

**PID Board Meeting Minutes**  
**August 10, 2011 at 10:30 am at the Village Hall Meeting Room**

- A. Call to Order - Chairman Jim LeBus called the meeting to order at 10:30 am.
- B. Pledge of Allegiance - Chairman LeBus called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman LeBus, Vice Chairman Dan Rakes, Director Steve Oliver (by phone), and Director Alan Young (by phone). A quorum was present. Also present were Gerald White, Project Director, Sally Sollars, District Administrator, Nann Winter, General Counsel and Carl Abrams, HDR.
- D. Approval of Agenda – Director Young moved to approve the agenda. Director Oliver seconded. The motion carried 3-0.
- E. Enter into Executive Session - At 10:33 am Chairman LeBus announced that we will have a closed Executive Session Meeting. Director Oliver moved to enter into Executive Session. Director Young seconded. The motion carried 3-0.

Chairman LeBus returned to the Board Meeting at 10:42 am 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 August 10, 2011 at 10:33 am at the Village Hall Meeting room to discuss threatened litigation. 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 Minutes – Director Oliver moved to approve the August 1, 2011 Board Meeting Minutes. Director Young seconded. The motion carried 3-0.
- G. Requests and Responses from the Audience (Limit to 3 minutes) – Chairman LeBus recognized Patrick and Joyce Burke, Angel Fire West Village, Lot 143. Mr. Burke said that in 2008 when he first received the County tax bill with the PID assessment he spoke with Penni Davey. He said that he wanted to prepay his obligation, but was told that the final financing was not yet in place and a prepayment was not possible at the time. He said that Ms. Davey told him that when the option was available he would get a letter in the mail with the prepayment amount. He paid that year and the two following year’s annual assessments. He realizes now that most of what he paid was interest. He is now asking for some consideration for the money that he has already paid to be applied toward a final prepayment. Ms. Sollars recounted that she had found no documentation in the office supporting Mr. Burke’s claim. Ms. Sollars also called the former administrator, Ms. Davey, who said she had no recollection of a meeting with Mr. Burke in 2008. Ms. Sollars stated that the PID is under State oversight and must have documentation supporting any adjustments. Chairman



LeBus said he felt there was some responsibility on Mr. Burke's part to have followed up with Ms. Davey when he received the 2009 tax bill, instead of waiting until this year to raise the issue. Chairman LeBus reiterated that the PID is legally restrained from acting on Mr. Burke's word without documentation justifying any consideration. Chairman LeBus recommended that Mr. Burke speak directly with Ms. Davey. If she does recollect Mr. Burke's claim and is willing to testify on his behalf it may be possible to make some allowance for the interest paid in 2009 and 2010.

H. Announcements and Proclamations - None.

I. Business

1. New Business

- a. Discuss Wetlands Annual Monitoring and Report – Gerald White reported that the Corps of Engineers visited last month to view the wetlands mitigation sites. At that point Mr. White became aware that there will be an requirement for an annual visit and report by a firm to monitor the effectiveness of the wetland mitigation measures on an annual basis for the next five years. It will be the responsibility of the Village and the PID, as joint permittees, to pay for these visits. Mr. White has asked HDR and Parametrics to submit quotes to gain some idea of the cost of annual monitoring and producing a formal report to the Corps of Engineers. Mr. White will have a recommendation by the end of the month.
- b. Discuss Status of Foreclosed Property Sales Program – Mr. White that, after repeated attempts to discuss DFA parameters with DFA Counsel, a month ago it was decided to go ahead with marketing the foreclosed properties. Nann Winter said that she was attempting to set up a DFA approval process prior to a sale, but with no response she recommended the PID proceed and we will work with DFA approval at the time of first sale. She has revised the procedural documents that the Sales Committee had developed and will send them to the Administrator. It will always be necessary to get DFA approval of sales, with a different approval process if the sale is over \$25,000.
- c. Discuss Departure of Project Director – Gerald White's contract ends on September 30. Chairman LeBus asked if Mr. White was amiable to stay on by a week by week basis if the project runs over. Mr. White felt that there would be no issues relevant to construction. However, there may be outstanding negotiations/mediations with AUI. He is willing to help with the negotiations until finalized. Chairman LeBus assumes that Carl Abrams would be able to fill in if there are outstanding constructions issues. There will be substantial paperwork involved in turning over the subdivisions to the Village.

