



Village of Taos Ski Valley
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**VILLAGE COUNCIL SPECIAL MEETING MINUTES
LOOKING GLASS ROOM, TENDERFOOT KATIE'S
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, JANUARY 13, 5:30 P.M.**

1. CALL TO ORDER & NOTICE OF MEETING

The special meeting of the Village of Taos Ski Valley Council was called to order by Mayor King at 5:30 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
Community Development Director Don Schieber
Planner Matthew Foster
Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as submitted

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

4. OLD BUSINESS

A. Consideration to Approve **Amended and Restated Resolution #2015- 275** AMENDING AND RESTATING RESOLUTION NO. 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 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 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 CERTAIN GROSS RECEIPTS TAX INCREMENT REVENUE GENERATED WITHIN

THE DISTRICT AND 75% OF THE AD VALOREM PROPERTY TAX INCREMENT REVENUE GENERATED WITHIN THE DISTRICT 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 DISTRICT; 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 VILLAGE; CALLING FOR AN ELECTION ON THE QUESTION WHETHER THE DISTRICT SHOULD BE FORMED AND THE QUESTION WHETHER PROPERTY TAX INCREMENT BONDS SHOULD BE ISSUED; 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 introduced the four remaining items needing to be worked out in the Resolution that was adopted at the January 6, 2015 Council meeting. Extensive discussion was held by the Council on each issue with additional questions and comments from the community members present. Items 3 and 4 are in the Master Development Agreement (MDA), section 8, items A & B.

1. TIDD Governance (Board members)

The Board will consist of three Council appointments (two elected officials and one community member), one TSV, Inc. representative (Chaz Rockey), and one State Board of Finance representative.

MOTION: To approve the appointment of Neal King, Tom Wittman, and Richard Duffy as members of the TIDD Board of Directors (King and Duffy four year terms and Wittman six year term)

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

2. Treasurer Designation

Administrator Fratrack reported that the Village staff is comfortable with “co-treasurers” with Chaz Rockey (TSV, Inc.) being the primary and Nancy Grabowski (VTSV Finance Director) as the reviewing Treasurer. The Village will have oversight and may review documents and reports when needed or required. Chaz Rockey (TSVI employee) will generate reports, requests for reimbursements, bonding, etc. All reimbursement checks (or EFT’s) will require joint signatures. The TIDD Board of Directors will authorize all reimbursements after the sale of bonds has taken place.

3. Franchise Fees

TSV, Inc. will receive a credit for their portion of franchise fees generated by the utilities in the up-canyon trench with two conditions. 1) Franchise fees will be tracked and, 2) the credit will pay back TSV, Inc. for the trenching project. This will reduce the amount that is owed to TSV, Inc. on the trench project and this will help to shorten the time period for the TIDD. TSV, Inc. will pay future franchise fees when the project has been reimbursed.

4. Impact and Development Fee Assessments

The following change has been discussed and reviewed, and is supported by the Staff: *“For each individual project requiring the issuance of a Village construction permit, the Village shall collect from TSVI the full amount of all applicable Impact and Development fees. If the fees collected for each particular project, the Village shall credit/reimburse back to TSVI twenty-five percent of said fees. The remainder of the total, being seventy-five percent of all fees collected for each such project, shall be subject to negotiation between VTSV and TSVI for consideration of additional credit, if any, attributable back to TSVI.”*

Councilor Wiard requested three changes or corrections.

1. Water and Wastewater – “...offsite improvements located outside the Village” – Delete “Village” and replace with “TIDD” to read: “outside the TIDD”.
2. Visitor Drop Off – “...area at to serve...” – Delete “at”
3. Voting – 13A: “A Landowner who is also a Resident Qualified Elector shall have the right to vote only as a Landowner.” – Delete “have the right to”

MOTION: To approve the amended and restated Resolution #2015-275 Approving the Petition and Application of Taos Ski Valley Inc (see title above) and amended Master Development Agreement.

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

(Councilor Stagg recused himself from the vote.)

5. **NEW BUSINESS**

A. Consideration to Approve Resolution #2015-277, A Resolution by the Village Council of Taos Ski Valley that requests Mayor Neal King direct the Village Staff to re-establish Ernie Blake Road for Two-way Vehicular Traffic

Councilor Wittman introduced this Resolution and presented history about Ernie Blake Road's one way status. He noted that Ernie Blake Road does function partly as a two-way road. He believes residents and visitors should not have to go through the parking lots to loop back to go to the post office. Councilor Stagg said there is no reason that Ernie Blake Road should be one way. Councilor Bennett described the dangerous incident that initiated the one-way status years ago. Councilors Bennett and Wiard asked to hear from the Village staff. Director Keen stated the top of Ernie Blake Road is too narrow and too steep for two way traffic. Chief Wallace also spoke about safety concerns. Director Schieber presented plans showing how Ernie Blake Road will be fixed prior to making it a two-way road. Staff concurred that it was not a good idea to remove the one-way sign in the middle of ski season. Lengthy discussion was held regarding this resolution.

MOTION: To approve Resolution #2015-277, a Resolution requesting Mayor Neal King to direct Village Staff to re-establish Ernie Blake Road for two-way vehicular traffic

Motion: Councilor Stagg **Second:** Councilor Wittman **Failed:** 2-3

(Voting FOR: Stagg, Wittman. Voting NAY: Wiard, Bennett, King)

Mayor King broke the tie vote, stressing safety over convenience. He requested staff approach TSV, Inc. to make the upper lot two-way from the end of Twining Road to Thunderbird Road.

6. **MISCELLANEOUS – None**

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

The next meeting of the Village Council is scheduled for Tuesday, February 3, 2015 at 2:00 p.m. at the Edelweiss Conference Room.

8. **ADJOURNMENT**

MOTION: To adjourn

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

Neal King, Mayor

Ann Wooldridge, Village Clerk