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**VILLAGE COUNCIL REGULAR MEETING MINUTES
COLUMBINE INN CONFERENCE CENTER
TAOS SKI VALLEY, NEW MEXICO**

TUESDAY, JANUARY 6, 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 Chris Stagg
Councilor/Mayor Pro Tem Barb Wiard
Councilor Tom Wittman

Village staff present:

Administrator Mark Fratrack
Finance Director Nancy Grabowski
Clerk Ann Wooldridge
Public Works Director Ray Keen
Public Safety Director Dave Wallace
Planning Director Don Scheiber
Planner Matthew Foster
Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

Councilor Wittman requested Ernie Blake Road Traffic be added under 13. Miscellaneous

MOTION: To approve the agenda as amended

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

4. APPROVAL OF THE MINUTES OF THE DECEMBER 2, 2014, THE DECEMBER 4, 2014, THE DECEMBER 12, 2014 VILLAGE COUNCIL MEETINGS AND THE DECEMBER 18, 2014 VILLAGE COUNCIL WORKSHOP

MOTION: To approve the minutes from the December 2, 2014, the December 4, 2014, the December 12, 2014 Village Council Meetings and the December 18, 2014 Workshop

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

5. CITIZEN'S FORUM – No one spoke at the Citizen's Forum.

6. FINANCIAL REPORTS

Director Grabowski presented the Gross Receipts and Lodger's Tax Collection Summary, the Profit and Loss Previous Year Comparison Report, and the VTSV Gross Receipts Distribution for December 2014. Village expenses associated with the TIDD are being tracked and will be billed to TSV, Inc. The Financial Report was accepted into the minutes. Director Grabowski reported that she will attend Certified Procurement Officer training in the spring to meet State requirements for this position.

7. **COMMITTEE REPORTS**

A. Planning and Zoning Commission

Councilor Wittman reported on the January 5, 2015 meeting. A Public Hearing was held regarding Parcel D conditional use permit with several variances. Eight citizens spoke in favor, no one spoke against. The vote was unanimous 6-0 in favor of the permit with Councilor Stagg recusing himself. An MOU is being drafted for land exchanges adjacent to Parcel D that will need Council approval in February. An amended plan for Parcel G has been submitted to the Planning office; the original plan for condos on Parcel G was approved last March, but this is now being changed to a hotel with seven condos. The Planning Officer can approve of this change administratively, and wanted to apprise the Commission of the change. A notice will be posted at the site for 30 days, and if someone objects, then it will come back to the Commission for approval. P&Z current projects include an amended water use ordinance, and a comprehensive snow storage plan. The next meeting is scheduled for February 2, 2015 at 1:00 p.m. at the Edelweiss conference room.

B. Public Safety Committee

Councilor Bennett reported that the committee has not met since December. The next Public Safety and Firewise Board meetings are scheduled for February 2, 2015 at 10:00 a.m. at the Village Office. Councilor Bennett announced that the NM State Forestry Division accepted the application to be recognized as a Firewise Community, forwarded the application to Washington D. C., and it was accepted. The Village of Taos Ski Valley is now recognized by the federal government as a Firewise Community, enabling the Village to acquire grant money to make the Village firewise-compatible. The Action Plan submitted to the Federal and State Governments will be followed starting February 2, 2015. She displayed the glass plaque awarded to the Village. The members of the Firewise Community Board of Directors were thanked for all their hard work.

C. Parks & Recreation Committee

It was announced that Katherine Kett, chair of the Parks and Recreation Committee, gave birth to a six pound baby boy at about 11:30 p.m. on New Year's Eve. Congratulations Katherine!

D. Lodgers' Tax Advisory Board

Councilor Stagg reported that the Board met to review the projected use by the Tax Increment Development District of a portion of future incremental Lodgers' Tax. He said that the Board voted in favor of this proposal.

8. **REGIONAL AND STATE REPORTS**

Councilor Wiard reported on:

- Regional Landfill Board (12/17/14) – The new cell construction (3b and 4) bid was awarded to AJAC Enterprises, Inc. The NM Environment Department Public Hearing for the permit modification (to accept sludge) will be held January 15 at 5:30 in the Town of Taos Council Chambers. The permit modification process was initiated in July 2011.
- Intergovernmental Council (IGC) of the Enchanted Circle (12/1/14) – The IGC will meet on January 21, 2015 at the Enchanted Circle Day at the Legislature.
- NM DWI Grant Council (12/16/14)
- 2015 Legislative Session
 - 60 day session
 - Expect major changes due to new Republican House majority.
 - January 21 – Presentation by VTSV and TSV, Inc. to the State Board of Finance regarding application for the TIDD
 - January 29 – 2015 NM Legislative Session begins at noon
 - January 27 – Tourism Day and Ski NM Day
 - February 9 – UNM Alumni Association Legislative Reception
 - February 24 – NMML Legislative Reception
 - February 25 – Municipal Day at the Legislature , NMML Board Meeting
 - March 21 – 2015NM Legislative Session ends at noon
- National League of Cities (NLC) Annual Congressional City conference in Washington D.C. March 7-11, 2015

9. **MAYOR'S REPORT**

Mayor King has been busy with projects pertaining to the TIDD and working on the TIDD voter list.

