

MINUTES

Cypress Lake Garden Property Owners Association, Inc.
Board of Directors Meeting, JULY 20, 2023 6:00 p.m.
Rebecca Creek Park Western Shack

Opening Prayer: Mike Coakley

1. Call to Order: President: Scott Postert

2. Roll Call of Officers & Directors: Secretary Larry Young
Bruce - X | Donald - X | Dylan - X | Jackson – X | James – excused | Joe - excused
Kent - X | Larry - X | Peggie - X | Michael C. - X | Michael S. - X | Scott – X
Sergeant at Arms: Jackson – X

3. Welcome of Members & Guests
Kevin Boyne, Janice Boyne, David Smith, Jeannie Postert

4. Announcements
Ratification of 6/1/23 board member election and bylaw votes, ready by Scott.
Eighty-four election ballots were received:
 - James Burns – 74
 - Mike Sowder – 70
 - Mike Coakley – 66
 - Scott Postert– 63
 - Peggie Schrader – 62
 - Write-in: Joe Alegria – 1Bylaw change vote results:
 - Yes – 74
 - No – 8
 - Not answered – 3Peggie motioned to ratify the results. Kent seconded. Ratification was unanimous.

New Board Member Joe Alegria was not present. Scott noted that Joe has been working on roads over in the Campfire area.

5. Approval of Prior Minutes: Larry Young
Minutes – April 20, 2023, May 18, 2023, and June 15, 2023
Peggie motioned to approve the minutes with one correction. Mike C. seconded. Minutes were approved unanimously.

6. Treasurer Report: Bruce Johnson
Bruce provided report.

Scott noted that the large expenditure listed for Knoll Schwope within the Roads budget needed to be separated from the other road expenditure and categorized independently because of its funding through special assessment.

7. Departments/Committees

A. Office – Janice Boyne

The office has introduced the offering of “park bucks” to those members who volunteer with the POA. Volunteering for eight hours earns one park buck, good for use toward discounts on park use/rental fees. They do not apply to annual maintenance fees or special assessments.

1. Audit – Deb Copher

Janice said that Bruce had reviewed, and Bruce said all was good.

2. Bylaws – Peggie Schrader

- Peggie said that the committee hadn’t met yet because a chairperson hadn’t been elected.
- Scott motioned to re-elect Peggie. Jackson seconded. Vote was unanimous, except for Peggie’s abstention.
- The committee’s next meeting was set for July 26, at 6 p.m. Subsequent meetings are scheduled for the last Wednesday of each month.

3. Candidate Eligibility – Kent Gillespie

Kent said that eligibility of all incumbent candidates were reverified and that eligibility verification for Joe is under way.

4. Legal - Scott Postert

- Scott said the POA’s counterclaim against Tim Powell is moving forward, with Donna Coffman having signed an affidavit regarding the issue and with a hearing to be scheduled.
- The POA board is also in talks with its attorney on issues related to easement requests and other topics.

5. Events – Peggie Schrader

- July 4 – It was hot at the Family Fun Day, but the event was fun for the kids and adults attending. Kevin provided food for sale.
- Planning is under way for Fall Fest, to be held Nov. 11. Peggie is inviting ideas for events for the day.
- The annual meeting will be Oct. 21. Scott said that planning for the event needs to start soon, with an aim to get more members to attend. The first planning meeting will be Aug. 2. Scott also wants to plan 2 evening town halls at Cypress Lake Gardens Park, after the annual meeting and focusing on road maintenance only. A first town hall was tentatively scheduled for Nov. 4, from 2 to 6 p.m.
- Lights in Park will be expanded this winter to Cypress Lake Gardens Park, in addition to Rebecca Creek Park. Decorating is planned for Dec. 1-3. People will gather at the creek park on the evening of Dec. 16 for refreshments.

6. Restriction Enforcement –

Issues were raised by Janice and discussed.

- A property owner has been trying to sell a property on Laguna, but a neighbor's dog has been scaring the realtor. Animal Control has been called out, but the issue has not been resolved, so the owner has called to ask whether the board can do something. A question was also raised about potential risk for road crews and other volunteers in the area. It was agreed that, while the POA does not have official jurisdiction, a volunteer will consult with Animal Control to get more information about options.
- A caller, who has been trying to help sell their parents' property on Lake Park Drive, raised a concern about a neighboring property, which has an abandoned trailer, a fence made of doors and a need for cleanup. Scott recommended that the property owners contact the Comal County Health Department regarding identified health department violations.

7. RUC – James Burns

- Don has agreed to help James with RUC because of backlog.
- Permits have been issued for 10 properties:
 - 2217 Cypress Gardens Blvd
 - 1091 Regency
 - 1564 Campfire Dr.
 - 3595 Western Skies
 - 3615 Western Skies
 - 172 Agarita St.
 - 1079 Nightingale
 - 9480 Rebecca Creek
 - 2391 Campfire
 - 941 Covered Wagon

Scott motioned to approve all of the permits. Larry seconded. The motion passed unanimously.

- No setbacks were specified on the building plan for another property – 2647 Western Skies – awaiting permit approval.
- After discussion, Scott motioned to approve the permit with completion and confirmation of setbacks. Larry seconded. Approval was unanimous.

