bus service. Foster will be bringing updates on these matters to the Council in the near future.

### 11. OLD BUSINESS

#### **A. PUBLIC HEARING: Consideration to Approve Ordinance No. 2016-56 Authorizing the Execution and Delivery of a Loan Agreement with New Mexico Finance Authority (NMFA) of a Special Limited Obligation for Possible Purchase of the Taos Mountain Lodge**

Clerk Wooldridge has been in contact with the Rodey Law Firm, who said that revisions were still being made to this ordinance. Staff recommends a motion to postpone approval of Ordinance No. 2016-56 until the ordinance is completed.

As this version is being presented to the Council, Staff would like to consider this reading as introduction of the revised ordinance. Council directed Staff to publish a “Notice of meeting and intent to adopt ordinance for May 10, 2016”.

#### **MOTION: To Postpone Consideration to Approve Ordinance No. 2016-56 Authorizing the Execution and Delivery of a Loan Agreement with New Mexico Finance Authority (NMFA) of a Special Limited Obligation for Possible Purchase of the Taos Mountain Lodge**

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

### 12. NEW BUSINESS

**A.** Consideration to Approve a Professional Services Contract for Legal Services with Dennis C. Romero, P.C. Administrator Fratrack explained that it is in the best interest of the Village to contract with outside attorneys on an as-needed basis at this point.

#### **MOTION: To Approve a Professional Services Contract for Legal Services with Dennis C. Romero, P.C.**

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

**B.** Consideration to Approve a Professional Services Contract with G.K. Baum

G.K. Baum has been advising and helping with the possible financing of the Taos Mountain Lodge purchase, and building the Wastewater Treatment Plant, among other things. Their contract will expire soon.

#### **MOTION: To Approve a Professional Services Contract with G.K. Baum**

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

### 13. MISCELLANEOUS

**11. NEW BUSINESS**

**B. Consideration to Approve a Purchase Offer Amount for the Purchase of the Taos Mountain Lodge, with an Appraisal Contingency**

Administrator Fratrack explained that at the previous Council meeting, the Council had voted to terminate the contract that had been in place because dates had changed. Now the seller of the Taos Mountain Lodge has accepted an offer of \$875,000, which must be ratified by the Council.

**MOTION: To Table this item until later in the meeting**

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

**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) (8) which allows for discussion of the purchase or acquisition of real property

**MOTION: To go to Closed Executive Session**

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

**B. Discussion of Pending Litigation**

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H)(7) which allows for discussion of threatened or pending litigation.

**C. Discussion of Limited Personnel Matters.**

This matter may be discussed in closed session under Open Meetings Act exemption 10-15-1(H)(2) which allows for discussion of limited personnel matters.

**MOTION: To return to Open Session**

**No decisions or motions were made during closed session.**

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

**MOTION: To take agenda item 11. B. off the table**

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

**MOTION: To approve the stated purchase price of \$875,000 with an appraisal contingency**

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

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

The next meeting of the Village Council will be a budget workshop on May 10, 2016 at 9:00 a.m. at the Snakedance Condominiums Hondo Restaurant. The next regular meeting of the Council will take place on May 10, 2016 at 2:00 p.m. at the Snakedance Condominiums Hondo Restaurant.

**16. ADJOURNMENT**

**MOTION: To Adjourn.**

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

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

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Neal King, Mayor

ATTEST:

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Ann M. Wooldridge, Village Clerk