

**Paradise Acres Homeowners Association  
Quarterly Board of Directors Meeting  
Saturday, Nov. 4, 2017  
Kent & Kathy Hay's home**

**Opening:** Meeting called to order by Kent Hay at 10:12 AM. Invocation by Steve Werner.

**Attendance:**

Board: Kent Hay, Lisa Schaub (by phone), Teresa Martin

Owners: Kathy Hay, Steve and Donna Werner, Jack Martin, Ben and Melanie Bounds, Ryan Broderick, Adolph and Kathy Montoya, Marilyn Keagle, Joel and Rebecca Norton. By teleconference: Paul and Victoria Herman

**Minutes** of July 2017 Quarterly board meeting-moved and seconded. Approved.

**Report of Officers:**

President's Report: See attached report

Vice Presidents' reports: none

Treasurer's Report:

- See attached report.
- We were approximately \$12,000 over budget for necessary equipment repairs.
- The loan for the chlorination system is paid off.

Secretary's Report: none

**Committee Reports**

Architectural Committee: none

Community Relations: none

Covenants and Bylaws: none

**Equipment and Roads:**

- 20 loads of road base were spread on upper Houchin Blvd. and lower Houchin Blvd near the Stotts home. The equipment had necessary repairs done and is in great working order now. Thank you to Jack Martin for his work on the roads with the Skid Steer while the grader was down. Thanks to Joel for his work on the grader when the road base arrived, and Jack for finding the source of the road base. Both Jack and Joel are not professional road maintenance people, but their work on the roads was more than acceptable. Hiring a professional is possible, but that obviously would cost us. When a community member advised Jack that a certain problem area was not addressed with road base, Jack, Joel, and Kent checked out the area and decided two loads in that area would solve the problem. Jack ordered it that day. Thank you to Melanie Bounds for connecting Kent with the road foreman of Huerfano County, Nick Archuletta. Because many members of Paradise Acres made donations to help Nick financially during his cancer treatments, he is willing to use our grader and do some work on our roads for \$25/hour. We will try to get him next year because we had higher than normal expenses on our equipment this year. Also, thank you to Melanie for finding a reliable, competent heavy equipment mechanic from Center who is willing to travel to PA to work on our equipment. The mechanic replaced one part that could not be rebuilt and another part that he was able to rebuild, saving us money. We have found that heavy equipment mechanics will work on farmer's/rancher's equipment as a top priority. We are low on their priority list. The TV140 tractor had a seal leak due to a faulty hydraulic pump. Teresa tried to determine if this issue was a recall in an effort to save us money. Unfortunately, it was not a

recall item. Kent made an effort to get the New Holland dealer in Alamosa to look at the TV140. They never followed up. Jack spoke with Paul at Paul's Diesel in Ft. Garland. He told Jack that he had time to work on it if Jack got it in quickly. Jack drove the tractor to Ft. Garland that day with Duane Cantrell following him. Our volunteers are amazing.

Insurance: Up to date

Water:

- Steve Werner reported that all of our water tests passed this year.
- We have one final chloroform test this year.

### **Old Business**

Seismic Survey:

- The survey is completed. Kent thanked everyone for following our attorney's advice by not signing the seismic survey company's release. Kent attended a County Commissioner's meeting where the seismic survey project manager was giving his presentation. I was able to express, in a public forum, the community's concerns about potential problems the survey could cause in our community. Greg, the project manager wanted to speak privately with me. He met with me and assured me they would have no "source points" in the community, only sensor points. He also assured me they would have their vibrator trucks at twice the distance from our well as the industry standard. They did that and more. Deb Houchin helped us as well. She would not allow them to put sensors on her properties unless our homeowner's association agreed to it. We did not. This greatly reduced truck traffic all around the community. They came in and used a few of Deb's properties to access Mr. Villardi's land. As a result, we dodged a bullet and had no ill effects from the survey. One community member asked if the survey could have caused the latest pipe break we experienced. If the survey did it, we have no way of proving it.

Diversion Ditches:

- The diversion ditch on the south side of the pond has been completed and is doing what it was designed to do. A ditch on the north side of the pond will be dug this spring before the snow melt. This ditch will have a head gate and a flume allowing us to put water into the pond when we are "in priority". These ditches have been approved by our water commissioner and solve two problems for us. Firstly, we can put only "our" water in the pond. This eliminates augmentation of evaporation from the pond because all the water in the pond will be "ours". Evaporation has been about 60% of our augmentation in the past. We can keep all the water in our augmentation plan for our water usage only. Secondly, we no longer will be required to run a pipeline from our pond to Pass Creek for required pond releases. The cost for that pipeline could have run from \$80,000-100,000. Thank you to Steve Werner for coming up with this idea.

