



Board Meeting September 2021

Wednesday, September 8th, 2021

ONLINE ZOOM MEETING

Trustees Present: John Ott, Tony Rizzo, Clay Stranger, Griff Foxley, Sharon Caulfield

Manager Present: Keith Edquist, Kim Clinco

Homeowners Present for some or all of the meeting: Julie and Jeff Myers, Joe Oppenheimer, Jill Sabella, Joon and David Silverstein, Tim Lindholm, Stephen Whitelande, and Peter Voorhees. Topher Sabella also participated.

Quorum and Minutes:

- All Trustees were present, constituting a quorum
- The Minutes of the Board's meeting of September 1, 2021 were approved unanimously and will be uploaded to the LECVHOA website

Public Comment and Board Reports:

- Ditch Management. Julie Myers requested information concerning cutting of willows and other weed management procedures in the revised Little Elk Creek at the base of Alexander. The Board noted that George Johnson has given notice that at the end of this irrigation season he will retire from his ditch management role. The Board plans a review of ditch manager responsibilities and oversight with the transition to a new ditch manager.
- Goats for weed control. Tim Lindholm spoke about his positive experience with goat herds foraging for weed control. The Board spoke approvingly about considering a goat foraging program for the common space beginning in 2022.
- Voorhees – Sabella dispute. The Voorhees family stated that they will not continue to pursue a resolution to this neighbor dispute through Board action. The Board had previously circulated a letter to the parties with comments on that dispute. Caulfield and Ott seconded a motion to table any further discussion of this matter. The motion failed. Foxley proposed an amendment to add language to the letter to deliver to the parties with a statement that the Board will not take any further action on the matter. Rizzo moved the adoption of that amendment to the letter; Stranger seconded. The Motion was passed with three votes in favor and two votes opposed.



Consent Agenda Reports: Tony Rizzo moved, and Clay Stranger seconded, acceptance of the consent agenda reports, except for the water report. The Board approved unanimously. The accepted written reports will be placed with the minutes on the LECVHOA website.

- Financial Report (Kim Clinco)
- Water (Dan Harris – removed from consent agenda)
- Capital Projects
- Common Space -- notice to residents about dogs and trespassing to be sent to all residents
- Governance – Notice: All Trustees have signed the Conflict of Interest report (Caulfield)
- Resident Directory including addresses and email – consent form to be sent by Keith Edquist for secure posting on LECVHOA website

Architectural Review Authority:

- Joon and David Silverstein landscape plan submission. All neighbors have been given the opportunity to comment. Caulfield moved approval of the submission, and Rizzo seconded. In discussion of the motion, the Silversteins stated that no changes to the pond configurations on their lot will be made. The plantings will be placed within the LEC easement and near the ditch, and the Silversteins acknowledged that they understand that the plantings may be removed if LECVHOA requires access to the easement for LECVHOA purposes. The ditch, it was noted, currently requires clearance of debris and vegetation. Neighbor comments had requested information about the height of the planned trees, to preserve views. The Silversteins noted that the tallest trees are “Baby Blue Spruce” which have an anticipated height of 20 feet, and that the planting site for those trees is 7 feet below the road grade on the east side of their property. Thus, the trees should not extend more than 13 feet above the road grade. The trees will also be placed at least 20 feet from the center of the road grade, which is necessary for snow removal and sunlight for snow melting. With this discussion having resolved the concerns of LECVHOA and neighbors, the board voted unanimously to approve the landscape plan.
- **The Board reiterated 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. We know that 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.**
- The Board will be sending out a formal reminder of these requirements in the near future. The Board discussed requiring retroactive submissions for those who fail to submit timely ACA application, to reconsider the schedule of fines and fees, and to consider more regular enforcement of fines to demonstrate commitment to the ACA process. The Board discussed



that while in the past a more “live and let live” approach to ACA considerations has been utilized, as property values have increased, a new type of resident has moved to LECV with a greater expectation of ACA consistency, and more residents have either threatened or utilized attorneys to enforce their expectations (there also were lawsuits in the past), the Board must become more diligent in enforcing the ACA guidelines and property covenants.

