

1                                   **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**  
2                                   **Regular Board Of Directors Meeting**  
3                                   **Thursday, May 10, 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 Clubhouse, 230 Port  
8 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  
16 Pat Payne – Secretary  
17 Fred Ebeling – Director  
18 Alan Schutz – Director, absent  
19

10 **STAFF PRESENT**

11 ~~~~~  
12 General Manager – Walter Lukasik  
13 Recording Secretary - Gloria Petsch  
14 DPE Manager – Larry Lynch

20                                   **Quorum verified by Director Payne.**

21  
22  
23 **APPROVAL OF AGENDA**

24  
25 **Approval of Agenda-**

26 Director Gray requested that the following four items be added to New Business:

- 27 1. Board Acceptance of the General Manager Walt Lukasik’s resignation;  
28 2. Statement from General Manager Walt Lukasik;  
29 3. Interim Title, Powers and Responsibilities to Gloria Petsch;  
30 4. Board Policy on Use of Association Counsel.

31  
32 Director Bundy made a motion to approve the Agenda as amended. Director Uehling seconded  
33 the motion. Motion carried unanimously.

34  
35  
36 **APPROVAL OF MINUTES OF APRIL 12, 2007-**

37  
38 Director Bundy made a motion to approve the minutes of April 12, 2007 as written. Director  
39 Uehling seconded the motion. Motion carried unanimously.

40  
41  
42 **GENERAL MANAGER’S REPORT -**

- 43  
44 1) In addition to the Department Managers’ reports, the following comments are noted:  
45 **ACCOUNTING:** None other than as included in departmental report.  
46 **DCC:** None other than as included in departmental report.  
47 **DPE:** None other than as included in departmental report.

1           **DRA:** See comment regarding closing of the pool on Memorial Day and July 4<sup>th</sup>. Also  
2 see reported vandalism of painted windows.  
3

4   **2)**     The **Sheriff's Department Animal Control** statistics for the month of April 2007 show  
5 19 reports taken, 9 dogs impounded, 5 welfare checks, 2 cruelty cases, 36 dogs returned to  
6 owners, 28 verbal warnings issued, 3 dangerous dog calls/quarantines, 0 dog bite cases, 7 written  
7 warnings given, 52 miscellaneous citizen contacts made, 4 summons issued, 57 calls from  
8 dispatch to the animal control officer for service.  
9

10 **3)**     Pagosa Lakes POA has **ten (10) Covenant Compliance legal issues pending** with  
11 counsel at the present time.  
12

13 **4)**     **Counsel Lauren Holmes has spoken with North Village Lake attorney Larry Holtus**  
14 **to discuss modifications to the DRAFT Amendment to the Declarations for the voluntary**  
15 **North Village Lakes Owners Association (NVL).** Attorney Holtus is taking the proposed  
16 changes to the two Declarants of the Amended Declarations for their consideration.  
17

18 **5)**     **The contract for the purchase of L 1, B 1, Lake Pagosa Park** has been signed by  
19 President Gray and the Seller. We are now in our 45-day due diligence period to study the  
20 property. DPE manager Larry Lynch and I met on site with Mike Davis of Davis Engineering.  
21 We're expecting Mr. Davis' report in the next seven to ten days.  
22

23 **6)**     **At the last Board meeting, the Board approved a contribution of up to \$2,000 to the**  
24 **County, to help fund a walkway on Pinon Causeway.** Both the County and the owners of the  
25 Pines Condominiums have expressed their thanks for this.  
26

27 **7)**     **Does the Board wish to delay the Property Owner Orientation,** tentatively scheduled  
28 for June 6, 2007, to be put on hold, and re-scheduled for after the new General Manager is in  
29 place?  
30

31           The Board decided to reschedule the Property Owners Orientation for a later date.  
32

### 33 **PUBLIC COMMENTS**

34

- 35     • **Gerald Manzanares, of 608 Prospect,** wished to express his dissatisfaction with the  
36 issue he has been having, and feels that the Board has been avoiding meeting with him.  
37     The Board expressed their concern over the issue, had thought that the problem had been  
38 addressed satisfactorily, and would be more than happy to meet with Mr. Manzanares.  
39     The Board asked Mr. Manzanares to stay to the end of tonight's meeting and set up a  
40 time to meet with them.
- 41     • **Dean Greenamyre, of 54 Mosswood,** felt that having to pay to join the Recreation  
42 Center, in addition to the annual assessment, was an unfair policy and should be changed.  
43     The Directors explained to Mr. Greenamyre that the Recreation Center fees have always  
44 gone to the upkeep of the Center, but that a portion of the collected assessments goes  
45 towards insurance and maintenance costs of the Center. This is because having the  
46 Recreation Center in the community enhances everyone's property values. Mr.  
47 Greenamyre also expressed unhappiness with way the Rec. Center currently sets dates for

