



Board Meeting July 2021

Monday, July 16th, 2021

ONLINE ZOOM MEETING by special meeting to replace regular August meeting.

Trustees Present: Caulfield, Foxley, Ott, Rizzo, Stranger Residents Present (for all or some): Pete & Michelle Casson, Alison and John Burke, George Johnson, Jill Sabella, Craig Romero, Gayle Armytag Morgan, Laura and Bruce Anderson, Rebecca Milvitch, Paul Pawlowski, Joe Oppenheimer, Dan Oppenheimer, Stephen Whitelande, Jennifer & Pete Voorhees

Unable to attend: Keith Edquist, HOA manager

Quorum and Minutes:

- A quorum was established with all Board members present
- The minutes of the Board of Trustees minutes of June 21, 2021 and July 14, 2021 were approved without change

Public Comment:

- Dan Oppenheimer noted that the initial planning for 5 Alexander Avenue has included a decorative water feature. Dan has involved the Water Commissioner to ensure that the new homeowner understands the limitations of irrigation ditch rights, and encourages LECVHOA to monitor the plans to ensure that ditch water is used only for appropriate purposes.
- Joe Oppenheimer questioned what appears to be spraying of willows in the common space waterway area. Clay Stranger offered to work with Keith Edquist to inquire about the weed control activities of the HOA landscaping company and report at a later meeting.
- Rebecca Milvitch asked that the "no swimming" sign on the east side of the LEC pump ponds be moved a bit to a place out of their home's direct west view. Stephen Whitelande is working to complete his Trustee project to resolve the landscaping issues that have arisen with the water meter work, and will see if there is a means to make such a move consistent with insurance requirements to make the sign visible.

Architectural Review Authority:

A. *Romero fence application* – 50 Alexander. The board considered the application and three members were informally in favor of approval of the plan. Caulfield asked Mr. Romero to consider a revision that would move the fence to his back property line but keep the street side relatively more open, and this suggestion was favorably received. The Board asked Mr. Romero to obtain the comments of neighbors



as required by the ACA rules; he will obtain the neighbor contact information from Edquist and return with a final proposal.

B. *Bedford Fence Review* – 31 Driskell. The board considered the post-hoc application for approval of the fence that was put in place in July at 31 Driskell. The fence structure itself is unobjectionable although it does follow the lot lines very closely. The Board approved the fence, but reminded all present that ACA process is not optional. The Board will take steps to let residents know that the ACA is an important covenant that protects all our properties.

C. *Pawlowski Shed and Doors Review* – 35 Katydid. The Board reviewed and approved the installation of exterior doors on this home, facing north. The Board also reviewed and approved the installation of a pre-fabricated shed, with clerestory windows as shown in the application, to be placed on the east side of the driveway. The Board extended the approval of the shed colors to be the colors on the house when painted, as informally requested by the homeowners. Before final approval, the homeowners were asked to obtain the written comments of neighbors as required by the ACA rules, and also to show plantings of bushes around the shed that will shield the view, especially from the Katydid – Capitol entrance corner. The Trustees expressed their appreciation to the homeowners for their improvements to this very visible lot.

The Board discussed how important it is for residents to follow the Architectural Control Authority process outlined in the subdivision Covenants and other documents. The ACA protects our interests in our most important shared resources: water, viewsheds, infrastructure, property values, and good neighbor relations. It is not ok to go ahead with a project without ACA involvement. It may feel like an imposition to seek ACA approval for actions on your property, but with ACA approval, hard feelings in the neighborhood may be warded off, relevant information can be identified, and good ideas can come through the consultation. The ACA also works in tandem with the Pitkin County regulations that govern our properties.



Board Organizational Agenda:

-The Board drew lots and thereby assigned the following Trustee terms:

One year terms: Rizzo & Ott
Two year terms: Caulfield, Foxley, Stranger

-The Board sought volunteer nominations, and thereafter elected the following officers:

President: Tony Rizzo
Vice President: Clay Stranger
Secretary: Sharon Caulfield
Treasurer: Griff Foxley

Assistant Secretary: Keith Edquist
Assistant Treasurer: Kim Clinco

-Caulfield moved and the Board voted to retain the second Wednesday of each month as the Trustees' regular meeting schedule, starting at 6:30 pm. Due to the pandemic and to make participation more accessible, meetings will be held by Zoom, and also in person if possible, at the discretion of the President. A location for in-person meetings will be determined. The dates of the regular meetings will be posted on the LECVHOA website and locations identified in the meeting notices.

-Ott moved and the Board voted to have all Trustees work with the bank to obtain check-signing authorization. Having all authorized should facilitate obtaining the two signatures required for checks. Sharon Caulfield as Secretary will prepare the formal Resolution of this Motion to present to the bank.