2. Final Action Items

- a. Approve Fund Accounting Consulting Contract with Uvaldo Mondragon – Director Oliver moved to approve the Consulting Contract with Uvaldo Mondragon. Vice Chairman Rakes seconded. Ms. Winter recommended that the contract form used with the last accountant be used. She felt it had more protections for the PID. Ms. Sollars felt that the one page agreement



form was sufficient because Mr. Mondragon is not asked to produce anything, instead act as a consultant in process. Ms. Winter felt there was not enough coverage for liability. Vice Chairman Rakes amended his motion to use the contract form recommended by Ms. Winter. Director Oliver seconded. The motion passed 3-0. The original motion carried 3-0.

- b. Consider and Approve Change Order #24 – Qwest Conduit Material Additional – Mr. White reported that AUI needed more Qwest conduit material for placing in the dry utility trenches. We are in the process of reconciling materials already purchased, but could not hold up the progression of work until the reconciliation is done. Director Oliver moved to approve Change Order #24. Director Young seconded. The motion carried 3-0.

- c. Consider and Approve Change Order #25 – Removal of Hazardous Material Allowance from Contract – Mr. White reported that the original contract has one line item for \$200,000 to allow for potential occurrence of hazardous materials. None has been found so the \$200,000 plus GRT is being taken out of the contract. Director Oliver moved to approve the removal of the \$200,000 from the contract. Vice Chairman Rakes seconded. The motion carried 3-0.

- J. Consent Agenda – Vice Chairman Rakes moved to approve the Consent Agenda with the following changes: Remove Kit Carson, Invoice #1007; Add Taussig and Associates; Invoice #1106215. Director Young seconded. The motion carried 3-0.

- 1. HDR Engineering, Inc.; Invoice #00311507-H - \$56,664.46
- 2. AUI; Invoice #Phase IIB; 6/25-7/25/11 Invoice - \$1,017,015.44
- 3. Kamm & McConnell; Invoice #32190-32195 - \$1,521.50
- 4. Stelzner, Winter, et al – General Counsel; Invoice #2607 - \$4,111.41
- 5. Stelzner, Winter, et al – Litigation Counsel; Invoice #2610 - \$221.12
- 6. Gerald White; Invoice #24 - \$5,453.08
- 7. Sally Sollars; Invoice #14 (7/9 – 8/5/11) - \$4,269.92
- 8. Uvaldo Mondragon; Inv. #3420 - \$483.19
- 9. Angel Fire Resort; Rodey 7/12/11 Invoice - \$857.28
- 10. Angel Fire Resort; Invoice #062911 - \$323.50
- 11. Sangre de Cristo Chronicle; 7/31/11 Invoice - \$124.24
- 12. Qwest; 7/25/11 Invoice - \$165.95
- 13. Village of Angel Fire; Conf. Call Expense (June 2011) - \$39.41
- 14. BMWS; Invoice #08-0008-28 - \$330.00
- 15. David Taussig and Associates; Invoice #1106215 - \$3,900.40
- 16. Petty Cash Report; Balance \$106.45

K. Reports

- 1. Project Director Report – Mr. White reported that AUI's invoice this month shows better progress compared to the Schedule of Values and previous months. It is expected that all subdivisions except possibly Country Club 1B and Chalets 2G will be done by the end of September, with Country Club 1B and Chalets 2G expected to be done by the end of October.



The PID is still in conflict with AUI concerning the trenching cost inside and outside the PID boundaries. No progress was made at the July 25<sup>th</sup> meeting in Albuquerque. Since then, Mr. White is in process of identifying a mediator. He will have recommendations by the end of the month.

There are other Change Orders in the works including the reduction for the Chip Seal being installed at a 20 foot width instead of a 24 foot width. The reduction will be approximately \$26,000. Another Change Order is the possible increase for Back Basin Road where we did take a reduction of about \$12,000, but now a section of the road that wasn't included in the contract needs constructing and may cause the PID to pay that back. A change for manhole extensions on Valle Grande Trail South costing about \$3,000 has not been submitted yet. We are reviewing the deduct on the El Vado Bridge as there is not a clear indication that we were credited for materials.

