

Deer Lake Association Fall Meeting Minutes
Tuesday, October 25, 2022
La Mesa Presbyterian Church – Sanctuary Hall
7401 Copper Ave NE, Albuquerque, NM 87108

Attendees (In-Person): Glen Flanders (President), Robert Starkey (Vice-President), John Bailey (Member at Large), Steve Coleman (Bookkeeper), Bill Hines, Victoria Hines, Roseanne Starkey, Julia Starkey, Barbara Buxton, Eduardo Rodriguez, Josiah Salas, Silas Suazo, Damacio and Margie Otero, Larry and Kathy Tafoya, Jean Anderson, Sara Money, Roxanne Henning, Lisa Berniklau, Dylan Hamp, Justin Sona, Randy Wiest, Cheryl Bailey, Merrilou Long, Randy Preuitt, Albert Montoya, Patrick Petracca, Rudy Pohl, Jerry and Connie Wenk, Melissa Parra, Mike Schiffer, Loretta Sandoval, Ty Menefee, Larry Wiles, Steve Holbrook

Attendees (Online): Larry Buxton, Bobbie Bailey, Edwin Gibson, Rhiannon and Tim Chavez, Robert Rodriguez, and Carolyn Primrose

Meeting called to order at 7:00pm.

Welcome (Glen Flanders):

Glen explained that due to a booking conflict the meeting room changed from Fellowship Hall to Sanctuary Hall at the church. He also explained that the meeting agenda was changed to allow the Cuba Ranger District to give a presentation on the Fuel Reduction Program at the beginning of the meeting.

Presentation by Cuba Ranger District:

A presentation was given by Randy Pruit, Josiah Salas, and Patrick Petracca regarding the Fuel Reduction Program around Deer Lake. They explained that it consists of a 2-prong approach. The first being Cut Timber and create Piles. The second being burn the Piles (January 2023 timeframe) when there is snow. They further explained that the burning of the piles would be monitored daily.

Association Member, Victoria Hines informed/reminded the members of her family's water rights on the springs just below the mines and how someone has diverted the flow improperly. The water flow has been corrected and she asks that all respect this water rights issue. Further, Ms. Hines asked that the following be documented into the meeting minutes:

“The water that flows from the top of the Mine located northeast of Deer Lake Estates, where the old copper mine used to operate, and the caves can be seen from HWY 126, is supposed to remain directed down the canyon into the Hines Property and then, will flow down westward into US Forest Land, into the Santa Fe National Forest.

The NM State Engineer’s office that oversees Water Rights through-out the State of New Mexico has given the Hines Family permission to maintain the rightful waterflow from the Mine and into the canyon and onto the Hines Property. Please respect the work that is done to keep the waterflow directed down the canyon, and let people know that it should not be disturbed, nor re-directed down the road which then feeds a cistern behind Retirement Rd. on US Forest Service Land.”

Additionally, Patrick provided an update regarding the “old” HWY 126 (FR-126-S) to be used as an emergency exit for Deer Lake residents. An update to the information presented at this meeting has been sent to the Association Membership on 11/6/2022 via email.

Association Meeting Minutes Approval:

Members were asked for feedback regarding the Deer Lake Association Spring Meeting Minutes held on March 29, 2022. No corrections were raised. **Motion to approve the Association Meeting Minutes for March 29, 2022 was made by Eduardo Rodriguez, seconded by Larry Wiles.**

Members were asked for feedback regarding the Deer Lake Association Special Meeting Minutes held on August 13, 2022. No corrections were raised. **Motion to approve the Association Meeting Minutes for August 13, 2022 was made by Eduardo Rodriguez, seconded by Leroy Tafoya.**

Treasurer’s Report:

Steve Coleman (Bookkeeper) gave the Treasurer’s Report. Steve reported that Dues for all lots have been fully paid two years in a row. He also reported that the Association currently has a surplus of \$649.76 in the bank and mentioned that we did not spend money this year to stock the lake.

Year-to-Date Profit and Loss Financial report through September 2022 was reviewed and approved by the Association.

Liability Insurance:

Randy Wiest provided an update on the current cost of Deer Lake Insurance. DLA has a General Liability Policy for the lake and a Directors & Officers Policy to cover the DLA Board. The cost for both policies increased \$264/year and costs the Association \$3,500.88 this year.

Logistics Discussion:

Association members have expressed concern that holding the Deer Lake Association meetings from 7-9pm on a weekday is late for some. In addition, people are traveling in from Cuba and that time makes it difficult to travel to/from on a weeknight. The Board proposed that the membership consider holding the meetings on Saturday. **The Association approved that the Spring meeting be held on Saturday, March 25, 2023, from 10:00AM to 12:00PM.**

Further, it does not appear that the Bohannon Center will be available in the future. Glen has been looking into other meeting locations. He hopes that future association meeting can be held at the North Domingo Baca Multi-Generational Center (Wyoming and Paseo) as it is a central location and has great meeting space. However, it could not be reserved for the October 2022 meeting but will consider it as a source for future meetings.

