

1 **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**
2 **Regular Board Of Directors Meeting**
3 **Thursday, October 12, 2006**
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**

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

10 **STAFF PRESENT**

11 ~~~~~
12 General Manager – Walter Lukasik
13 DPE Manager – Larry Lynch
14 DCC Manager – Margaret Gallegos
15 DCC Inspector – Rich Beaudry
16 Recording Secretary - Gloria Petsch

19
20
21 **APPROVAL OF AGENDA & MINUTES**

22
23 **Agenda-**

24 **General Manager Lukasik asked for several additions to the Agenda:**

- 25 **1. Insert as #2 under New Business, Concerns of the Esterlys' Regarding**
26 **Construction at 9 Periwinkle;**
27 **2. Add as #9 under New Business, Resolution 2006-20 Pertaining to**
28 **Land Use Classifications; and**
29 **3. Add as #10 under New Business, Recommendations from the Lakes,**
30 **Fisheries and Parks Committee.**

31 **Director Bundy made a motion to accept the agenda as amended. Director Bailey**
32 **seconded the motion. Motion carried unanimously.**

33
34 **Minutes of the September 14, 2006 Regular Board Meeting Minutes -**

35 **Director Ebeling made a motion to accept the minutes as written. Director Schutz**
36 **seconded the motion. Motion carried unanimously.**

37
38
39 **GENERAL MANAGER'S REPORT -**

- 40
41 **1)** In addition to the Department Managers' reports, the following comments are noted:
42 **ACCOUNTING:** Please note the delinquency rate of 3.6 %, as compared to the industry
43 average of 5-10 %.
44 **DCC:** None other than as included in departmental report.
45 **DPE:** None other than as included in departmental report

1 **DRA:** Please note that the pool will be closed until the end of the month. Also note that
2 some Recreation Center patrons have requested that if the Center were to be expanded,
3 they would like a separate adult-only facility.
4

5 **2) The Sheriff's Department Animal Control** statistics for the month of September will be
6 distributed upon receipt.
7

8 **3) No new information regarding the transfer of greenbelt properties** from Fairfield
9 Resorts to the Pagosa Lakes POA.
10

11 **4) Pagosa Lakes POA has ten (10) Covenant Compliance legal issues pending** with
12 counsel at the present time.
13

14 **5) We are anticipating having the replacement of the Clubhouse/Office parking lot**
15 completed within the next two weeks, weather permitting.
16

17 **6) DRAFTS of the proposed 2007 Budget and Reserve Forecast** are included in the
18 Board Packet

19 No action is required of the Board at this meeting. The Association Bylaws state:
20 "ARTICLE VI, BUDGET, SECTION 1. - Formulation of the Budget - A draft budget, prepared
21 by Association staff members, shall be presented to the Board of Directors at the October regular
22 meeting. The Board of Directors shall adopt a final draft of the budget at the December
23 meeting".

24 In accordance with the Association Bylaws, the DRAFT budget is attached. Also
25 attached is a DRAFT of the Association 2007 Reserve Forecast, as specified to in Resolution
26 2002-02, A Resolution Approving The Association Budget Process For Upcoming
27 Calendar/Fiscal Years.

28 Both the DRAFT Budget and the DRAFT Reserve Forecast have been reviewed by the
29 Finance Advisory Committee.

30 It is now necessary to schedule a work session for the Board of Directors to review and
31 discuss the 2007 proposed Budget. **Please contact me at your very earliest convenience with**
32 **your availability schedule so that the work session may be planned.**
33

34 **7) I spoke with Andy Gonzales of the Post Office regarding the mail cluster box situation.**
35 Approximately one year ago we received a letter from the Post Office stating, if we would
36 furnish the installation of concrete pads, the Postal Service would provide up to 300 cluster
37 boxes, with each cluster containing 18 (16 mail and 2 package) slots. Andy was not aware of the
38 past agreement. I copied him with all correspondence between the Association and the Post
39 Office regarding their commitment to give us 300 cbu's. Andy will be researching the situation
40 and will report his findings to me. In the past I have dealt with the current Postmaster Jim Fait
41 regarding this matter. It is my understanding that Mr. Fait will be retiring in November of this
42 year. We will keep the Board informed as further information is received.
43