### **New Business**

**There are several issues currently in the community that are important and are creating volatility within the community. The board needs feedback from EVERY MEMBER of the community, so we must get your opinion on all of the issues. Should we vote on amendment(s) for the current covenants or update and have an HOA attorney write new covenants with rules we choose to have in them? Please respond to the Board using one of the established email addresses e.g. paradiseacresHA@gmail.com , or you could send your opinions by snail mail.**

- 1) A community member wanted an explanation for why this board and past boards have not acted on a verbal request of his. He wanted the board to propose an amendment to change the covenants requiring the Houchin heirs to pay assessments on their unsold lots. That action would require the heirs to pay

close to \$20,000/year in assessments. This board and past boards felt such an action not advisable because it would create a poor relationship with the heirs, had very little chance of getting a 75% vote of the whole community making an unnecessary expense for the ballots and postage, and finally, the heirs would never agree causing litigation that could be expensive with no benefit to the community. **This is an important issue for the whole community to express their opinion!**

2) The same community member would like to see a covenant change requiring the heirs to pay the additional water fees for each unsold lot as well. Please supply your input. The additional water fee everyone is paying is to prepare for a substantial price increase for our augmentation water when our substitute supply plan becomes a permanent plan. When that happens we will own the acre foot of water augmentation we currently receive from the HCWCD. We currently have \$28,000 ear marked for the increase and will have \$38,000 after the assessments about to be mailed out are paid. Kent heard a range of what the acre foot may cost, but this is not carved in stone. The estimate was a one time payment of \$35,000-60,000 for the acre foot with a yearly administrative fee of \$1,200-1,500/year. This estimate is the reason the board decided to create the additional fee in preparation for such a huge jump from the \$4,000/year we pay now.

3) The board has received several emails concerning **Short Term Rentals (STRs)** in the community. It must be stressed that **STRs** are not considered a commercial entity, are legal in Huerfano County, and are not in violation of our covenants. The Board consulted with a HOA attorney regarding this issue, to better understand all aspects. The following are the pros and cons we received for STRs in our community.

Pros:

- Visitors come to our community bringing more income to our local businesses and additional tax revenue to the local communities to support schools, roads, and infrastructure;
- Potentially generates an interest in purchasing property or homes in Paradise Acres;
- Allows families to be able to afford to live in PA;
- Other members have guests at their place during the year, so there is no negative impact on our community.

Cons:

- Proliferation of STRs could change the character of the community changing this place from a private community where everyone knows each other to a place resembling a resort community;
- Potential security issues with visitors not caring about the community;
- Properties purchased for the sole purpose of making the property a STR reducing the number of potential volunteers and placing a greater burden on our current volunteers;
- Potential for illegal activities at the rental property;
- Potential for increased water usage because renters may not be as willing to conserve;
- Potential increase in trash collection pick ups;
- Potential for nuisance parties (noise, drunkenness, destruction of property);
- Impact on the current property values; and increased impact on our roads due to increased traffic of trucks, trailers, and ATVs.

Please do your homework and determine if you **approve or disapprove** STRs in the community. Eliminating or adding restrictions to our covenants concerning STRs would require a 75% vote of the whole community to take any action. **We must get opinions from everyone!**

4) Suggestion to upgrade our street signs to make them fire-proof and more easily visible. This would make it easier for fire/EMT personnel to find a home. Melanie bounds will contact a company that will give us a no cost bid. It was suggested that each home owner consider purchasing more visible house number signs for their home.

5) A communication was received concerning owners who are breaking the covenants by walking their dog without a leash. Kent admitted he walks his dog without a leash. His dog is under control by voice command. The consensus of the members at the meeting was this covenant should only be enforced if the dog is aggressive, chases the wildlife, or is a nuisance. Opinions from others welcome.

6) Concerns that members are feeding wildlife and attracting bears to the community. It was noted that feeding wildlife is illegal. Bird/hummingbird feeders should be taken in at night or taken down completely if bears become an issue. Nothing should be left out that would be an enticement for bears.

7) Marilyn Keagle informed the people at the meeting that the property once owned by her husband, Bob, has been sold, and the new owners want no trespassers on their property. They are quite serious about this. Marilyn does not want anyone using her property as access for the BLM land her property borders. Please respect these wishes.