8. Security – Jackson Durbin

- Jackson and others have seen an increase in problems at the creek park and have had long discussions regarding rule enforcement. For park rule violations, the plan is to go forward with criminal trespassing citations and removal from the park for those violating park rules and being disrespectful of others.
- Camera monitoring is being consolidated. Cameras are planned for office and pavilion area.
- Discussion was had on an idea coming out of committee conversations to establish a second permanent RV camping spot in Rebecca Creek Park,

dedicated for use by someone to help with security. The dedicated spot, near the park restrooms, would be contracted for free-rental use by a reserve or full-time regular officer or other licensed peace officer, living permanently in the park, to provide regular security support at the creek park and enforcement of rules for all parks. Problems have been creeping back up recently at the creek park, Jackson said, and a trained officer is needed to help enforce law and de-escalate issues. The security is working toward developing a proposed contract. Scott motioned to set a permanent spot, with \$1,500 from the general fund for pad construction. Mike C. seconded. Approval was unanimous.

- An abandoned car was reported on Rimrock – parked, unregistered and with flat tires, on an easement for several weeks. Scott said the property owner had put the car outside of the property after evicting the vehicle's owner. A note to remove the vehicle had been put on the car, but it was removed and the car is still in place. A need was identified for a towing company to tow to an impound lot. Four other cars, with past-due registration, were also reported on Laguna. Jackson said he will talk with someone from Sheriff's Department about options for removal.
- Jackson said complaints have been made regarding increased drug traffic in Cypress Lake Gardens. In one complaint, it was stated that a property owner had been keeping a fawn, illegally, in a cage on the property. Game wardens visited the property. No fawn was found, but Jackson said the complaint had been addressed.

9. Social Media – Sidney Carpenter

No report.

10. Website – Kevin Boyne

Larry said updates have been made on the site for meeting agendas, meeting minutes and POA events.

B. Parks – Scott Postert

A realtor trying to broker a deal had called seeking clarification from the POA on direct private access rights of adjacent property owners to POA parks. Scott shared with her a concern about hundreds of adjacent property owners having their own private access points. In discussion in the meeting, he reiterated the concern, pointing to potential increased safety risk and difficulty in enforcement of rules against trespassing by nonresidents. He cited previous incidents where adjacent property owners have built private gates, made private trails into parks and cleared POA park property with no authorization. He said that, while we can't and shouldn't fence all park perimeters, we have secured some parks with gates and fencing and have designated park entrances for good reasons of safety and security.

Scott motioned that, as all park access should be through official designated entrances only, no adjacent property owners can create their own private entrances (e.g., gates, cleared trails) to the parks. Jackson seconded. The motion passed unanimously.

1. Bluebonnet Park -
The parks committee is working toward a solution for low fencing on part of the perimeter of Bluebonnet Park, to prevent vehicles from driving over the open field.
2. CLG Park – Kevin
 - Material is needed for repairs to the parking lot.
 - The mowing tractor needs repair.
3. Guadalupe River Park – Larry Young
 - James mowed the entrance, roads and picnic area. Larry cleaned up the picnic area further with the weedeater and removed dead branches and trash.
 - Fire ring cover and burn ban signs are in place.
 - River is still completely dry for the entirety of the park.
4. Rebecca Creek Park – Jeannie Postert
 - Scott and Josh Postert fixed the dock.
 - 6 new picnic tables are in place.
 - Water in the creek is down, lower than it's been. For this reason, the volunteer road crew will stop pulling water from the creek for use in road work. The crew will need to implement a water tank solution near the office.
 - Scott proposed fixing the dam while the water is down, saying Kent has donated rebar and the equipment is ready. Money is needed, from the general fund, for concrete and any paid labor toward the effort.
Scott proposed use of general funds, up to a \$5,000 limit, to repair the dam as soon as possible. Larry seconded. The motion passed unanimously.
5. Turkey Creek –
 - Older tables from Rebecca Creek Park are to be moved to Turkey Creek.
 - Cody has stepped down as park chairperson.
 - New locks are on the gates.
6. Park maintenance - Michael Sowder
 - Mike mowed Rebecca Creek Park East, near the low-water crossing.
 - Josh cleaned up tree debris.
7. Environment and Conservation – Dylan Gambill
 - Rebecca Creek has stopped flowing consistently in the park, and the weather has been hotter, raising risk of water problems. However, E. coli testing was done recently, and the results were good, showing a safe level at 12 cfus/100 ml. Phosphates and pH test results were consistent with past tests. Weekly tests are now planned.
 - Two hog carcasses were found on the banks of Rebecca Creek, near Saddlehorn.

- A park rule is needed regarding property owners' responsibility for picking up pet waste in the parks. Scott said waste cleanup stations should be provided at Rebecca Creek Park, Cypress Lake Gardens Park and the Guadalupe River Park.

8. Playground – Noah Postert

- Existing equipment will be installed at Cypress Lake Gardens Park before Fall Fest.

