

## Angel Fire Public Improvement District 2007-1

3465 Mountain View Blvd., Suite 14

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575-377-3483

### PID Board Meeting Minutes

October 10, 2012 at 1:30 pm at the Village Hall Meeting Room

- A. Call to Order - Chairman Jim LeBus called the meeting to order at 1:31 pm.
- B. Pledge of Allegiance - Chairman LeBus called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman LeBus, Vice Chairman Dan Rakes, Director Steve Oliver, and Director Alan Young (by phone). A quorum was present. Also present were Sally Sollars, District Administrator, Nann Winter, General Counsel (by phone), and Carl Abrams, HDR.
- D. Approval of Agenda - Vice Chairman Rakes moved to approve the agenda with no changes. Director Oliver seconded. The motion carried 3-0.
- E. Enter into Executive Session - At 1:33 pm Chairman LeBus announced that we will have a closed Executive Session Meeting. Vice Chairman Rakes moved to enter into Executive Session. Director Oliver seconded. Roll call vote: Vice Chairman Rakes; aye, Director Young; aye, Director Oliver; aye. The motion carried 3-0.

During Executive Session, Director Young had to leave the meeting to attend to other business.

Chairman LeBus returned to the Board Meeting at 2:06 pm by stating "No decisions were made during the Executive Session and the only items discussed were on the agenda".

Let the record show that pursuant to NMSA 1978, Section 10-15-1 (H) and (J) the PID Board held a closed meeting on October 10, 2012 at 1:33 pm at the Village Hall Meeting room to status of current legal issues. Let the minutes reflect that the matters discussed in the closed meeting were limited only to those specified in the notice of the separate closed meeting.

Sally Sollars advised Chairman LeBus that, with Director Young departing the meeting, his vote would be required.

- F. Approve September 12, 2012 Minutes – Director Oliver moved to approve the September 12, 2012 meeting minutes. Vice Chairman Rakes seconded. The motion carried 3-0.
- G. Requests and Responses from the Audience (Limit to 3 minutes) – None.
- H. Announcements and Proclamations – Sally Sollars announced that this year's audit is ongoing. The exit conference will be held immediately after this meeting at the PID office. Everyone is invited to attend. It appears to be a clean audit so far.



I. Business

1. Consider and Approve O'Neill Deed in Lieu and Resolution 2012-7 – Vice Chairman Rakes moved to approve the O'Neill Deed in Lieu and Resolution 2012-7. Director Oliver seconded. Roll call vote: Vice Chairman Rakes; nay, Director Oliver; nay, Chairman LeBus; nay. The motion was denied 3-0.
2. Consider and Approve the PID Office Accepting Owner Prepayments Directly and Resolution 2012-8 – Vice Chairman Rakes moved to consider and approve the PID Office accepting owner prepayments directly and Resolution 2012-8. Director Oliver seconded. Ms. Sollars reported that accepting PID prepayments subsequent to the current year Special Levy being set as part of the annual budget process has been difficult for County Treasurer Garcia because once the County loads their system with current year tax information it is difficult to change. Ms. Garcia threatened to refuse to accept prepayments at all from July through the payment of the current year tax bill. Ms. Sollars and Ms. Garcia agreed that it would be best for all concerned if the District directly accepted prepayments. Ms. Sollars said that doing so would only slightly affect current prepayment policy. One change would be that any prepayment calculations done from the time of submission of the District's Annual Budget until the full payment of the current year tax bill will not include the final annual assessment, which will be due separately to the County Treasurer. The Release and Cancellation of Special Levy will be initiated when there is record that the final assessment is paid. Ms. Winter said that she will talk with Mr. Blair, County counsel, and will request a reciprocal resolution. The motion carried 3-0.
3. Consider and Approve Quit Claim Deed to Carter – Ms. Sollars recalled that Mr. Carter had filed a quit claim deed with the County deeding his property to the PID without PID Board consideration or approval, making the quit claim unacceptable. Now, Mr. Carter has found a buyer for his property. The County Clerk advised Mr. Carter to request that the District quit claim the deed back to him. Otherwise the District would transact the sale of the property. Vice Chairman Rakes moved to approve the quit claim deed to Mr. Carter. Director Oliver seconded. The motion carried 3-0.
4. Consider and Approve HDR Amendment 5 – Director Oliver moved to table this item until the Amendment is reviewed by legal counsel. Vice Chairman Rakes seconded. The motion carried 3-0.
5. Consider and Approve Progress Payments to AUI Based on Final Work Progress as Determined Appropriate by the Construction Committee – Director Oliver moved to approve progress payments to AUI based on final work progress as determined appropriate by the Construction Committee. Vice Chairman Rakes seconded. The motion carried 3-0.
6. Discuss Response to Mastin Letter to the Board – Ms. Sollars reported that Mr. Mastin said he had spoken with Mr. Don Asher, who suggested Mr. Mastin request a reduction of assessment based upon his property having preexisting utilities. Chairman LeBus asked Ms. Winter to write a letter to Mr. Mastin saying that the Board is sympathetic to his request, but that the protest period is long past and the Board is unable to consider his request at this late date. Ms. Winter said that this was a completely appropriate response.