Virtual Meeting Discussion and Need for Equipment:

Inquired if the Association wants to ensure all meetings are held both in-person and virtual. If they want to continue the virtual option the Association will be asked to approve funds to procure equipment (i.e., laptop, camera(s), microphone(s)) to assist with this option so that it can be provided at a descent quality level. **Motion to approve funds to procure equipment and hold virtual Association meetings was made by Robert Starkey, seconded by Ed Rodriguez.**

Status of Potential Dredging of the Lake:

In speaking with Association members, there has not been any positive feedback related to dredging of the lake and the process to get this done at this time. The Association was asked if anyone would make a motion to continue pursuing Dredging of the Lake at this time. **No motion was made.**

Status of the Forest Service Special Use Permit & Grading of Old HWY 126:

A request from the Board of Directors was made to the Membership to approve up to \$1,000 as needed to grade Old HWY 126. **Motion to approve the funding to grade Old HWY 126 was made by Damacio Otero, seconded by Leroy Tafoya.**

Status of the Lake's Valve Repair / Replacement:

The Board has currently not made much progress in finding a reliable source to assess the lake's lower valve to see if it is leaking and in need of repair or replacement. Glen Flanders, Larry Wiles and Randy Wiest are working to find viable sources. The Association has already approved \$1,200 to go towards this effort. Need to obtain the shutoff valve wheel to continue.

Status of Fuel Reduction Program at Deer Lake:

Already covered by Presentation at the beginning

Association Member, Victoria Hines, Addressed the Association Regarding Short-Term Rentals:

Victoria Hines asked and spoke for five minutes regarding her views on the short-term rental issue in Deer Lake. She indicated her concern of the detriment of 'commercialization' of Deer Lake if this issue were not pursued and prohibited. She expressed that 'due diligence' has not been given to the matter regarding all risk assessment. If the Association were to vote to not prohibit, per constitution/bylaws, individuals may continue by means of law. Further, Ms. Hines asked that the following be documented into the meeting minutes:

“Victoria E. Hines was allocated 5 minutes to make a summary presentation, in which she described the risks inherent in allowing Air B&Bs, B&Bs, Hotels and Motels, at Deer Lake Estates. The rights of those landowners who purchased properties with the understanding that Deer Lake Estates is a “private residential community,” as per the Covenants, was forwarded, as well as the detrimental impact upon water tables; peace, quiet, and safety; and the nuisances potentially caused by visitors without a vested interest in Deer Lake Estates.

Before any changes are proposed to be made to the Deer Lake Estates Covenants, the legal, financial impact and risk assessments regarding Air B&Bs, etc., at Deer Lake, should be discussed with the membership at large, on the basis of consulting with a qualified Property Attorney and other specialists. A proper due diligence is vital to protect the rights of the property owners at Deer Lake Estates. There are real risks which are ignored to our peril. There is no time limitation on enforcing the Covenants which can be undertaken by the Board or an individual landowner at Deer Lake Estates.

If you have any questions or observations regarding the issue of “short-term rentals” as it relates to Air B&Bs, B&Bs, Hotels, Motels, or other commercial enterprises and their impact upon Deer Lake Estates, please feel free to contact: Victoria E. Hines at victoriaehines@yahoo.com or (575) 289-3816.”

Short -Term Rental – Ballot Count and Results:

The Short-Term Rental Ballots were reviewed and counted by three Association members (Robert Starkey, Sara Money and Ed Rodriguez). The results of the ballot are as follows:

Option 1: 55 ballots were received.

Option 2: 30 ballots were received.

Based on the ballot count, the Board will proceed with Option 1, which stated “While recognizing the existing covenants, no further action, effort, or expenditures of Association funds shall be taken on the subject of short-term rentals except in the defense of any lawsuits associated with short-term rentals.”

Board Member Vacancy and Nominations for March 2023:

At the March 2023 meeting there will be a one-year Board vacancy (not filled in March 2022) available along with three two-year vacancies (Robert, Krystal, and John) available, for a total of four vacancies. The membership was asked to consider being nominated to serve on the Board. It was noted that Mr. Steve Holbrook has expressed his desire to serve on the Board. No additional nominations from the Association were made.

New Business:

Mark Morales reminded residents on Aspen Road to clear brush on their property to allow for snow removal during the winter months.

Forest Service reported that they cannot get additional millings at this time for the county roads in Deer Lake.

Motion to adjourn the Association Meeting was made by Eduardo Rodriguez, seconded by Robert Starkey.