

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
Regular Board Of Directors Meeting
Thursday, January 12, 2006
MINUTES

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

BOARD MEMBERS PRESENT

~~~~~

David Bohl –President  
Hugh Bundy – Vice President, absent and excused  
Fred Uehling – Treasurer  
Pat Payne – Secretary, absent and excused  
Jim Carson – Director  
Fred Ebeling – Director  
Gary Gray – Director

**STAFF PRESENT**

~~~~~

General Manager – Walter Lukasik
Recording Secretary - Gloria Petsch
DCC Manager – Margaret Gallegos
DCC Staff Member – Lyn Webb

Also in attendance, County Commissioner Robin Shiro.

APPROVAL OF AGENDA & MINUTES

Agenda-

GM Lukasik requested that two additional items be added to the agenda under New Business. Item 6, Discussion of Tract H greenbelt, and Item 7, Fairfield’s employees’ use of the Rec. Center. He further requested an amendment to Item 5 under New Business; there are eight unprotested fines for Board ratification. Director Gray made a motion to accept the agenda as amended. Director Uehling seconded the motion. Motion carried unanimously.

Minutes of the December 8, 2005 Regular Board Meeting Minutes –

Director Ebeling made a motion to accept the agenda as amended. Director Carson seconded the motion. Motion carried unanimously.

GENERAL MANAGER’S REPORT -

The DPE will be holding the **first 2006 Ice Fishing Tournament** on Jan. 21. After negotiations with Ace Hardware and Ponderosa Do It Best, the two tournaments this year will be partially underwritten by these businesses.

1) The Association auditor, Mr. Michael Branch, CPA, is scheduled in our offices January 16th, to begin the audit process. He will be in our office for approximately 7-10 days. The Board will be kept apprised of his findings.

2) **The Sheriff's Department Animal Control statistics** for the month of December 2005, show 15 reports taken, 7 dogs impounded, 0 cats impounded, 2 cruelty cases, 6 dogs returned to owners, 15 verbal warnings issued, 1 written warning given, 20 miscellaneous citizen contacts made, 5 summons issued, 49 calls from dispatch to the animal control officer for service.

Total calls for 2005 – 1,001

Total calls for 2004 – 683

3) We continue to await a response to the letter concerning the **transfer of greenbelt properties from Fairfield Resorts to the Pagosa Lakes POA** presented to the local representative of Fairfield. I will keep the Board advised when a response is received. The Association may receive documentation in as little as two weeks.

4) **We have begun the installation of 17 cluster box units** (cbu's) at areas where concrete slabs had been poured and there was room for additional cluster box installations at those locations. As the Postmaster approves those installations we will have added 17 cbu's, for a total of 272 mail slots, for residents within Pagosa Lakes. The Postmaster must approve the routes of the mail carriers before assignments of those boxes and mail delivery can commence. As a reminder for Directors, responsibility and assignment of the boxes/slots and control of addresses and keys, belong to the Postal Service. Additionally, the Association has no responsibility for maintenance for those boxes until a total of 300 cbu's are given to the Association for installation.

We are in possession of 8 **additional boxes** (128 additional slots) that will be installed in the spring of 2006 for residents of Pagosa Lakes. The local postmaster will direct those specific installation locations. Discussions have been held with county Road and Bridge as to necessary processes, and permit fees, to be met to install extra boxes within their rights of way. We will report to the Board when that information is available.

5) Pagosa Lakes POA has **10 Covenant Compliance and other legal issues pending** with counsel at the present time.

6) We are awaiting the final documentation for vacation of an Association designated pedestrian **easement within The Timbers at Whispering Pines**, Tract 6C, Central Core. At the November meeting the Board gave authorization for Board President Bohl to sign the documents on behalf of the Association when they are completed. (See item under New Business in this month's Agenda). The documentation (a Quit Claim Deed) furnished by counsel for the developer was not acceptable to Association counsel who requested a specific "Vacation of Easement" document, since a Quit Claim Deed could convey more than the intent of a "Vacation of Easement". The developer's counsel has not yet furnished proper documentation to complete the transfer. Board President Bohl will be kept informed of the progress of this transaction.

