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VILLAGE COUNCIL REGULAR MEETING  
MINUTES  
EDELWEISS LODGE CLUB ROOM  
110 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, JULY 10, 2018, 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 Brownell at 2:00 p.m. The notice of the meeting was properly posted.

**2. ROLL CALL**

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

**Governing body present:**

Mayor Christof Brownell  
Councilor Jeff Kern  
Councilor Roger Pattison  
Councilor Chris Stagg  
Councilor Tom Wittman, Mayor Pro Tem

**Staff present:**

Village Administrator Mark Fratrack  
Village Clerk Ann Wooldridge  
Finance Director Nancy Grabowski  
Police Chief Sam Trujillo  
Building Inspector Jalmar Bowden  
Building Official Rich Willson  
Public Works Superintendent Olaf Mingo  
Administrative Assistant Renee Romero  
Administrative Assistant Christina Wilder  
Village Attorney Dennis Romero  
Fire Chief Mitch Daniels

**3. APPROVAL OF THE AGENDA**

**Councilor Wittman asked to move item 12. I to follow item 5. Citizen's Forum.**

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

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

**4. APPROVAL OF THE MINUTES OF THE JUNE 12, 2018 VILLAGE COUNCIL REGULAR MEETING and the JUNE 27, 2018 VILLAGE COUNCIL EMERGENCY MEETING**

Councilor Pattison asked to make a change in the sentence concerning the Public Safety Committee and the Firewise Committee reports, in the June 12, 2018 Council minutes.

**MOTION: To approve the minutes with the above amendment: change the previous statement that said that the Committees had joined together, to say that "C. Firewise Community Board of Directors – this report was blended with the Public Safety Committee report. Please see previous item."**

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

**5. CITIZENS' FORUM – Limit to 5 minutes per person (please sign in)**

No one spoke at the Citizens' Forum.

12. **I. Consideration to Approve the Annual Contract with the Village of Taos Ski Valley Chamber of Commerce for Fiscal Year 2019**  
The Village of Taos Ski Valley Chamber of Commerce has been supported by the Village lodger's tax collections for many years. The Village works with the Chamber, providing monthly payments to support the work of the Chamber. The Chamber in turn supports the community by advertising the businesses located in the Village and promoting visitation and tourism to the Village of Taos Ski Valley. Chamber Director Courtney Tucker noted in her five years with the Chamber, collaboration has increased between the Chamber and TSVI. Councilor Stagg said that the Chamber is effective at marketing the Village.  
**MOTION:** To Approve the Annual Contract with the Village of Taos Ski Valley Chamber of Commerce for Fiscal Year 2019  
**Motion: Councilor Stagg                      Second: Councilor Wittman                      Passed: 4-0**

6. **FINANCIAL REPORTS**

Finance Director Grabowski reported that GRT remitted to the Village in June was \$35,925 compared to \$76,775 for June last year. Year-to-date GRT total is \$1,558,720 versus \$1,581,674 for last year. The TIDD received \$10,504 in GRT in June for April collections. Hold Harmless GRT total for the year is \$156,529, included in the total. Lodger's tax collections in June were \$3,332 versus \$3,145 for last year. Year-to-date total is \$349,519 versus last year's \$316,899.  
At year end, legal fees and bank charges had increased due to the wastewater treatment plant bonding process. Property tax collections were down, possibly due to lower collection rates by Taos County this year.

7. **COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported on the July 2, 2018 P&Z meeting. Agenda items included:

- Discussion of a Kachina Area Conceptual Plan presented by David Norden, and Carl Parson with Hart & Howerton. The Phoenix Grill is being expanded as well as the Bavarian Restaurant. The Army Corps of Engineers declares the boundaries of a wetland, and the Village has setback requirements for wetlands. A variance to the wetland setback will be sought by TSV Inc. for the Bavarian.
- The updated draft ICIP for 2020 - 2024 was presented and discussed. A revised draft with input from various sources including the Public Safety Committee, will be presented at the next P&Z meeting.

