



Crystal Lakes

Road and Recreation Association

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www.crystal-lakes.org

Crystal Lakes Road and Recreation Association
Board of Director's Meeting
February 15, 2020
MINUTES

I. Call to Order:

The meeting was called to order on February 15, 2020 at 10:00 a.m. at the Crystal Lakes Wapiti Room.

Directors Present:	President	Jim McConnell
	Vice President	Cheryl Poage
	Treasurer	Steve Dirmeyer
	Secretary	Bob Chesnut
	Member at Large	Lala Jacoby

Others Present:	General Manager	Stella Anderson
	Portfolio ABM	Angela Stevens
	Office Support	Rachel Ownbey

Property Owners: 3 in attendance

II. Approval of Agenda:

The Board reviewed the agenda for the February 15, 2020 Board of Directors meeting. Cheryl Poage added Century Link as G. under Unfinished Business and Contractor Plowing under New Business. Steve Dirmeyer added CL Fires under New Business.

A motion was made by Cheryl Poage and seconded by Steve Dirmeyer to approve the amended agenda. Motion carried unanimously.

III. Property Owner Forum:

Don Schiel (02001) asked if the loader was up and running? Jim McConnell responded with a yes and added, back up and running after the turbo was damaged due to regular usage.

IV. Consent Agenda:

Meeting Minutes: The Board reviewed the minutes from the January 18th, 2020 Board meeting.

A motion was made by Cheryl Poage and seconded by Lala Jacoby to approve the consent agenda. Motion carried unanimously.

Steve Dirmeyer questioned why emails were attached when an e-vote was cast. The General Manager replied it is an attestation to the way the BOD voted.

V. **Officer's Reports:**

- a. **President's Report:** Jim McConnell welcomed all residents in attendance and encouraged those interested to apply for the upcoming Board elections. A resume, questionnaire and a photo will be required and received by the CLRRA Office no later than February 28, 2020 by 5:00 pm. Lala Jacoby reiterated, we need to obtain correct mailing address information from property owners. Portfolio AMB said the electronic "View" has been running a reminder for property owners to provide the office with their correct mailing address and will continue to run this reminder until the board elections.
- b. **Vice President's Report:** Cheryl Poage reported on AED's as she has been working with Brenda Poage from the non-profit South Metro Safety Foundation on options to purchase 2 AED's. The Association will purchase 2 units and place one in the Community Center and one in the Wapiti Room.

Cheryl Poage provided the GM with 2 quotes, one from Phillips and one from Medtronics Lifepak. The Phillip onsite are \$1,300 plus cabinet. Cheryl recommends the Medtronics Lifepak CR Plus AED. This unit has Escalating Joules 200-300-360 and costs \$1,600 per unit plus \$150 for the wall mounted storage cabinet with alarm. This includes the AED, 1 charge pak, carrying case with battery & carrying case, two sets of adult pads, one set of child pads & pouch for the child pads as well as a first responder kit. Cheryl recommends Lifepak because this unit works with different levels of impedance. With this nonprofit, the Emergency Services Physician with Centura who covers Colorado and writes the prescription. This is needed because of liability issues. For the purchaser of the AED, he/she would write an operational & service plan. Staff will have to be trained, but bystanders do not. There was discussion as to pro & cons. Cons being the risk having an AED due to liability. The pros being that we are a mountain community with slow response time and an older population. Jim McConnell said the number one tool we can give someone to help them survive is an AED. Steve Dirmeyer as a member of the CLVFD said this was a good price, the fire department paid \$1,800.00 for each unit.

A motion was made by Lala Jacoby and seconded by Bob Chesnut to purchase two AED's not to exceed \$4,000 for placement in Base Camp. Exact locations to be determined at a later date. The motion carried 4 to 1 with Cheryl Poage abstaining due to a conflict of interest

- c. **Treasurer's Report:** Nothing at this time, January's financials were not received.

A motion was made by Steve Dirmeyer and second by Cheryl Poage to proceed with the foreclosure on Acct #:51925. Motion carried unanimously.

