

Eaton Pagosa Estates Home Owners' Association

**MEETING MINUTES**

Board Meeting: 4:00 PM, Thursday, April 18, 2019

1187 Lakeside Drive, Pagosa Springs, CO 81147

Pagosa Springs CO, 81147

**Joyce Scahill - President, Present**

**Dave Chadsey - Vice President, Present**

**Janna Lilly - Secretary, Present**

**Glenn Woodruff - Treasurer, Present**

**Desi Dundics - Member at Large (BY PROXY), Present**

Visitors/Observers: John Scahill, Lanice Chadsey, Al and Kellie Gonzales, Richard Gonzales, Kathy Lynch, Bobby Phillips, Connie Gregston

**ITEM I. CALL TO ORDER/ROLL CALL**

The meeting was called to order by President Joyce Scahill at 4:03pm. Secretary Janna Lilly recorded the minutes. A quorum of board members being present, the meeting proceeded with business. Joyce noted that Desi Dundics had given his vote proxy to her.

**ITEM II. IMMEDIATE ACTION ITEMS**

**1. Approve Minutes from October 25, 2018 Board Meeting**

The board meeting minutes from 10/25/2018 were approved as written.

**2. Approve Updated and Reorganized CC&R's**

Joyce stated there are no changes to the Declaration and Protective Covenants other than updates and reorganization.

Dave stated he had previously expressed concerns to the board regarding certain rights he believed were being taken away from an associate member.

Dave requested discussion on bylaws be considered prior to discussion on CC&R's.

**3. Approve Updated and Reorganized Bylaws –**

Dave expressed a concern regarding Article III Section 4. His concern was the change from 'associate member' to 'non-member' and requested the word 'specified' be added in front of 'non-member'. Dave was concerned that the new wording was not clear that a non-member, such as the spouse of a property owner who was not on the deed, would continue to have the privileges of using the Eaton and PLPOA recreational amenities.

Joyce explained the wording change was recommended by the attorney.

Janna explained she understood that Section 2 of the bylaws defines a 'non-member' which would include a spouse, living in the home but not on the title.

Glen stated the board did not intend to take away anyone's rights previously given.

Joyce stated the updated bylaws and CC&R's was recommended by the attorney based on the fact that the state only recognizes one class of membership. The wording change was part of getting these documents updated to be consistent with state law.

Dave stated he felt like the attorney was incorrect and requested the word 'specified' be added in front of 'non-member'.

Janna made a motion to approve the updated CC&Rs. Glen seconded. Those in favor: Joyce Scahill, Glen Woodruff, Janna Lilly, Desi Dundics by proxy. Those opposed: Dave Chadsey. The motion passed by majority vote.

Dave asked if the Eaton Pagosa Estates had officially affiliated with the Pagosa Lakes Property Owners Association (PLPOA). Joyce said she would look to see if documentation exists.

Dave expressed concerns that wording and organization of the new bylaws was non-sensical.

Janna stated she supported the clearer wording giving the board the ability to choose the financial institution giving the best return rate.

Joyce asked the visitors if there were any questions. There were none.

Glen made a motion to approve the updated bylaws. Desi by proxy seconded. Those in favor: Joyce Scahill, Glen Woodruff, Janna Lilly, Desi Dundics by proxy. Those opposed: Dave Chadsey. The motion passed by majority vote.

#### **4. Approve New Resolutions**

Joyce explained the benefits of approving separate resolutions versus creating amendments. Resolutions are still formal and will hold up in a court of law. She noted the PLPOA also uses resolutions.

Dave added there are additional benefits such as being easier to read, cleaner and if the state makes any required changes, those changes could be done by the board and would not require a membership vote.

#### **5. Collection Policy Resolution**

Glen made a motion to approve the collection policy resolution. Dave seconded. The motion passed unanimously.

#### **6. Reserve Funds and Reserve Study Resolution**

Janna stated she appreciate the fact that any reserve study requires a funding plan.

Glen made a motion to approve the reserve funds and reserve study resolution. Dave seconded. The motion passed unanimously.

#### **7. Conflict of Interest Resolution**

Janna stated she supported the fact that a board member should self-identify any conflict, but that the board also may identify any conflicts not previously identified.

