



**VILLAGE COUNCIL MEETING  
MINUTES  
EDELWEISS LODGE AND SPA CLUB ROOM  
TAOS SKI VALLEY, NEW MEXICO**

**TUESDAY, AUGUST 7, 2012 2:00 P.M.**

7 Firehouse Road  
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**MAYOR:**  
Neal King

**COUNCIL:**  
Kathleen V. Bennett  
J. Christopher Stagg  
Barbara L. Wiard  
Thomas P. Wittman

**VILLAGE ADMINISTRATOR:**  
Mark G. Fratrack

**CLERK/TREASURER:**  
Vanessa N. Chisholm

**I. CALL TO ORDER & NOTICE OF MEETING**

Mayor King called the meeting to order at 2:00 p.m. The notice of the meeting was properly posted.

**II. ROLL CALL**

Mayor King, Councilors Bennett, Stagg, Wiard, and Wittman were present. Staff members present included Mark Fratrack, Vanessa Chisholm, Don Schieber and Dave Wallace. Dennis Romero, Village Attorney, was also present.

**III. APPROVAL OF THE AGENDA**

Mark Fratrack requested that Item B under new business be deleted from the Agenda (Consideration to approve letter to Land Trust Board supporting the protection of the Williams Lake Trail through a conservation easement).

**MOTION: To approve the agenda as amended.**

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

**IV. APPROVAL OF THE MINUTES OF THE JUNE 12, 2012 AND THE JUNE 25, 2012 VILLAGE COUNCIL MEETINGS**

**MOTION: To approve the minutes from the June 12, 2012 and the June 25, 2012 Village Council meetings.**

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

**V. CITIZENS FORUM**

John Thompson, Taos Airport Manager, presented an update on the new runway and improvements to be made to the Taos Airport. A design grant application will be submitted to the FAA by August 28, 2012 for the 8,600 foot runway. Thompson said the EIS is six volumes and stands about 3 feet high.

Kent Forte, Edelweiss Lodge and Spa, spoke about the new water rates and the difference between residential and commercial rates. It was determined that all condos are commercial; houses that are rented out are considered commercial. Forte said he has 4 units that do not rent out. Discussion followed on whether or not exceptions should be made. It was the consensus of the Council that things should remain the same until next year's budget workshop.

**VI. FINANCIAL REPORTS**

Chisholm stated that GRT was in the amount of \$36,835.14 for the month of July. Chisholm reported that the State of New Mexico Department of Finance and Administration has given the Village final budget approval for the fiscal year 2012-2013. Chisholm also presented the year ending June 30, 2012 quarterly municipal financial report and noted that the Council will consider approving a resolution under New Business.

The Financial reports were accepted into the minutes.

## VII. COMMITTEE REPORTS

### A. Planning and Zoning Commission

Councilor Wittman reported the Commission met on August 6, 2012. The Commission has been asked to review impact fees. Wittman stated that a newly constructed 4500 square foot home paid about \$9,000 in impact fees. Currently the fees are \$2.18/square foot in the Central Business District and \$2.28/square foot in the Kachina area. Wittman talked about the ICIP (Infrastructure Capital Improvements Plan). Four new items have been added. These included the acquisition of land, design, and construction of a new Village entry road. The improvements extend out through the year 2017. The final item discussed was the Village Fire Department substation located in the Kachina area. The next meeting is scheduled for Wednesday, September 5, 2012, at 1:00 p.m., at the Edelweiss Lodge and Spa conference room.

### B. Public Safety Committee

No Report

### C. Parks and Recreation Committee

John Halley submitted a report from their meeting held on August 3, 2012. It details their budget, status of existing and new VTSV P&R projects, their work with the USFS, community trails, fish habitat restoration and enhancement projects, core village redevelopment project, disc golf, outdoor entertainment and festival facilities with related stages, summer facilities, cleanup garbage and recycling, beautification, signage and maps, committee structure and organization. The next meeting is scheduled for September 11, 2012, at 3:00 p.m.

### D. Arts and Entertainment Committee

The Arts and Entertainment report was incorporated into item C above.