1 annual and semi-annual passes. The Board explained that they have been looking into  
2 various ways of changing this, but that the cost of implementing these systems has been a  
3 prohibiting factor so far.  
4  
5

## 6 **TREASURER'S REPORT**

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8 As noted in the General Manager's report, the Association has received \$800,000, or 78.4% of  
9 the total 2007 billed assessments of \$1,021,000. Collections were 0.4%, or approximately \$1,000  
10 behind compared to the same period in 2006.  
11

12 A \$95,000 certificate of deposit (CD) in the operating account with the Bank of the San Juans  
13 matured to a value of \$97,398.09 on April 13, 2007. The CD was rolled over with the same bank  
14 for another 6 months at an interest rate of 5% and with a new maturity date of 10/13/07.  
15

## 16 **COMMITTEE REPORTS**

- 17  
18 ○ **Recreation Center Committee** — No report at this time.  
19 ○ **Lakes, Fisheries & Parks Committee** – No report at this time.  
20 ○ **Ad Hoc Lake Study Committee** – No report at this time.  
21 ○ **Road Advisory Committee** – No report at this time.  
22 ○ **Finance Advisory Committee** – The FAC meeting was held on 5/9/07, with all  
23 committee members present. Chairperson Fred Uehling gave the following  
24 report:  
25 • The first item discussed by the FAC was the 2006 Audit done by  
26 FrederickZinkElliott. The Committee recommended that the Board formally  
27 adopt the management letter and full audit. Next, the Committee recommends  
28 that the Board allow Don Arries be allowed to bid up to \$20,000 for the  
29 purchase of Lot 5, LPP, which is to be sold at Sheriff's sale on May 23, 2007.  
30 Next, regarding the Reserve Study, the Committee would like to make a  
31 presentation to the Board, after the new Board and new General Manager is in  
32 place. The Committee is continuing to work on a potential Travel Policy and  
33 Small Purchases Policy. Director Bundy made a motion to allow Don Arries  
34 to bid up to \$20,000 to acquire Lot 5, Lake Pagosa Park. Director Uehling  
35 seconded the motion. Motion passed unanimously.  
36 ○ **ECC agendas and minutes** are included in the DCC report. ECC board liaison  
37 Ken Lavery's report included in the Board packet.  
38  
39

## 40 **OLD BUSINESS**

- 41  
42 ○ **None at this time.**  
43  
44

## 45 **NEW BUSINESS**

- 46  
47 **1. Board Acceptance of the Resignation of General Manager Walt Lukasik.** Director  
48 Ebeling made a motion to accept with regret the resignation of General Manager Walt

1           Lukasik, commend him upon a superior job, and wishes he and Ellen the best of  
2 everything in the future. Director Payne seconded the motion. Motion passed  
3 unanimously.  
4

- 5       **2. Statement from General Manager Walt Lukasik.** Mr. Lukasik commended DRA  
6 Manager Ming Steen, DPE Manager Larry Lynch, Comptroller Don Arries, Gloria  
7 Petsch, and Eva Iwicki for their excellent service. He also thanked the Board for their  
8 excellent work over the years.  
9

- 10       **3. Temporary Title, Powers and Responsibilities to Gloria Petsch, that of Interim  
11 General Manager, in effect until a new General Manager is named and in place.**

12 Interims Duties and Powers:

- 13       • Invoice approval (with Don Arries)
  - 14       • Check Signing authority (Don Arries as accountant cannot sign checks)
  - 15       • Contact with Sheriff's Department for Animal Control Issues
  - 16       • Contact with counselor on pending issues
  - 17       • Report to Board on Personnel Issues
  - 18       • Preparation of Board packets
  - 19       • Respond to all emails that come to General Manager
  - 20       • Work with Board President for attendance at meetings such as:
    - 21           • Trails Council
    - 22           • County Commissioners
    - 23           • Planning Commission
    - 24           • Planning Department
  - 25       • All mail received for General Manager
  - 26       • Committee interaction where deemed necessary
  - 27       • Work with Search Committee
  - 28       • Other duties as deemed necessary by the Board
- 29