- d. **Secretary's Report:** Nothing at this time

VI. **Other Reports:**

- a. **Attorney Status Report:**
Acct #: 51010 A CD offer from the investor in the amount of \$9,000.00 is being declined by the Board, the amount due is \$13,130. Lala Jacoby pointed out the report shows an incorrect amount of \$8,920.63.
Acct #: 51147 – Balance in the amount of \$2,425.92 was paid in full on 2/3/20
Acct #: 52019 –Remaining balance of \$362.85 was paid.

Steve Dirmeyer questioned the aging status of Accounts 51771 and 51770, same owner with, different properties. This will be reviewed in the attorney status report.

Lala Jacoby questioned if the Association is spending more on attorney fees as opposed to what the Association is collecting. Portfolio ABM said yes, we are because the Association pays upfront. These expenses are reimbursed/collected as the cost is passed on to the property owner. Westwind did an audit on last year's accounts and there were no errors in reporting. Thus, the Association is getting a full return.

- b. Manager's Report and Action Item Update:** Steve Dirmeyer asked what the new color for the upcoming year would be, the GM replied florescent orange. The GM included the Code4 contract in the Board Packet and requested a motion to accept the contract. The GM reported Code4 has accommodated all of the Association requests. The only concern GM has is for the vehicle. The Association paid \$275 per month last season and this year it is considerably more. It is also the understanding of the GM that the company will be using an ATV not a car. One of the CEO's is a property owner for Crystal Lakes. Steve Dirmeyer wanted the Board to know that the contract for the time periods of May 1st – September 7th including 3 holidays & random week days is \$17,975.00. Jim McConnell asked if this was something the Board wants to move forward on? Cheryl Poage brought up the association is to use the funds from ATV sales plates for ATV's. Steve Dirmeyer noted that last year's revenues were \$25,214 and this year higher revenues are anticipated. With what has been allocated for the OHV Attendant, administrative fees and HOV fees at \$25,000, this should cover close to the cost on the contract. Jim McConnell recommended to accept the contract with Code4, stating it is good for PR and it shows were attempting to address property owner's concerns/problems. Portfolio ABM discussed that the Association said with the increase in dues last year the Association was going to increase security. The GM reported in addition to Code4, additional OHV attendants will be hired. Cheryl Poage wanted to make it clear that we are taking a harder approach for violators and expect more tickets to be issued as opposed to warnings. Portfolio ABM agreed. Board President said if it's a violation, it's a fee. Lala Jacoby would like to see more regular reports from Code4. GM stated Code4 would sending weekly reports via email.

A motion was made by Cheryl Poage and second by Bob Chesnut to accept the contract presented by Code4 Security in the amount of \$35 per officer per hour and \$5 per hour for marked patrol vehicle. Motion carried unanimously.

VII. Committee Reports:

Policy and Documents Committee: Cheryl Poage stated after looking over the CCR's, there is a discrepancy with the ACC documents & the CCR's. Under circumstances where variances are involved, the final decision must be rendered by the Board of Directors and this correction needs to be written in the document. Herb Halen warned against "hamstringing" the ACC. The ACC should be given autonomy and authority and Board of Directors should be the last resort. Jim McConnell reiterated the only times the Board of Directors needs to be involved is for a variance. It was agreed upon that these revisions need to be made at which time the CCR's will go to the attorney for review. Portfolio ABM thanked Herb Hanlen and the Committee for all their hard work and time invested, everyone concurred. Herb Hanlen will provide the WORD Documents to the GM for future committees.

A motion was made by Bob Chesnut and second by Steve Dirmeyer to accept the CCR's with the revisions as noted by Cheryl Poage in her email dated February 14, 2020 at 4:05 PM. Motion carried unanimously.

Hearing Panel: The Hearing Panel was presented with two cases at their January 2020 meeting. The first case was the discharging of firearms by multiple individuals in the subdivision. The discrepancy was how many individuals were discharging the firearms, 3 or 4. No proof was presented of the 4th shooter so the Hearing Panel recommends adjusting the fine to reflect 3 shooters versus 4 shooters.

A motion was made by Lala Jacoby and seconded by Bob Chesnut to accept the Hearing Panel's recommendation to adjust the violation fine to support 3 individuals discharging firearms in the subdivision and not 4 individuals. Motion passed unanimously.

