

**PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**  
**Regular Board Of Directors Meeting**  
**Thursday, June 9, 2005**  
**MINUTES**

President Bohl called the regular monthly meeting of the Pagosa Lakes Property Owners Association Board of Directors to order at 7:01 P.M. in the Pagosa Lakes Community Center, 230 Port Avenue, Pagosa Springs, Colorado.

**BOARD MEMBERS PRESENT**

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David Bohl – President  
Hugh Bundy – Vice President  
Fred Uehling – Treasurer  
Pat Payne – Secretary, absent and excused  
Bill Nobles – Director, absent and excused  
Gerald Smith – Director  
Fred Ebeling – Director

**STAFF PRESENT**

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General Manager – Walter Lukasik  
Recording Secretary - Gloria Petsch

**APPROVAL OF AGENDA & MINUTES**

**Agenda-** General Manager Lukasik requested that an item be added under New Business, #9 – An Amendment to Our Agreement with Pagosa Area Water and Sanitation District on Raw Water usage, and an item of correspondences that was just received has been passed out to the Board, to be added under Correspondence.

- **A motion was made by Director Bundy to approve the agenda as amended. Motion was seconded by Director Ebeling. Motion carried unanimously.**

**Minutes of the May 12, 2005 Regular Board Meeting, May 18 and May 31 Special Board Meetings** – Director Uehling requested that a date in the Treasurer’s Report be corrected and changed from March 31, 2005 to read April 30, 2005.

- **A motion was made by Director Bundy to approve the minutes as amended, and seconded by Director Uehling. Motion carried unanimously.**

**GENERAL MANAGER’S REPORT -**

- Channel Catfish have now been stocked in Village Lake, under a Catch and Release program, to see how they acclimate to the ecosystem of the lake.
- The **Sheriff’s Department Animal Control** statistics for the month of May show 12 reports taken, 8 dogs impounded, 0 cats impounded, 0 cruelty cases, 5 dogs returned to owners, 12 verbal warnings issued, 0 written warnings given, 60 miscellaneous citizen contacts made, 1 summons issued, 67 calls from dispatch to the animal control officer for service. This is a high since we’ve been keeping records. The Sheriff’s

Department has purchased their new truck and should have it fitted soon. We should be receiving our truck back shortly.

- **Great Outdoors Colorado (GOCO)** grant was not approved for the extension of the Lake Forest Estates trail. We came in one or two names low on the list.
  - GOCO stated there is a possibility, albeit slight, that they may be receiving some more funding from different sources. If that funding is received, they will review those applications which were close to the cutoff, and fund us later this summer.
  - GOCO also stated that we could use any funds expended within six months of the next grant cycle application deadline (Nov. 1<sup>st</sup>), and that money would be considered matching funds for a 2006 project. So in other words, if we built the Lake Forest Trail this year for example, for \$153,000, we could use that expense as a matching expenditure in applying for another grant next year. If the grant were received we would then extend the trail from that intersection, on N. Pagosa Blvd., south to the dam at Village Lake connecting it to the end of the existing pathway which ends at Lakeside Drive.
  - By November 1<sup>st</sup>, we would apply to GOCO for matching funds to see if we could receive the funding to complete the trail down to the Village Lake dam. We believe the possibility of receiving matching funds is minimum, but we would have nothing to lose by going through the application process.

At the Board meetings which took place in the later months of 2003 and early 2004 the decision of the property owners of Lake Forest Estates and the Board of Directors was to apply for the grant using the bankruptcy court awarded “survey” funds as a basis of matching funds to attempt to complete the trail from the dam at Lake Forest to the dam at Village Lake. If the grant were not approved, the Association would then complete the trail through the Lake Forest Estates subdivision. The bid package for that portion of the trail is being prepared by the Department of Property and Environment. Staff will keep the Board apprised of the continuing planning, bid and construction process.

- **Senate Bill 05-100** “A Bill For An Act Concerning Increased Protection For Homeowners” was signed by the Governor on June 6<sup>th</sup>, 2005, and is now law.
- The **Multiple Use Agreement between PAWSD and Pagosa Lakes POA concerning lake usage and maintenance** has been finalized and signed.
- **Pagosa Lakes POA currently has fourteen Covenant Compliance issues pending** with counsel at the present time. The Association was awarded a Court Order to repair a property at a trial held on May 13, 2005, regarding a Covenant Compliance issue with a property owner.
- At the May Board Meeting a motion was made and seconded to approve setting up a **joint work session between the Board and the ECC Committee members** to set up the session. Due to the extensive travel schedules of members of the Board as well as the ECC it appears the meeting will have to take place in June or later. In a conversation with ECC members held on June 2<sup>nd</sup>, the ECC members stated they needed to review several additional proposals for changes in procedures and items

contained in the Building package. They believe the process will take an additional two or three weeks. They will inform the General Manager when they are completed with the process. At that time we will attempt to schedule the meeting between Board and ECC members.

- The three members of the voluntary "**Subdivision Sign Committee**" have been having meetings and doing research as to signage types and availability. As information is gathered and completed, a report will be given to the Board with the committee's information and recommendations. Committee Member Jennifer Matcham spoke about the idea of incorporating a picture of the dog leash law requirement into the subdivision signs.

