

**PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**  
**Regular Board Of Directors Meeting**  
**Thursday, December 08, 2005**  
**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**

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David Bohl –President  
Hugh Bundy – Vice President  
Fred Uehling – Treasurer  
Pat Payne – Secretary  
Jim Carson – Director  
Fred Ebeling – Director  
Gary Gray – 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 additional item be added to the agenda. A legal matter previously discussed in executive session to be added as item 5, the Shed property, under New Business. A motion was made by Director Carson to approve the agenda as amended. Director Bundy seconded motion. Motion carried unanimously.**

**Minutes of the November 10, 2005 Regular Board Meeting Minutes –**

**Director Carson requested that the minutes be corrected to show that he was present. Director Bohl requested correction of a typo on page 5. A motion was made to approve the minutes as amended, and was seconded. Motion carried unanimously.**

**GENERAL MANAGER’S REPORT -**

Last Friday, Richard Walter passed away. Richard was the reporter who covered the meetings for the Association for the Pagosa Springs Sun. General Manager Lukasik asked for a moment of silence in his honor.

- 1) The **Sheriff’s Department Animal Control** statistics for the month of October show 4 reports taken, 3 dogs impounded, 0 cats impounded, 0 cruelty cases, 6 dogs returned to owners, 10 verbal warnings issued, 0 written warning given, 35 miscellaneous citizen contacts made, 0 summons issued, 63 calls from dispatch to the animal control officer for service.

The **Sheriff's Department Animal Control** statistics for the month of November show 5 reports taken, 6 dogs impounded, 0 cats impounded, 0 cruelty cases, 5 dogs returned to owners, 9 verbal warnings issued, 0 written warning given, 30 miscellaneous citizen contacts made, 0 summons issued, 32 calls from dispatch to the animal control officer for service. November had the fewest number of calls for animal control services of any month this year. There have been 917 calls year to date for 2005.

2) 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.

3) After an inspection of all existing **postal cluster boxes within Pagosa Lakes**, locations for the installation of 13 cluster boxes were found at areas where concrete slabs had been poured and there is room for additional cluster box installations at those locations on the existing concrete. We faxed a list of those locations to Mr. Jim Fait, local Postmaster to receive permission to add cluster box units to those locations. He approved the plan; we will be able to add 13 units for a total of 208 mail slots for residents within Pagosa Lakes. We will then work with the Postmaster for charting additional locations for installations in the spring of 2006.

Discussions have been held with county Road and Bridge as to necessary processes to be met to install extra boxes. We will report to the Board when that information is available.

4) Pagosa Lakes POA has **13 Covenant Compliance and other legal issues pending** with counsel at the present time.

5) Association counsel was unable to furnish information regarding **commercial type trucks** in time for this meeting due to her many Senate Bill 100 commitments. She stated she would have the information in time for our January meeting.

6) The contract for the **exchange of the Association owned lot at 31 Gala Place** for the two lots where Cloman crosses Piedra Road, carrying drainage into Lake Pagosa, was signed today. We will now proceed to ordering title insurance and prepare for closing.

7) 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. We wait.

8) **Senate Bill 100** contains a provision "encouraging" the use of **arbitration or mediation** prior to an association litigating covenant compliance and other matters. As the Bill does not mandate a policy being in place by January 1, 2006, no Resolution or consideration of this item will be discussed at this meeting. There will be a memo presented at the January Board meeting for consideration of this section of the Bill.

Director Ebeling pointed out that the fees would have to be split by the Association and the property owner, and he doesn't feel that most property owners would agree to that.

**9) An additional item, Senate Bill 100 will make the accounting** difficult in the instance of the Association taking a property owner to court and the court awards attorney's fees to the winning party, the Association may not charge back those costs to that particular property owner. The Association will have to back that particular charge out of the assessment charge for that particular property owner.

### **PUBLIC COMMENTS**

- **Gerald Manzanaras, of 608 Prospect Drive**, requested an update on the Commercial Vehicle subject. He was informed that due to the workload involving SB 100, Association counsel has not had time to research the subject, and should be getting an answer to us sometime in January.

### **TREASURER'S REPORT**

**The November 2005 financial documents** have been reviewed. No discrepancies or irregularities were noted. As noted in the General Manager's report, the Association has received \$967,000, or 95.9 % of the total \$1,008,000 2005 billed assessments through November 30, 2005. Collections were 0.8 % ahead compared to the same period in 2004.

Two \$96,000 CDs matured in reserve account 926-08326 on November 7 and 14, 2005. For replacements, one new \$96,000 CD, paying 4.0% and maturing on 05/30/06, was established with Discover Bank. Another \$96,000 CD paying 4.04% and maturing on 12/08/06 was established with Orion Bank. Both CD's will be shown on the December 2005 report.

A \$97,000 CD, which matured on 11/23/05 with Lehman Brothers Bank, was transferred from operating reserve account 92608326 to money market account 92606582. The new \$98,000 CD established with Bank of the Ozarks in operating account 926-06582 was transferred to operating reserve account 92608326. These transactions were requested by the PLPOA on 11/7/05.

