

Concerned Members report and comments on the Board meeting of SLPPOA-- November 10, 2020

NOTE: this is not the official Board meeting minutes that the Board is responsible for producing.

Author's notes and comments:

- There were numerous internet interruptions from the author's Hughes Net connection during this meeting and full discussions were cut off or missed. *Hughes Net confirmed that they do not guarantee Zoom connectivity.*
- Unit 6 (5 lots) that sits at the highest elevations of SLP off High Rd. may be under new ownership. Those lots have never paid association dues because developer Bootzin never required it. There is now the issue of roads and water development, maintenance and use and how the board is going to equitably balance expenses so the membership will not bear the brunt of the cost to provide them ingress/egress.
- There is no legal evidence known to the author that the rental policy is an enforceable document or that a B&B cash flow business is legal in SLP. The author has inquired, but no information is currently available.

Zoom meeting called to order 6:41 pm.

Board members present: Stuedell, Oepping, Rigney, Hines, Lisko, Cooke, Toennis, Rightley (late arrival)

Absent: C. Hines

Guests: Star, J. Hines (water operator), Gaillour

Agenda approved.

Minutes of October 13, approved.

Officer's report

President - Lisko

Lisko commented on the protocol for responding to members. He requested that if he is sent the email, then he should be responsible for responding. If other persons are cc'd they should respond privately.

Appointment of new directors - there were five open positions; two filled by appointment earlier this year. A special board election was called because there was no quorum at the annual meeting. The zoom meeting to conduct the special election was left open for about 45 minutes. Some board and appointed members reconvened at the fire house to count the ballots. The quorum needed from 155 residents with 142 eligible to vote, was a minimum of 1/3 or 48 ballots. There were 56 total.

Keith Rigney, Paul Rightley were elected, Ann Cooke and Josh Toennis (board appointees) were elected. There is still one open position.

There were some write in candidates but as they didn't show at the special election meeting and could not be nominated from the floor or receive a second, they were not accepted.

The elected candidates will fill the following positions: *(Some of this conversation was interrupted due to internet problems)*

Toennis -architectural

Cooke - firewise

C. Hine - parks

VP- Rigney

Legal-Rightley

Treasurer - Oepping

Balances in the accounts:

Operating - \$127,091

Reserve - 118,484

(Some of this conversation was interrupted due to internet problems)

\$660 was transferred into the reserve account.

There was one change of ownership on Los Griegos.

Water maintenance- J. Hines

His water leak report - sys 1 - four people continue to use excessive water. *(Some of this conversation was interrupted due to internet problems)*

J. Hines reported that there are less leak flags.

Water compliance - J. Hines

Hines reported no issues with testing and sampling

The excessive lead sampling alert was questioned, and Hines stated he had not received a written report, however verbally everything tested fine on the 2nd sample.

Hines has drafted a notice that he will send to the excessive users that have no leak flags. Comments stated the need make the excessive users aware of their usage. Hines agreed to do this.

Roads - Stuedell

There were 3 culverts installed and Raue has been paid. These culverts though they serve few residents they prevent road erosion. One resident is yet to be invoiced for \$729 for a culvert on his property. *(Some of this conversation was interrupted due to internet problems)*

Stuedell has been checking culverts after a heavy rain; however he does not accept the responsibility to clean them as they fill up. There is still a need to find a solution for cleaning them when they clog up.

He stated that there are 5 cinder barrels in the storage shed.

Road widening needed to mitigate drainage from one of the installed culverts was accomplished with resident permission.

There has been no progress on replacing and installing new road signs.

Stuedell commented that board members shouldn't have to perform manual work such as installing signs or filling sand barrels. It was suggested that volunteers from the membership be summoned for help.

There was discussion about fixing the sander and the fact that Raue couldn't service the roads in the last snow because his truck broke down. Lisko stated the need to have a more robust communication to members should problems like this occur. *(Some of this conversation was interrupted due to internet problems)*

Stuedell stated Raue is being paid \$1500 per plow and we need a contingency plan in the event that Raue can't plow. Lisko volunteered to contact Martin (previous snow plower) to see if he would accommodate. Martin refused to continue plowing SLP a few years ago because he was being called by various members in the association at inconvenient hours.