10. **STAFF REPORTS**

Administrator Fratrack reported on:

- Columbine Hondo Wilderness Act – The Act was passed and signed by the President. Staff will begin working with the Forest Service on the administrative process to acquire the Waste Water Treatment Plant property (approximately 5 acres).
- TIDD – A large portion of staff time has been spent reviewing, working, meeting, and talking with TSV, Inc., in regards to the various required supporting documents for the TIDD formation and election. The initial State Board of Finance presentation went very well. There will be a formal presentation in Santa Fe on January 21, 2015.
- Burn Boss – The Taos Regional Landfill staff have inquired about leasing the Burn Boss.
- Chief Wallace was reconfirmed to the NM Public Safety Advisory Commission by the NM Senate. The Mayor and Administrator Fratrack were able to attend the ceremony in Santa Fe.
- Water Trust Board – Applications have been submitted for the Kachina Water Tank and for development of the Gun Site Spring. Documentation has been sent to the Office of the State Engineer as the second step in the process. The required Resolution to officially authorize staff to submit an application at the appropriate time will be presented to the Council next month. The next deadline for more support documentation is February 2, 2015.
- Cell Service – Staff has been receiving calls about poor cell service. Kit Carson seems to have issues hooking up and getting the fiber optic working correctly. Predicted fix date is now April 2015.
- Dan Kraybill's (Zap) house has been sold and the new owner plans to remove the building by the end of summer 2015.

Chief Wallace summarized the November and December Public Safety Reports:

- Law Enforcement
November: One agency assist, one criminal damage to property, one residential burglar alarm, one motor vehicle collision, one court hearing, 43 hours of traffic enforcement
December: 25 citizen assists, 1 domestic disturbance, 4 burglar alarms, 3 motor vehicle collisions, 1 larceny, one 911 hang up, 69 hours of traffic enforcement, 10 hours of bar patrol
- Fire
November: 3 fire responses, 1 smoke investigation, 2 downed power lines, 3 motor vehicle collisions
December: 1 residential fire alarm
- EMS
November: motor vehicle collisions, breathing difficulty
December: altitude sickness
- SAR – None
- Other Activity – Vehicle Extrication Training

Director Keen reported on:

- Vault Line Incident – On December 16, 2014 Olaf Mingo was adjusting the altitude valve in the vault at the green water tank when a 6" line blew apart, flooding the vault and overflowing down the road. Olaf managed to get out safely and proceeded to the chlorination station to shut off the spring. Staff was called in immediately to help with the emergency. A valve at hiker parking was dug up to restore water to the upper Kachina area. Hydrants below the tank were opened to drain the tank because of inability to access the valve to shut the flow. After draining the tank it was possible to get into the vault, shut the valve, and repair the break. Lines started charging around midnight and by 2:30 a.m. everything was charged and there was flow to the green tank.
- Water Outage – On January 1, 2015 a call was received from dispatch at 10:30 p.m. for a water outage at a residence on Porcupine Road. Joey and Ray found the green tank empty and water out below Zap's Road. Flow was increased to the green tank. The side spring (TSV, Inc.) was diverted into the chamber. Snowmaking crews were notified. All residents had water by 1:30 a.m.
- Holiday Peak – The WWTP experienced high flows of .105 MGD through the holidays and operated well other than the expected increase in ammonia which was corrected quickly. To date all test results have been good.
- Frozen Overflow – The spring overflow has frozen twice in the past week due to low flows and is in the process of thawing. This seems to happen when the overflow decreases enough to dribble water that freezes right away and forms layers until frozen solid.

11. OLD BUSINESS – None

12. **NEW BUSINESS**

A. Introduction of Resolution #2015-274 Approving the TIDD Operating Plan

Administrator Fratrack presented the TIDD operating plan contained in Resolution #2015-274.

B. Introduction of Resolution #2015-275 Approving the Petition and Application of Taos Ski Valley, Inc., a New Mexico Corporation as Agent for Twining Development LLC, a Delaware Limited Liability Company, and Santander Holdings, LLC, a Delaware Limited Liability Company, together with Twining, LLC, and TSV, Inc., and their respective successors, assigns and designees, for the formation of the Tax Increment Development District (The “TIDD”) Pursuant to the Tax Increment for Development Act, Sections 5-15-1 through 5-15-28, NMSA 1978; Determining that there is a need for the TIDD to finance public infrastructure necessary to support current and future development of the Village; making findings in connection with the petition and supporting findings in connection with the petition and supporting documentation requesting approval of the formation of the District; determining the real property to be included within the District and the purposes for which the district is being formed; approving the application, petition, and feasibility study and master development agreement for implementation of the District; ratifying the Tax Increment Development Plan approved for consideration in connection with the formation of the district; dedicating 75% of the Gross Receipts Tax Increment Revenue and 75% of the Ad Valorem Property Tax increment revenue generated within the TIDD for the financing of public infrastructure for the District, as provided in the development agreement; ratifying the submittal of an application to the State Board of Finance for a dedication of 75% of the State Gross Receipts Tax increment revenue generated within the TIDD; establishing parameters for the issuance of tax increment bonds by the District; providing for governance of the District through the appointment of members of the Governing body of the District; providing that tax increment revenue bonds of the district and other obligations of the district shall not be obligations of the Village of Taos Ski Valley; calling for an election on the questions of formation of the TIDD and approving forms of notice of and procedures for holding the election; ratifying certain actions heretofore taken; repealing all actions inconsistent with this resolution

