

1 **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**
2 **Regular Board Of Directors Meeting**
3 **Thursday, January 11, 2007**
4 **MINUTES**

5
6 President Gray called the regular monthly meeting of the Pagosa Lakes Property Owners
7 Association Board of Directors to order at 7:00 P.M. in the Pagosa Lakes Community Center,
8 230 Port Avenue, Pagosa Springs, Colorado.

9
10 **BOARD MEMBERS PRESENT**

11 ~~~~~
12 Gary Gray –President
13 Hugh Bundy – Vice President
14 Fred Uehling – Treasurer
15 Ken Bailey – Director, Acting Secretary
16 Pat Payne – Secretary, absent and excused
17 Fred Ebeling – Director
18 Alan Schutz – Director

10 **STAFF PRESENT**

11 ~~~~~
12 General Manager – Walter Lukasik
13 Recording Secretary - Gloria Petsch
14 Covenant Compliance Inspector –
15 Richard Beaudry
16 Dept. of Rec. Amenities Manager -
17 Ming Steen

19
20 Mr. Ron Clodfelter – Parliamentarian

21
22 **APPROVAL OF AGENDA**

23
24 **Approval of Agenda-**

- 25 • Board requested removal of Item #3 under New Business, pending a recommendation
26 from the Auditor, to move the two items from the Bankruptcy Settlement Fund
27 Balance Sheet to the Operating Fund Balance Sheet.
28 • Correction to the Agenda Item New Business #4- Change this Item to #3 -there are
29 two unprotested fines instead of the three listed. One has been corrected and removed
30 from the Agenda.
31 • Director Uehling requested addition of New Business Item #4, to discuss a potential
32 Conflict of Interest situation.
33 • Director Ebeling requested addition of New Business Item #5 – Request by the San
34 Juan Water Conservancy District.
35 • Director Bailey requested changing New Business Item #1 to read “Discussion
36 regarding ideas for generating revenue as introduced by Director Bailey”.

37
38 Moved and seconded to approve the Agenda as amended. Motion carried unanimously.

39
40 **Approval of Minutes of December 14, 2006-**

- 41 • The Board also requested that Approval of Minutes of Dec. 14, 2006 be moved to
42 Item #6 under New Business. Parliamentarian Clodfelter will clarify rules of order.
43 Moved by Director Ebeling and seconded by Director Bundy to hold approval of the
44 minutes in abeyance, to New Business #6.

45
46
47

1
2 **Approval of the Work session Notes of January 3, 2007 –**
3

4 Director Bundy moved to approve the work session notes of January 3, 2007. Seconded by
5 Director Schutz. Motion carried unanimously.
6

7
8 **GENERAL MANAGER’S REPORT -**
9

10 1) In addition to the Department Managers’ reports, the following comments are noted:

11 **ACCOUNTING:** None other than as included in departmental report.

12 **DCC:** None other than as included in departmental report.

13 **DPE:** None other than as included in departmental report.

14 **DRA:** See comment below concerning the pool.
15

16 2) The **Sheriff’s Department Animal Control** statistics for the month of December show 7
17 dogs impounded, 4 welfare checks, 0 cruelty cases, 6 dogs returned to owners, 12 verbal
18 warnings issued, 0 dangerous dog calls/quarantines, 0 dog bite cases, 0 written warnings given,
19 25 miscellaneous citizen contacts made, 51 calls from dispatch to the animal control officer for
20 service.

21 **For the year 2006 the Sheriff’s Department Animal Control** show 73 dogs
22 impounded, 30 welfare checks, 6 cruelty cases, 45 dogs returned to owners, 122 verbal warnings
23 issued, 12 dangerous dog calls/quarantines, 12 dog bite cases-many of these are dog to dog-, 20
24 written warnings given, 305 miscellaneous citizen contacts made, 504 calls from dispatch to the
25 animal control officer for service.
26

27 3) No new information regarding the **transfer of greenbelt properties** from Fairfield
28 Resorts to the Pagosa Lakes POA.
29

30 4) Pagosa Lakes POA has **nine (9) Covenant Compliance legal issues pending** with
31 counsel at the present time.
32

33 5) As noted in the previous Manager’s reports, **the swimming pool at the Recreation**
34 **Center** will be closed for three weeks starting on or about January 25 to repair areas where **the**
35 **newly installed finish is lifting from the pool surface and is cracking.** The pool must be
36 drained for this procedure. We expect the repairs to be done under warranty. Director Bailey
37 requested that DRA Manager Steen bill the contractor for the cost of the water.
38

39 6) A DRAFT of **an Amendment to the Declaration for the voluntary North Village**
40 **Lake Owners Association** (NVL), is expected to be completed in the near future by our counsel
41 Lauren Holmes. It will be presented to the attorney for NVL, Larry Holtus, for consideration.
42 The Board will be kept informed on this issue.
43

44 7) **Replacement of the carpet for the Association administration building** will begin on
45 January 11th. The job will be done in three stages. Storage containers, which will be parked in
46 the parking lot, are rented for furniture and file cabinet storage during the change of carpet
47 process in each section of the building. DCC will be done this weekend, followed by DPE and
48 the Highway Patrol office, and then Administration. The carpet installer will work for three

1 consecutive weekends in order to keep the office running during the installation.

