

## **Angel Fire Public Improvement District 2007-1**

3465 Mountain View Blvd., Suite 14      PO Box 1046, Angel Fire, NM 87710      575-377-3483

### **Public Notice**

#### **PID Board Meeting Agenda**

**September 12, 2013 at 3:30 pm at the PID Board Room**

- A. Call to Order – Chairman LeBus called the meeting to order at 3:30 pm.
- B. Pledge of Allegiance – Chairman LeBus called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman LeBus, Vice Chairman Dan Rakes (by phone), Director Don Borgeson, Director Chuck Verry , and Director Alan Young (by phone). A quorum was present. Also present was Sally Sollars, District Administrator. Nann Winter, General Counsel joined the meeting by phone when Chairman LeBus called for a vote to enter Executive Session.
- D. Approval of Agenda - Director Verry moved to approve the agenda with moving the Reports before Executive Session. Director Borgeson seconded. The motion carried 4-0.
- E. Approve August 20, 2013 Minutes - Director Borgeson moved to approve the August 20, 2013 minutes. Director Verry seconded. The motion carried 4-0.
- F. Requests and Responses from the Audience (Limit to 3 minutes) – None.
- G. Announcements and Proclamations – Starting with the October Board Meeting, the Board will resume meeting at 1:30 pm.
- H. Reports
  - 1. Administrative Report – Ms. Sollars reported that she has been working on audit preparation during the last month. The audit is scheduled on 9/30. She discovered an error in the budget tracking spreadsheet. The process of correcting the error entailed new Fiscal Year 2013 budget adjustments and revisions to the quarterly reports. Ms. Sollars spoke with both the auditor and with DFA informing them that new resolutions would be coming.

A bond call of \$200K is being prepared to be paid in October. There may be another \$160K in prepayments arriving before the end of the month, but later than the NMFA notification deadline.

Ms. Sollars said that movement in reconciling estimated costs vs. actual costs on previous Kit Carson work orders has stalled. Kit Carson did supply actual cost invoices, but with no count of hours or materials to justify their claim of increased costs. There is also a rebate request outstanding for three months with no response from Kit Carson. Third, an estimate was requested two weeks ago and has not been delivered.

She reported that Kevin Robnett, the Angel Fire Computer Guy, made recommendations for new computer equipment. She said that she was considering Dell equipment, but had decided to go with a Windows machine because there still are instances of incompatibility of Mac and Windows software. There was no specific

information for the Board to consider yet. Ms. Sollars cannot proceed with this project until after the audit.

Ms. Sollars continued that she recommended to the Finance Committee a change in the Fixed Asset Policy and Procedure from \$1,000 and under to be expensed out to \$5,000 in anticipation of purchasing new computer equipment.

Blue Earth Ecological Consultants will be here on September 24. They will be assessing vegetative growth and extracting the IRIS tubes, which measure hydrologic conditions. Ms. Sollars will meet them on site.

The response to the Reiman Corp. letter objecting to HDR charges deducted from the final payment took considerable time this last month. Part of the difficulty was that HDR is no longer readily available to the District and there is now delay in HDR scheduling time to attend to District requests.

2. Construction Committee Report – Ms. Sollars reported Reiman Corp asked this week if the District intended to respond to their letter of August 14 objecting to the final payment deduct of HDR charges beyond the contract end date. The response is now ready to be sent from the District lawyer's office after Board review.

The District also received a letter from AUI concerning the warranty on location of the San Juan Lift Station Panel located at lot 73, West Village. The letter denied that the issue was a warranty item. Instead it stated that the placement of the panel was determined in a meeting with AUI and the Village and was chosen because of road maintenance and traffic visibility concerns. Consulting engineer Carl Abrams reported that he was unaware of that discussion or meeting. Mr. Abrams did say that the design plans indicate that the panel was to be located at the property corner. Even though Marshall Vickers in the letter argued that this did not fall under warranty, he offered to split the cost to move the panel with the District.

Director Young stated that he felt that AUI is responsible to move the panel and that the District should not pay anything for the work. However, he also felt that the time and cost to fight the warranty question could add up to more than just splitting the cost.

The Committee had intended to be moving forward with Kit Carson pulling sections of wire by this time. However, the reconciliation of the estimated vs. actual cost of the previous work orders has yet to be resolved. Ms. Sollars stated that she did not feel comfortable with issuing new work orders until resolution of the old ones. Director Borgeson reported that a new building permit was issued last week that will require pulling a section of wire. Ms. Sollars had not yet received word on this and will check with the Village.