C. Roads - Don Gonyer

- Work on Knoll Schwope funded by the special assessment has been completed. Video of the drive on the reconstructed road is needed, for comparison with the pre-construction view. Mike finished spreading asphalt millings, with his son, Scout, running the roller. Their work effort to get the job finished was much appreciated.
 - The road crew has started on Laguna and West Laguna, trimming trees to allow the large dump truck to bring in sufficient material. A large amount of water is needed to do the road construction correctly. A water tank, for fill-ups of the water truck, will be set up near the office. The crew will also be able to pull water from the upper portion of Rebecca Creek, above the park, but will need to improve access for the water truck first.
 - The crew is also looking to eventually set up another tank at Cypress Lake Gardens Park, filled by water from the well that has been located there.
 - Don got a good deal on a Vermeer 12-inch limb chipper, to be used for chipping brush, including the many piles dropped off near Cypress Lake Gardens Park after February's ice storm. The POA paid a property owner \$3,000 for the chipper, which does need repair. Expected cost of repair parts is \$1,000, putting expected total cost at less than half of what was budgeted. (Similar or newer Vermeer chippers in working order cost more than \$30,000.) The maintenance team hopes to have it running by next weekend and plans to test it with brush removed from along Laguna.
 - Kevin, Mike S. and Don identified and ordered new filters for the roller.
 - While more significant road work awaits a solution quickly obtaining water for the water truck, it was identified that volunteers can still fill potholes with bags of asphalt, where needed.
 - Josh patched asphalt on Saddlehorn.
1. Road Equipment Maintenance – James Burns – covered above
 2. Big Sky – Michael Coakley – covered above
 3. CLG – covered above
 4. RCP – Michael Sowder – covered above
 5. RCP Golf – James Burns – covered above
 6. RCP River – Joe Alegria – covered above

8. Old Business

- A. James Duderstadt – EXECUTIVE SESSION - Discuss attorney recommendation on CLGPOA counterproposal for Rimrock Road usage request. PRESENT SUMMARY and continue discussion.
- Executive session was called at 8:02 p.m. and ended at 8:11 p.m.
 - Counterproposal recommendations were discussed. Additional work on terms for the counterproposal will continue in committee.

9. New Business

- A. Approve credit card for Don
Scott motioned to approve a credit card, with a \$2,500 limit, for Don to make purchases related to needs of the road department. Larry seconded. Approval was unanimous.
- B. Discuss/vote to limit trash service in Rebecca Creek Park #3 and Saddlehorn Drive to a single property-based trash pick-up service, and establishing a contract with a single service provider with a residential vehicle and trailer to pick up at owners' houses.
- Scott clarified that, under the proposal, residents would be provided information about one particular service provider but that they would be able to use other providers that follow the same rules; no exclusive contract will be set with any provider.
 - The purpose of the proposal, as Scott described, is to get rid of the trash dumping problem at the front of the park on Saddlehorn, which has not been controlled despite signage and cameras.
 - For those property owners already under contract with a trash service, the board will need to confirm with the providers whether the contracts can be ended with a prorated payment or whether those property owners will need to be allowed to continue using the existing service until the contract ends.
 - Without certainty on providers' rules, the proposed plan will need to provide an option for property owners to continue current service until their contract ends.
 - The plan would be to communicate to current trash can owners about the change through flyers on their trash cans. Mailing letters to owners was also discussed, as well as having the existing trash providers give notification of the change to their affected customers.
 - Jackson motioned to limit trash service in Rebecca Creek Park #3 and Saddlehorn Drive to a single property-based trash pick-up service, with each property owner establishing a contract with a single service provider with a residential vehicle and trailer to pick up at owners' houses. Scott seconded. Approval was unanimous.
- C. Election of officers.

- **President:** Jackson nominated Scott. Vote was 9 yes, 1 abstention. Scott accepted.
- **Vice President:** Mike C. nominated Peggie. Vote was 9 yes, 1 abstention. Peggie accepted.
- **Secretary:** Don nominated Larry. Vote was 9 yes, 1 abstention. Larry accepted.
- **Treasurer:** Don nominated Bruce. Vote was 9 yes, 1 abstention. Bruce accepted.

10. Questions and Answer

A. David Smith

Mr. Smith was seeking a variance on 1040 Leaning Oak – Block 134, lot 6. He also owns Block 134, lots 7 and 8. He plans to keep the lots separate. He was seeking the variance in order to change a 10-foot easement to a 5-foot easement between lots 6 and 7 for his septic line, so that he can add a sidewalk and deck. He has an existing residence on the property that would be affected. So, if sold later, the violation would already be in place, but with a variance if approved.

Scott motions to approve the variance. Larry seconded. Approval was unanimous.

11. For the Good of the Order

- Peggie gave a reminder that the next Ladies' Night was scheduled for July 30, 6-9 p.m. at Campsite 11 in Rebecca Creek Park.
- Scott said he wanted to thank everyone for another year of a lot of service and a lot of work and a lot of commitment. He said he thought everyone has been doing a great job and appreciates it. Kent told Scott that goes back to him a hundred times.

12. Adjourn

Jackson motioned to adjourned. Don seconded. Meeting was adjourned at 8:41 p.m.