2
3 **8)** In early February, (date not specified), **Association Counsel Lauren Holmes will be in**
4 **Pagosa. We are scheduling a meeting** with her to review current legal cases and to review our
5 various Covenant Compliance policies and processes. Board President Gray has suggested we
6 discuss other issues with her during her visit. Recently a poll was taken of Board and ECC
7 members to garner their thoughts on the RV/trailer parking issue discussed at past Board
8 meetings. The responses to that poll have previously been distributed to the Board and ECC
9 members. We will discuss any legal ramification that decisions on this topic may have on the
10 Association. If you have any thoughts of further items needing legal clarification, please let me
11 know as I am in the process of formalizing an agenda for the meeting.

12
13 **9)** Please respond with your schedules regarding **ECC meeting dates.**

14
15 **10)** **We had a record 1,262 website hits last week.** For the last month we've had 5,992 hits.
16 We are looking into getting a weather cam and station, to upload information to the website, in
17 order to increase web traffic. We will keep the Board informed.

18
19 **11)** **The Winter Perch Tournaments will be on January 27, at Lake Pagosa, and on**
20 **February 10, at Lake Hatcher.**

21
22 **12)** **Spring newsletter articles are due in the office no later than Feb. 1, 2007.**

23
24 **13)** **The Resolution regarding Commercial type trucks takes effect 02/01/07.** No negative
25 comments have been received. Some calls have been received requesting clarification of the
26 Resolution.

27 28 29 **PUBLIC COMMENTS**

- 30
31 • **Rich Beaudry, of 150 Brook Drive, responded to Director Bailey's revenue**
32 **enhancement ideas.** There were 270 building violations last year; over 50% were for
33 building without a permit. We currently charge nothing for these permits, and once the
34 violators are caught, they go through the process to get a permit; they are not even fined.
35 So the property owners have no incentive to apply for a permit in advance. This makes
36 more work for the Dept. of Covenant Compliance as well. He also suggested looking into
37 passing incentives on to staff, for revenue saving or generating ideas.

38 39 40 **TREASURER'S REPORT**

41
42 **Due to the end of year closing and the audit of the PLPOA, The 2006 year-end financial**
43 **statements will not be available until the February meeting.** As noted in the General
44 Manager's report, the Association has received \$982,000, or 96.6 % of the total \$1,017,000 2006
45 billed assessments through December 31, 2006. Collections were 0.3 % ahead compared to the
46 same period in 2005.

47

1 Also the **Finance Advisory Committee** met a few days ago and looked at the Reserve Study and
2 a potential travel policy for the Association. These issues will be researched and discussed at the
3 next Committee meeting on Feb. 6, 2007. The Committee interviewed and accepted two new
4 members, Marion Francis and Bill Hudgins. The Committee is now fully appointed in
5 accordance with the Association Investment Policy.

6
7 A correction needs to be made to the Financial Report of November. The Restricted Reserve
8 Money market account total should read \$166, 756.68, and the total Restricted Reserves should
9 be \$676, 423.17.

10 11 12 **COMMITTEE REPORTS**

- 13 ○ **Recreation Center Committee** — No report at this time.
- 14 ○ **Lakes, Fisheries & Parks Committee** – No report at this time.
- 15 ○ **Ad Hoc Lake Study Committee** – No report at this time.
- 16 ○ **Road Advisory Committee** – No report at this time.
- 17 ○ **Finance Advisory Committee** – No report at this time.
- 18 ○ **ECC agendas and minutes** are included in the DCC report. ECC board liaison
19 Arthur Matcham’s report was included in the Board packet.

20 21 22 23 **OLD BUSINESS**

- 24 ○ **Board discussion of Long Range Planning workshops.** The 2nd work
25 session has been scheduled for February 9 at 4:15 pm. The ECC/Board work
26 session has been scheduled for February 5, at 8 am.