Concerning the El Vado Bridge, yesterday the Reiman crew were readying to move the crane into position on the north side. In the meantime, H Excavation has been proceeding with dirt work on the south side.

The Village of Angel Fire Council accepted two roads last night; Caballo and Valle Grande South. Carl Abrams added that the Caballo acceptance also included utilities. Counselor May commented that she was concerned about the trail at the Baptist Church connecting to North Angel Fire Road extension. Mr. Abrams said that last year AUI agreed that they would lay in a trail alignment that would match the south and north connections of Bob Cat Trail. Subsequently that work got handed over to H Excavation, who worked out a deal with the Church that they would do the driveway for the Church for free, but not the trail. In a walk through with the Village this spring, the road crew told Mr. Abrams that they would blade in the trail. The agreement all along was that AUI would blade in the trail, but the Village would be responsible for the surfacing. This was relayed to Councilor May who will talk with the Village Streets Department and get back to Mr. Abrams.

Mr. White is concerned that the \$10,000 agreement with the Village for the betterment on San Mateo has not been considered by the Village Council yet after three successive meetings. The Village recognizes the lift station on San Juan is not powered. The Village will have to do its annual exercise of the lift pumps with a generator mounted on a truck. With the payment of the \$10,000 the PID could have Kit Carson run the cable through to the station and energize it. Vice Chairman Rakes suggested that the PID write a letter to the Village with this proposed as a cost savings to the Village. Chairman LeBus asked that the letter be written addressed to the Village Administrator with copies to the Mayor and Council Members.

The relationship with Kit Carson is better than it has been. We are working with them on issues in Country Club 1B. Reconciliation of purchased materials is still

ongoing. We are currently not getting much response from Qwest. We will invoice Qwest for betterment to their infrastructure later this month.

Mr. Abrams reported that AUI set a schedule for hand off of the subdivisions to the Village. All the paperwork and the requests need to be delivered to Mark Rivera at the Village one week prior to the Council Meeting. AUI is planning on getting Angel Fire West Village and Chalets Unit 4 on the Village Council Agenda next week. Country Club 1&2 is scheduled for the September 6<sup>th</sup> Council Meeting Agenda and Angel Fire Village North, Country Club 1B and Chalets 2G are scheduled for the September 20<sup>th</sup> Meeting. Only West Village has had a walk through, on July 12, and AUI has been working on the punch list.

The south end of Sierra Blanca is now energized. Phil Brown, lot #7, will still has some wiring to do but should be energized this week.

Chairman LeBus added that Peter Hardsteen has requested a water connection at his driveway. Mr. Abrams said that Mr. Hardsteen had discussed this with the field crew. However, the connections were installed according to design without providing a closer connection to Mr. Hardsteen's property. Mr. Hardsteen asked to install the connection himself. Mr. Abrams advised Mr. Hardsteen to speak with the Village.

2. Administrator Report – Sally Sollars asked if all Directors received the Administrator Report and if there were any questions. There were no questions.
3. Committee Reports
  - a. Construction Committee – Director Oliver reported that the Construction Committee met on Monday to review and approve the AUI and HDR invoices.
  - b. Finance Committee – Nothing to report.
4. Treasurer Report – Vice Chairman Rakes, in Director Verry's absence, asked if there were any questions about the Treasurer Report. There were no questions about the report. Ms. Sollars reported that all NMFA loan funds have been expended as of today. Reserving November debt service funds, there is currently about \$1,400,000 left in our accounts. In past years, assessment collections between July and December have been about \$300,000. Mr. White commented that hopefully the Final Demand letters sent out last month should also encourage some payments.
- L. Adjournment – Chairman LeBus announced the meeting adjourned at 11:45 am.

Next Regular PID Board Meeting will be September 14, 2011



J. LeBus  
James LeBus, Chairman

ATTEST: S. Sollars  
Sally Sollars, District Administrator