30 Director Ebeling made a motion to name Gloria Petsch as Interim General Manager, with extra  
31 duties as listed above, until a new General Manager is named and in place. Motion seconded by  
32 Director Uehling. Motion passed unanimously.  
33

- 34       **4. Board Policy regarding Use of Association Counsel.** President Gray outlined a policy  
35 that he would like the Association to adopt regarding use of Association counsel:

- 36       • General Manager prerogative
- 37       • Committees may request legal opinion through General Manager
- 38       • Board requests advice through General Manager
- 39       • Individual Board Member may request the Board President to go directly to  
40       counsel for opinion. If in the absence of the Board President, the Vice President  
41       may be requested to go to counsel for opinion.  
42

43 Director Bundy made a motion to adopt the Board Policy regarding Use of Association Counsel.  
44 Motion died for lack of a second.

45       Director Uehling suggested that the policy be clarified, by sharing the crafting of the  
46 wording of such requests, as well as sharing of exact and total response with all Board Members.

1 Director Ebeling suggested waiting until the new General Manager is on board, to gain his input  
2 as well. Director Gray asked for Board input on clarification of wording of the document, and  
3 Director Uehling agreed to be responsible for drawing up a draft of the proposed document.  
4

5 **5. Approval of Resolution 2007-04, Pertaining to the Purchase of Lot 1, Block 1, Lake**  
6 **Pagosa Park.** Director Ebeling stated that both the Board President and Secretary must  
7 sign the document. **Director Bundy made a motion to accept the Resolution 2007-04**  
8 **as amended. Motion seconded by Director Uehling. Motion passed unanimously.**  
9

10 **6. As directed by SB05-100 and SB06-089, the Board of Directors must appoint a**  
11 **disinterested part to count and supervise the counting of ballots for elections and**  
12 **ballot issues for the Annual Meeting. In the past, the office Administrative Assistant**  
13 **has been appointed as the supervising party for ballot counting. Administrative**  
14 **Assistant Gloria Petsch is not a property owner in the Association.** The Board  
15 requested that this item be tabled until next month. Due to circumstances regarding the  
16 vacant General Manager's position and extra duties assigned to Ms. Petsch, another party  
17 may need to be appointed to count and supervise the counting of the ballots.  
18

19 **7. Discussion of definition of "inoperable vehicle" as tabled from April 2007 Board**  
20 **meeting.** Director Gray proposed that issue be tabled until the July meeting. He requested  
21 that Board members email him prior to the July meeting with their thoughts on whether  
22 they feel that issue should be dealt with at all, and if so, which of the provided examples  
23 should be included in our definition. Director Bundy made a motion to table the issue  
24 until the Board accumulates Director's opinions on the subject. Director Uehling  
25 seconded the motion. Motion passed unanimously.  
26

27 **8. Appointment of one new and re-appointment of two existing Environmental Control**  
28 **Committee members.** Committee members Ken Lavery and Ernie Karger are up for re-  
29 appointment to the ECC, and appointment of new member Dennis Schick. Board Liaison  
30 to the ECC Director Bailey commended the ECC on the excellent job that they do, and  
31 stated that he felt that Dennis Schick would be an asset to the Committee. Director  
32 Ebeling moved to re-appoint Committee Members Ken Lavery and Ernie Karger to the  
33 ECC, and to appoint Dennis Schick as a new ECC committee member. Motion seconded  
34 by Director Uehling. Motion passed unanimously.  
35

36 **9. Request for Sponsored Group status for a Line Dancing Group to be directed by**  
37 **Gerry Potticary. The Association currently Sponsors another Line Dancing Group,**  
38 **and many of the members of that group will be members of this Group.** Director  
39 Ebeling moved to allow the Line Dancing Group to be given Sponsored Group status.  
40 Motion seconded by Director Bundy. Motion passed unanimously.  
41

42 **10. Adoption of the 2006 Financial Audit as completed by auditors FrederickZinkElliott**  
43 **which was distributed in the Board's April 2007 packet. Report to be given by**  
44 **Treasurer Uehling.** Director Uehling stated that the Financial Advisory Committee had  
45 recommended that the Board of Directors accept the 2006 Financial Audit. Director  
46 Uehling then made a motion to adopt the 2006 Financial Audit. Director Bundy seconded  
47 the motion. Motion passed unanimously.

