

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

March 13, 2013 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 Rakes called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman LeBus (by phone), Vice Chairman Dan Rakes, Director Don Borgeson, Director Chuck Verry (by phone) 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 (by phone).
- D. Approval of Agenda – Director Borgeson moved to approve the agenda with no changes. Director Verry seconded. The motion carried 4-0.
- E. Approve February 13, 2013 Minutes – Director Verry moved to approve the February 13, 2013 meeting minutes. Director Borgeson seconded. The motion carried 4-0.
- F. Requests and Responses from the Audience (Limit to 3 minutes) – None.
- G. Announcements and Proclamations – None.
- H. Business

- 1. Presentation of Jose Lovato, Project Engineer for Kit Carson Telecom FTTH/Broadband Division – Mr. Lovato said that Kit Carson started installing fiber optic conduit in Angel Fire in August of 2012. Carl Abrams contacted him about potentially utilizing the 4" conduit installed for telecommunications as part of the District project. Mr. Lovato said that he is required to use orange conduit, typically 1.5 to 2 inch. However, he could run the orange conduit inside of the District's 4" inch grey conduit. He is investigating the parameters of the RUS grant funding his project to see how to incorporate using the District's conduit, which was not anticipated at the start of the grant. He also said that he would need to proof the PID conduit to determine that it would meet his needs.

Director Young commented that it seemed to him that it would be in the Village's best interests to have Kit Carson use the District conduit to avoid trenching the new roads. Vice Chairman Rakes said that it would be a waste to have the existing conduit remain unused and the new roads compromised.

Mr. Lovato said that the next step would be to come to an agreement, enter a contract and sent it to RUS for approval. He said that his RUS field representative would be making a site visit in the next few weeks and that after he visited with the representative he would determine the best approach. Ms. Sollars asked Carl Abrams to meet with Mr. Lovato and his field representative. Mr. Lovato will keep Mr. Abrams and Ms. Sollars posted.

- I. Enter into Executive Session - At 1:50 pm Vice Chairman Rakes announced that we will have a closed Executive Session Meeting. Director Verry moved to enter into Executive

Session. Chairman LeBus seconded. Roll call vote: Chairman LeBus; aye, Director Young; aye, Director Borgeson; aye, Director Verry; aye. The motion carried 4-0. Director Young asked if anyone objected to Mr. Abrams being present for Executive Session, to which there was no objection.

Vice Chairman Rakes returned to the Board Meeting at 2:22 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 March 13, 2013 at 1:50 pm at the Village Hall Meeting room to status of current and pending 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.

H. Business resumed.

1. Consider and Approve Resolution 2013-08 Adding Don Borgeson to the Bank Accounts – Director Verry moved to approve Resolution 2013-08. Chairman LeBus seconded. The motion carried 3-0 with Director Borgeson abstaining.
2. Consider and Approve Resolution 2013-09 Approving Sale of AFVN, Lot 135 and Designating Chairman LeBus to Sign Real Estate Contracts – Director Verry moved to approve Resolution 2013-09. Director Borgeson seconded. Ms. Sollars said that the Clerk signature line was on this resolution as usual, with the Clerk in Arizona. The document was sent to Director Verry via email, who then signed it and faxed it back for approval and final execution. It is hoped that a faxed copy will be acceptable to the title company. The motion carried 4-0.
3. Consider and Approve All or Part of Reiman Change Order – Director Borgeson moved to consider approving all or part of the Reiman Change Order. Director Verry seconded. Vice Chairman Rakes pointed out that Reiman is supposed to be reissuing the change order with further documentation. The PID will then have 30 days to respond with a decision. It would be better to wait until Reiman sends that new documentation. The motion was defeated 3-0. (During this discussion, Chairman LeBus lost his phone connection and did not return to the meeting.)
4. Consider Consulting with the New Mexico State Public Regulation Commission about the Reconciliation Discrepancy with Kit Carson – Director Borgeson said that the District could call our PRC Commissioner to inquire what the procedure is to file a complaint and determine our standing.
5. Discuss and Determine New Committee Member Assignments – Since Chairman LeBus originally appointed committee members and was not present, Vice Chairman Rakes tabled this discussion.
6. Consider and Approve Steve Oliver to Continue to Provide Computer Tech Support – Director Verry moved to approve Steve Oliver to continue to provide computer technical support to the District. Director Borgeson seconded. Ms. Sollars stated that Mr. Oliver is not under contract and does not want to be paid. However, Mr. Oliver

wanted Board approval to continue to provide support to the District office. The motion carried 3-0.