A special P&Z meeting will be held on Friday, July 27, 2018 at 1:00 p.m. at Tenderfoot Katie's in the TSV Resort Center. The next regular P&Z Commission meeting will take place on August 6, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this was later changed to August 23, 2018)

**B. Public Safety Committee** –Committee Chair Pattison reported that the Committee met on July 2, 2018. Agenda items included:

- A report from Chief Trujillo about looking into appropriate surveillance cameras to post in Amizette and possibly using Public Safety impact fees as a funding source
- The re-location of the Fire Substation which is to occur soon
- A new Firewise and Public Safety brochure which is being printed
- The second siren, which has been returned and a different model ordered, which can operate on less power demands and which can have solar-charged battery back-up power.
- A public presentation from the Taos Soil and Water Conservation District about funding for thinning projects on private property. Trees in most areas have become too dense because of fire prevention measures, and there are many dead trees all around homes.

The Committee will meet again on August 6, 2018 at 10:30 a.m. at the Edelweiss Lodge Club Room.

**C. Firewise Community Board of Directors** – Committee Chair Pattison reported that the Committee met on July 2, 2018. Agenda items included:

- Banners have been posted to insure that Village fire restrictions are publicized.
- The Burn Boss will still not be used, unless conditions improve.
- Carson National Forest reduced the Stage 3 fire restrictions to Stage 2.
- Extra patrolling on Highway 150 took place during the Stage 3 restrictions by the Village Police Department and the Village Fire Department, as well as by visiting departments.



advertisement would occur the following week and the State Bar of New Mexico will be contacted in the event that they would be able to post the request.

- Taos Mountain Lodge – The preliminary design has been given to Living Design Group; these architects are now working on the building and bid documents for remodeling the house into offices. The RFP for excavation, tank installation, and redi-rock installation has been revised and re-advertised.
- Kachina Water Tank –RMCI has cordoned off the road to the construction site and has begun clearing and grubbing at the site. It is estimated that the roadway and site grading and earthwork would begin in early August.
- VTSV Bull of the Woods Lot – This will be discussed later in the meeting.
- Fire Substation Relocation Project – Preliminary work on the lot has been completed. An easement will be sought from the Shopoff group for site drainage on to their property. The substation building moving company is now under contract and approval of a general contractor will be voted on later at this meeting. Application has been made for the foundation permit from the Construction Industries Division.
- Wastewater Treatment Plant – FEI has had time to take a look at the difference in the bid amounts and the engineering estimates. The expected cost was approximately \$7 million, while bids came in at \$11.9 million and \$14.5 million. All items were re-evaluated and the USDA was contacted. The use of American-made steel was required which was one reason for the higher bids. Patrick O'Brien with FEI Engineers explained that because of the delay in issuing the request for proposals caused by additional USDA requirements, bidders were concerned about the mid-summer start date, creating additional mobilization over an extra winter. Mr. O'Brien said that contractors in the Western states are busy with large projects and the Village's project is not that big in comparison, besides being in a remote area. Having to integrate new construction into an older, existing system may create too much liability, making it unattractive. Also, the high altitude may be an obstacle.  
A revised design will be engineered, using the same membrane treatment process but in a mobile unit which contains the headworks and the other necessary components. This is a new technology which was not available when drawings for the upgraded treatment plant were being drawn up previously, said Mr. O'Brien. The units, originally considered to be for temporary use, have now been proven to be effective for long-term use. Use of two mobile units, attached to the existing plant, would reduce construction time by one year. The units would be placed in the location of an existing steel tank that was going to be removed. Construction of two concrete tanks would then be unnecessary, saving money on the bids. Costs of piping and electrical work would be reduced. Revised bid design documents will be advertised in the fall for mobilization next spring. Since the complexity has been greatly reduced, it would be expected that the bids would be closer to the engineer's estimate.
- Ernie Blake Road – The closing date for the Sierra del Sol land sale has not been set.
- Gas Line – NM Gas Company has selected MSD Excavation as the contractor for the gas line installation. Work will begin on July 23, 2018 at the intersection of Twining Road and Phoenix Switchback. No funding is required as the use of credits from NM Gas will fund the construction.
- River Construction and Easements for Thunderbird Road Upgrade – Draft documents are being reviewed by Attorney Romero.

