

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

**Regular Board Meeting Minutes  
July 8, 2009 at 1:30 p.m. at the Village Hall Meeting Room**

**I. Call to Order – Chairman James LeBus called the meeting to order at 1:31.**

Chairman LeBus stated let the record show that pursuant to NMSA 1978, Section 10-15-1 (H) and (J) the PID Board held a closed meeting at 5:00 pm in the PID offices June 24, 2009 to discuss pending and other possible litigation. Let the minutes also reflect that the matters discussed in the closed meeting were limited only to those specified in the notice of the separate closed meeting.

**II. Pledge of Allegiance – Chairman Jim LeBus called for the Pledge of Allegiance.**

**III. Roll Call - Present was Chairman Jim LeBus, Directors' Steve Oliver, Chuck Verry and Alan Young. Also present was Penni Davey, Administrator. A quorum was present.**

**IV. Approval of Agenda – Vice Chairman Rakes made a motion to approve the agenda. Director Young seconded the motion. The motion carried 4-0.**

**V. Approve Minutes from the June 22, 2009 Special Board Meeting – Vice Chairman Rakes made motion to approve the June 22<sup>nd</sup> Special Board Meeting minutes. Director Oliver seconded the motion. The motion carried 4-0.**

**VI. Requests and Responses from the Audience (Limit to 3 minutes) – Peter Ramko, Lot 26, CC1B, he has owned his property for about 10 years. He does not have a home but has KC electric for the last couple of years. He makes a monthly payment to KC. He is concerned with the electric costs and will he be double billed? He did not protest to the Village during the protest period. Chairman LeBus stated that we (the PID) do not have approval to change any assessment unless the Village had relegated that approval to the PID during the protest period. Ramko asked how he can get a current evaluation of his property. Chairman LeBus suggested that he contact various Real Estate Agents to make that assessment. Ramko questioned that amount set on his property at the time of the formation of the PID. Chairman LeBus stated that it was based on the value of the property once infrastructure is installed. Ramko asked if we (the PID) saw that the assessments would go down. Chairman LeBus stated if we were able to break ground right now and with the contracts that we have established thus far, we would have been able to lower the assessment by approximately 20% to 25%. Unfortunately the lawsuit has stalled that.**

**VII. Announcements and Proclamations - none**

**VIII. Business**

**1) New**

**A. Presentation of Carl Abrams, HDR Engineering, Inc.**

1. Because of the lawsuit a full time move of HDR to AF has been put on hold.
2. Financing has halted on the funding by NMED. Sewer portion would be \$2.4 million and it could be a grant and/or loan.
3. Meeting with KC and Qwest on dry utilities. No info on stimulus dollars. Also, KC is not prepared to install fiber-optics; therefore Qwest will install telephone lines. If the PID will put in 4" conduit then Qwest will waive the \$200 per lot fee. If the cost is the same then we will put in conduit as it would be advantageous in the future.
4. AUI is in the final design plans for AF West, CC 1&2, AF North.
5. Corp of Engineers wetland delineation will be submitted with the Application for 404 permitting by July 17, 2009. They are working on mitigation determination with the Corp as a result of our various partnering meetings.
6. The existing infrastructure on lots was reviewed by HDR, KC, Qwest and the Village regarding electric, telephone and water installation. Most of the properties reviewed had some sort of utilities, but they are not main lines but service lines on their property, therefore, they would need to pay for installation of main lines for the utilities to come through the middle of the roadway. The service lines may meet code, but the main line does not in most cases.

B. Presentation of Mitch Mosesman & Donna Segura, David Taussig & Associates

1. Final Budget Report. Dated July 1, 2009. Special Levy for 2009-2010 we are going to collect approximately \$2,000,000. Which compared to the previous year we are collecting only 78% of the previous year. We collected the maximum from \$2,533,000. This is shown on page 8. Delinquency contingency should be paid this year. Chairman LeBus asked about the cost of litigation and what if that is to proceed. Mitch Mosesman stated that if we submit our budget to DFA (which is due by July 31, 2009) we would more than likely not be able to amend the Final Budget after the July 31, 2009 submittal. Also, the County would have a difficult time changing the amounts on the tax bill.

C. Consider and Approve Final Budget and Annual Report – Public Hearing (2<sup>nd</sup> Reading) – Vice Chairman Rakes made a motion to approve the Final Budget and Annual Report, Director Verry seconded the motion. Motion carried 4-0.

D. Consider and Approve Resolution 2009-8 Final Budget Report – Director Verry made a motion to approve Resolution 2009-8 Final Budget Report. Director Young seconded the motion. Motion carried 4-0.

E. Executive Session per NMSA 10-15-1(H) and (J) – Chairman LeBus called for a motion to enter Executive Session. Vice Chairman Rakes made a motion to go into Executive Session per NMSA 10-15-1 (H) and (J). Director Verry seconded the motion. Motion carried 4-0. To the Public: This will be a closed session for 35 minutes and return to open session at 2:40.



1. Glaser et al. vs. LeBus et al. and Village of Angel Fire (8<sup>th</sup> Jud. Dist Cause No 09-159) (PID Litigation)
2. Angel Fire PID vs. Glaser, et al

Chairman LeBus asked at the end of the closed session for a motion to re-enter the Open Board Meeting. Vice Chairman Rakes made the motion, Director Verry seconded the motion. Motion carried 4-0. Chairman LeBus stated to the Public that no decisions were made during the Executive Session and the only items covered on the agenda were discussed. Glaser et al. vs. LeBus et al. and Village of Angel Fire (8<sup>th</sup> Jud. Dist Cause No 09-159) (PID Litigation)

Angel Fire PID vs. Glaser, et al

IX. Reports – Chairman LeBus called for Committee Reports.

1) Committee Reports

- Construction Committee – Director Oliver stated that they met yesterday. Requested that HDR look at cost estimates of each area. Also, CC asked Penni to review the contract from Kit Carson and make suggested changes. They have recommended that HDR invoices be paid and up to date.
- Grants Committee – Pete Carlson reported that we keep up the State and NMED regarding suggestions that have been requested so we can file applications as soon as possible.
- Finance Committee
  1. Treasurer Report – Regular Checking Acct. \$58,575.66; Pre-Payment Interest Account \$20,139.78; Interest Bearing Account \$8,590.60; Special Assessment Account \$714,696.51; NMFA Loan #1 Account \$818,044.72. O/S bills are \$151,845.25. O/S checks are \$843,218.59.
  2. Presentation of bills and expenses – bills for supplies.

X. Adjournment – 2:48

The next Regular Board Meeting will be held August 12, 2009

  
James LeBus, Chairman

ATTEST:

  
Penni Davey, Administrator