

Angel Fire Public Improvement District 2007-1

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PID Board Meeting Minutes

December 12, 2012 at 1:30 pm at the Village Hall Meeting Room

- A. Call to Order - Vice Chairman Dan Rakes called the meeting to order at 1:30 pm.
- B. Pledge of Allegiance - Vice Chairman Dan Rakes called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman Jim LeBus (by phone), Vice Chairman Dan Rakes, Director Steve Oliver, and Director Chuck Verry. Director Alan Young joined the meeting at 1:51 pm. A quorum was present. Also present were Sally Sollars, District Administrator, and Nann Winter, General Counsel.
- D. Approval of Agenda – Director Oliver moved to approve the agenda with no changes. Director Verry seconded. The motion carried 3-0.
- E. Enter into Executive Session - At 1:32 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. Roll call vote: Chairman LeBus; aye, Vice Chariman Rakes; aye, Director Oliver; aye, Director Verry; aye. The motion carried 4-0.

Vice Chairman Rakes returned to the Board Meeting at 2:18 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 December 12, 2012 at 1:32 pm at the Village Hall Meeting room to deliberate outcomes of Administrative Hearing cases. 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.

- F. Approve November 14, 2012 Minutes - Director Oliver moved to approve the November 14, 2012 minutes. Director Verry seconded. The motion carried 4-0
- G. Requests and Responses from the Audience (Limit to 3 minutes) – None.
- H. Announcements and Proclamations – None.
- I. Old Business
 - 1. Review of Objections – Vice Chairman Rakes announced that the following decisions are based on hearings conducted on October 16, 2012. All Directors were present for the hearings or have read the transcript of the testimonies. The matter before the Board is should these property owners be subject to adjustment of assessment. Vice Chairman Rakes called for individual votes.
 - a. Discuss and Consider Asher Request for Special Levy Assessment Adjustment – Country Club 1&2 Amended/Reamended, Lot 1007. Mr. Asher is requesting an adjustment to his assessment for water, electric, telephone, but abandoned his request for a sewer adjustment. Director Verry; adjustment granted for telephone and electric only based on the fact that Mr. Asher had a house on a dual fronted lot that was supplied those utilities at the time of imposition of assessment. Director Oliver; adjustment granted for telephone and electric for the same reasons expressed by Director Verry. Chairman LeBus; adjustment granted for telephone and electric subject to Mr. Asher agreeing a settlement to accept the adjustment in return for bringing no further objections. Director Young; adjustment granted for telephone and electric subject to Mr. Asher agreeing a settlement to accept the adjustment in return for bringing no further objections. Vice Chairman Rakes; adjustment denied based on the project engineer’s statement that the improvements benefitted the lot, that this was not one of the specific lots in the formation documents that the Board was to consider, and that Mr. Asher did not reserve his objection by presenting it to the Village at the appropriate time.

- b. Discuss and Consider Johnson Request for Special Levy Assessment Adjustment – Country Club 1B Amended, Lot 163. Gabreille Heinz represented Mrs. Johnson whose only concern was the slope failure in front of the property. She also indicated that the assessment was excessive, but presented no evidence or testimony concerning the assessment. Director Verry; adjustment denied because the slope failure has been repaired. Director Oliver; adjustment denied because the slope failure has been repaired. Chairman LeBus; adjustment denied. Director Young; adjustment denied. Vice Chairman Rakes; adjustment denied.
 - c. Discuss and Consider Trott Request for Special Levy Assessment Adjustment - Country Club 1&2 Amended/Reamended, Lot 1177. Mr. Trott is requesting an adjustment to his assessment for water, electric, telephone, sewer and road. Director Verry; adjustment granted for telephone and electric only based on the fact that Mr. Trott had a house on a duel fronted lot that was supplied those utilities at the time of imposition of assessment. Director Oliver; adjustment granted for telephone and electric for the same reasons expressed by Director Verry. Chairman LeBus; adjustment granted for telephone and electric subject to Mr. Trott agreeing a settlement to accept the adjustment in return for bringing no further objections. Director Young; adjustment granted for telephone and electric subject to Mr. Trott agreeing a settlement to accept the adjustment in return for bringing no further objections. Vice Chairman Rakes; adjustment denied based on the project engineer's statement that the improvements benefitted the lot, that this was not one of the specific lots in the formation documents that the Board was to consider, and that Mr. Trott did not reserve his objection by presenting it to the Village at the appropriate time.
 - d. Discuss and Consider Howard Request for Special Levy Assessment Adjustment - Country Club 1&2 Amended/Reamended, Lot 1257. Mr. Howard is requesting an adjustment to his assessment for water, electric, telephone, sewer and road. Director Verry; adjustment granted for telephone and electric only based on the fact that Mr. Howard had a house on a duel fronted lot that was supplied those utilities at the time of imposition of assessment. Director Oliver; adjustment granted for telephone and electric for the same reasons expressed by Director Verry. Chairman LeBus; adjustment granted for telephone and electric subject to Mr. Howard agreeing a settlement to accept the adjustment in return for bringing no further objections. Director Young; adjustment granted for telephone and electric subject to Mr. Howard agreeing a settlement to accept the adjustment in return for bringing no further objections. Vice Chairman Rakes; adjustment denied based on the project engineer's statement that the improvements benefitted the lot, that this was not one of the specific lots in the formation documents that the Board was to consider, and that Mr. Howard did not reserve his objection by presenting it to the Village at the appropriate time.
 - e. Discuss and Consider Ramko Request for Special Levy Assessment Adjustment – Country Club 1B Amended, Lot 26. Mrs. Ramko's letter addressed the electric portion of the assessment and requested an adjustment accordingly. Director Verry; adjustment denied because the objection appeared to be a financial issue with another lot owner that did not have anything to do with the District. Director Oliver; adjustment denied. Chairman LeBus; adjustment denied. Director Young; adjustment denied. Vice Chairman Rakes; adjustment denied.
2. Consider Reiman Corp. October 29, 2012 Request for Change Order – Director Verry moved to table this item. Director Oliver seconded. The motion carried 4-0
- J. New Business – Director Young left the meeting at this point.
- 1. Discuss Chalets 3 Water Tank Lot Swap and Delinquent Angel Fire Resort Membership Fee – Ms. Sollars reported that the District received an invoice from the Angel Fire Resort Membership Office for membership fees and late assessment for a lot the District owned briefly in 2009. This lot was purchased to situate a water tank to serve Chalets 2G. Later it was discovered that the site was too low to serve that purpose. The lot was then deeded to the Resort, and then later corrected to be deeded to the Village. The whole process took several months, but the deeds show the District as owner of record from 2/27/09 to 8/17/09. The original membership fee was \$325, but the bill now includes \$400 in penalties. Director Verry recommended that the District appeal to the Resort that the penalties be waived. Ms. Sollars will draft and send the letter to Membership Services.