44 **8) At the September Board Meeting, Ms. Jan Standish, property owner in Vista**
45 **Subdivisions stated problems her neighborhood is having with barking dogs.** In a recent
46 conversation with Captain Gene Reilly of the Archuleta County Sheriff's Department, Captain

1 Reilly stated he will be scheduling a meeting with residents from Vista Subdivision to address
2 their problems.

3
4 **9) Mr. Rob Felix, of Association Reserves Colorado, LLC will be arriving on Nov. 6,**
5 **2006, to begin work on the Reserve Forecast.** He will be spending the first day with DPE
6 Manager Larry Lynch, and then will inspect all of the Association's physical assets over the next
7 several days.

8
9 **10) Our first Owner Orientation Meeting, mandated by SB100, will be held on October**
10 **18, 2006 at 6:30 pm in the Clubhouse.** Road Advisory Chairperson Bill Ralston will be
11 speaking on the issue of De-Brucing.

12
13 **11) Administrative Assistant Gloria Petsch has taken and passed the M-100, Essentials**
14 **of Community Association Management, and M-205, Risk Management classes, as well as**
15 **testing for and passing her Certified Manager of Community Associations® (CMCA®)**
16 **certification.** General Manager Lukasik congratulated her and stated he will be speaking to the
17 Board in the future regarding creating an Assistant Manager position.

18
19 Director Bundy asked if the Association has had a response to the letter that was sent to
20 the Andersons. General Manager Lukasik responded that we have not gotten a reply as of yet.

21 22 PUBLIC COMMENTS

23
24 **Rich Beaudry, of 150 Brook Drive,** agreed to hold his comments until the agenda item for
25 which they pertained (Recommendations from the Lakes, Fisheries and Parks Committee)
26 was discussed.

27 28 TREASURER'S REPORT

29
30 **The September 2006 financial documents have been reviewed.** No discrepancies or
31 irregularities were noted. As noted in the General Manager's report, the Association has received
32 \$980,000, or 96.4 % of the total \$1,017,000 2006 billed assessments through September 30,
33 2006. Collections were 0.7 % ahead compared to the same period in 2005.

34 35 36 COMMITTEE REPORTS

- 37
38
- 39 ○ **Recreation Center Committee** — No report at this time.
 - 40 ○ **Lakes, Fisheries & Parks Committee** – The Board met with this committee on
41 Oct. 9, 2006. Minutes of the 09/19/06 meeting included in the Board packet.
 - 42 ○ **Ad Hoc Lake Study Committee** – No report at this time.
 - 43 ○ **Ad Hoc Lake Access (Enhancement) Committee** – No report at this time. This
44 committee has completed its function and has disbanded. Several members of the
45 Committee have volunteered to serve on other committees.
 - 46 ○ **Ad Hoc Signage Committee** – Cost estimates for two major Pagosa Lakes signs
have been received and will be presented during Budget review.

- 1 ○ **Road Advisory Committee** – The committee met on 10/09/06.
- 2 ○ **Finance Advisory Committee** – Minutes of the 9/18/06 meeting included in the
- 3 Board packet.
- 4 ○ **ECC agendas and minutes** are included in the DCC report. ECC board liaison
- 5 Arthur Matcham’s report was included in the Board packet.