Ms. Sollars reported that the Committee approved the August HDR invoice. Yesterday the District received the HDR project files, which account for half of the hours invoiced. Mr. Abrams will be spending some time with Ms. Sollars to train her to manage the pulling of wire project. The job requires consulting the record drawings that are somewhat foreign to her at the moment.

3. Finance Committee Report – Director Verry reported that the Finance Committee met two weeks ago for its quarterly meeting. The Committee discussed raising the limit for expensing purchases from \$1K to \$5K, which is standard for the state, in anticipation of purchasing new computer equipment.

The Committee also considered the amount of damages caused by the litigation. He stated that the assumptions presented in the original countersuit did not occur. The actual dollars spent on litigation include: \$281,561 in direct legal costs including PID counsel, Angel Fire Resort counsel, Village of Angel Fire Counsel and Goodwin Proctor, bond counsel; \$176,264 AUI 2011 direct negotiated costs; \$440,486 2011 staff costs.

The audit and budget adjustment revisions were also discussed at this meeting.

4. Treasurer's Report – Director Verry asked if all received the Treasurer's Report and if anyone had a question. There were none.
- I. Enter into Executive Session - At 4:04 pm Chairman LeBus announced that we will have a closed Executive Session Meeting. Director Borgeson moved to enter into Executive Session. Director Verry seconded. Roll call vote: Vice Chairman Rakes; aye, Director Borgeson; aye, Director Verry; aye, Director Young; aye. The motion carried 4-0.

Ms. Winter joined the meeting at this time. Shortly thereafter Vice Chairman Rakes lost his phone connection.

Chairman LeBus returned to the Board Meeting at 4:34 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 September 12, 2013 at 4:04 pm at the PID Board Meeting room to discuss threatened litigation, specifically the Reiman Corporation SouthWest final payment appeal and damages in the Glaser et al countersuit. 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.

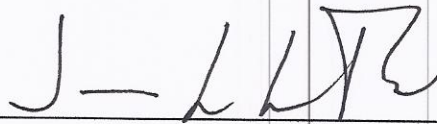
#### J. Business

1. Consider and Approve Revised Fixed Assets Policy – Director Verry moved to approve the revised Fixed Assets Policy to \$5K. Director Borgeson seconded. Chairman LeBus asked why the limit needed to be raised. Ms. Sollars said that the District has no fixed assets because all office purchases have been under \$1,000. However, with the

anticipation of purchasing new computer equipment and software, the cost could easily be above \$1,000. She checked with the auditor and was told that a \$5,000 limit is standard for the state. The motion carried 3-0.

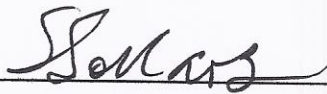
2. Consider and Approve Tech Services Contract – Director Borgeson moved to approve the contract as written. Director Verry seconded. The motion carried 3-0.
  3. Discuss Reiman Letter Responding to Final Payment Objections – Discussion occurred during Reports.
  4. Discuss San Juan Lift Station Control Panel Relocation – Discussion occurred during Reports.
  5. Consider and Approve Resolution 2013-20 Fiscal Year 13 Revised Budget Adjustments – Director Borgeson moved to approve Resolution 2013-20. Director Verry seconded. Roll call vote: Chairman LeBus; aye, Director Borgeson; aye, Director Verry; aye, Director Young; aye. The motion carried 3-0.
  6. Consider and approve Resolution 2013-21 Fiscal Year 13 Approval of Revised Fourth Quarter Report – Director Borgeson moved to approve Resolution 2013-20. Director Verry seconded. Roll call vote: Chairman LeBus; aye, Director Borgeson; aye, Director Verry; aye, Director Young; aye. The motion carried 3-0.
- K. Consent Agenda – Director Verry moved to approve the Consent Agenda. Director Borgeson seconded. The motion carried 3-0.
1. HDR Engineering, Inc.; Invoice #00101566-B - \$2,513.95
  2. Stelzner, Winter, et al; Invoice #5498 - \$1,836.66
  3. Kamm & McConnell; Invoice #33876 - \$207.78
  4. Angel Fire Computer Guy; Invoice #1070 - \$100.00
  5. Sally Sollars; Invoice #39 - \$6,918.98
  6. BMWS; September Rent; Invoice #08-0008 53 - \$380.00
  7. CenturyLink; Invoice dated 8/25/13 – \$285.17
  8. AT&T - \$0.00
  9. Sangre de Cristo Chronicle - \$0.00
  10. Petty Cash Report; Balance \$188.81
- L. Adjournment - – Chairman LeBus adjourned the meeting at 4:38 pm.

Next Regular PID Board Meeting will be October 10, 2013



Jim LeBus, Chairman

ATTEST:



Sally Sollars, District Administrator