The second case involved the illegal registration of an OHV. The OHV was either registered by the property owner and the OHV did not belong to him, or guests of the property owner registered the OHV under the false pretense they were the property owners. The facts surrounding the scenario are different as presented by the Staff versus the property owner. Because the facts were not clear, the Hearing Panel has proposed the responsibility is split between the Association and the property owner. Therefore, the Hearing Panel has recommended the fine be adjusted and the property owner be responsible for only ½ of the fine. Bob Chesnut believes the Hearing Panel is trying to hold the Association to higher standards which is a good thing. Considering this event, the GM will revamp the OHV registration process for the office.

A motion was made by Cheryl Poage and second by Jim McConnell to reject the recommendation by the Hearing Panel and enforce the original fine amount in its entirety. Motion carried unanimously.

VIII. Unfinished Business:

- a. Dues, Fees and Fine Schedule: GM stated she along with the ABM consulted with Legal Counsel and Legal recommends having a miscellaneous fee structure for unique circumstances. This would cover situations where a violation against the CCR's would occur but there is no existing monetary value in regards to a fine. Portfolio ABM suggested this is a good idea so the process is seamless when it comes to Due, Fees, Fines and Enforcement of these policies. Another line will be added per the recommendation by Legal and the Enforcement Policy.

A motion was made by Cheryl Poage and seconded by Steve Dirmeyer to approve the Dues, Fees and Fines as amended with the additional line. Motion carried unanimously.

- b. Bear Gulch Easement Litigation: Cheryl Poage provided an update. Counsel for both sides have until February 26, 2020 to submit their written closing arguments to the judge. It could be 1 - 4 months before a decision is rendered.
- c. Book of Motions: Lala Jacoby was able to finish the "Reference of Motions" document. Some are left open as documentation was unclear. The intent for this document is to help the Board of Directors find information going forward on what motions have been rendered. The CLRRA office staff will be responsible for updating the book of motions and making it part of the Board of Directors Meeting Packet.

Herb Hanlen is concerned this document will be considered an internal document and can be used as discoverable document. Portfolio ABM will confer with Legal Counsel.

- d. Westwind Financial/Consulting Contract: Nothing at this time.
- e. Solar Power: Steve Dirmeyer has checked with Larimer County which he found has two rules. If you are in the country, solar panels can be placed anywhere. If you are in a residential area solar panels must be 5 feet from the property line and must not be an obstruction to neighboring properties. Here in Crystal Lakes, we have setbacks and easements that must be adhered to. It was discussed that the solar panels should not be placed in the front of homes. Lala Jacoby is concerned this is a broad statement. Depending on how a home is situated on a property that might not be the best placement. The board determined that the Architectural Control Committee (ACC) needs to regulate this and if a property owner does not agree with the placement, his constitutes and will require a decision from the Board of Directors
- f. New Truck Purchase / Replacement of the 2012 Ford Pickup: Steve Dirmeyer brought forth some further information about the trucks prior to a decision being made. The Chevy 3500 does not have a front support system for a v-plow (\$44,600). The Ford 350 has everything including a heavy-duty front & rear waring lights already wired (\$43,674). According to Steve Dirmeyer he does not believe the Tradesman Dodge 3500 does not a heavy-duty front & rear end (\$39,323) Cheryl Poage expressed concerned with the transmission on the Tradesman. The plow attachment is tabled until next month.

A motion was made by Lala Jacoby and seconded by Bob Chesnut to purchase the FORD 350 pickup at a price not to exceed \$45,000. Motion carried unanimously.

- g. Century Link: General Manager has been in touch with the Century Link's local service installer. It is possible to get a separate line to the shop and use an "extender" to allow Base Camp & The Shop to be connected. The current cost for Base Camp is \$153.00 for Hughes Net and \$108.00 the Shop. The cost for Century Link will be \$108.00/month at Base Camp and the same amount for the Shop. Services will include a phone line and internet. With this connection, Base Camp will have the capability to view the trash area in live time by connecting a hard line from the shop to the Conex where the cameras are located. Cheryl Poage followed up with updated information that Global Broadband is under contract with the State of Colorado, but anticipated operations is the summer of 2021.