6

7

8 **OLD BUSINESS**

- 9
- 10 ○ **None at this time.**

11

12

13 **NEW BUSINESS**

- 14
- 15 1. Ms. Linda Lowrie, **President of the Humane Society Board of Directors**, presented a
 - 16 request to the Board for consideration of funding for the Humane Society, in the amount
 - 17 of \$5,000.00 per year. The Board will consider this request during the 2007 Budget
 - 18 hearings. Ms. Lowrie will submit to General Manager Lukasik information on how much
 - 19 the County pays to the Humane Society per animal brought in to the facility.
 - 20
 - 21 2. **Proposal for amendment to Association drainage policy.** Director Ebeling objects to
 - 22 the Association getting involved in any drainage issue. General Manager Lukasik
 - 23 explained the recommended changes to the Building Permit Process. This will clarify the
 - 24 Association’s position in the event that the ECC reviews a grade change that may
 - 25 negatively affect drainage. Director Ebeling recommends changing the term “Building
 - 26 Permit” to “Approval of External Structure Appearance”. General Manager Lukasik will
 - 27 check into the language required by the Declarations. Director Bundy made a motion to
 - 28 accept the amendment. Director Ebeling moved to table the issue. Director Ebeling voted
 - 29 for tabling. All other Directors voted against tabling. Motion to table was denied.
 - 30 Director Bundy moved that the approved language be accepted into the Building Permit
 - 31 Process. During discussion, Director Ebeling urged caution in accepting the issue, due to
 - 32 the potential costs that could be incurred by the Property Owners. Director Schutz argued
 - 33 that this would happen in very few cases. Director Bailey seconded the motion. Director
 - 34 Ebeling opposed; all other directors for the motion. Motion carried.
 - 35
 - 36 3. **Concerns of the Esterlys’ Regarding Construction at 9 Periwinkle.** General Manager
 - 37 Lukasik presented into the record written correspondence received from the Esterly’s.
 - 38 The Esterly’s were not able to physically attend tonight’s meeting. Lukasik stated he has
 - 39 spoken to the County Engineer Sue Walan, and the County sees no reason to halt
 - 40 construction of the proposed home. The County is putting in a new oversized culvert at
 - 41 Lake Forest and Periwinkle in the spring of 2007. The Association has also received a
 - 42 drainage report from Surveyor/Engineer Bud Short stating that none of the surrounding
 - 43 properties will be affected by the drainage. Director Bundy asked if the ECC ratification
 - 44 process had been looked at by counsel before being implemented. General Manager
 - 45 Lukasik replied in the affirmative. Director Bundy asked that counsel be asked to look at
 - 46 the issue again, to make sure that subsequently there have been no changes in law that

1 will affect this process. Director Bailey made a motion to allow the construction of the
2 home at 9 Periwinkle to continue. Director Ebeling seconded the motion. Motion carried
3 unanimously.
4

5 **4. Information (and video) from most recent dam inspection, presented by DPE**
6 **Manager Larry Lynch.** Last September during our annual dam inspection, the state
7 engineer requested that some video be taken of the outlet pipe of the dam at Village Lake,
8 and also of the two outlet pipes at Lake Pagosa. The video was shown to the Board.
9 Damage in the form of some punctures and root growth was found in one of the pipes, the
10 secondary structure at Lake Pagosa. While a final report has not been received from the
11 dam inspector, we anticipate that he will want us to keep an eye on this pipe for now, and
12 for it to be used just as an emergency outlet. There could potentially be major repairs to
13 this structure called for in the future.
14

15 **5. DPE Manager Lynch to discuss the Watershed Study.** The Board has been provided
16 with copies of the Stollsteimer Creek Watershed Master Plan, a two-year process to
17 develop a number of different ways to protect the watershed and our four lakes. The first,
18 most serious project is the Cloman inlet, which comes into the southeast corner of Lake
19 Pagosa. This point is where the majority of sediment enters the lake. The staff
20 recommended solution for this location is a detention basin in which the majority of the
21 sediment will be allowed to settle out of the water before it enters the lake near this point.
22 The initial cost estimate is set at \$19,900, with a contingency of \$2,000 - \$5,000. We have
23 asked PAWSD to cover half of the costs, as it is their water. DPE Manager Lynch feels
24 confident that they will do so.
25

26 **6. Archuleta County request for Rec. Center usage.** Staff is recommending that the
27 Association treat the County no differently than any other commercial property owner as
28 far as the purchase of Recreation Center or fishing memberships. The Association allows
29 other commercial entities to purchase up to two family permits/memberships per lot. The
30 county owns a total of five lots. Therefore, the County would be allowed to purchase up
31 to ten lake use permits and/or Rec. Center memberships. Director Bundy made a motion
32 to allow the County to purchase two memberships/permits per property owned. Director
33 Ebeling seconded the motion. Motion carried unanimously.
34

