

MINUTES
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION (SLPPOA)
BOARD MEETING
February 13, 2018

1. CALL TO ORDER: President, Ms. Judy Kilburg called the meeting of the Sierra Los Pinos Property Owners' Association to order at 7:19 p.m. at the SLP Fire Station.

2. ROLL CALL: (P-Present, E-excused, A-Absent without notification)

Pres - Judy Kilburg	P	Water – Peter Veverka	P	Firewise – Tamera Weary	E
VP - Harold Corn	E	Roads – Brian Nelson	P	Parks/Architectural – Max Otero	P
Sec/Treasurer - Lorraine Otero	P	Legal – John Fredlund	P		

GUESTS: Suzanne Star, Barbara Van Ruyckevelt, Dave Schmitt

3. APPROVAL OF AGENDA: Ms. Kilburg said she needs to add a few items to the agenda. Under Action Items, add the Survey of Unit 2, Lot 16 so the Board can vote on it tonight; in New Business, add Covenants. Mr. Veverka said he would like to add an item to the agenda. He would like to have discussion for a mechanism for members that have a large leak on their property and claim it is a SLPPOA issue and not their issue. Ms. Kilburg said it will be included under New Business. Mr. Otero motioned to accept the Agenda. Ms. Otero seconded the motion. There were no oppositions.

4. APPROVAL OF THE MINUTES: Mr. Nelson motioned to approve the minutes of January 9, 2018. Mr. Otero seconded the motion. There were no oppositions.

5. OFFICER REPORTS:

a. President – No report.

b. Vice President – No report.

c. Secretary/Treasurer: Ms. Otero provided the following Monthly Report:

i. The balance in accounts as of January 31, 2018 is as follows:

Operating Account: \$125,581.11

Reserve Account: \$110,204.85

Special Assessment Account: \$7,272.55

ii. Past due accounts:

We have 4 delinquent accounts remaining for a total of \$5,827.78. This amount was reduced from almost \$8K last month due to one member paying their delinquent account in full and \$960.02 that was received on an account that is in foreclosure.

iii. There are several members that haven't paid their 2018 annual assessment dues, however, they aren't considered past due until 4/1/18. Apparently, we will need to establish policy to determine the timing for when reminder notices should go out to members in order for HOAMCO to take this action. Right now they only send out the statement and nothing else.

iv. A check of \$666.67 was deposited into the Reserve account for the January monthly transfer from the Operating Account.

v. On 2/5/18, we requested the CPA, Chad Porch initiate the 2017 tax preparation.

vi. One home sale closed on 1/2/18 and a new member package will be sent. The pending sale reported last month closed on 1/18/18 but I haven't received the final notification from HOAMCO yet. There is one other pending sale scheduled to close any day now.

vii. The Legal costs for the lawsuit have increased from \$41,385.72 to \$50,693.22, an increase of \$9,307.50. This is attributed to the ongoing appeal.

6. STANDING COMMITTEE REPORTS:

a. Water

i. Water Maintenance – Mr. Veverka reported that on Super Bowl Sunday there was a large leak on System 1. He wasn't certain what the cause was. Mr. Otero discovered that one of the problems was that the Hovenweep Well had been shut off. Mr. Veverka also noted that the Aspen Well had been down for a couple of days at that point and it wasn't evident why. Between Mr. Veverka, Mr. Corn and Mr. Stanley, they found the contactor had exploded. They were able to find a replacement contactor and have Manny Troncoso, the electrician replace it. At least it wasn't a major leak somewhere and members were conscientious about limiting their water use during this time. Mr. Veverka is interested in having Manny get the electrical portion of our water systems in shape. Other than that there were no other serious problems.

ii. Mr. Schmitt reported that Mr. Corn asked him to provide some information about the water. Normally they would have been informed that the tanks were down to 30%. The reason they weren't in this case was because the tank with the level monitor is in storage due to a snafu involving Mr. Raue and another person. It's no longer operational. As far as fixing it, that valve is very tight and they are afraid to break it off. Mr. Corn wants to wait until the valves are labeled. They will make a spare parts list and keep a good inventory. This summer they'll dig up the entire area and label everything properly.

