

Angel Fire Public Improvement District 2007-1  
3465 Mountain View Blvd., Suite 14  
PO Box 1046  
Angel Fire, NM 87710  
575-377-3483

**PID Board Meeting Minutes**  
**October 13, 2010 at 1:30 pm at the Village Hall Meeting Room**

- A. Call to Order – Vice Chairman Daniel Rakes called the meeting to order at 1:30
- B. Pledge of Allegiance – Vice Chairman Rakes called for the Pledge of Allegiance.
- C. Roll Call - - Present were, Vice Chairman Dan Rakes, Director Chuck Verry, and Director Steve Oliver. Also, Chairman LeBus Director and Director Alan Young were present by telephone. We have a quorum. Also present were Gerald White, Project Director, Sally Sollars, District Administrator, Nann Winter, General Counsel (by telephone), Carl Abrams, HDR, and Marshall Vickers, AUI. Julia Armstrong was present in the audience, but arrived late.
- D. Approval of Agenda – Director Verry moved to approve the agenda and Director Oliver seconded. The motion carried 4-0.
- E. Approve Minutes - Director Verry moved approve the September 8<sup>th</sup> and September 16<sup>th</sup>, 2010 Board Meeting minutes. Director Oliver seconded. The motion carried 4-0.
  - 1. September 8, 2010 Board Meeting
  - 2. September 16, 2010 Special Board Meeting
- F. Requests and Responses from the Audience (Limit to 3 minutes) - None
- G. Announcements and Proclamations – Gerald White reported that there will be a ribbon cutting ceremony at 11:00 tomorrow to announce the beginning of handing over five subdivisions to the Village within the next four weeks.
- H. Consent Agenda - Director Verry made a motion to approve the Consent Agenda. Director Oliver seconded. Vice Chairman Rakes abstained from the vote. The motion carried 3-0.
  - 1. HDR Engineering, Inc.; Invoice #236416-H - \$54,600.58
  - 2. AUI, Inc. Phase IIB; 8/26 – 9/25/10 - \$2,280,543.68
  - 3. Kit Carson; Invoice #1014 - \$45,062.58
  - 4. Kit Carson; Prepayment for Materials - \$17,700.00
  - 5. New Mexico Finance Authority; Bond Call 11/1/10 - \$155,000
  - 6. Stelzner, Winter et al – general counsel; Invoice #466 - \$2,439.60
  - 7. Stelzner, Winter et al – litigation counsel; Invoice #465 - \$6,244.33
  - 8. Kamm & McConnell, LLC – foreclosure counsel; Invoice #31351-31358 - \$1,948.32
  - 9. Village of Angel Fire - Canepa & Vidal, PA; August 19, 2010 Invoice - \$2,108.35
  - 10. White +Samaniego + Campbell, LLP; Invoice #1108 - \$3,608.12
  - 11. Angel Fire Resort; Invoice #HDR073110 - \$1,042.39
  - 12. Angel Fire Resort; 7/31/10-8/31/10 - \$1,070.69
  - 13. Gerald White; Invoice #14 - \$6,339.89
  - 14. Sally Sollars; Invoice #4 (9/4/10-10/8/10) - \$4,954.96

15. BMWs; Oct 15 to Nov 14 Rent - \$330

16. Qwest; Account No. 575-377-3483-459B; 9/25/10 Invoice - \$219.18

17. Village of Angel Fire; conf. call expense (August) - \$28.16

18. Petty Cash Report; Balance \$42.25

- I. Enter into Executive Session - At 1:37 pm Vice Chairman Rakes announced that we will have a closed Executive Session Meeting. Director Verry moved to enter into Executive Session. Director Oliver seconded. The motion carried 4-0.

Vice Chairman Rakes returned to the Board Meeting at 1:53 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 13, 2010 at 1:37 pm at the Village Hall Meeting room to discuss the 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.

At this point, Vice Chairman Rakes allowed Julia Armstrong to comment even though she had arrived after the public comment section of the meeting. Ms. Armstrong stated that at the September 20<sup>th</sup> mediation an offer to settle was made by the PID representatives. She asked if the offer would apply to individuals or if the offer was only available to the whole group of litigants. Nann Winter responded that no decisions have been made, but Ms. Armstrong could present a proposal to be discussed in the next Board Meeting. Ms. Armstrong stated that her proposal was to allow the settlement offer be accepted by individuals without requiring all of her clients accept settlement. If this proposal is acceptable, Ms. Armstrong will present a list of individuals that are interested in settlement. Chairman LeBus said that this discussion would be appropriate on the agenda of the next Board Meeting.

At 1:58 Chairman LeBus left the meeting.

J. Business

1. New

- a. Consider and Determine Response to Huettner Deed in Lieu of Foreclosure Proposal – Director Verry moved that the Board deny accepting a deed of a property unless it follows applicable guidelines set forth on the HUD Deed in Lieu of Foreclosure Checklist. Director Oliver seconded the motion. The motion carried 3-0
- b. Consider and Approve Development of RFP for Real Estate Services – Gerald White requested permission to develop an RFP for Real Estate Services. If we become recipients of lots due to foreclosure, we will be in need of marketing efforts. We would reimburse a real estate professional for their marketing efforts and pay them applicable commission upon sales. Although we do not own any lots at present, this is forward planning in the event a lot does not sell in the foreclosure process. Director Verry moved to allow Gerald White



to develop an RFP for Real Estate Services. Director Oliver seconded. The motion carried 3-0.