7. Consider and Approve Administrator Attendance at the 2012 DFA Budget Conference – Vice Chairman Rakes moved to approve the Administrator's attendance at the 2012 DFA Budget Conference. Director Oliver seconded. Ms. Sollars reported that she did not attend this conference last year, but felt that it was important for the PID to be present this year. The motion carried 3-0.
- J. Consent Agenda - Vice Chairman Rakes moved to approve the Consent Agenda. Director Oliver seconded. The motion carried 3-0.
  1. HDR Engineering, Inc.; Invoice #00027749-B - \$32,305.67
  2. NMFA; November Debt Service - \$1,069,971.53
  3. NMFA; October Prepayment - \$145,000.00
  4. County Clerk; Filing Fees - \$150.00
  5. Stelzner, Winter, etal – General Counsel; Invoice #4266 - \$4,334.57
  6. Kamm & McConnell; Invoice #33241 - \$94.45
  7. Sally Sollars; Invoice #28 - \$6,983.44
  8. BMWS; Invoice #08-0008 42 - \$355.00
  9. CenturyLink; 9/25/12 Invoice - \$160.28
  10. Sangre de Cristo Chronicle; Invoice #171 - \$38.38
  11. Village of Angel Fire; Conf. Call Expense (August 2012) - \$71.96
  12. Village of Angel Fire; Water Availability Fees - \$97.10
  13. Petty Cash Replenishment - \$165.00
  14. Petty Cash Debit Card Account Replenishment - \$200.00
  15. Petty Cash Report; Balance \$35.87

K. Reports

1. Project Manager Report – Mr. Abrams reported that about 95% of the items on the punch lists for all subdivisions are complete. Mr. Abrams presented a Project Status Report attached to these minutes. Vice Chairman Rakes asked if acceptance was dependent on completion of the punch list items to which Mr. Abrams replied that it was not. AUI is currently in Angel Fire knocking items off the lists. The Reiman Corporation/El Vado Place project has H Excavation on hold at the moment, but Mr. Abrams said that H Excavation reports that they will be finished by the end of construction season. Yet to be completed is the slope failure in Country Club 1B and the wetland mitigation adjustments.

Mark Rivera of the Village sent a letter to Mr. Abrams at the first of the month stating that the Village did not acknowledge the contract between the PID and AUI concerning warranties. The letter was requesting that the one year warranty period start date begins with Village acceptance of the subdivision. Mr. Abrams responded that the topic was discussed with previous Village personnel. Per contract with AUI the warranty begins at substantial completion and is issued to the PID. The warranty is then transferred to the Village at acceptance. There has been no response to Mr. Abrams letter. Vice Chairman Rakes said that the development agreement states that the warranty begins at substantial completion. Ms. Sollars stated that the warranty is not issued by the PID and the District cannot change the warranty terms.



Director Oliver reported that Mr. Abrams brought an idea to the Construction Committee to sell conduit to Kit Carson to be used for fiber optic cable installation. He said that there was no contract with Kit Carson to own the conduit and the PID spent considerable money to provide it. Mr. Abrams said that Kurt Eppler of H Excavation had thought of this possibility. Although the Village has accepted most subdivisions, it does not own the dry utility conduit. Mr. Abrams will approach the Fiber Optic Manager with the idea.

Mr. Abrams reported that AUI will be paying for the HDR office space only through the end of this month.

2. Administrative Report – Ms. Sollars reported that she had sent seven emails since the last Board meeting to Kit Carson in an attempt to resolve the reconciliation of cash paid vs. materials used with continued no response. Chairman LeBus requested that Vice Chairman Rakes call the Kit Carson Executive Officer and also contact the Kit Carson Board to try to get a resolution.

Ms. Sollars is also attempting to get Reiman Corporation to send outstanding paperwork to HDR. This is a concern because local contractor H Excavation is subcontracting to Reiman Corp to do the remaining utility and earth work at the El Vado Place and she wants to make every effort to ensure that final payment to H Excavation is not delayed.

Beyond the prepayment conflict with County Treasurer Garcia, Ms. Garcia reported to Ms. Sollars that she had not processed one of two prepayments sent to her office in August. The distribution of these payments was due in September and that fact was used to determine the amount of the NMFA bond redemption in advance of the next scheduled bond call. This means that \$60K of the \$145K to be sent to NMFA has not yet arrived, but should be here in time to honor the \$145K pledge to NMFA. LaRain Valdez at NMFA has been notified.

Also, on the August collections report was a reverse of a delinquent assessment payment made last fall. The Treasurer's office told Ms. Sollars that the bank that made the tax payment successfully argued that the payment had been applied to the wrong property. Now almost a year later, the payment was reapplied to a non PID property under the same ownership. Ms. Winter did not believe that this was proper and will talk about this with County counsel.

Ms. Sollars reported that the August collections were considerably higher than expected due to one property owner bringing current the assessment on four properties. It is not yet known if any PID properties sold at the County tax sale in September, but the September collections report, which arrives around the 20<sup>th</sup>, will reflect those sales, if any.

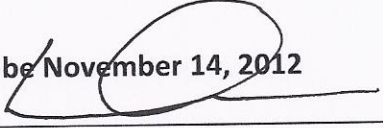
3. Construction Committee Report – Director Oliver reported that the failure of the two wetland mitigation areas has required a new plan. One area is too dry and will be

abandoned. The other area has water too deep for the mitigation purpose. The intention is to expand the "pond" area to incorporate the total square footage required, as well as modify the area per intended mitigation purpose.


Director Oliver also reported that the Construction Committee met yesterday to review and approve the HDR invoice.

4. Finance Committee Report – None.
  5. Treasurer's Report – Ms. Sollars asked on behalf of the Treasurer if the Board had received the Treasurer's Report and if there were any questions. There were none.
- L. Adjournment – Chairman LeBus announced the meeting adjourned at 3:10 pm.

Next Regular PID Board Meeting will be November 14, 2012

  
Dan Rakes, Vice Chairman

ATTEST:

  
Sally Sollars, District Administrator