1  
2 **11. DPE Manager Lynch to present cost estimates received from Davis Engineering, for**  
3 **the Forest Lake Trail project.** Last month, the Board authorized DPE Manager Lynch  
4 to obtain preliminary cost estimates for the sidewalk/trail across Lake Forest Dam. Mr.  
5 Lynch read the following letter from Davis Engineering Service into the record:

6 “The purpose of this correspondence is to transmit to you a copy of the  
7 preliminary construction and engineering estimate for the trail/sidewalk across Lake  
8 Forest Dam. The estimate provided is for trail/sidewalk alignment on the downstream  
9 side of the dam. While we understand the desire to place the trail on the upstream side of  
10 the dam, either road realignment or dam modifications, or both, would be probably be  
11 required, which would increase costs considerably. At this preliminary stage, we would  
12 suggest that the trail begin near the parking lot adjacent to Lyn Avenue as an 8' wide  
13 asphalt trail and transition to the dam crest approximately where the existing foot trail is  
14 now ( $\pm 200$  l.f.). Once on the dam crest, the path would become a 6' wide concrete  
15 sidewalk with spill curb & gutter on the street side. The concrete sidewalk and curb &  
16 gutter would continue to the existing driveway on the dam crest ( $\pm 700$  l.f.) where the trail  
17 would transition off of the dam crest and again become an 8' wide asphalt trail and  
18 continue to Beaver Circle ( $\pm 700$  l.f.). It is possible that some right-of-way or easements  
19 need to be acquired. This alignment may also require some minor dam modifications. In  
20 any case the State should be contacted and be kept informed of any construction activity  
21 on the dam.

22 The enclosed estimate shows probable major construction items and unit prices  
23 based on recent similar projects. A 30% contingency has been included to cover: 1) unit  
24 price increases, additional construction items, and/or quantities required once design is  
25 complete; 2) coordination with Colorado Division of Water Resources; 3) possible utility  
26 issues; 4) possible easement and right-of-way issues; and 5) other possible unforeseen  
27 costs.”

Lake Forest Dam Trail (from Lyn Ave. to Beaver Cir. On downstream side of dam)				
Preliminary Cost Estimate				
5/10/2007				
Item Description	Quantity	Unit	Unit Price	Extension
Mob. Demob., Bonding	1	l.s.	\$10,000.00	\$10,000.00
Topsoil Removal and Replacement	250	c.y.	\$8.00	\$2,000.00
Excavation and Embankment	250	c.y.	\$15.00	\$3,750.00
Temporary Erosion Control	1	l.s.	\$2,000.00	\$ 2,000.00
Class 6 Gravel	375	c.y.	\$35.00	\$13,125.00
Asphalt	75	Tons	\$120.00	\$9,000.00
6" wide, 4" thick Concrete Sidewalk	4200	s.f.	\$5.00	\$21,000.00
Curb & Gutter	700	l.f.	\$27.00	\$18,900.00
			Total	\$79,775.00
			Contingency @ 30%	\$23,932.50
Design & Construction Engineering				\$15,000.00
			Grand Total	\$118,707.50

1           The Board requested that Mr. Lynch find out what the cost of building the  
2 trail/sidewalk on either side would be, so that the both the cost and safety factors can be  
3 weighed for the project. Director Uehling made a motion to open the bid process for the  
4 trail/sidewalk project along Lake Forest Circle. Director Payne seconded the motion.  
5 Motion passed unanimously.  
6

7           **12. Affirmation of selection of Search Committee for General manager’s position.**  
8           **Search Committee to consist of Gary Gray, Hugh Bundy, Fred Uehling, Ken Bailey,**  
9           **and David Bohl.** Director Ebeling made a motion to affirm the committee selection.  
10          Director Bundy seconded the motion. Motion passed unanimously.  
11

12          **13. There are no (0) unprotested fines for Board ratification this month.**  
13

14  
15          **CORRESPONDENCE**  
16

- 17           • None at this time.
- 18  
19

20          **ADJOURNMENT**  
21

22          There being no further business, the meeting was adjourned at 8:28 P.M.  
23

24          Respectfully Submitted,  
25

26          \_\_\_\_\_  
27          Gloria Petsch, Recording Secretary

\_\_\_\_\_  
Leona F. Payne, Secretary