

1 **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**
2 **Regular Board Of Directors Meeting**
3 **Thursday, December 14, 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.

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10 **BOARD MEMBERS PRESENT**

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

10 **STAFF PRESENT**

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12 General Manager – Walter Lukasik
13 Recording Secretary - Gloria Petsch
14 Covenant Compliance Inspector –
15 Richard Beaudry

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22 **APPROVAL OF AGENDA & MINUTES**

23 **Agenda-**

24 **Director Gray requested that the agenda be amended to table Item #4 under New**
25 **Business-Review of Past Association Property Owner Surveys.** He requested that this
26 item be postponed until the next Board meeting, and that the Report from the Ad Hoc
27 Lake Enhancement Committee, the Lake Forest Survey, and the Trails Master Plan be
28 added to the information to be reviewed. Director Gray feels that the Hemlock Farms
29 Vision Plan could be used to help the Directors come up with a 5- or 10-year plan, with
30 priorities and deadlines. Director Ebeling stated he is strongly against using the Hemlock
31 Farms Association Vision Plan in any way. Director Gray requested that a work session
32 be scheduled before the next Board Meeting to discuss this information. Director Ebeling
33 disagrees; he feels that no more money or staff time should be spent on this issue, and
34 that the issue should be discussed this evening. Director Schutz feels that the survey issue
35 should be looked at in depth. **Director Schutz made a motion to table Item #4, and**
36 **schedule a work session for the issue. as amended. Motion seconded by Director**
37 **Bundy. Motion carried five to one, with Director Ebeling voting against. Director**
38 **Bundy made a motion to accept the Agenda as amended. Motion seconded by**
39 **Director Bailey. Motion carried unanimously.**

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41 **Approval of the Minutes of November 9, 2006 -**

42 **Director Bailey made a motion to accept the minutes as written. Director Payne**
43 **seconded the motion. Motion carried unanimously.**

44
45 **Approval of the Work session Notes of November 13, 2006 -**

46 **Director Bundy made a motion to accept the minutes as written. Director Bailey**

1 **seconded the motion. Motion carried unanimously.**
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3 **GENERAL MANAGER'S REPORT -**
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5 **1)** In addition to the Department Managers' reports, the following comments are noted:

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

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

8 **DPE:** Item #2, the water line at the Rec. Center had to be replaced from the meter to the
9 building, as well as replacing the meter. The water meter line at the Maintenance building
10 also had to be replaced. Two positive comments and one negative comment have been
11 received regarding the Lake Hatcher Special Regulations.

12 **DRA:** See comment below concerning the pool.
13

14 **2)** The **Sheriff's Department Animal Control** statistics for the month of November show 3
15 dogs impounded, 4 welfare checks, 0 cruelty cases, 3 dogs returned to owners, 10 verbal
16 warnings issued, 0 dangerous dog calls/quarantines, 0 dog bite cases, 2 written warnings given,
17 35 miscellaneous citizen contacts made, 41 calls from dispatch to the animal control officer for
18 service.

19 The **2007 Animal Control Contract** was signed by the Archuleta County Board of
20 Commissioners and Pagosa Lakes Property Owners Association Board President Gary Gray on
21 Tuesday December 5, 2006 at the Commissioner's meeting. The contract was unchanged from
22 the Draft presented to our Board of Directors at the November 2006 Board meeting.
23

24 **3)** No new information regarding the **transfer of greenbelt properties** from Fairfield
25 Resorts to the Pagosa Lakes POA. Calls were placed to speak to Fairfield concerning greenbelt
26 spaces for possible RV parking, but as of this writing, no response has been received
27

28 **4)** Pagosa Lakes POA has **ten (10) Covenant Compliance legal issues pending** with
29 counsel at the present time.
30

31 **5)** As noted in the previous Manager's reports, **the swimming pool at the Recreation**
32 **Center** was recently surfaced with a resin and fiberglass coating. A problem has developed in a
33 particular area where **the finish is lifting from the pool surface and is cracking.** The
34 installation company has been contacted and will be coming to Pagosa in January to repair the
35 problem. The pool must be drained for repairs and will most likely be closed for three weeks. We
36 expect the repairs to be done under warranty.
37