iii. Water Compliance – Ms. Kilburg provided the highlights of Mr. Corn's January 2018 Water Compliance-Meter Report

Water System Coliform/Microbiological Reports:

- System 1 sample taken by Frank Naranjo, 1/20/2018
 - Total Coliform - Absent
 - Total E. Coli - Absent
 - Disinfected, Residual 0.04 mg/l (Trilobite Trail)
- System 2 sample taken by Frank Naranjo, 1/20/2018
 - Total Coliform - Absent
 - Total E. Coli - Absent
 - Disinfected, Residual 0.14 mg/l (631 Aspen Grove)

Water System Compliance Schedule required by NMED DWB for 2017:

- Well meter readings for January were filed with NMED, 2/5/2018.
- NMED Sanitary Survey Results received by certified mail, 11/1/2017; NM3565423.

- o 10 significant deficiencies were identified & 3 recommendations were provided.
- o 12/7/2017 - I have provided written documentation to DWB (Tanya Trujillo) as to a corrective action plan. SLPPOA must take corrective action no later than 120 days from Nov. 1 (**March 1 DEADLINE!**). **VOLUNTEERS still NEEDED FOR CORRECTIVE ACTIONS!!**

Water System Miscellaneous:

- Reminder that Water System 1 is currently operating on two storage tanks instead of three, due to an unknown valve configuration at the site.
- Two frost free hydrants froze and ruptured this month:
 - o Sys 2, owner on Los Griegos, January water usage was over 243,000 gals. Member repaired leak, but did not report it.
 - o Sys 1, owner on Aztec discovered the top of the hydrant was broken off on 1/30/2018 and immediately called for shutoff. January water usage 10,180 gals.
 - o Frost free hydrants can freeze IF:
 - Hose is not disconnected in freezing temperatures,
 - Subsurface valve is defective and does not shut off (improper adjustment),
 - Bury depth is not well below frost level, or
 - Drain down or drain field is plugged.

Water Usage: Meters were read Feb 1, 2018 by Mark Stanley & Harold Corn, usage compiled and summarized by Mark Stanley.

- System 1
 - o Wells Pumped 705,586 (759,548) gals, (...last month's data...)
 - o Usage = 218,640 (196,676) gals
 - o Main Line Leakage Rate = 10.5 (13.5) gpm
 - o Leak Flags Identified = 13 (12)
 - o Users > 7,000 gals = 5 (5); highest user = 12,990 gals (leak flag)
- System 2
 - o Well Pumped 505,490 (248,850) gals, (...last month's data...)
 - o Usage = 354,550 (126,012) gals
 - o Main Line Leakage Rate = 3.4 (2.9) gpm
 - o Leak Flags Identified = 4 (6)
 - o Users > 7,000 gals = 2 (1); highest user = 243,794 gals (NO leak flag...no longer leaking, repair appears to be complete)

Ms. Kilburg asked if Mr. Veverka and Mr. Otero would take the action to replace elbow type pipes in lieu of the straight pipes to help complete the corrective actions. These need to be done by March 1st. They agreed.

b. Roads

i. Bonito Way Erosion - Mr. Nelson said he looked into the cost of getting asphalt millings. They are \$20/ton and one yard equals 1.3 tons which is cheaper than the cost of our cinders. The delivery cost is standard at \$250. He thinks they will deliver 13 tons per load. He asked how much millings are needed? Ms. Kilburg said we can't do anything until spring or summer when you can look at the roads to see the areas where millings are needed. She also recommended he contact CBKN Dirtworks because they will provide and spread the millings.

Ms. Kilburg recommended that Mr. Raue can do the burms that are needed for Bonito Way erosion.