8) An oven/range was found in the dumpster. This is unacceptable and could have resulted in our garbage disposal company refusing to continue as our disposal company. Thanks to Jack and Joel for getting the oven out of the dumpster and transporting it to Walsenburg for a proper disposal. Our dumpster is for household garbage only! Please be advised that the Board has decided to install a wildlife camera to monitor the trash bin.

9) Every homeowner is responsible for having culverts put under their driveways if the lack of one is causing run off issues on the road. This has been addressed before. If the road crew notices a problem, they will dig a trench at the end of the drive to facilitate proper drainage.

10) A worker for a contractor in the community burned some scraps outside the member's home in a 55 gallon drum. A phone call was made to the company and Adolph happened to drop by and informed the worker this was against our covenants and dangerous to the community. Kent had a conversation with the contractor, and he apologized profusely. This was a serious mistake; however, the response was mishandled by someone in the community. The homeowners received a notice in the mail several days later concerning this issue; The letter had a return address label marked: PAHA, La Veta, CO. 81055 giving the impression the notice came from our board. This happened once before, and we advised the community such action was unacceptable. Kent spoke with Mickey, the postmaster in La Veta. His advice was for any member of the community who receives suspicious mail to contact the board to verify the board sent the mail. If the board did not send the piece, he suggested they place the mail in a ziplock bag and have Kent bring it to him. He will turn it over to the Postal Inspection Service. **Not only is this action unacceptable, it is illegal and possibly a federal offense!!**

On a similar note, a community member mentioned he was receiving harassing emails concerning his situation in the community. The senders did not attempt to make it look like the email came from the board, but they were harassing emails nonetheless. Please, if a community member cannot communicate with another community member about any situation in a respectful way, do not harass them. Approach the board and let them handle it. Let's be civil!

11) It was suggested, we as a community create a list of rules for contractors who do work in the community. Every homeowner can give the rules to their contractor. Please give your suggestions as to what should be on that list.

12) It is difficult to find contractors who will come to PA. If a community member has had work done at their home, and you were satisfied with the work, we could compile a list of contractors with their contact numbers for everyone to have access to that list. This would not be an endorsement of a particular contractor, but it would give members an idea who they contact to do work at their home. Paul Herman has sent information about a program called Next Door. It could be a great place to put such information and any other announcements the board may want to pass on to the community.

13) From all the above concerns and the fact our covenants are outdated and poorly worded in some spots, the board would like community input as to whether we consider amendments to the current covenants, or make a list of everything we would like in new covenants and have our HOA attorney write new covenants for us using proper language. **Feedback here will be very important!**

14) We currently have a slate of officers for the upcoming board vacancies. The board has asked each candidate to write a brief bio and give a brief statement of their vision for the community. Clearly, there are a multitude of issues facing the community. We need to confront these issues in a calm, reasonable, and diplomatic manner. More importantly, we need the input of the ENTIRE COMMUNITY! If you remain silent, you will allow the rest of the community to make the rules for the future.

15) Steve, Joel, and Kent would like to do future water system repairs using HDP poly pipe rather than the PVC pipe because poly pipe is stronger and more flexible. This could greatly reduce future water breaks. We would like to move our shut off valves to the side of our roads and design them so there is a tube coming above ground allowing us to open or close valves without needing to do any digging. With these actions, we will not disrupt the roads when there is a pipe break. We would like to replace all the PVC pipe and move all the valves gradually so no increase in assessments or special assessments would be required to have this work done. This will not happen overnight. We are probably looking at a decade or more timeframe. Future PA homeowners will greatly appreciate such a move.

16) A member of the community feels the diversion ditch on the south side of the pond is a danger to children in particular. We got a quote for \$5735.18 to put culvert pipe in the ditch so we can cover the ditch completely. The board needs approval for such an expense. There was concern that the ditch could, over time, fill with silt which would require a way to open the drainage pipe requiring more expense. Does the community want to spend the money for piping? If we do not, our insurance company advises us to place signs in the area to warn of the dangers. We need input.

Correspondence: none

#### Announcements & Comments

- The members at the meeting wanted to thank our volunteers for the work they are doing in the community. Without volunteers the work would not be done in a timely fashion, and the costs would be outrageous.

- The board is looking forward to the new year with a renewed commitment to work together to resolve our issues for the benefit of Paradise Acres.

Next meeting: January 13, 2018. Location TBD.

Respectfully submitted,

Lisa Schaub/Kent Hay