-The Board received the Amendments to the Articles of Incorporation and Bylaws that were adopted at the Annual Meeting in July. Sharon Caulfield will file the Amendment to the Articles of Incorporation with the Secretary of State; Keith Edquist will make any required filing with Pitkin County. Tony Rizzo will post the amendment to the Articles and Bylaws section of the LECVHOA website.

-The Board will consider Project Liaison roles for Trustees at a later meeting.

-The Board agreed that Board agendas and minutes should be more timely released to homeowners. Caulfield moved, and the board voted in favor of having a short informal summary distributed to residents within seven days of each meeting, though clearly identified as an informal document not to replace the official board minutes.

-The Board set a special meeting to engage in an orientation agenda on September 1, 2021. The next regular board meeting will be September 8, 2021.



Financials:

-The Board accepted and approved the year-end financial report for LECVHOA, dated as of June 30, 2021. The financial report will be posted on the LECVHOA website.

-Rizzo will follow up Kim Clinco with a question concerning reimbursement for certain Oppenheimer landscaping associated with the water meter project.

Old Business:

-Water Project Report – location of Voorhees line with Burke input

The Board heard input from the Voorhees and the Burkes concerning the location of the Voorhees' meter at the same location as the Burke's meter, on the south side of Little Elk Creek Avenue in the road right of way. There was discussion of the additional meter that must be placed for the lot that is east of the Voorhees and that will also require a road cut across Little Elk Creek Avenue. As the plans for that lot are not yet finalized and the meter project must be completed to finish the water-project related road repairs before winter, the Trustees discussed waiting on the placement of the meter for that undeveloped lot. Caulfield moved, and the Board voted, to complete the Voorhees' meter placement at the location of the Burke's placement, to provide total compensation of \$350.00 to the Burkes for landscaping replacement and general interruptions, and to delay the road cut for the additional lot water hookup and meter until at least when the construction plans are approved.

-Thistles in Common Space. The Board discussed the landscaping control in the common space. There is a common space area behind a lot on Alexander Avenue that should be included in thistle control. For now, Keith Edquist will clear the area of thistles for a charge of \$40 per hour. Edquist and Stranger will review the landscaping – weed control agreement with the contractor and report back to the board about scope and the use of chemicals. Caulfield asked if the contractor would be willing to work with homeowners on an hourly basis to remove noxious weeds, with homeowners who might seek the service to pay the contractor directly, in a manner similar to snow removal.

-Road Repair Schedule. One bid had been received by the time of the meeting, and one bid was forwarded during the meeting, for the contractors to complete the road repairs associated with the water project. It was stressed that the repairs need to occur before winter. The Board will consider the bids and choose a contractor by written unanimous consent.

-The agenda issues of the trail into the common space from Driskell, dog waste station placement, and any additional website considerations were deferred.

-Sabella – Voorhees groundwater dispute. The board heard from the Voorhees and Jill Sabella, as well as the Burkes and Rebecca Milvitch, concerning the ongoing dispute over the flow and use of historical groundwater that has been present on Sabella's property and which the Voorhees' expected to use to fill their lined pond. There were discussions of the original and approved plans for the Voorhees' home



and the issues of pond control, French drains, and water in the crawl space at the Sabella property. Caulfield presented a letter that had been drafted by former trustee Dave Mullaney and moved that it be adopted by the Trustees as the statement of LECVHOA's position on the dispute. Discussion ensued. Stranger moved that the Mullaney draft letter be revised to state that the Voorhees' will not be solely responsible for the costs of any remediation, and that a resolution of the issue that would utilize water that can be controlled from the Voorhees property should also be considered. The Board adopted the amended motion, and Caulfield was asked to redraft the Mullaney letter and to return the draft for comment by the Trustees as well as Voorhees and Sabella.

-Report on action in Smart ditch dispute. The Board reported that it has sent a letter to Steven Smart at 194 Haystack Lane to reiterate that the LECVHOA owns the water rights associated with the Borum-White ditch, and that no homeowner, whether Smart or another, is authorized to make changes in the ditch diversion. The sole agent of the LECVHOA for ditch revision activity is George Johnson, who is the manager for the Borum White Ditch. Smart had delivered an email prior to the meeting concurring with the Association's letter, but asking for further discussion of the ditch management on his property, where several water sources come together and create a complex water management situation. He also asked, and the Board agreed, that Johnson should make reasonable efforts to give at least some notice to homeowners before entering their property. The Board concurred that the issue will be placed on the September 8, 2021 meeting agenda for further discussion.

New Business:

-Algae management in pump ponds. Rizzo has reached out to the consulting firm that provided guidance to the LECVHOA in 2018 and will report back to the Board at a later meeting.

There being no further business to come before the Board, the meeting was adjourned at 10:00 pm.

Respectfully submitted,

Keith M. Edquist, Association Manager

Tony Rizzo, LECVHOA President

These minutes were approved by the Board of Trustees at its special meeting on September 1, 2021.

Sharon Caulfield

Secretary