

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

PID Board Meeting Minutes
February 11, 2009 at 1:30 p.m. at the Village Hall Meeting Room

- I. Call to Order – Chairman LeBus called the meeting to order at 1:35.
- II. Pledge of Allegiance – Chairman LeBus called for the Pledge of Allegiance.
- III. Roll Call – Present was Chairman LeBus, Vice Chairman Dan Rakes, Directors' Chuck Verry and Steve Oliver. Also present was Penni Davey, Administrator and via telephone was Alan Young from the Construction Committee. A quorum was present.
- IV. Approval of Agenda – Director Verry made a motion to move items E.F& G. after item A. Vice Chairman Rakes seconded the motion. Motion carried 3-0.
- V. Approve Minutes from the January 26, 2009 Special Board Meeting – Vice Chairman Rakes made a motion to approve the January 26, 2009 Special Board Meeting Minutes. Director Verry seconded the motion. Motion carried 3-0.
- VI. Requests and Responses from the Audience (Limit to 3 minutes) –
 - Jim Trott, 258 Via del Rey, would like to express his interest in a review hearing prior to April, 2009. He will be out of the area the month of April. Mr. Trott also expressed that he would like something from the bankruptcy court stating that his lot was identified as a PID lot. Vice Chairman Rakes stated that Mr. Trott can come to the AF Resort to identify the properties. Mr. Trott indicated that he already has utilities on his property.
 - Mayor Larry Leahy, Village of Angel Fire, stated that he met with Jim LeBus and Penni Davey regarding cost saving measures. Mayor Pro-Tem Chuck Howe and Village Administrator Melissa Vossmer were in attendance. We looked at opportunities to reduce some cost in the PID, such as road width and use of gravel instead of chip seal. He stated that they are willing to look at these issues. The Mayor also stated that there are some concerns in Country Club 1B with infrastructure that they have put in place. He stated the PID Board has the right to call for a vote regarding the future of these areas and the Village would understand that this is the choice that the PID may wish to take. The Mayor stated that our ability to make a decision after that would depend on what would be brought to us. Needless to say the Village would act upon those issues as they come up and decisions would be made accordingly. The Village is concerned that if a vote was conducted to change infrastructure in a specific area of only half a dozen concerned citizens that it may cause a ripple effect in other areas. The concern would be about the other 844 remaining property owners. The Mayor asked that our attorney investigate that issue very cautiously. Although the Village wishes to cooperate any way they can and they have not put a stake in the ground or drawn a line in the sand on any specific issues. Our position continues to be that we wish to cooperate and work with the PID wherever we can to the best of the Village, property owners and the PID.
 - Chairman LeBus also stated that we continue to look for other opportunities to apply for grants to reduce our costs of the interface part of the project. He also stated that

approximately half a million dollars will be spent on the Village property rather than PID property to connect to their systems. Therefore, we are hopeful that the Village will help us in acquiring grants. We would like to be able to help the Village with some of their future projects since we will have a major construction company in town.

VII. Announcements and Proclamations - None

VIII. Business

1) New

- A. Consider and Approve acceptance of Alan Young to the PID Board. Vice Chairman Rakes made a motion to approve Alan Young to the PID Board. Director Verry seconded the motion. Motion carried 3-0.
- B. Consider and Approve the acceptance of a lot in Chalet 3G for the Water Tank. Director Verry made a motion to accept the proposal to purchase Lot 2408 in Chalet 3G. Director Oliver seconded the motion. Discussion: Lot 2408 will be deeded to Angel Fire Resort with a transfer of Lot 2759 to the PID. This lot will be used for the Water Tank. The closing will be March 4, 2009. Motion carried 4-0.
- C. Consider and Approve acceptance of Resolution 2009-2; Authorizing and Approving the Treasurer to set up separate bank accounts for Assessments and the Loan respectively. Also, to remove Gerald White's signature on the bank account and adding Alan Young. Vice Chairman Rakes made a motion to remove Gerald White's signature on the bank account and adding Alan Young. Director Oliver seconded the motion. Discussion: Director Verry stated that we will need two signatures on all issuance of checks. Chairman LeBus asked do we have a set priority to spend the Resort money first, Special Assessment next and lastly the Loan money. Paul Cassidy, RBC Capital, addressed this issue and stated that we can not finance the dry utilities with NMFA. Therefore we need to allocate the Resort money to pay for the dry utilities. Our concerns are that there are not enough funds to pay for operations. Motion carried 4-0.
- D. Consider and Approve acceptance of Resolution 2009-3; Authorizing and Approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority and defining "Design/Build Contract" for purposes of the prepayment structure in the rate and method of apportionment. Vice Chairman Rakes made a motion to accept Resolution 2009-3. Director Oliver seconded the motion. Discussion: Doug Praw, Bond Counsel, stated that we are clarifying the "Pre-payment clause" by the special tax. We have a two tiered funding mechanism. There would be a lock-out during the period between the first loan closing and the final closing. Therefore, no one will be able to pre-pay until the second loan has been closed upon. Motion carried 4-0.
- E. Presentation of Carl Abrams, HDR Engineering, Inc. –
 - Completing the last of RUS application
 - Wetland Delineation submitted to NMED, NMFA, and RUS. The Corp of Engineers has reviewed the PER & ER and will have comments in the near future. They need to see the sight in the spring before they can make their final ruling.
 - NMFA \$1M Loan scheduled for closing on February 13, 2009.
 - RUS indicates that since the levy dollars are not broken out by utility the application will need to go to Washington DC for approval.
 - Risk Assessment is about Funding. Therefore, PID desires to reduce cost by approximately \$2M.

- Met with Kit Carson to complete the design with the Contractor. Director Oliver and Vice Chairman Rakes will work as liaisons to meet with Kit Carson and Qwest. Qwest will charge \$200 per lot cost.
- Value Engineering will be split.
- Site set-up for AUI will be discussed with the Village to use the Sports Complex site for a staging area.

F. Presentation of Paul Cassidy, RBC Capital Markets

- We will close the \$1 M loan on Friday with the NMFA. The only piece that is missing is the wiring instructions on the bank account. All documents have been signed by the PID Board and staff.
- NMFA has a bill (PPRF House bill 79) going through the legislation in April. The next loan will be done with a Bond Ordinance or Loan Agreement Ordinance rather than a Resolution. It will need to be developed and two weeks prior to the NMFA meeting in April for approval. The Interest Rates will be set on about April 24th. The Ordinance will need to be adopted on April 30th. Closing would be at the earliest around June 2nd. AUI is anxious for this process to be completed and a notice to proceed. They believe they need approximately \$4 M for start up cost. Carl Abrams, HDR Engineering, Inc. stated that the contractor will provide a Cash Flow spread sheet. Director Verry asked the question whether the 1% fee charged by the County was an acceptable amount. Paul Cassidy indicated that it was.

G. Introduction of Bond Counsel. Doug Praw, Godwin Proctor with 900 attorney's in the firm with about 50 specializing in public finance and infrastructure bonds.

IX. Reports

1) Committee Reports:

Construction Committee reports that they have received and reviewed HDR's invoice for \$91,511.45.

Treasurer's Report: Regular Checking Account \$83,192.48; Interest Bearing Account \$419,733.95; 17 checks cleared for \$367,978.41 with one o/s check in the amount of \$500.00. Petty Cash balance is \$16.35.

2) Presentation of bills and expenses: AF Resort for reimbursement from the formation + hotel charges for engineers/geo-tech/surveyors for \$23,716.47.

X. Adjournment at 2:21

Minutes approved this 11th day of March, 2009.



James LeBus, Chairman

ATTEST:



Penni Davey, Administrator