Consideration of Items removed from Consent Agenda:

- Website portals. There was discussion of having two secured portions of the website, for Homeowners and for Trustees. This would provide some protection against third party abuse of the website information. Rizzo moved and Caulfield seconded the preparation of a password-protected resident website portal that would include a resident directory to include names, addresses, and if permitted by the resident through a consent form, email and phone information. The directory would contain a notice that the information may be used only to engage in neighborhood communications and not for commercial purposes. The Board voted unanimously in favor of this motion.
- Water Report. After review and acceptance of the water report received from Dan Harris, Caulfield moved that the meter on the Jones property on Alexander will be placed near the woodshed. After discussion, that motion was voted down. Rizzo moved, and Stranger seconded, that the meter would be placed in the driveway with a 25 foot trench. The Board unanimously approved the second motion.

Financials:

Had been approved in the Consent Agenda.

Old Business:

- Pump House Landscaping. Former Board Trustee Whiteland presented the completion of his project to oversee landscaping repair by the Pump House. He has engaged with three potential contractors to regrade the corner, include some irrigation, remove the debris, and plant Pitkin County approved grass and wildflower mix. Caulfield moved, and Rizzo seconded, that Whiteland, Rizzo and Edquist may enter into a landscaping contract up to a total value of \$5,000.00 to complete this project in a timely fashion. The Board voted to approve the motion.
- Ditch oversight at Smart residence. Rizzo has begun to interview and understand the situation that has caused a dispute between the Smart family and the Meagers concerning the management of the Borum White Ditch as it crosses the Smart’s property. Additional information will be presented to the Board at a subsequent meeting in order to address and update the ditch configuration.
- Common Space Weed and Spray Management. Stranger reported that he has been following up on weed management. This has been a particularly prolific thistle year. The Board expressed interest in utilizing goat forage in future years.



- Covenants and New Resident Communications. Caulfield and Foxley have been in contact with Nancy Lovedahl and Beth Hof Blackmer to begin a project for a new resident information package and to start an update process on the LECVHOA covenants. The former will be subject to Board approval, while the latter will eventually go before the residents as a whole for a vote.

New Business:

- Water Issues Education. Caulfield reported that she has begun conversations with potential speakers to address the broad questions of water rights, availability and management in the LECVHOA neighborhood. Topics will include how Colorado legal water rights work, the Colorado River Compact and how climate change may impact Colorado water rights and the rights arising from the Little Elk Creek Mountain Range, Ditch Management within the Capitol Creek Valley and LECVHOA, the recent report on water management in the Capitol Creek Valley that has been developed by the Snowmass-Capitol Creek Caucus, and an open public comment session to obtain LECVHOA residents' take on how LECVHOA should address these issues, if at all. The Board approved this effort by consensus.
- Stop Signs. Rizzo made, and Foxley seconded, a motion to add three stop signs at the corners of Capitol Avenue and Katydid. The Board voted unanimously to approve that motion. Rizzo and Edquist are authorized to complete this project within a reasonable budget, along with the previously approved dog waste stations.
- Road Repair. Caulfield made, and Rizzo seconded, a motion to approve to authorize Rizzo or Edquist to sign the proposal that Lions Contracting had presented through Edquist to repair the roads within LECVHOA that have been dug up for the water meter projects. In discussion, the Board stated that the speed bumps mentioned in the contract should be removed because the decision was made to put in stop signs rather than speed bumps on Capital Avenue. The Board also asked that restriping on the existing speed bumps should be refreshed, with an allocation of \$500 for this purpose. The motion was approved unanimously.
- Delayed topics. The topics of water tank maintenance, ditch manager recruitment, and pond maintenance were delayed to a later meeting.

There being no further business to come before the Board, the meeting was adjourned at 9:05 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*