Legal - Lisko

Discussion pursued on the Unit 6 lots and what road assessment would be forthcoming. *(Some of this conversation was interrupted due to internet problems)* There are 5 lots in Unit 6 and despite their incorporation into the SLP subdivision, developer Bootzin never requested that they execute a restrictive covenant. *As per the Bylaws, the owners are not considered "members" and have no responsibility to pay the association fees if they have never executed the restrictive covenants. Lisko stated that the board decided on a flat fee of \$335 per year.*

Lisko stated that the legal process to determine whether a property owner has executed the restrictive covenants would require a search of the title records. He instead turned to developer Bootzin for the information. *Star has previously challenged this as setting a precedent that other lots owned by Bootzin and eventually sold to a new owner, that the new owner could potentially drill their own well and request a road fee only. She also raised concerns of the wear and tear on the roads should the owner(s) decide to develop the lots. She has suggested that as with the excessive water use policy, each year the road maintenance fees should vary depending on the yearly road expenses. Los Griegos and the other roads in the higher elevations have been a money pit in regards to maintenance.*

Lisko is requesting the attorney to draw up a contract for payment for using the roads. He mentioned if assessments go up the new owner(s) would be responsible for the increase.

There is also a well located within the road easement that hasn't as of yet been verified as to whether it was titled to the Unit 6 lots or not. The well has never been used by SLP nor is the condition known. There has been no commitment from the board to provide water to these lots or grant the well use and water rights to this Unit.

The discussion of the vacation rental policy came up with regards to a new B&B on Hovenweep. Lisko has contacted the owners but is getting continuous excuses. *(Some of this conversation was interrupted due to internet problems)* He will have the attorney take a closer look at the policy. *Due to the internet interruptions, Star questioned in an email following the meeting*

whether this policy that puts more restrictions on property owners than found in the CCR's-- is legal. She also questioned whether B&B business/trade for cash is legal in SLP.

Firewise - Cooke

(Some of this conversation was interrupted due to internet problems) Lawsuits stopped pile burns and not that they are settled the FS will continue with burning.

Architectural - Toennis

(Some of this conversation was interrupted due to internet problems) Toennis mentioned a Bonito Way resident needs to complete their request.

Parks - Lisko for C. Hines

(All of this conversation was interrupted due to internet problems)

Old business

Stuedell stated that the cell service of LA net hit a snag with location of a repeater on Parijito Hill He is still researching the situation with Verizon and will update at the next meeting. Whether the technological configuration would degrade as more people are added is still being researched.

Stuedell mentioned that Windstream is not offering internet service anymore.

Lisko brought up the manufacture homes vs. mobile home vs. trailers as it pertains to SLP. Depending on the Unit they may or may not be allowed any may be restricted to temporary housing during construction. He mentioned that mobile homes and manufactures homes are similar based on HUD descriptions. Modular home would be acceptable and a manufactured home is the same as a mobile home and should not be allowed depending on the CCR's of a Unit. Despite those conditions, Unit 4-10 already has illegal structures that were "overlooked" by pervious boards that fall into these categories violating the covenants.

There was confusion regarding a resident's option of drilling a private well. J. Hines agreed to research.

Action items

The proposed escape route - a continuation of Weary's efforts is still being pursued. Lisko mentioned that the board could promote a project for the safety of the association and will be contacting Heinrich's office and the forest service for more information and help.

J. Hines cited two examples of protocols regarding rates per gallon structure and health issues associated with shutoff requirements. The water policy that will take the place of the failed excessive use policy is still being constructed.

J. Hines reviewed some of the logistics of a placement for the Intel water storage tank. A large slab of concrete will be needed to hold the structure. Placement near the fire station may be more appropriate. He was not familiar with past conversations with Taylor (LCFVD fire chief) about this issue and will contact him for further costs estimates.

New business - nothing reported

Zoom meeting adjourned 8:40pm

ss