- J. Consent Agenda – Director Verry moved to approve the consent agenda. Director Borgeson seconded. Ms. Sollars pointed out that the AUI payment is the second of three installment payments for the negotiated costs. She also pointed out that \$240K to NMFA is a prepayment to the principle. The motion carried 3-0.

1. HDR Engineering, Inc.; Invoice #00062468-B - \$7,076.25
2. AUI; Invoice #209009-Amend. 7-2 - \$111,001.83
3. Stelzner, Winter, etal – General Counsel; Invoice #4823 - \$3,354.45
4. Kamm & McConnell; Invoice #33567 - \$115.11
5. Uvaldo Mondragon; Invoice #3546 - \$765.05
6. NMFA Prepayment - \$240,000.00
7. Sally Sollars; Invoice #33 - \$6,016.50
8. BMWS; Invoice #08-0008 47 - \$355.00
9. CenturyLink; 2/25/13 Invoice - \$169.49
10. Village of Angel Fire; Conf. Call Expense (January 2013) - \$22.46
11. Sangre de Cristo Chronicle; Invoice #144 - \$208.86
12. Petty Cash Report; Balance \$90.37

L. Reports

1. Administrative Report – Ms. Sollars reported that Uvaldo Mondragon, the District's fund accounting consultant, assisted her in making the auditor journal entry adjustments from Fiscal Year 12 to the books last week. Unfortunately the adjustments changed some numbers, which caused other reports to require adjustments. Ms. Sollars will be working on that next in preparation for the third quarterly report due to DFA next month.

The State Auditor has issued the OK to start the contract process for the next audit.

Ms. Sollars will be investigating alternative communication software for Board and Committee meetings.

The next administrative hearings will be on May 9th. There will be six cases. That will be the day after the May regular Board meeting.

The monitoring of the wetland mitigation area had been stalled. The Village and District are co-permittees of the Corps of Engineers 404 permit. Village Manager Jay Mitchell originally thought that the Village procurement standards would apply to getting a contract in place, but he now feels that the District standards are appropriate, which allow for sole sourcing with justification. Ms. Sollars has contacted John Pittinger of Blue Earth Ecological Services who was the designer and oversaw construction of the current mitigation area. She anticipates that there will be a contract for the Village Council and the Board to approve at the next Board meeting.

Ms. Sollars continued that with the frustration this morning of getting a signature on a document, she will be investigating electronic signatures to expedite getting signatures from out of town Board members.


Director Verry commented that there had been discussion about whether Director Borgeson should sign checks payable to Ms. Sollars. Director Verry said that Ms. Sollars' hours are preapproved by the Chairman prior to being listed on the consent agenda. Once on the consent agenda, the payment gets full Board approval. Therefore, there are two approval stages before any check is signed by two Board Members and following this procedure avoids any conflict.

2. Construction Committee Report – Director Young reported that the process to get contract to do the wetland mitigation monitoring is moving along.
3. Treasurer's Report – Director Verry asked if everyone had received the Treasurer's Report and if there were any questions. There were none.

As Chairman of the Finance Committee, Director Verry asked Director Young if he would consider serving on the committee. Vice Chairman Rakes offered his spot on the committee. Director Young accepted.

M. Adjournment – Vice Chairman Rakes announced the meeting adjourned at 2:40 pm.

Next Regular PID Board Meeting will be April 10, 2013



Dan Rakes, Vice Chairman

ATTEST: _____


Sally Sollars, District Administrator