Janna made a motion to approve the conflict of interest resolution. Glen seconded. The motion passed unanimously.

#### **8. Disputes Resolution**

Joyce noted mediation had been declined in a previous situation and that in the future that may be appropriate.

Joyce responded to a question from Janna noting that the Environmental Control Committee (ECC) is the committee of the master association which is he PLPOA and the ARC is the Eaton committee.

Glen made a motion to approve the disputes resolution. Janna seconded. Those in favor: All. Those opposed: None. The motion passed unanimously.

Guest Richard Gonzales asked if this resolution also applied to the ARC committee and what is the appeals process for an ARC decision. Joyce stated this resolution does apply to the ARC. She further stated the process is to provide a written letter to the ARC and board expressing the disagreement, the ARC would discuss with you and make a final decision.

Richard recommended the disputes resolution document make clear that a written letter of disagreement to the ARC and board be part of the process. Richard also noted the ARC members are appointed not elected and asked if their decisions require a unanimous or majority vote. (For the benefit of members, while not answered at the board meeting, ARC decisions require unanimous consent of all ARC members.)

Dave Chadsey said decisions of the ECC and the ARC are final.

Guest Lanice Chadsey recommended this process numerically outline the specific steps.

Based on guest feedback, Glen made a motion to rescind his previous motion to approve the dispute resolution in order to consider more thoroughly the member feedback for any potential changes/additions. Janna seconded. The motion passed unanimously.

#### **9. Association Records Resolution**

Joyce stated that membership will have a chance to read all these resolutions prior to their official filing.

Joyce recommended this vote wait until member input can be gathered. Janna and Dave recommended moving forward with the vote noting the purpose of a resolution versus an amendment is that it is a simpler process if changes are needed.

Janna made a motion to approve the association records resolution. Glen seconded. The motion passed unanimously.

#### **10. Timeshare and Fractional Ownership Resolution**

Joyce stated she does not think EPEPOA is zoned for timeshare but for clarity, this resolution is needed.

Guest Richard Gonzales asked about the definition of timeshare ownership and fractional ownership. Richard commented he believed allowing fractional owners could increase property values and disallowing them might restrict certain groups of potential owners.

Dave Chadsey suggested the need to know how the entire membership feels about this prior to a board vote. Glen agreed.

Joyce Scahill stated that neither time-share nor fractional ownership fits into the Eaton community.

Guest Lanice Chadsey agreed on the need to more clearly define both terms.

The board tabled this decision and will put on the agenda for the next board meeting.

### **ITEM III. OLD BUSINESS**

#### **1. Updates on EPE Dock Repair – John Scahill**

John provided the board and guests with information related to the current state of the shared dock noting the southwest corner has lost its flotation device. A preliminary assessment shows a full section would need replacing possibly due to muskrats. The cost of replacing one section was quoted at \$1935.00 plus a \$200 delivery charge. A manufacturing representative will be coming to look at the deck and provide more information. John recommended discussing the issue of the dock with membership.

Joyce noted in John Scahill's communications with dock experts, we no longer need to shovel the dock. The dock situation will be added to the upcoming July 5 annual meeting.

Guest Richard Gonzales asked if a request needed to be made to the ARC for installing a private dock. John Scahill said no. That is a PLPOA decision.

## **2. Crack Filling & Road Sealing Additional Information – President**

Joyce will let membership know in advance when the road sealing work will begin.

Dave noted a couple of specific areas of the road that are disintegrating and suggested the possible need for spot patching prior to sealing. All agreed. Joyce will communicate with the asphalt company about this.

## **ITEM IV. COMMENTS, ANNOUNCEMENTS, HOMEOWNER CONCERNS**

Guest Richard Gonzales thanked the ARC and board noting they had received their building permit. Al Gonzales noted his construction is planned to begin right after Richard's. Both suggested that road sealing might want to wait until heaving equipment from their new builds as subsided.

## **ITEM V. ADJOURNMENT**

Next meeting date will be prior to the July 5<sup>th</sup> annual meeting.

Glen moved, and it was seconded to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at approximately 6:00 pm.