### E. Lodgers' Tax Advisory Board

Roger Mariani, chair of the Lodgers' Tax Advisory Board, reported that Lodgers' tax this year exceeded \$300,000. The next meeting is scheduled for August 27, 2012 at the Snakedance Condos. This will be a workshop meeting to discuss future spending of Lodgers' Tax money.

### F. Committee Appointments

John Halley had requested that the Mayor appoint Jon Mudder, food and beverage manager from the Edelweiss, to the Parks & Recreation Committee. It was also determined that Aline Robertson and Doug Fields should be removed from the Parks & Recreation committee.

**MOTION: To approve the Mayor's appointment of Jon Mudder to the Parks & Recreation Committee and the removal of Doug Fields and Aline Robertson.**

**Motion:** Councilor Wiard

**Second:** Councilor Wittman

**Passed:** 4-0

## VIII. REGIONAL AND STATE REPORTS

Councilor Wiard reported on the June meetings of the Intergovernmental Council (IGC) of the Enchanted Circle and the Taos Regional Landfill Board. Topics for future meetings of the IGC included political races and tourism; the next meeting is September 20, 2012. Wiard discussed the SMA Landfill consultant's presentation, the landfill tour, and approval of the SMA contract for permit revision. The next meeting is also scheduled for Thursday,

September 20, 2012. Wiard attended the NMML Tax Task Force in Albuquerque. This committee is looking at how gross receipts taxes are used in the state. She talked about decoupling local governments from the state. She said it is a long term process and is supported by the legislatures on both sides. Other meetings that Wiard attended were the NMML Policy Meeting, a meeting with Representative Bobby Gonzales and Mark Fratrick on the PERA issue and the NMML Resolutions Committee. Future meetings include the NMML Annual Conference to be held in Las Cruces on August 28 – 31, 2012, the NMML Board of Directors Meeting and the NM Infrastructure Conference to be held in Taos on October 23-25, 2012.

#### **IX. MAYOR'S REPORT**

Mayor King stated the Village has renewed its membership with the National League of Cities. We are still the smallest municipality in the League. The mayor reported he was on vacation most of July and then attended a week long EMT refresher class in Albuquerque at the end of the month.

#### **X. STAFF REPORTS**

Mark Fratrick, Village Administrator, updated Council on the Forest Service meeting regarding the Town Site Act. The USFS reported that on April 26, 2012 the Act was sent to Senate Energy and Natural Resources Committee; Bingaman chairs that panel. There has been no movement since that date. The chlorination station easement agreement was signed by all parties; the project should begin construction on August 6. Fratrick discussed the optic line trenching. The EIS will go out for comment in July with an estimated decision in September. The Village switched the employee's health insurance to the State of New Mexico plan as of July 1, 2012. This will save the Village between \$30,000 and \$44,000 per year. MAP funding was rejected for Village roads and the entrance road to the Village. There was \$5 million in MAPs funding available and applicants had requested \$16.5 million. We are in a good position for next year's funding cycle though. Fratrick updated the council on the PERA issue. The Village joined PERA in March, 2011. The PERA Board is making changes to PERA after the fact. He has asked Representative Bobby Gonzales and Councilor Wiard about this issue. Fratrick reported the Town of Taos wants to donate a Town of Taos 15 passenger van to the Village. Discussion followed regarding uses for this van. Councilor Stagg said there is a continuing need for an employee shuttle from town and transportation services for locals.

Fratrick met with some of the Amizette residents to discuss their interests, how they fit in, and how they want to fit in to the Village's future. A few items discussed were an interest in the passenger van, large trucks using Jake brakes is causing problems and an entrance to Taos Ski Valley sign.

Fratrick reported that the Fire Department's substation in the Kachina area was slated to be moved, but has been put on hold. It has been on the ICIP for several years, but the move was stopped by a "concerned citizen". Options on the future of the substation were discussed.

Fratrick also reported that the Village considered asking the Water Trust Board to reconsider our application request but our scoring was low and the previous funding is still not spent. Fratrick noted that Workman's compensation insurance had been previously billed at \$24,774 and we have now reduced it to about \$13,847. Lastly, Fratrick referred to Ordinance 03-37 regarding regulations for septic tanks and sewer use. He stated at least twenty houses are not hooked up to the sewer system that could be. Staff would like to move to change the ordinance to encourage hooking up to the sewer system. Discussion followed.