27 28 29 30 **NEW BUSINESS**

- 31
32
33 **1. Discussion regarding ideas for generating revenue as introduced by Director Bailey.**
34 The two suggestions that were brought up at the last meeting were a swipe card system,
35 and charging PAWSD for storage of their water. Dept. of Recreational Amenities
36 Manager Steen presented three preliminary cost structures from three different
37 companies. The costs range from \$25,245 to \$6,500, for various configurations of swipe
38 card systems. The fourth system, presented by General Manager Lukasik, would link into
39 our current database system. This system will cost \$21,007. (These are all preliminary
40 figures.) There was discussion of the pros and cons of the various types of swipe card
41 systems. Information is still being gathered on these systems, and the feasibility of their
42 use. Director Bailey will review the components and bids for the presented systems.
- 43
44 **2. Request from a property owner for a variance to our current family rate policy for**
45 **Recreation Center membership.** A property owner requested an exception to the
46 current family membership requirement of two adults and two dependent children under
47 the age of 23. Director Bailey moved to let Ming Steen do her job, at her site, and to
48 honor this particular request. Director Ebeling seconded the motion. Motion passed, with

1 Director Ebeling voting against. A second vote was requested, as a show of hands.
2 Motion passed with Director Ebeling abstaining.
3

4 **3. There are two (2) remaining, uncorrected unprotested fines for Board ratification**
5 **this month.** After discussion of the methods and timing of notices used by the
6 Department of Covenant Compliance, Director Bundy moved to ratify the first fine, for
7 Case # 86163. Director Bailey seconded the motion. Motion passed unanimously.
8 Director Bundy moved to ratify the second fine, for Case #86242. Motion seconded by
9 Director Bailey. Motion passed unanimously.
10

11 **4. Director Uehling to discuss a potential conflict of interest.** Director Uehling informed
12 the Board of a potential conflict of interest situation, and has said in the event of such a
13 situation, he will recuse himself from discussion and voting on any action involving Mr.
14 Pat Alley. Mr. Uehling's employer has Pat Alley as a client. While no conflict is
15 anticipated, Mr. Uehling thought it best to inform the Board.
16

17 **5. Director Ebeling to present a request for the San Juan Water Conservancy District**
18 **Board.** The San Juan Water Conservancy Board has asked Director Ebeling to ask the
19 Pagosa Lakes Property Owners Association Board of Directors if they support SJWCD's
20 endeavors regarding building an additional raw water storage reservoir. Director Bundy
21 stated that he feels that more information is needed from both sides of the issue before a
22 decision can be made. He also requested that pro and con presentations be made, pro by
23 the SJWCD, and con by Trout Unlimited or the League of Women Voters. Director
24 Ebeling will ask SJWCD if they will give a presentation at the next Board meeting.
25

26 **6. Approval of the Minutes of December 14, 2006.** Director Ebeling asked General
27 Manager Lukasik why Parliamentarian Mr. Clodfelter was invited to the meeting?
28 General Manager Lukasik replied that he asked Mr. Clodfelter to check on the voting
29 process used at the previous month's meeting, in light of the Bylaws, Article V-Board of
30 Directors, under Section 5, (d), which state, "Robert's Rules of Order shall be adopted
31 for the conduct of Association meetings." Director Ebeling disagrees, as "Board meetings
32 are not Association meetings, and therefore should not have to use Robert's Rules." Mr.
33 Lukasik stated that while the language in the Bylaws states "Association", the language
34 specified to is contained in Article V, Board Of Directors, Section 3, The Conduct Of
35 Meetings. Mr. Clodfelter clarified Robert's Rules of Order regarding this situation, to the
36 Board, in that a tie vote results in neither approval nor disapproval; the motion becomes
37 dead. He offered to give an informational seminar on Robert's Rules of Order, before the
38 next Annual meeting. Director Ebeling reprimanded General Manager Lukasik for going
39 against the wishes of the Board in inviting Mr. Clodfelter to the meeting. President Gray
40 disagreed, and stated that having an expert's opinion in any instance is a good idea.
41 Director Ebeling then asked General Manager Lukasik what right he had to purchase the
42 Boat Decals without the approval of the Board. General Manager Lukasik stated that, the
43 Board has in the past, approved any Resolutions that they have requested changes to, and
44 they have asked them to then be presented with requested changes, at the next meeting.
45 And, due to the time of January 1 noted in the Resolution, the decals were then ordered
46 after the Board had requested changes made to the Resolution. President Gray has stated
47 that this process will change, and that Resolutions will be voted on with the agreed upon

1 changes, at that time. Director Bundy moved that the minutes of December 14, 2006 be
2 approved as written. Director Ebeling seconded the motion. Motion passed unanimously.
3

4
5
6 **ADJOURNMENT**
7

8 There being no further business, the meeting was adjourned at 9:05 P.M.
9

10 Respectfully Submitted,
11

12 _____
13 Gloria Petsch, Recording Secretary

Ken Bailey, Acting Secretary