#### **Department Briefs**

- Chief Trujillo reported on recent activity. Residential Alarms (1), Business Alarms (1), Suspicious Persons/Vehicles (7), Citizen Assists (27), Traffic Enforcement Hours (69), Traffic Stops (13), Verbal Warnings (32), Parking Citations (4), Assists to other Agencies (23), Foot Patrol Hours (22), Welfare Check (0), Animal calls (2). Fire Calls (10), EMS Calls (0), SAR Hours (1).  
Chief Trujillo reported that there had been increased patrolling in the canyon during Stage 3 fire restrictions. The Police Department will be using a new program enabling officers to run driver's license checks without requiring the assistance of Central Dispatch.
- Fire Chief Daniels reported that fire department volunteers, as well as two wildland fire crews visiting from Farmington and from Oregon, helped to patrol along Highway 150 during the fire restrictions. Half of the cost of the flashing sign placed at the bottom of the canyon will be paid for by the Carson National Forest.  
Chief Daniels reported that the recent ISO certification dropped the Village's designation to a level 5, an improvement. The number of Village firefighters has increased due to TSV Inc.'s sponsorship of 12 wildland firefighters who are TSV employees. The addition of the firefighters helped to reduce the ISO rating.
- Building Official Willson reported that 6 permits had been issued for residential units at The Blake, with 3 more to still be issued. A permit for the Phoenix Restaurant remodel has been issued and the Bavarian demolition permit. The TSV Resort Center remodel of level 2 and level 4 has been permitted, a St Bernard Condominium deck remodel, and a

Kandahar deck remodel. The TSV Pit House will be remodeled in August. Permits had also been issued for 3 new residences and one remodel, with another one or two new residential permits still to come.

- Planning Director Nicholson said that he will be leading the discussion of the new Kachina Master Plan.

## 11. OLD BUSINESS

## 12. NEW BUSINESS

A. Consideration to Approve **Resolution No. 2018-364** Adopting the Enchanted Circle Trails Master Plan  
Carl Colonius, Director of the Enchanted Circle Trails Association, gave a presentation about the efforts that have been made to develop an area trails plan and to implement the plan. Funding is being requested annually from the Village in the amount of \$4,500 to be used for trails engineering and building.

**MOTION: To Approve Resolution No. 2018-364 Adopting the Enchanted Circle Trails Master Plan**

**Motion: Councilor Pattison                      Second: Councilor Kern                      Passed: 3-0** (Councilor Stagg had briefly left the meeting.)

B. Consideration to Approve a Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and the North Central Regional Transit District (RTD) to provide a Bus Route to Taos Ski Valley for the 2018-19 Ski Season  
This MOA is for an agreement between the Village of Taos Ski Valley and the RTD for the purpose of providing transportation service for the 2018-2019 Ski Season. Service would run from December 15, 2018 to March 24, 2019. The RTD is requesting \$76,352 for providing the bus service. The total amount due would only be \$65,965 for the service dates above, since this includes a \$10,387 carry-over credit from last year. The Town of Taos has committed to \$20,000. The Village's budgeted amount is \$40,514, which leaves an additional balance due of \$5,451. The Village would be liable for the \$5,451 if no other funding sources could be negotiated, such as with Taos County. The Lodger's Tax Board has approved the amount, which is in Fund 15. As with last year, there will be five roundtrips a day on weekdays and seven roundtrips a day on weekends, but new this year will be two late evening Friday and Saturday roundtrips.

The RTD also receives funding in the amount of a .125% GRT from the Village of Taos Ski Valley tax portion, for bus services.

**MOTION: To Approve a Memorandum of Agreement (MOA) between the Village of Taos Ski Valley and the North Central Regional Transit District (RTD) to provide a Bus Route to Taos Ski Valley for the 2018-19 Ski Season**

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

C. Consideration to approve an Amendment to the Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake Road

At the May 15, 2018 Council meeting, the Council approved the MOU and Agreement regarding re-alignment of Ernie Blake Road. After the MOU was approved, and after the in-lieu of condemnation had been executed, TSVI came forward with a proposal to complete the project with a 3:1 slope to support Ernie Blake Road instead of building the retaining wall which was approved as part of the MOU. There were concerns by Staff that a change of scope of this type would pose additional liability and legal concerns with the new property owner, as the project would now impinge up to sixty-six feet on to the property. In talking among Village Staff and Village legal representation, it was decided that the Village needed to see new 3:1 slope construction documents and have a formal agreement with the new property owner. TSVI has provided new construction documents to the Village for review and the Village has received an easement agreement, a forbearance agreement, and supporting exhibits. The final MOU with an agreement for maintenance of the dirt has not been completely finalized between Attorney Romero and Attorney Canepa.