7) **Statements for 2006 assessments** were placed in the mail on Thursday, January 5th. I want to commend Gloria, Eva and Don for completing this task before the postal rates increase on January 9th.

4,850 statements were mailed for 6,350 properties which include lots and living units in condominiums, townhouses and apartments as well as volunteer members in Alpha, Meadows I and the commercial tracts. There are 1,200 additional properties from those originally platted

which are either consolidated or coupled with other properties which cannot be billed. Due to recent increases in property values we have noticed an increase in owners who are going through the un-consolidation process with the county or requesting uncoupling from the association.

Included with the statements was a notice to all property owners concerning Senate Bill 100, new Rules and Regulations, Building Permit Package, etc. This fulfills our public notice announcement, and, as it was included with the statement, did not cause an additional mailing expense.

8) At the **intersection of Piedra and Cloman Blvd., there is a 7.2 acre parcel** being considered for 144 apt. units; nine Buildings of buildings of 16 units each, and 2.2 parking spaces per unit. The Association has until Jan 25 to give input on this parcel to the County. Concerns are lighting, drainage, traffic, and noise.

9) **There are a larger number of lot un-consolidations and uncouplings due to higher lot sales prices as of late.** Director Bohl was concerned about the set backs being adhered to in these instances. He was reassured that so far there have been no problems. Director Ebeling was concerned about the square footage requirements being met in these instances. Set back and square feet requirements remain as defined in the Declarations.

PUBLIC COMMENTS

- **Jerry Baier, of 172 Caleta Place, had two recommendations for the Board.**
 1. He suggested that the Association have an official representative at County Board Meetings, especially where there are items on the agenda affecting Pagosa Lakes.
 2. He inquired if the Association is prepared to sanction and encourage organizing Metro districts or some form of road maintenance. Director Bohl informed him of the fact that when the suggested word change in the Bylaws was put on the ballot for a vote that would have allowed the Association to take the lead in such matters, the majority of the property owners voted against it, therefore the Associations' hands were tied.
 - **Commissioner Schiro** informed the public that as long as the County considers a road "passable", it is eligible for HUTF funds. She also stated that the county is **removing the red "not maintained" street markers.**

TREASURER'S REPORT

The December 2005 financial documents have been reviewed. No discrepancies or irregularities were noted. As noted in the General Manager's report, the Association has received \$971,000, or 96.3 % of the total \$1,008,000 2005 billed assessments through December 31, 2005. The percentage of collections received, 96.3%, was identical to the same period in 2004.

One \$75,000 CD matured in reserve account 926-08326 on December 29, 2005. A \$95,000 replacement CD, which included a rollover of the original CD plus additional available money market funds, was established with GMAC Bank. The new CD pays 4.55%, matures on 1/4/07, and will be shown on the January 2006 report.

COMMITTEE REPORTS

- **Recreation Center Committee** — No report at this time.
- **Lakes, Fisheries & Parks Committee** – No report at this time.
- **Ad Hoc Lake Study Committee** – No report at this time.
- **Ad Hoc Signage Committee** – Several months ago, the Board reviewed a bid for sandstone and stone pillar signs at a cost of \$15,000 each, which was rejected. Since then, a bid for a similar sign with the stone pillars, but with a composite background, was received at a cost of \$12,000 per sign. As the committee has been considering 5 +/- major “Pagosa Lakes” identifying signs as opposed to individual subdivision signs, and that there are many various types of signs available, they asked what amount the Board would consider for those major Association identifying signs. The Board recommended a \$5,000 to \$10,000 price range for the signs. Jennifer Matcham, of the Sign Committee, recommended higher quality signs, which would require fewer repairs.
- **Road Advisory Committee** – No report at this time. Director Carson informed the public that it was decided at the last County Commissioners Road Meeting, that no snow plowing would be done on selected secondary roads after this winter. Director Gray stated that the County has offered to provide their expertise in helping neighborhood groups form maintenance districts, and suggested that the Association host informational meetings on the subject. Commissioner Schiro stated that the county has stated its intentions of waiving its fees for PID formations through Jan. of 2007.
- **ECC agendas and minutes** are included in the DCC report for the Board’s information. ECC board liaison Arthur Matcham’s report is included.