35 **7. Discussion of Alternative Dispute Resolution Policy which must be adopted by**
36 **January 1, 2007, in accordance with Senate Bill 100. Board action required prior to**
37 **year end for policy adoption.** Director Gray asked if this could be taken care of in a
38 worksession with Mr. Wadley. Director Ebeling made a motion to accept the Resolution
39 in which the property owner is invited and encouraged to meet with the Board of
40 Directors to solve the dispute informally. Director Bundy seconded the motion. During
41 discussion, General Manager Lukasik explained about the offers received from several
42 mediators to come and speak to the Board about the mediation process. After some
43 discussion, Director Bundy withdrew his second. Motion died for lack of a second.
44 Director Uehling made a motion to interview several mediators to investigate the process.
45 Director Bundy seconded the motion. Motion carried, with Director Ebeling opposed.
46

1 **8. There are six (6) remaining, uncorrected unprotested fines for Board ratification**
2 **this month.** Director Bundy made a motion to affirm the six unprotested fines. Director
3 Bailey seconded the motion. Motion carried unanimously.
4

5 **9. Director Ebeling made a motion to amend the Agenda to take #10 under New**
6 **Business, Recommendations from the Lakes, Fisheries and Parks Committee, as #9.**
7 **Director Bundy seconded the motion.** Rich Beaudry, of 150 Brook Drive, gave a
8 presentation on why he is against making Lake Hatcher a special use lake. He feels that
9 the stated objectives of making Lake Hatcher a special use lake are already being
10 accomplished due to changes being made currently on the lake. Director Gray stated that
11 education and enforcement are two of the major issues concerning this change. Lakes,
12 Fisheries & Parks Chairperson Scott Maxwell made the Committee's presentation
13 regarding the recommended proposals.
14

- 15 • **Recommendation #1 –Fishing methods for all anglers on Hatcher Lakes will be**
16 **with artificial flies and lures only and that it be highly recommended (but not**
17 **required) in the regulations that all hooks be barbless: that the daily bag limit**
18 **for Hatcher Lake be established as 1 bass or 1 trout daily per angler: that**
19 **children 12 years and under still be allowed to use baited hooks; that the bait**
20 **rule be lifted for all anglers during the winter ice fishing season, allowing**
21 **fisherman to use baits in the wintertime (encouraging perch harvest); that the**
22 **special lake use regulation be evaluated after three years, with annual reviews,**
23 **through creel data. Property owner feedback and a scientific fishery survey to**
24 **determine the success and effectiveness of the proposed regulation.** After much
25 discussion, Director Bundy made a motion to approve Recommendation #1. Director
26 Uehling seconded the motion. Motion carried, with Directors Bailey and Ebeling
27 opposed.
- 28 • **Recommendation #2 – That fishing hours on Village Lake henceforth be set to**
29 **match the other three lakes beginning January 1st, 2007: 1 hour before sunrise**
30 **until dark.** Director Ebeling made a motion to approve Recommendation #2.
31 Director Schutz seconded the motion. Motion carried unanimously.
- 32 • **Recommendation #3 – All boats on Association lakes shall be registered by the**
33 **Property Owners Association. This would be an annual registration and**
34 **registration sign up and stickers will be available at the Pagosa Lakes Recreation**
35 **Center and the Pagosa Lakes Administration offices. No boat shall be floated on**
36 **or used on Association lakes until registered. Registration for each boat shall be**
37 **\$5.00 for the season. If an owner has multiple boats, each boat shall be required**
38 **to be registered individually and the \$5.00 fee will apply. Included with the**
39 **registration will be the appropriate stickers or decals for the boat and a copy of**
40 **the Association Boating Rules and Regulations. Single person inflatable boats**
41 **(such as float tubes) shall be exempted. Additionally, all boats stored at the**
42 **Association member boat storage areas, and locations at the lakes, shall be**
43 **registered and shall only be stored and locked at the lakes from March 15th**
44 **through November 15th. All boats not removed from the storage area by**
45 **November 15th, 2007 shall be impounded by the Association and a violation**
46 **issued to the owner (all boating regulation fines are set at \$75 in the code of**