**MOTION: To Approve an Amendment to the Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake Road, with Mayor Brownell to review the documents with Staff and Attorney Romero before signing**

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

D. Consideration to Approve **Amendment No. 4 for Contract VTSV-14-0002** a One-Year Extension to the Contract with FEI Engineers

FEI Engineers was selected in May 2014 after the Village went through an RFP process to select an engineering firm for the Village. FEI was selected and approved for a four year term with the professional services contract needing to be approved each year. Professional services agreements can be extended an additional four years; each additional year would be required to be approved on a yearly basis. The Village Staff is pleased with the work that FEI has performed

so far and would like to extend the contract for an additional year. This will conclude their original four year commitment and would allow for four more one-year renewal extensions.

Russell Engineering had been a sub-contractor of FEI for civil engineering projects, since FEI specializes in water and sewer engineering. The Village will be seeking a new civil engineering firm to avoid any conflict of interest with TSV Inc.

**MOTION: To Approve Amendment No. 4 for Contract VTSV-14-0002 a One-Year Extension to the Contract with FEI Engineers**

**Motion: Councilor Stagg                      Second: Councilor Wittman                      Passed: 3-0** (Councilor Stagg had stepped out.)

**E. Village of Taos Ski Valley Roads Discussion**

**MOTION: To Table until the next Council meeting**

**Motion: Councilor Wittman                      Second: Councilor Kern                      Passed: 3-0** (Councilor Stagg had stepped out.)

**F. Consideration to Approve a Volunteer Fire Chief Stipend**

Fire Chief Daniels has been in the position for approximately two years and has become very active on Fire and EMS in the Village and with other government agencies. He has requested a \$20,000.00 a year stipend, to be paid at \$1,666.67 a month. Administrator Fratrack said that he continues to receive positive feedback for the training that Chief Daniels is providing and for the many incidents to which he responds.

Chief Daniels said that most of the calls are for medical help or for search and rescue. The fire calls are mostly false alarms. Mayor Brownell commended Chief Daniels for doing a great job.

**MOTION: To Approve a Volunteer Fire Chief Stipend**

**Motion: Councilor Kern                      Second: Councilor Pattison                      Passed: 3-0** (Councilor Stagg had stepped out.)

**G. Consideration to Approve Services Contract No. 2019-01 Mike Compton Construction Company Contract to Pour a Concrete Slab for the Fire Substation Site**

The Village is in the process of moving the Kachina Fire Substation from TSVI-owned property to Village-owned property. As part of this process, the Village will be required to have a building slab poured to allow for the Substation to be positioned correctly on the new site. Bids were requested and Mike Compton Construction was the low bidder.

**MOTION: To Approve Services Contract No. 2019-01 Mike Compton Construction Company Contract to Pour a Concrete Slab for the Fire Substation Site**

**Motion: Councilor Pattison                      Second: Councilor Kern                      Passed: 4-0**

**H. Presentation and Discussion on Possible Land Swap and Other Options in Regards to the Village's Bull of the Woods Lot**

The Village of Taos Ski Valley owns a .50 acre lot located at the entrance to Northside at Taos Ski Valley, past the gate. This property was traded to the Twining Water & Sanitation District by the Pattisons, many years ago, potentially to house a District Manager. The Village Council directed Staff to get an appraisal of the property to better assess the possible value. With the appraisal now completed, Council can discuss possible options for use of the property.

Administrator Fratrack presented several possible options, namely:

1. Swap the property for other property: Prior to becoming a Village Councilor, Roger Pattison had approached the Village with the possibility of swapping some Pattison property for the Village Northside lot. This had been brought forth by the Pattisons on several occasions.
2. Sell the Lot: Put it on the market and sell the property outright. The appraisal value was \$240,000.00.
3. Use the property for Village infrastructure, such as a water tank to provide Block N residents with water.
4. Create a park or picnic area
5. Keep the property now, for future use, sale or trade
6. Any other options

Councilor Pattison explained that he had expected the discussion to take place only on the possibility of a land swap, since that was the proposal. Mayor Brownell said that he had requested a list of options. Councilor Pattison said that he believed his uncle had traded the property to the District in exchange for some sewer assessments.