OLD BUSINESS

- **Discussion of “Commercial Type Truck” definition.** General Manager Lukasik passed out copies of definitions received from counsel. He stated that the Sheriff’s Dept. looks at license plate designations. Director Bohl stated that regardless of the definition, the ECC may still grant variances. Director Carson stated “No Commercial-Type Vehicle is to be visible unless they have received prior written approval of the ECC”. Usages and sizes of vehicles were discussed. Director Bohl requested that General Manager Lukasik let counsel review the presented definition of “commercial-type trucks”, and get their opinion.

RECURRING BUSINESS

- **None at this time.**

NEW BUSINESS

1. Requested Approval of Resolutions.

- **2006-01 Formal Adoption of Building Permit Process.** A motion was made to approve Resolution 2006-01, Formal Adoption of Building Permit Process, as amended. Motion seconded and carried unanimously.
- **2006-02 Signature Authority for Exchange of Lake Pagosa Park property.** A motion was made to approve Resolution 2006-02, Signature Authority for Exchange of Lake Pagosa Park property, giving Board President Bohl authorization to sign closing documents. Motion seconded and carried unanimously.

2. Discussion of “encouraged” Alternative Dispute Resolution as noted in Senate Bill 100.

Director Ebeling stated that he felt property owners would not foot the bill for a portion of mediation or arbitration fees, and that he felt it was unfair for the Association to pay for the first two to three hours of mediation. General Manager Lukasik pointed out that it would be offered, not required, and that it would be less expensive than attorney’s fees for the same issue. Director Uehling offered that the number of hours/sessions that the Association pays for could be capped at a certain limit. Director Ebeling pointed out that since this issue is currently “recommended”, not required, the discussion is about something that may not take place. Director Bohl stated that currently we can offer mediation as an alternative, without a formal policy. The Board agreed.

3. Approval of Investment Officer Job Description.

Discussion was made of possible revisions which could be made to the investment officer description in the future. Director Uehling made a motion to approve the presented Investment Officer Job Description. Motion was seconded by Director Carson. Motion carried unanimously.

4. Request by Director Carson as to need for a work session with Board of Directors, ECC and DCC as to rules and procedures as presented in the Building Permit Process, Rules and Regulations, and Violation process of the Association.

Director Carson was given an overview of the application process, and how the applications move through the DCC and ECC system. He was reassured that DCC does not have the power to approve applications without ECC approval. A motion was made and seconded to appoint Director Gray as Board liaison to the ECC. Motion carried unanimously.

5. Affirmation of eight DCC unprotested fines.

A motion was made by Director Ebeling to uphold the fines, and seconded by Director Gray. Motion carried unanimously.

6. Discussion of Tract H, Vista greenbelt.

General Manager Lukasik informed the Board that in 1974, the developer, Eaton, sold and deeded a piece of greenbelt (2.2 acres) in Tract H, Vista Subdivision to a church, after the Declarations were recorded. The property has subsequently been sold several times; two individuals who now own it want to know what can be built on that property. Counsel states the Board has authority to assign a land use to this parcel. The owners of that parcel must approach the Board with a

suggested use, for the Board's approval, and they must also amend the plat to include that parcel in the subdivision.

7. **Discussion of the use of the Rec. Center by the Fairfield employees.** Eric Hagman, of Fairfield Pagosa, has requested approval for full-time Fairfield Pagosa employees to purchase, at full price, memberships to the Recreation Center. General Manager Lukasik recommended naming Fairfield Pagosa as an Associate member of the Association to allow this. Motion was made by Director Ebeling to allow full-time Fairfield employees to purchase Recreation memberships, as well as fishing permits, from the Association. Director Uehling seconded the motion. Motion carried unanimously.

CORRESPONDENCE

- None at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:49 P.M.

Respectfully Submitted,

Gloria Petsch, Recording Secretary

Pat Payne, Secretary