38 **6)** A telephone meeting was held with Larry Holthus, attorney, who wrote the new
39 **Declarations for the voluntary North Village Lakes Owners Association (NVL)**, Jerry Orten
40 of Orten, Cavanagh, Richmond and Holmes (our counsel) and me to discuss the recorded
41 Declarations. A decision was reached that the NVL Declarations appear to need amending based
42 on the fact that previous Declarations had been recorded for NVL and other considerations.
43 Larry Holthus agreed that Jerry Orten and Lauren Holmes should prepare the proposed
44 amendment to the Declarations. Ms. Holmes has told me that she expects to complete a DRAFT
45 of the amendment by the end of this month and will forward copies for review by Mr. Holthus
46 and Pagosa Lakes.

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2 7) At last month's meeting, the Board approved a proposed agreement with the **Elation**
3 **Center for the Arts to place a piano in our Clubhouse for their use.** I have had discussions
4 with the group who is now in process of drafting an agreement with us which will include
5 property and liability insurance coverage protecting the Association from damages, keeping the
6 piano covered, keeping the piano locked and an agreement to allow the Association use of the
7 piano. I will keep the Board informed of future progress regarding this issue. It looks like their
8 plans will be postponed indefinitely.
9

10 8) **Replacement of the carpet for the Association administration building** will begin on
11 January 11th. The job will be done in three stages. A storage container, which will be parked in
12 the parking lot, will be rented for furniture and file cabinet storage during the change of carpet
13 process in each section of the building. The carpet installer will work for three separate
14 weekends in order to keep the office running during the installation.
15

16 17 **PUBLIC COMMENTS**

- 18
19 • **None.**
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22 **TREASURER'S REPORT**

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24 **The November 2006 financial documents have been reviewed.** (The report was read into the
25 minutes by GM Lukasik as Treasurer Uehling was absent) No discrepancies or irregularities
26 were noted. As noted in the General Manager's report, the Association has received \$981,000, or
27 96.5 % of the total \$1,017,000 2006 billed assessments through November 30, 2006. Collections
28 were 0.6 % ahead compared to the same period in 2005.
29

30 31 **COMMITTEE REPORTS**

- 32
33 ○ **Recreation Center Committee** — No report at this time.
- 34 ○ **Lakes, Fisheries & Parks Committee** – No report at this time.
- 35 ○ **Ad Hoc Lake Study Committee** – No report at this time.
- 36 ○ **Road Advisory Committee** – No report at this time.
- 37 ○ **Finance Advisory Committee** – No report at this time.
- 38 ○ **ECC agendas and minutes** are included in the DCC report. ECC board liaison
39 Arthur Matcham's report was included in the Board packet.
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41 42 **OLD BUSINESS**