### **COMMITTEE REPORTS**

- **Recreation Center Committee** — No report at this time.
- **Lakes, Fisheries & Parks Committee** –Minutes of 11/08 enclosed with Board Packet.
- **Ad Hoc Lake Study Committee** – No report at this time.
- **Ad Hoc Signage Committee** – No report at this time.
- **Road Advisory Committee** – No report at this time.
- **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

- **Response from Archuleta County regarding Association letter of November 11, 2005.** There is a tentative meeting scheduled with Interim County Administrator Bob Jasper on Dec. 14. More information will be given later.

## RECURRING BUSINESS

- **None at this time.**

## NEW BUSINESS

1. **Requested Approval of Association 2006 Budget and Reserve Forecast.** The Association is looking into changing D & O insurance coverage amounts. A motion was made by Director Uehling to approve the 2006 Association Budget, with an assessment for 2006 of \$160.00. Motion seconded by Director Gray. Motion carried unanimously.
2. **Requested Approval of Resolutions.**
  - **2005-03 Collection Policy.** A motion was made by Director Bundy to approve Resolution 2005-03 as amended. Motion seconded by Director Carson. Motion carried unanimously.
  - **2005-10 Policy on Policies.** A motion was made by Director Bundy to approve Resolution 2005-10 as amended. Motion seconded by Director Uehling. Motion carried unanimously.
  - **2005-11 Records Access.** A motion was made by Director Ebeling to approve Resolution 2005-11 as amended. Motion seconded by Director Carson. Motion carried unanimously.
  - **2005-12 Records Retention.** A motion was made by Director Uehling to approve Resolution 2005-12 as amended. Motion seconded by Director Gray. Motion carried unanimously.
  - **2005-13 Board Conflict of Interest and Code of Conduct.** A motion was made by Director Bundy to approve Resolution 2005-13 as amended. Motion seconded by Director Gray. Motion carried unanimously.
  - **2005-14 Investment Policy.** A motion was made by Director Uehling to approve Resolution 2005-14 as amended. Motion seconded by Director Bundy. Motion carried unanimously. A job description for the Investment Officer will be added to the Policy in January.
  - **2005-15 Meeting Policy.** A motion was made by Director Bundy to approve Resolution 2005-15 as amended. Motion seconded by Director Ebeling. Motion carried unanimously.

- **2005-16 Assessment for 2006.** A motion was made by Director Gray to approve Resolution 2005-16 as amended. Motion seconded by Director Uehling. Motion carried unanimously.
  - **2005-17 Llamas and Alpacas on Agricultural Lots.** A motion was made by Director Ebeling to approve Resolution 2005-17 as amended. Motion seconded by Director Payne. Motion carried unanimously.
  - **2005-18 ECC Committee Structure.** A motion was made by Director Bundy to approve Resolution 2005-18 as amended. Motion seconded by Director Payne. Motion carried unanimously.
  - **2005-19 ECC Committee Procedures.** A motion was made by Director Ebeling to approve Resolution 2005-19 as amended. Motion seconded by Director Bundy. Motion carried unanimously.
  - **2005-20 Animal Control.** A motion was made by Director Bundy to approve Resolution 2005-20 as amended. Motion seconded by Director Carson. Motion carried unanimously.
  - **2005-21 Fire Mitigation (Dwellings)** A motion was made by Director Ebeling to approve Resolution 2005-21 as amended. Motion seconded by Director Bundy. Motion carried unanimously.
  - **2005-22 Fire Mitigation (Vacant Lots)** A motion was made by Director Uehling to approve Resolution 2005-22 as amended. Motion seconded by Director Gray. Motion carried unanimously.
  - **2005-23 Committee Conflict of Interest and Code of Conduct.** A motion was made by Director Ebeling to approve Resolution 2005-23 as amended. Motion seconded by Director Carson. Motion carried unanimously.
  - **2005-24 Lake User (Fishing Permit) Fee** A motion was made by Director Gray to approve Resolution 2005-24. Motion seconded by Director Bundy. Motion carried unanimously.
  - **2005-25 Revising Rules and Regulations.** A motion was made by Director Ebeling to approve Resolution 2005-25 as amended. Motion seconded by Director Payne. Motion carried unanimously.
3. **Approval of Association Building Permit Process.** A motion was made by Director Bundy to approve the Association Building Permit Process. Motion seconded by Director Payne. Motion carried unanimously.
  4. **There are no unprotested fines for Board action this month.**
  5. **Shed Property.** General Manager Lukasik is looking for Board approval to enter onto the property and possibly perform maintenance. Director Ebeling was informed that the Association has court approval to do so. Director Carson made a motion to approve entry and maintenance work. Director Bundy seconded the motion. Motion carried unanimously.

**CORRESPONDENCE**

- None at this time.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:27 P.M.

Respectfully Submitted,

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Gloria Petsch, Recording Secretary

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Pat Payne, Secretary