Mr. Nelson stated that Montano and Associates delivered the cinders but put the pile on the opposite side of where our SLPPOA pile is. It was probably due to the fact that no one was available to instruct the driver where to dump the cinders. Mr. Otero suggested getting a sign to designate our SLPPOA pile so it will be clear to whomever delivers the cinders.

c. Legal – Mr. Fredlund reported the following:

i. Delinquent accounts – covered in the treasurer’s report above.

ii. Lawsuit – The Interbrief got submitted along with the Motion to Supplement of Record with audit results and there was another Motion to Supplement the record from Star. Now there should be a long period where it will take the Court to look at it. We shouldn’t get additional legal cost during this time.

iii. Restrictive Covenants Violations

- **Dog breeders** – Mr. Fredlund said he hadn’t seen the letter that was drafted. Ms. Kilburg said she signed it and gave the letter to Ms. Otero to mail. Ms. Otero handed the letters to Mr. Fredlund for his review. He stated that the approach to the two letters was different and one has a deadline while the other doesn’t. Ms. Kilburg said she incorporated the changes recommended by the attorney. It was decided to discuss further in the Executive Session and revise the letters as necessary.
- **Clean up of a Member’s Premises** – same as above.

d. Firewise – No report.

e. Parks – No activity

f. Architectural – No activity

7. OLD BUSINESS

a. Webmaster – Ms. Kilburg said there are two quotes received for the webmaster position. The quote from Mr. Chad Luke indicates he is very well qualified, a cheaper price than the other quote and a local resident. Ms. Otero made the motion to accept the quote from Mr. Luke. Mr. Nelson seconded the motion. There were no oppositions. Ms. Kilburg will talk with Ms. Weary to firm things up with Mr. Luke.

b. Fencing – Mr. Nelson said he drafted an email regarding the Forest Service (FS) offer to provide fencing. For homeowners that have property adjoining the FS, the FS will provide free of charge, the posts, wire and clips for enough linear fencing for the areas affected. Mr. Nelson also asked about a point of contact. Mr. Dave Schmitt said he is the POC and his email address is 510jemez@gmail.com. Mr. Schmitt talked with Brian Riley of the FS. Mr. Riley said they need to know how much fencing is needed by the end of March. This should give Mr. Nelson enough time to get this information out to the members. Mr. Schmitt will need the member name and approximate length of fence required. Also, the FS offered to deliver the fencing and tools to use if needed. Ms. Kilburg said the information will be posted on the list server. Mr. Nelson asked if possibly Mr. Riley could attend a meeting to discuss with interested members which Mr. Schmitt thought was a good idea and he would ask if Mr. Riley could attend our next meeting.

c. Unit 2, Lot 16 Property Survey – Ms. Kilburg said we need to have a vote on this survey tonight. Mr. Corn sent out a quote from Apple Pro Survey LLC in the amount of \$859.50 plus fees to survey the parameters of this lot. Ms. Kilburg said that once we get that survey we can figure out if the county cinders are on our property or the fire station property. This has been an ongoing question for quite some time. Mr. Veverka motioned to accept the bid and perform the survey and Mr. Fredlund seconded the motion. There were no oppositions.

d. Sandoval County Cinder/Jersey Bouncer Placement – Ms. Kilburg said she hasn't been able to contact anyone at the County and as far as she's concerned no further attempts will be made on this action until the survey has been performed.

8. ACTION ITEMS

a. Residential water leak flags – Mr. Otero said that there was one leak flag on system 2. When he and Mr. Veverka went to investigate they found the property owner had already fixed the leak. There is also another large leak on System 2 that will be discussed later. Ms. Kilburg said there is no consistent methodology for notification of members who have leak flags. We need to come up with a way to do this. Some members have had a leak for more than a year and haven't repaired it.

b. Excess usage policy (surcharge/metering) – Mr. Fredlund has been keeping the spreadsheet with water usage. His spreadsheet indicates that nine bills would have been sent out for excess water use last month.

c. Reserve Study Corrections – Ms. Kilburg said she has had no response from the company.

d. Mgt Company/Accounting Firms Bids – Ms. Kilburg said the one member that was interested in the position does not currently have Internet access so that won't work. Mr. Fredlund said that the person that he suggested is still interest so Ms. Kilburg will give her a call to discuss.

e. Property Tax Follow-up – Ms. Kilburg said that she has been working on this but she needed the plat to continue. It appears that the State has two price points. Once she gets the plat from Mr. Corn she can continue her review although it may be too late to do anything for this year.

