



BOARD OF TRUSTEES REGULAR MEETING
MINUTES OF July 12, 2023
BY ZOOM 6:30 pm

Trustees Present: Carolyne Heldman Rovira, Sharon Caulfield, Tony Rizzo, Griff Foxley
John Ott absent

Manager(s) Present: Roy Saba, Keith Edquist, Kim Clinco (bookkeeper)

Homeowners present for some or all of the meeting: Nancy Lovendahl

1. **Quorum and Minutes**

The minutes of the Trustees meeting of May 24, 2023 were approved without change. The minutes of the annual owners meeting held on June 14, 2023 will be approved at the 2024 annual meeting.

2. **Public Comment** and General Trustee Comments if any.

We welcomed Carolyne Heldman Rovira to her first meeting and thanked Clay Stranger for his board service with a \$50 gift certificate to Free Range restaurant.

3. **Consent Agenda Written Reports**

The financials reports for the end of the fiscal year on June 30 were reviewed with Kim Clinco and accepted. The location and balance of investment accounts will be noted on the reports for the future.

Keith Edquist's monthly management report was received.

Roy Saba's monthly water report was received.

4. **Consideration of Items removed from Consent Agenda**

The new investment CD accounts have been created. The Board moved, seconded and approved that Griff Foxley and Tony Rizzo will be the signatories on the accounts and Kim Clinco will be provided on-line access so that she can be the primary recordkeeper for the accounts.

Saba ditch report: Roy Saba proposed that new regulations be developed to clarify owners' obligations to maintain ditches and to develop enforcement mechanisms for those obligations. The Board discussed that the Association's attorneys have advised there are a number of regulations that need to be prepared or updated to comply with recent legislation, so this new regulation will be developed within that packet.

Saba water system report: The copper exceedance incidence report required by the CO Dept of Public Health and Environment was delivered by the June 30 due date, but not in time for CDPHE to provide new guidance on how to address the copper exceedance issue in the treated water system. The Board discussed significant concerns over the coordination of functions between SGM civil engineers, EPC water quality oversight, and LECVHOA water management. A



meeting has been scheduled to educate board members and to develop ideas for improvement in this coordination. The Board will be addressing this issue in more detail in the next few months. Roy Saba was asked to obtain information from alternative civil engineering firms and water quality firms and to provide information about these firms to the board. At this time, SGM will be asked to provide the estimate for the revisions to the pump house that are necessary to address the copper exceedance issues.

5. **ACA**

Keith Edquist reported that the Loebel construction deposit has been returned.

The Mullaney property at the corner of Haystack and Capital Avenue has been the subject of significant concern. Dave Mullaney was unable to attend the meeting but had provided a list of expectations he had received from his contractor that led to a plan for all exterior rough in to be completed by mid-fall. The Board discussed the means to require more active work on the project, as provided by the Covenants, the Architectural Guidelines and the policies and procedures. Tony Rizzo moved, and Sharon Caulfield seconded the motion, a) to treat Dave Mullaney's written report as a request for a six month extension of the project as allowed by section 26 of the Covenants; b) to grant such extension with the following conditions: (i) avoidance of debris through additional lawn mowing, organization of debris and materials piles, (ii) providing screening fencing for the eastern side of the site; (iii) requiring contractors to park on the Mullaney property; (iv) moving the shed that is currently on the eastern side of the property to the western side of the property, by no later than October 31, 2023; (v) providing a landscape plan by the end of September, in coordination with the LECVHOA's work on entrance landscape planning; (vi) coordinating in the spring of 2024 with the LECVHOA on such landscape planning as may be adopted by the Board, (vii) ensuring that the remodeling project shell has been completed and cleaned up by mid-October, so that the work done over the winter will be primarily for indoor progress; (viii) ensuring that the project will 'proceed promptly and diligently' in the future as required under Covenant section 26; and (ix) recognizing that the Board will be more diligent about enforcement in the future. A letter with these terms will be delivered to the Mullaney's in short order.

6. **Old Business**

Entrance improvements were discussed in conjunction with the Mullaney project. Nancy Lovendahl argued that no action should be taken on the entrance landscape improvements until the Mullaney's are ready to undertake their own landscape planning and planting, so that Association expenditures may be reduced by reliance on the Mullaney's property improvements. After substantial discussion, Tony Rizzo moved that the Association should continue to investigate and obtain proposals for landscaping improvements in the Association's right of way, without waiting for the Mullaney's progress, but continuing in coordination with them. Carolyn Rovira seconded the motion. The motion passed unanimously.



The Board had received two bids from landscape architects to prepare proposals for landscaping improvements. After consideration of the proposals, the Board voted to accept the proposal from Christie Jensen, which had a “not to exceed” bid and a lower hourly rate.

Ms. Jensen will be asked to prepare a “three option” landscaping plan – 1) make no change; 2) make modest changes of hardscape and foliage; and 3) make a more ambitious plan to include greater road grading, rock placements, and foliage. These three options will be made available for owners to review at the playground improvement pot luck on September 30 (see below), and likely in other manners as well.