Administrator Fratrack presented the TIDD operating plan contained in Resolution #2015-274. Chaz Rockey, CFO for TSV, Inc., gave a presentation regarding the TIDD. He took questions from the Council and the audience. Councilor Wiard wanted to verify that the JR Memorial Trail is protected and included. Mayor King said there are some differences that need to be resolved, but the Village has financial advisors working out some particulars. Brad Angst with G.K. Baum, financial consultant to the Village, said that a TIDD is a good vehicle to use to capture incremental funds and results in a positive cash flow. The costs to the Village for infrastructure projects are for items that the Village intended to undertake anyways. The portion of the incremental GRT that would go the Village could increase the Village’s budget many fold. Details to be settled on in the resolution and agreement are possible credits on some fees and the makeup of the TIDD board. Administrator Fratrack expressed his concerns that the Water Trust Board or Legislature may not grant financial assistance because of the State’s incremental GRT commitment going to the TIDD.

C. PUBLIC HEARING: Consideration to Approve Resolution #2015-275

After questions from the Council, Mayor King opened the Public Hearing regarding approval of Resolution #2015-275.

Speaking **In Favor** of the Resolution:

David Strip, Manager of the Rio Hondo Condos
Gordon Briner, CEO, TSV, Inc.
Michael Chandler, Homeowner, Snowshoe Road
Roger Mariani, Manager of the Snakedance Condos and Spa

Speaking **Against** the Resolution:

Bill Sullivan, Homeowner, Upper Twining Road
Bob Thomas, Homeowner, near upper water tank

Mayor King closed the Public Hearing. More discussion by the Council and audience followed.

MOTION: To adopt the Formation Resolution #2015-275 and approve the supporting documentation as to overall form, with final modifications to all documents to be approved at a public meeting to be held not later than January 14, 2015

Motion: Councilor Wittman **Second:** Councilor Wiard **Passed:** 3-0
(Councilor Stagg recused from the vote.)

D. Consideration and Approval of Resolution #2015-274, a resolution approving the TIDD Operating Plan

MOTION: To approve Resolution #2015-274, a resolution approving the TIDD Operating Plan

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

(Councilor Stagg recused from the vote.)

E. Consideration to Approve Resolution #2015-276, a resolution concerning governing body meetings and public notice required

Village Clerk Wooldridge stated the Open Meetings Act governs when and how meetings will be conducted and is required annually by the State of New Mexico.

MOTION: To approve Resolution # 2015-276, a resolution concerning governing body meetings and public notice required

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

F. Consideration of Appeal and Discharge for Lodgers' Tax late charge penalties in FY 2014

Every year the auditors select several entities to audit for lodgers' tax filings. After the audit in FY 2014 was completed, a property owner was informed that \$400.00 was owed in penalties for late filings for four reports during the previous year. During several of the months in question, no rent had been collected, so the report showed a zero amount due. All actual lodgers' tax amounts were paid, but not the late penalties. The property owner is requesting the Village waive these penalties.

MOTION: To grant the discharge of the late penalties for Lodgers' Tax late charges in FY 2014

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

MOTION: To authorize staff to negotiate lower late penalty charges for those months with zero amount due and bring the proposal back to Council.

Motion: Councilor Stagg **Second:** Councilor Wiard **Passed:** 3-1

(Councilor Bennett voting Nay)

13. MISCELLANEOUS

A. Discussion of Ernie Blake Road – Councilor Wittman

Councilor Wittman has requested that Director Schieber and Administrator Fratrack change Ernie Blake Road from one way to a two way road. This will be included on the next agenda.

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, February 3, 2015 at 2:00 p.m. at the Edelweiss Conference Room. A Special Meeting will be called, with the required advance notice, at a date on or before January 14, 2015, in order to make amendments to Resolution # 2015-275.

15. CLOSED EXECUTIVE SESSION: Possible Pending Litigation Regarding Snow Storage

MOTION: To go to Executive Session

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

MOTION: To return to Open Session

Discussion was only on possible litigation. No votes were taken in closed session.

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

16. ADJOURNMENT

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

Neal King, Mayor

Ann M. Wooldridge, Village Clerk