9. NEW BUSINESS:

a. J. Fredlund – Resignation – Mr. Fredlund said he has several reasons for providing his resignation. First, he felt little enthusiasm to be on the Board in the first place. Then the way the Interbrief worked out took the negative and knocked out the little enthusiasm he had. Secondly, the direction we're going with the changes to the letter to the member with the numerous inoperable vehicles on his property and the avenue that the Board is taking with that by initiating legal action. He can't support the Board starting to take legal action against people that are violating covenants versus an individual member(s) initiating the legal action. He does not believe that is the function of the Board. Ms. Kilburg had the attorney look at it and she also sent the letter out for Board comment. She incorporated all the comments she received. She didn't receive any comments to the contrary. We don't have to go in that direction. Mr. Veverka asked that we look at this again and see if we're approaching this correctly.

b. Covenants – Ms. Kilburg said the covenants have issues. They are very inconsistent. We need to come up with more modern covenants. Mr. Veverka said this is something he has done in the past and he volunteered to sit down with a committee and discuss how to make them more consistent and updated. Ms. Kilburg said years ago some people started reviewing the covenants and she still has access to those documents. That would be a good starting point.

c. Mechanism for Member/SLPPOA Leaks – Mr. Veverka said that the member is stating the increase in water leakage is due to the installation of the water meter. Mr. Veverka could agree with that if they had removed a pressure regulator from the member's property. The only way to resolve the situation is to talk with the homeowner and bring in Dave Raue to see if there is anything wrong with the connection from the meter to 20 feet, the length of a pipe. Anything beyond that will be the homeowner's responsibility. An agreement has to be initiated with the homeowner that we'll do the initial excavation at our cost but if it's determined that it's the homeowner's responsibility, they will have to fix it within a specified time. Mr. Veverka believes it's worth our investment to bring in Mr. Raue. **MOTION:** Mr. Veverka made a motion to talk with the homeowner about the leak concern and offer to bring in Dave Raue to do the excavation immediately in conjunction with our meter assembly. If it's determined that if there is no leakage associated with the water meter, then the member has to agree to fix the leak within a specified period of time. Mr. Nelson seconded the motion. There were no oppositions.

d. Mr. Schmitt had the following comments/questions:

- Mr. Schmitt, Mr. Bob Bootzin and Mr. Kevin Stillman have formed an informal group to fence the NE corner of the association. They've had two meetings with Brian Riley/FS and one meeting with two representative from the Cuba Ranger District. They sent out a crew to put a fence behind Bootzin's place. The FS is committed to 4,000 feet of fence for System 1. Part of that is working with Brian Riley to install a cattle guard on High Rd. They also plan to install fencing on Mr. Trujillo's property that has a boundary with the FS, about 300 feet. There is a possibility of the FS providing us with a cattle guard where we exit the association going into the Hotchkiss property.
- Mr. Schmitt had a question regarding the Excess Usage Water Committee. He commented that he spent a whole Saturday driving to Farmington to go to a seminar on a rate structures, wrote a summary and a strawman policy. A meeting was held and we voted on a rate structure and a leak forgiveness policy but he's assuming it never got presented to the Board. We can't force a member to fix a leak without a policy. Mr. Fredlund stated that the Committee is planning to meet on March 3rd.
- Mr. Schmitt said regarding the lawsuit, is there any end in sight? Mr. Fredlund began to explain that the original lawsuit verdict was in our favor. From that verdict there was a request for reconsideration. Mr. Fredlund had to leave for an emergency. Ms. Kilburg took over and offered to post lawsuit information on the website so members can know the current status. Basically, she said the Brief-in-Chief has been filed. Now we're waiting for them to select the panel of judges and to make a determination. Ms. Kilburg was told that it could take months to a year before we hear something.

10. NEXT MEETING: Tuesday, March 13, 2018, 7:15 p.m.

11. ADJOURN: The meeting adjourned at 8:29 p.m.

12. EXECUTIVE SESSION

Lawsuit

Delinquent Accounts

Restrictive Covenants Violation Letters

Submitted by: Lorraine Otero