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44 ○ **None at this time.**
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3 **NEW BUSINESS**
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- 6 **1. Adoption of Alternative Dispute Resolution policy, which must be adopted by**
7 **January 1, 2007, in accordance with Senate Bill 100. Board action is required to put**
8 **a Resolution in place.** Director Ebeling requested that in paragraph A, second sentence,
9 that the word "property" be removed. Director Payne moved to accept Resolution 2006-
10 21, Dispute Resolution Policy and Procedure, as amended, and approve authorization to
11 Board President Gary Gray to sign the amended Resolution. Seconded by Director
12 Schutz. Motion passed unanimously.
13
- 14 **2. Discussion by Director Bailey regarding ideas for generating income.** Director Bailey
15 recommends that the annual and six-month Recreation memberships be able to begin at
16 the date of purchase, and continue for the following six- month or one-year periods from
17 date of purchase. Also, Director Bailey recommends that the Association study charging
18 PAWSD a fee for storing their water in our lakes. The Board requested that more
19 information be provided to them on a swipe card system for the Recreation Center, and
20 the issue will be brought up for more discussion in January. The Board also requested
21 that General Manager Lukasik seek further information from counsel on the logistics and
22 legal ramifications of charging PAWSD for water storage.
23
- 24 **3. Adoption of Boat Registration Resolution.** Director Ebeling requested that the sentence
25 "Decals will be available for purchase at the Pagosa Lakes Administration office located
26 at 230 Port Avenue" be removed. After amending the Resolution, Director Ebeling then
27 made a motion not to adopt the Resolution. Motion was seconded by Director Payne.
28 Motion vote tied with Directors Ebeling, Payne, and Bailey voting in favor, and Directors
29 Gray, Bundy, and Schutz against. Director Ebeling made a motion to adopt the
30 resolution. Director Bundy seconded the motion. Motion vote tied, with Directors
31 Schutz, Bundy, and Gray voting for, and Directors Ebeling, Bailey, and Payne voting
32 against.
33
- 34 **4. Adoption of Association Budget, Assessments and Reserve Forecast.** Director Bundy
35 made a motion to accept the 2007 Association Budget, and amended the motion to
36 include the 2007 property assessment of \$160.00, and the Reserve Forecast. Director
37 Bailey seconded the motion. **With a directed proxy from Director Uehling to Director**
38 **Gray, motion carried unanimously.**
39
- 40 **5. There are three (3) remaining, uncorrected unprotested fines for Board ratification**
41 **this month.** Director Ebeling objected to all of the pending fines. Regarding the property
42 at 118 Bonanza, Director Ebeling stated that the problem isn't visible from the street.
43 General Manager Lukasik replied that inspectors view properties from front streets, side
44 streets, greenbelts, and from the rear. Director Ebeling then objected to the fine for the
45 property at 276 Capitan. He stated that the Declarations say that the "ECC should
46 approve any structure to be erected", and "Building or other structure". A driveway or its

1 extension isn't a structure and this appears to be a harassment of the property owner.
2 General Manager Lukasik explained that the property owner built the extension well onto
3 the setback, and requested an Appeals Panel after receiving the violation. The property
4 owner agreed to correct the situation, and did nothing; therefore the fine was being re-
5 instated. Director Ebeling replied that the Association has no authority over this, and was
6 told by Inspector Beaudry that pads not being allowed within setbacks is defined in the
7 Building Permit Process that the Board approved last January. Director Ebeling moved to
8 exclude this item from the ratification. Motion died for lack of a second. **Director Bundy**
9 **made a motion to affirm the three unprotested fines.** Director Ebeling also had a
10 problem with violation for missing steps at 472 Monument Avenue, and feels that this is
11 harassment since we can't require steps below a door. Director Ebeling also stated that
12 the Association should only give violations if a complaint were received by a neighboring
13 property owner and not by staff inspection. Inspector Beaudry informed the Board that
14 the property owner removed the steps that were there, as they were falling down, and
15 agreed to replace them and did not. Inspector Beaudry also stated that a complaint was
16 received from a nearby property owner regarding the infraction. GM Lukasik informed
17 the Board that violations could be caused to be originated by either an inspection of the
18 property by staff or by receipt of a complaint from a neighboring property owner.
19 Director Bailey stated that the county would not give a Certificate of Occupancy to a
20 dwelling without a safe entrance or exit. **Director Bailey seconded the motion. Motion**
21 **carried, with Director Ebeling opposed.**
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25 **The Chimney Rock Interpretive Association requested sponsored group** status for use of the
26 Clubhouse, with Tanice Ramsperger as the sponsoring homeowner. **Director Ebeling moved to**
27 **allow the CRIA use of the Clubhouse as a sponsored group. Director Schutz seconded the**
28 **motion. Motion carried unanimously.**
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31 **ADJOURNMENT**
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33 There being no further business, the meeting was adjourned at 8:45 P.M.
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35 Respectfully Submitted,
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38 Gloria Petsch, Recording Secretary

Leona F. Payne, Secretary