Reserves Report Finalization. The final report has been received with a reserves analysis of 148% of expected infrastructure needs over the 30 year report period.

EPC Contract revisions have not been completed, with no response from EPC. Sharon will prepare a different draft to present to EPC as a new document (rather than an interlined document) , hoping that will engender a response from EPC.

Playground improvements. The Board had previously asked if the playground equipment needed to be replaced, as suggested by the Reserves report. Tony Rizzo and Keith Edquist have each reviewed the equipment, and have discussed its condition with owners using it with children. The consensus is that the structure itself is sound, but the attachments -- such as swings, the viewing bubble, climbing ropes – are worn and should be replaced. Emma Whitelande some months ago had asked that a more up to date ground surface material replace the gravel that is currently on site. Tony has prepared a report of the anticipated costs of replacement of these items, which will be in the neighborhood of \$10,000 to \$15,000 – about 1/3 of the cost of a new structure. The Board thanked Tony for this work and discussed that this could become a community hands-on project. The Board by consensus agreed that Tony and Keith will collaborate to obtain materials for the update. There will be a community opportunity to dismantle the replaceable portions of the structure on September 16, 2023. Keith will then prep and re-stain the entire structure. Then on September 30, 2023, the community will be invited for a pot-luck lunch event at which the replaced items will be installed.

Water easement with Andy Wiessner. Andy Wiessner has approved the new easement draft that has been presented to him. His contractor is working on installing irrigation pumps so that Andy will no longer be using LECVHOA water for irrigation. Once that project is completed, Andy will submit his final contractor’s bill and LECVHOA will pay its portion (up to \$10,000). Andy is traveling but will be able to sign and deliver the updated easement soon; Tony will sign on behalf of the HOA; the easement will be filed with the county recorder.

Water Tank Inspection and Painting. Keith Edquist is continuing to arrange for the required interior diving inspection of the water tank, which is budgeted for this year. It is likely to occur in September.



Dogs at Large continue to be a problem. Board members have taken photos and these photos will be included in the newsletter as appropriate to alert owners that it may be their own pet that is a problem.

Road Repair. Keith Edquist has obtained a bid from Kaufman Seal Coating for crack sealing on the deteriorating portions of the roadways. Sharon Caulfield moved to accept the bids and grant Keith the discretion to ensure the roads are repaired this summer. At the same time, American Asphalt Company will be asked to repair previously existing road cuts in 4 locations and repair road damage in front of the new Kaplan home, at Kaplan's expense. Griff Foxley seconded, and the Board approved unanimously.

7. **New Business**

Election of Officers. At this first meeting of the new fiscal year, the Board considered officer positions. Continuing Board members offered to keep their own positions, and asked Carolyne Rovira to become Vice President. The positions were approved by acclamation so that they are filled as follows: Tony Rizzo, President; Carolyne Rovira, Vice President; Griff Foxley, Treasurer; Sharon Caulfield, Secretary; John Ott, director at large.

Conflicts of Interest. All trustees have signed conflict of interest forms for this year, demonstrating awareness of conflicts issues. No trustee identified any conflict of interest that required disclosure at this time.

Pitkin County Road Maintenance. Keith Edquist has obtained information from Pitkin County concerning the HOA's road maintenance arrangements for our county-designated roads. While the HOA is overall responsible for road maintenance, there is funding from the State Highway Fund that the County receives each year, and then shares with subdivisions like LECVHOA and others that have road maintenance obligations. This information will be maintained in the records of the Association and will be shared with interested Owners upon request.

Speeding in the neighborhood. Hugh Roberts has notified the Board of his observations of speeding in the neighborhood. The speed limit is 15 miles per hour. The Board agreed that to increase awareness, some new signs with "Drive as if your kids live here" and similar sentiments will be added to the neighborhood, along with replacement of the Capital Avenue stop sign.

Harris thanks. With the improvement noted in the Reserves of the HOA, and the continuing assistance that Dan Harris has offered during the period of transition to Roy Saba as Water Manager, the Board revisited the means to offer thanks to the Harris family for their years of water management service. Carolyne Rovira moved, and Sharon Caulfield seconded, that the Harris family should be exempted from HOA assessments for the period from July 1, 2023 through June 30, 2028, so long as they remain owners of their home. The Board adopted this proposal unanimously.



Little Elk Creek Village
Home Owners' Association
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Policy Updates. Sharon Caulfield has made a list of policies that are, per the advice of the HOA's association lawyers Moeller Graf, required for our website. Not all the policies are currently in place. Also on the list are those policies that have been adopted by the HOA and specific to our community, many of which should be updated as they are a decade or more since adoption. The Board appreciated this outline and agreed that over the next year these policies should be revised or adopted after due consideration. The first policy to be amended will be the "adoption of policies" policy, which should be updated to comply with state law. Once this policy is adopted, the Board will make a priority of preparing a new policy for water ditch management.

The meeting was adjourned at 9:00 pm.