- c. Consider and Approve Resolution to Apply for Refinancing for NMFA – Gerald White reported that it may be possible to refinance the PID loan for more favorable rates over the life of the loan. He presented Resolution 2010-5 which is formal resolution for staff to prepare the refinancing application. Director Verry moved to accept the Resolution to Apply for Refinancing through NMFA. Director Oliver seconded. The motion carried 3-0.
- d. Consider and Approve New Financial Services Contract with RBC Capital – Gerald White reported that with approval of Resolution 2010-5, to continue our relationship with RBC Capital a new contract for assisting in the application for refinancing will be necessary. Nann Winter stated that she had reviewed the contract and it looked fine. Director Verry moved to approve the contract with RBC Capital. Director Oliver seconded. The motion carried 3-0.
- e. Consider and Approve Single Signature Authority for Bank Account Transfers – Director Verry asked that the agenda item (e) and (f) be discussed together as they are related. He reported that with the number of transfers occurring and with Winter coming on and Board member availability during the season, it would be more practical for one signature to allow transfers between bank accounts. The control is still in place in that this would apply only to transferring money between bank accounts and, because we have only one checking account, all checks would still require two signatures.
- f. Consider and Approve Electronic Banking – Similarly, Director Verry reported that electronic banking would also facilitate a more smooth process based on the above discussion. Electronic banking would allow us to put any security parameters on the account necessary, again would only apply to internal transfers between accounts. Director Oliver moved to approve Single Signature Authority for Bank Account Transfers and Electronic Banking. Director Verry seconded. The motion carried 3-0.
- g. Consider and Approve Change Orders
  - 1) #16 – San Mateo Ridgestone Culvert to restore storm water runoff – Gerald White said that Change Order #16 addresses the existing Ridgestone Condo culvert. This culvert is inoperative due to being partially blocked and some of the infrastructure in the driveways was encroaching on the PID right-of-way. We attempted to mitigate impact to the residents by adjusting the center of the road, but we could not do anything about the culvert which is in the right-of-way. So it was decided to install a new 24 inch culvert to handle drainage from San Mateo. The cost is \$17,889.
  - 2) #17 – Water Service Valves required by Village – Gerald White said that Change Order #17 addresses water service valves requested by the Village. The cost is \$12,069.35. At this point the total project cost is \$22,868,900. With these changes the total project cost to date is \$22,411,365. We are approximately \$400,000 under budget. Director Oliver moved to approved

moved to approved Change Orders #16 and #17 as stated. Director Verry seconded. The motion carried 3-0.

#### K. Reports

1. Project Director Report – Gerald White reported that we are proposing an amendment to the contract with Kit Carson Electric to define what is a section. The original language was a section of a subdivision, but Kit Carson interpreted the language as a whole subdivision. The proposed definition for section is based on the length of a master reel of cable. Once the equipment is in place to handle the master reel, it makes sense to lay the whole reel at one time. The ultimate goal is to get all of the cable installed within the next six years.

Another issue is the conditions for acceptance of the PID lots by the Village. Recent correspondence has indicated that the Village may not want to accept partial subdivisions. There is possibly one exception in Country Club 1B that would be a partial acceptance.

Carl Abrams reported that based on the current schedule

- Country Club 1A will be finished within the next week
- Angel Fire West Village will be finished the end of October
- Angel Fire Village North and Country Club 1 & 2 by mid November
- Angel Fire Chalet Unit 4 at the end of November
- Country Club 1B will be dependent on weather, but the underground work should be done by December
- Angel Fire Chalet 2G and 1A will likely not be completed until next year.

Chalet 1A – El Vado Place – we still have to resolve the stream crossing issue. Work in Chalet 2G is being done by a local contractor who will work as long as the weather permits. Sixty percent of the water line is in, the roads have been upgraded, and the water tank is done. Design for Chalet 2G has been finalized, with Chalet 1A being the only outstanding design to be finalized.

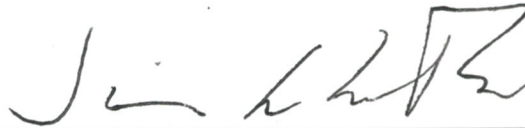
Both AUI and H Excavation are working seven days a week. AUI will be working until Thanksgiving.

Mr. White also reported on progress of the El Vado bridge issue. We stopped work mid September based on receiving an estimate that was more than our budget. We decided to pursue an amendment to the 404 permit with the Corps of Engineers based on possibly moving the crossing upstream with a culvert design. In the meantime, Mr. White has been researching bridges that may be available within our budget.

2. Audit Report – Sally Sollars reported that the on-site part of the Fiscal Year 2010 audit is complete. The auditor is waiting for a few more third party reports to come in before finalizing the report, which should be done by the end of the October.

3. Committee Reports
- a. Construction Committee – Director Oliver reported that the Construction Committee met yesterday. The HDR and AUI invoices were reviewed and approved.
  - b. Finance Committee – Director Verry reported discussions with staff about refinancing with NMFA
4. Treasurer Report – There were no questions about the Treasurer's Report.
- L. Adjournment – Director Verry moved to adjourn. Director Oliver seconded. The motion carried 3-0. The meeting adjourned at 2:37 pm.

Next Regular PID Board Meeting will be November 10<sup>th</sup>, 2010



James LeBus, Chairman

ATTEST:  \_\_\_\_\_  
Sally Sollars, District Administrator