### **PUBLIC COMMENTS**

- **Jerry Baier, of 172 Caleta Place**, requested comment from the Board regarding the County Commissioner Road meeting last week. He stated that even though the Board has no legal right to maintain the roads, there will be a hue & cry from the public if the Board does not do so. He requested that the Board take responsibility for the roads in the Pagosa Lakes subdivisions. He further stated that the Reserve account, which is set aside to replace items (such as roofs, etc) in the inventory as they wear out, should be used to do so. Director Ebeling stated that the Public Hearings were for the purpose of the County Commissioners to gain an idea of public opinion towards their proposed road plan.
- **Marge Pantzer, of 9 Sumac**, wanted to know why the County spent so much money on N. Pagosa Blvd., if it is not arterial. Director Ebeling replied that that is a question for the County to answer. Ms. Pantzer also asked about incorporating, or being incorporated by the town.

### **TREASURER'S REPORT**

**The May 2005 financial documents** have been reviewed. No discrepancies or irregularities were noted. As noted in the General Manager's report, the Association has received \$886,000, or 87.9% of the total \$1,008,000 billed assessments through May 31, 2005. Collections are now 5.6 % ahead compared to the same period in 2004.

### **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.
- **Road Advisory Committee** - Chair Bill Ralston couldn't be present to give his report, so General Manager Lukasik did so. There was a meeting between the County Road and Bridge Department, Mr. Ralston, Mr. Lukasik and the Utah LTAP group regarding their evaluation of 300+ miles of road in the county. A report is expected from LTAP around the first week in August.
- **ECC agendas and minutes** are included in the DCC report for the Board's information. ECC board liaison Earl Eliason's report is included.

## OLD BUSINESS

- **Senate Bill 05-100**-This bill was signed into law by the Governor on June 6, 2005. There were approximately 105 amendments to the Bill. The majority of the Bill will go into effect on January 1, 2006. However, several parts went into effect immediately upon the Governor's signing.
- **Leash Law signs request.** – At the May Board meeting, Property Owner Jennifer Matcham requested that the Association consider posting leash law signs stating that a leash law was in effect in Archuleta County. Counsel was consulted and they replied that only if the Association's governing documents authorize the Board to enforce local ordinances should the Association put these signs in place. Since there is no language to this effect in the governing documents, The Association has no authority to enforce such a law, and therefore Counsel recommends against putting up such signs.

## RECURRING BUSINESS

- **Current returns from the POI survey** – Very few additional returns are being received. A complete return will be given to the Property Owners at the Annual Meeting.
- **Mail Boxes** – The meeting between General Manager Lukasik and Postmaster Jim Fait was postponed, and has not yet been rescheduled.

## NEW BUSINESS

1. **Appointments to ECC Committee** - Director Bohl made a motion to appoint Ernest Karger and Ken Lavery to the ECC Committee. Director Uehling seconded the motion. Motion carried unanimously.
2. **Ratification of Ballot Issue to Amend language contained in Articles of Incorporation as noted in Special Board Meeting minutes of May 18, 2005.** – Director Ebeling expressed concern with the language provided by counsel. Ratification passed.
3. **Ratification of action taken at Special Board Meeting regarding postal boxes as contained in minutes of May 31, 2005.** – Ratification passed.
4. **Review of Reserve Forecast format to be used for the 2006 budget approval process.** Director Smith made a motion to approve the format. Motion seconded by Director Uehling. Motion carried unanimously.
5. **Discussion of General Manager's DRAFT of letter regarding greenbelt acquisition from Fairfield Resort Communities.** Fairfield would deed The Association the greenbelts subject to the limitation of motorized traffic. "Internal combustion motors" has been substituted for "motorized traffic". Also, parking areas would need to be excluded,

as well as maintenance vehicles. Director Ebeling asked that the Association not accept the deed restriction as this is something we can't control, and instead put our own restriction upon it. Director Smith made the motion to approve the letter and send it as written. Director Uehling seconded the motion. Motion carried four to one with Director Ebeling opposed.

6. **Affirmation of one DCC un-protested fine.** Director Smith made the motion to affirm the one DCC un-protested fine. Director Bundy seconded the motion. Motion carried unanimously.
7. **Resignation received from Director Gerald Smith.** Director Smith's resignation to be effective July 13, 2005, is contingent upon the successful sale of his current home.
8. **Minutes of the Association 2004 Annual Meeting attached for review.**
9. **Amendment to the Agreement between Pagosa Lakes POA, Fairfield, and Pagosa Area Water and Sanitation.** This is an update to the prior agreement. Director Bundy made a motion to approve the Amendment. Motion seconded by Director Ebeling. Motion carried unanimously.

### **CORRESPONDENCE**

- **One item of correspondence was just received.** Discussion of item received postponed until next Board meeting to give the Directors an opportunity to read it.

### **ADJOURNMENT**

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

Respectfully Submitted,

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Gloria Petsch, Recording Secretary

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Pat Payne, Secretary