A motion was made by Cheryl Poage and seconded by Bob Chesnut to move ahead with the installation of Century Link for internet and phone and not renew services with HughesNet. Motion carried unanimously.

IX. New Business:

- a. Altitude Community Law 2020 Agreement: (Dave Closson with Altitude Law entered the meeting at 11:30 AM) Portfolio ABM noted that the Altitude Contract was in the Board Packet and that monthly retainer went up from \$195.00 to \$205.00 per month. Steve Dirmeyer asked if it has been determined if over the last year, the retainer which allows the Association a reduced hourly rate, unlimited phone calls and attendance at meetings has been a benefit. Dave Classon with Altitude Law will get

us this information and the Board can discuss next month. Cheryl Poage asked if the charges get added to the property owner's accounts? Mr. Closson replied, "yes". Steve Dirmeyer stated he agrees with the aggressiveness of the firm. Cheryl Poage asked about garnishments and if any have been done? Mr. Closson explained this was a different department and he did not have the numbers. Mr. Closson also stated, it is not a threshold for a lien, it a judgement would need to be obtained. Once a judgement is obtained, then a garnishment should follow.

- b. Enforcement Policy: Portfolio ABM discussed the Association enforcement policy. An initial warning letter will be sent, then a 1st, 2nd and 3rd letter. General Manager has an example of this from Portfolio ABM.
- c. Incorporation Discussion: Cheryl Poage is in favor of looking into Incorporation due to the issues the Association is having with easements, public versus private roads and properties wanting to succeed. All these are under the control of the county who has not been favorable to Crystal Lakes. Mrs. Poage has looked at being a "Special District", however, this will not work for the Association. As a Council woman for the town of Parker, Mrs. Poage has access to information about Incorporation; How do we balance financials, how do we split resources, How do we treat non-residents and resident voters, these are just some of the questions that need to be answered. Mrs. Poage believes Crystal Lakes has exceeded HOA limits, noting, the smallest town recorded is 4 blocks and they maintain their services from revenue collected from speeding tickets. Mrs. Poage requested that a committee be setup to investigate financial feasible for the Crystal Lakes area.

A motion was made by Cheryl Poage and second by Steve Dirmeyer to form a committee to investigate forming a municipality. Motion carried unanimously.

- d. CL Fires: Steve Dirmeyer, on behalf of CL Fires for donations from Crystal Lakes Road & Recreation Association to include two fishing passes and two gift certificates for Slash Depot for up to 5 cubic yards of slash each.

A motion was made by Lala Jacoby and seconded by Bob Chesnut to make a donation of two fishing passes and two gift certificates to Slash Depot for up to 6 cubic yards of slash each. Motion passed unanimously.

- e. Contractor Plowing: Cheryl Poage brought up the topic of having contractor plowing where the contractor uses their own vehicle and equipment. General Manager and Cheryl Poage will draft a contract that can be filled in ahead of time by the Contractor wishing to assist the Association on an on-call basis. It must be clearly stated the contractor is plowing for Crystal Lakes and no other contractor jobs will be done while the contractor is on Association time. The Contractor must provide proof of liability insurance before a contract will be accepted.

X. Reports and Correspondence:

a. Correspondence:

A property owner submitted a facility use agreement requesting authorization for a private special event and rental of the Community Center for the date of September 12, 2020 from 2 pm - 6 pm.

A motion was made by Steve Dirmeyer and seconded by Lala Jacoby to accept the facilities use agreement from account #51437 for the date of September 12, 2020 and in the rental amount of \$1,150.00. Motion carried unanimously.

b. Work Order Report: Nothing at this time.

c. Violation Reports: Nothing at this time.

XI. **Executive Session**:

XII. **Adjournment**:

A motion was made by Steve Dirmeyer and seconded by Bob Chesnut to adjourn the meeting at 12:04pm. The motion passed unanimously.

Next Meeting: CLRRRA Board, March 21, 2020 in the Wapiti Room at 10:00 a.m.

Respectfully submitted by Rachel Ownbey and Maria Anderson

Approval Signature _____