- K. Consent Agenda - Director Oliver moved to approve the consent agenda. Director Verry seconded. Director Oliver pointed out that item 2 is the first payment of three for the negotiated 2011 additional charges. Vice Chairman Rakes also stated that item 4 charges for an audit letter. The motion carried 3-0.

1. HDR Engineering, Inc.; Invoice #00042205-B - \$17,197.45
2. AUI; Invoice #209009-Amend. 7-1 - \$116,522.24
3. Stelzner, Winter, etal – General Counsel; Invoice #4499 - \$2,494.72
4. Kamm & McConnell; Invoice #33382 - \$1,788.97
5. Sally Sollars; Invoice #30 - \$4,727.25
6. BMWS; Invoice #08-0008 44 - \$355.00
7. CenturyLink; 11/25/12 Invoice - \$132.57
8. Sangre de Cristo Chronicle; Invoice #146 - \$5.37
9. Village of Angel Fire; Conf. Call Expense (October 2012) - \$61.74
10. Petty Cash Report; Balance \$163.28

L. Reports

1. Administrative Report – Ms. Sollars reported she had spent more time with the auditor this month. The audit report was turned into the State Auditor's Office early and the District has received the OK to print from them. This means that they will receive the audit report in hard copy format to final review. The audit may not be released to the public until the State Auditor's Office issues an Ok to release. The OK to release for last year's audit arrived in February.

Ms. Sollars continued that several callers recently have mentioned that they have attempted to put their property on the market, but report that the real estate agents that were contacted would not take the listing. Also, Ms. Armstrong was quoted in the Chronicle as saying that PID lots are unsalable. Ms. Sollars said that she was in the process of gathering valley real estate statistics, but Don Borgeson told her that the District property is selling at the same rate as non-District property. In fact, three of the litigants recently sold their properties. According to Mr. Borgeson's reports, it does not appear that those properties sold at a loss.


A meeting was held on December 5th at the District office with representatives from the District and Kit Carson in another attempt to resolve the long outstanding materials reconciliation. Present were Bruce Jassman, Kit Carson Board Member, Richard Martinez, interim Executive Officer, PID Vice Chairman Rakes, Director Oliver, Carl Abrams, and herself. Luis Reyes, Kit Carson Executive Director, and Jerry Smith, Board Member were expected, but did not attend the meeting. A spreadsheet was provided that detailed all the attempts to resolve this issue starting in the fall of 2010. Ms. Sollars requested that there be a meeting the first week of January with Mr. Martinez, Johnny Valerio, Kit Carson Accountant, Carl Abrams, HDR, and herself, that enough time be dedicated at that meeting to match all entries on the reconciliation spreadsheet with the substantiating document, and that at the end of that meeting appropriate decision makers be present to come to a final resolution.

Ms. Sollars reported that the insurance renewal invoices arrived today. The cost is only \$17 more than last year's cost. These invoices will be on the consent agenda for the next meeting.

2. Construction Committee Report – Director Oliver reported that the Construction Committee met on Monday. The Committee approved paying the HDR invoice and the first payment to AUI for the negotiated 2011 costs. The Reiman contract scope of work is not final and is a concern that will be discussed in more detail at the next Committee meeting.
3. Treasurer's Report – Director Verry asked if everyone received the Treasurer's Report and if there were any questions. There were none.

- M. Adjournment– Vice Chairman Rakes announced the meeting adjourned at 2:50 pm.

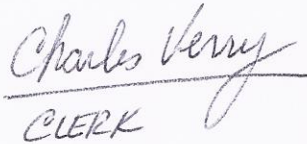
Next Regular PID Board Meeting will be January 9, 2012



Dan Rakes, Vice Chairman

ATTEST: 

Sally Sollars, District Administrator


CLERK