1 enforcement). In 2007, the first year of the registration program, all boats in use
2 on the lakes or in storage at the lakes shall be registered by July 1st, 2007,
3 allowing time for owner notification and awareness of the new regulation. After
4 the first year, beginning 2008, all boats shall be registered before use on the lakes
5 or before being stored at the member boat storage areas and locations. New
6 signs will be posted at all member boat storage locations defining the new
7 regulation. Additionally, notifications in the Association newsletter and local
8 news media will be released. New regulations will be defined in detail in the Lake
9 Use Regulation handouts. Upon purchase of the boat registration the owner will
10 receive a copy of the Association Boating Rules and Regulations, the appropriate
11 decals and descriptions of where and how the decals shall be placed on the boat.
12 All unregistered boats impounded by the Association shall be held for a period
13 of 90 days, after which time, if they are unclaimed, announcements will be made
14 in the Association newsletter and the local newspaper with a description of the
15 boats and notice that all unclaimed boats will be sold through a public sealed bid
16 process. Association counsel is reviewing how long the Association will have to
17 hold a boat prior to selling or disposing of it. Director Uehling made a motion to
18 table Recommendation #3 until the Committee can rework the Recommendation and
19 re-present it to the Board next month. Director Schutz seconded the motion. Motion
20 carried unanimously.

21
22 **10. Resolution 2006-20, Pertaining to Land Use Classifications – Type of Structure and**
23 **Form of Ownership.** General Manager Lukasik explained the reason for adopting the
24 Resolution. It is to clarify the term “condominium structure” as an architectural style, not
25 as a method of ownership. Director Uehling made a motion to approve Resolution 2006-
26 20, pertaining to Land Use Classifications. Director Bailey seconded the motion. Motion
27 carried unanimously.

28
29 **Director Bailey, as ECC liaison, reported to the Board feedback from the ECC**
30 **Committee.** The Committee feels that they are not getting the support of the Board in the
31 area of fines, and that they need direction from the Board in defining Recreational Vehicles.
32 These issues need to be discussed during the Board/ECC worksession later this month.
33 General Manager Lukasik has asked for the Board Members schedules to enable the
34 scheduling of this session.

35
36 **Director Gray, read the following statement into the record as a property owner.**

37 Response to newly formed North Village Lake Property Owners Association Newsletter:
38 I have several concerns. The newsletter asks for property owners to pay an initiation fee
39 and annual dues. It mentions several reasons for joining. In several places they mention that
40 property owners will be given a voice in issues that could affect them and their property.

41 What concerns me is that a small group (4) has been acting as the Board of Directors, has
42 made up covenants, conditions and restrictions without the input of the property owners.
43 Under the amendment section 75% of the members is needed to amend the covenants, conditions
44 and restrictions making it difficult or impossible to change rules they had no voice in making.

1 There are many other issues and questions that need debating and owner input, before initiation
2 fees and dues are collected or any other actions taken in the name of North Village Lake
3 Association.

4 We need meetings and owner participation and input so this is an open process which can
5 give prospective members the confidence they deserve, that this is a representative body and not
6 a small closed group.

7 Let me state that I am not against the formation of a North Village Lake Property Owners
8 Association. I do feel strongly that meetings should be held for property owners to have a voice
9 in determining its nature, makeup, scope and rules.

10
11 Gary Gray
12 267 North Shore Circle
13

14
15 **CORRESPONDENCE**

- 16
17 • None.
18

19
20 **ADJOURNMENT**

21
22 There being no further business, the meeting was adjourned at 10:20 P.M.
23

24 Respectfully Submitted,
25

26 _____
27 Gloria Petsch, Recording Secretary

Leona F. Payne, Secretary