As far as the Pattison property that would be considered for a swap, there are two strips of land along the river above the Beaver Pond, and one below the Beaver Pond. Privately held residential properties along the river have never gone to

the centerline of the river, but only to the bank of the river. Councilor Pattison said that he had approached several property owners to see if they wanted to purchase the strip by their property, but only a few of them were interested in a purchase, at that time. Councilor Pattison suggested that the Village could build a walking path using the strips. He said that they are not contiguous so some use of U.S. Forest Service land would be required.

The other piece of Pattison property is an 8-acre piece below Kachina Road, above the houses on Cliffhanger Loop and Zap's Road. Councilor Pattison explained that the Pattison Trust is interested in a land swap of the river strips and this 8-acre piece for the Village's .5-acre lot. He said that these Pattison properties had been appraised at approximately \$400,000. He noted that the Village's lot is within the Northside parcel, and that the Pattisons would like to have it back for contiguity.

Councilor Pattison said that if no swap were to occur, he would expect that the Village find a way to divert the water that is channeled off of Kachina Road and which flows onto the 8-acre parcel. He said that this creates a liability for the Pattisons since the water can cause rocks to roll downhill onto residential properties below.

Discussion took place. Councilors expressed concern about taking on the liability of the 8-acre parcel. There was a suggestion that each of these items be considered one by one, instead of all rolled into one deal.

No action was taken.

**J. Consideration to Approve Resolution No. 2019-359 Approving a Permanent Budget Adjustment Request for Increased Engineering Services Expense for Wastewater Treatment Plant Upgrade**

The FY 2018 budget included approximately \$250,000 for estimated engineering services for the Waste Water Treatment Plant upgrade. FEI Engineers has been working on the RFP, including pre-bid meetings, addendums to the bid, and working closely with Ovivo, the membrane manufacturing company, to finalize plans for the plant, in anticipation of beginning the project this summer. The Village has now exceeded the original budgeted amount for engineering services and Staff is requesting a budget adjustment of \$41,500 to cover these additional expenses.

**MOTION: To Approve Resolution No. 2019-359 Approving a Permanent Budget Adjustment Request for Increased Engineering Services Expense for Wastewater Treatment Plant Upgrade**

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

**K. Consideration to Approve Resolution No. 2019-360 Approving a Permanent Budget Adjustment Request for the Land Purchase and Swap for the Ernie Blake Road Improvement project**

The Ernie Blake Road project is a TIDD-funded project and no amount was included in the Village's FY2018 budget.

The Village has now purchased and swapped most of the land needed to proceed with Ernie Blake Road improvements.

Funds were taken from the General Reserve Fund (43) to accommodate the purchase, which was a designated use for this fund. The expense was not included in the FY2018 original budget and a budget adjustment of \$248,500 is needed.

**MOTION: To Approve Resolution No. 2019-360 Approving a Permanent Budget Adjustment Request for the Land Purchase and Swap for the Ernie Blake Road Improvement project**

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

**L. Consideration to Approve Resolution No. 2019-361 Approving a Permanent Budget Adjustment Request in FY2018 for the CD Investment Maturing in June 2018**

In June 2018 a CD investment in the General Fund (03) matured and rolled into the money market cash account. The funds will be reinvested in July, but a FY2018 BAR is needed.

**MOTION: To Approve Resolution No. 2019-361 Approving a Permanent Budget Adjustment Request in FY2018 for the CD Investment Maturing in June 2018**

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

**M. Consideration to Approve Resolution No. 2019-362 Approving a Permanent Budget Adjustment Request in FY2019 to Reinvest Money Market Funds into a CD Investment**

The Village is submitting its FY2019 budget in July 2018. In June 2018 a \$250,000 CD investment in the General Fund (03) matured and rolled into the money market cash account. Staff would like to reinvest these funds into a new CD investment account.

**MOTION: To Approve Resolution No. 2019-362 Approving a Permanent Budget Adjustment Request in FY2019 to Reinvest Money Market Funds into a CD Investment**

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

**N. Consideration to Approve Resolution No. 2018-363, A Resolution Authorizing and Approving Financial Assistance from the New Mexico State Highway and Transportation Department FY2019, NM LGRF DOT Project SP-5-19 (198)**