Dave Wallace updated Council on the body recovery incident in July of a 79 year old male who died from a possible heart attack on Wheeler Peak. Wallace stated that it was a seven hour recovery for the Village Search and Rescue team and he commended them.

Don Schieber updated the Council on the RFP for electrical contractors for the three phase power lines down from Twining Condos as per the franchise agreement. Schieber noted that the Kraybill cleanup was \$7,000 including 6 roll offs and the planting of some trees. Charlie Kleiner said the property looks gorgeous now.

Discussion was held on the cost of trenching up State Route 150. It was reported that the cost is \$100,000/mile to dig and trench; 7 miles for Kit Carson; 10 miles for the Gas Company. They cannot be in the same trench. The natural gas company is a non-player; it's a regulated industry. Councilor Stagg said the Council should look at the dollar figures; it would be a big savings in the long run.

Ray Keen said the Burrough's water line is on-line and working. The wastewater treatment plant SCADA computer system has had several issues after being hit by lightning twice. Keen reported there will be a water outage tomorrow above the Phoenix Switchback. Keen regretfully informed the Council that Village employee, Eloy Montoya, resigned and has taken a job with a private contractor. We will not advertise for this position until the future.

#### **XI. OLD BUSINESS**

None

#### **XII. NEW BUSINESS –**

##### **A. Consideration to approve Resolution #2013-233, San Juan Chama Water Rights Contract.**

TWSD entered into a contract for 15 acre-feet of water in the original San Juan Chama Project dating back to 1978. This was assigned to the Village in 2001. At present, the Village has San Juan Chama Project water available in Heron Reservoir in excess of its current needs which can be made available. The Village agrees to lease to the Bureau of Reclamation the use of up to 8 acre feet of its 2012 San Juan Chama Project water to be stored in Heron Reservoir. This water allocation will be used for the purpose of irrigation within the Middle Rio Grande Conservancy District. The Bureau of Reclamation will pay the Village \$48.00 per acre-foot for a maximum of 8 acre-feet of water released from Heron Reservoir pursuant to this contract.

**MOTION: To approve Resolution #2012-233, a resolution regarding the 2012 San Juan Chama Project Water Repayment Contract between the United States Department of the Interior, the Bureau of Reclamation, and the Village of Taos Ski Valley.**

**Motion:** Councilor Stagg

**Second:** Councilor Wittman

**Passed:** 4-0

##### **B. This item was deleted from the agenda.**

##### **C. Consideration of Village's Policy on Domestic Partnership for Health Insurance.**

The question of the Village providing health care insurance coverage for employees that claim domestic partners has come up. The state's position is that each municipality must set their own individual policy. If the domestic partner coverage is allowed, it is estimated

that the Village could possibly pay out an additional \$1500/month or \$18,000/year for that additional coverage. State guidelines and verification must be met to accept domestic partners. There would be additional administration requirements for the Village Staff to adhere to. The employee's portion of the health care premium payment would be post-tax instead of pre-tax, which would be an additional administration step to take and then verify each payroll.

Due to the fiscal impact to the budget, it is recommended that the policy should be set in which domestic partners are NOT authorized to participate on the Village's health care plan and Council should authorize staff to make the appropriate changes in the personnel policy to uphold this policy.

Discussion followed and it was determined that the Personnel Policy Committee did in fact discuss this situation and did not include it to the revisions to the policy. It was requested that staff create a Health Care Policy (as a standalone policy, not incorporated into the Personnel Policy) and bring it back to the Village Council.

**D. Appointment of Voting Delegate and Alternate Delegate for 2012 NMML Annual Conference.**

The 55<sup>th</sup> annual conference of the NM Municipal League will be held August 28 through August 31 in Las Cruces. At the annual business meeting on Thursday, August 30, a President Elect, Vice President, Treasurer, and three Directors-at-Large (2 year term) will be elected. Also the annual statement of municipal policy and annual conference resolutions will be adopted. Each municipality in good standing shall be entitled to one delegate vote. The governing body needs to select a voting delegate and alternate for the annual business meeting.

Mayor King appointed Councilor Wiard as the voting delegate from the Village of Taos Ski Valley and Mark Fratrack as the alternate delegate. Mayor King and Councilor Bennett will also attend the conference.

**E. Consideration and Approval of Resolution #2013-232, a Resolution Approving FY2012 Final Quarter Financial Report Year Ending June 30, 2012.**

A new requirement by the State of NM Department of Finance and Administration is to pass a resolution ensuring that the governing body has reviewed and approved the financial report for the final quarter ending June 30, 2012.

**MOTION: Council has reviewed and wishes to approve Resolution #2013-232, a resolution approving FY2012 final quarterly financial report year ending June 30, 2012.**

**Motion:** Councilor Stagg

**Second:** Councilor Wiard

**Passed:** 4-0

**F. Acceptance of Grant #13-418-6001-0051 from the State of NM, NM Department of Tourism.**

John Halley, Chair of the Parks and Recreation committee, reported that the committee, in conjunction with the Chamber of Commerce and the Public Works Department, submitted a grant application for matching funds from the State of NM Department of Tourism. The application was approved for a matching fund grant of fifty-three hundred dollars (\$5,300.00). Grant funding is slated to be utilized to support the NM Litter Control and

Beautification Act, which requires the “public entity to establish and help continue a local Keep America Beautiful system program” and a “youth employment program to aid in litter control and beautification projects.” Matching funds within the Village budget have already been identified. Some of the funding identified is to be spent on dog waste stations, waste recycle stations, flower baskets and youth interns.

**MOTION: To accept Grant #13-418-6001-0051 from the State of NM, Department of Tourism.**

**Motion:** Councilor Stagg

**Second:** Councilor Wittman

**Passed:** 4-0

**G. Consideration and Approval of Contract with George K. Baum for Financial Planning Services**

The Village of Taos Ski Valley continues to seek the upgrades necessary to the wastewater treatment plant, the water system, the Kachina water tank, the main entrance road and other ICIP projects that encompass supporting the base core development, Kachina and/or Amizette development and other maintenance and upkeep projects. The Village is at a critical time in their planning process and will need to maintain professional financial planning services to set up the strategy to achieve the funding and goals necessary. Helping set up funding and application timelines, review funding proposals/applications, and facilitating the bonding process are some, but not all of the services the financial planning company will provide.

George K. Baum provided valuable financial planning services in the previous fiscal year and staff would like to continue to have their services to help with this critical phase of the Village’s future.

**MOTION: To recommend the approval for the Village Administrator to negotiate and enter into a professional services contract with George K. Baum & Company not to exceed \$50,000.00.**

**Motion:** Councilor Wittman

**Second:** Councilor Bennett

**Passed:** 4-0

**H. Consideration and Approval of Staff Recommendation of the Sequencing Batch Reactor Wastewater Treatment Plant option as outlined in the Preliminary Engineering Report.**

McLaughlin Water Engineers identified and evaluated the three best wastewater treatment plant options (1. Conventional Activated Sludge; 2. Sequencing Batch Reactor; 3. Membrane Bio Reactor). Village staff working with an outside consultant and McLaughlin Water Engineers LTD, performed additional research which included education lectures, online research, talking with other engineers/inspectors, and on-site visits of a variety of existing plants. Out of the three options, staff recommends the Sequencing Batch Reactor wastewater treatment plant option. Public Works Director, Ray Keen, is in agreement with this decision.

**MOTION: To approve the recommendation of the Sequencing Batch Reactor Wastewater Treatment Plant option as outlined in the Preliminary Engineering Report.**

**Motion:** Councilor Wittman

**Second:** Councilor Wiard

**Passed:** 4-0

**XIII. MISCELLANEOUS:**

None

**XIV. CLOSED EXECUTIVE SESSION – Pending Litigation**

**MOTION: To go to closed executive session to discuss pending litigation.**

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

**MOTION: To return to open session. Nothing was discussed except pending litigation. No decisions were made and no votes were taken.**

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

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

The next meeting of the Village Council will be held on Tuesday, September 4, 2012, at 2:00 p.m., at the Edelweiss Lodge and Spa Conference Room.

**XVI. ADJOURNMENT**

**Motion: To adjourn the meeting.**

**Motion:** Councilor Stagg      **Second:** Councilor Bennett      **Passed:** 4-0.

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Neal King, Mayor

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Vanessa Chisholm, Village Clerk