



Property Owners Association Board of Directors

Meeting Notes Board of Directors Meeting June 3, 2004

These meeting notes take the form of italicized additions to the agenda for the meeting which was held at the Jackson residence, and which was called to order at 5:36 PM. Board members present were Peter Morris (PM), Jeff Steele, Mike Magliocchetti, and Ward Jackson. Immediate Past President of the Board, Peter Siegel (PS) was also present as an invited guest and consultant to the Board.

- **Opening, Agenda Approval**
 - Additions, Deletions, etc.

The meeting notes of the April 28, 2004 Board of Directors meeting were accepted as previously prepared.

PM and others wondered who had caused the damage to the willow plants just inside the fenced area to the Community in the "S Curves". No one had an answer.

An agenda item was added to the "Work Projects" section to move a large rock currently located on top of the water shut off at Spur Court.
- **Treasurers Report (abbreviated)**
 - New residents: Old McVaney home, old Butterwick home

Mags will get Andrea to promptly provide Ward with the addresses of these new residents.

 - Cash on hand
 - Dues report – delinquencies?

While no official Treasurer's Report was provided, Mags did indicate that there were no outstanding Association Dues at this time.
- **Architectural Review Matters – Immediate Projects**
 - Jarski residence: action re drainage ditch and road cut?

It was noted that there had been no response to our written requests to have the drainage ditch repaired, the drainage pipe installed, and the cut for the water line accomplished. This was to have been done by the third week of May. Various methods of encouraging cooperation were discussed, and the Board opted to have Ward arrange a face-to-face meeting with Mr. Jarski and his GC as

soon as possible to ask compliance with Community requests. In addition, Ward was to request that the shut-off on the water supply line be placed on the west side of the roadway.

[Addendum: Ward talked to Mr. Jarski by telephone at approximately 9:15 AM, Friday, June 4, and requested the face-to-face meeting. Mr. Jarski agreed to meet later the same day.

Ward met with Jarski and Paul Becker, the GC, at approximately 2:50 PM on June 4 at the construction site. Ward stressed the need for accomplishing the excavation work as previously requested by the Board. It was stressed that the Community road work has been postponed awaiting their excavation work. Mr. Becker repeatedly assured Ward that both the driveway drainage ditch work and the road cut for the water line would be accomplished by June 17.

Ward inquired as to whether the structure had been placed as shown in the site plan previously approved by the Board of Directors. Mr. Becker indicated that the center point of the building was placed as drawn. The structure was, however, turned a bit from drawn plans to face the mountains to the west. It was his opinion that the building is no closer to the Community roads than approved.

During discussions about a landscaping plan for the home, Ward was told that the leech field for the septic system was now to be located in front of the home, immediately adjacent to the corner of the roadways. Ward expressed concern about the proposed new location, and indicated to Mr. Jarski that the change from approved plan should have been brought before the Board. Ward asked that the Mr. Becker clearly establish that the leech field is beyond established set-backs from the Community water supply lines.

Mr. Jarski also indicated he was adding certain lighting to the front deck area. He further indicated that he would like to add certain spot lights to be used in "emergency situations." Ward expressed the supposition that the Board would not approve the installation of such lighting. Jarski indicated that spot lights were on other structures such as the Jackson residence. Ward told Jarski that the Community Covenants were changed since the construction of the Jackson residence.

Ward will dispatch a confirming Board letter to Jarski re-emphasizing the need to seek Board approval for all departures from approved plans.]

○ **Steig residence** progress

- Screening; dumpster; failure to complete

Jeff provided an update regarding the progress at the Steig residence. He indicated that the "offending" light atop the garage door has been changed out. The construction dumpster is to be moved by the third week of June. The outside portions of the project ought to be completed in June. The landscaping screening for the new shed will also be accomplished by that time. Jeff could not advise whether Mrs. Steig planned to submit an ARC application as requested.

Jeff further indicated that Mrs. Steig was concerned about some continuing drainage issues near her property. Jeff indicated that remedies for this problem are included in the planned Community Road Improvements scheduled for this year.

○ Hooks paving

- Both sections in easement; both alter drainage
- Remedies, fines?

The Board expressed great concern that the paving had been accomplished without any notification to, or approval by, the Board of Directors. There was consensus that this was not likely an intentional disregard of the Community Covenants. It was observed that the following problems now exist because of the paving:

- *both paving locations clearly are in the Community easement, and possibly the roadway itself. How far into Community property the pavement has been laid can only be determined with the assistance of a professional "staked" survey.*
- *Previously established drainage patterns have been disturbed by the new pavement.*
- *"Spoils" from the construction work exist to the west and below the lower drive. It must be cleaned up.*

The Board asked Ward to contact Sally Hooks as soon as possible and work with her on the remedies for these problems. She had dispatched an E-mail indicating she would cooperate in providing those remedies.

PM reminded the Board that only one of the paved portions of the property would be plowed in winter. He indicated that Columbine Concrete is able to make paving cuts that Hooks may need.

[Addendum: Ward talked with Mrs. Hooks by telephone at approximately 8:55 AM, Friday, June 4. She was apologetic about the problems. She will cause a prompt survey of her property so that she and the Board can work together to find how far back the pavement will need to be cut. She was apprised that after the survey, she will have to cause the pavement to be cut back. Following that, the Community will improve the drainage on the west side of the loop. After that, it would be appropriate for her paving contractor to establish a "hard pan" which will provide drainage from her property into the Community drainage.

Mrs. Hooks also indicated that she would like to rebuild her deck, which will also require some landscaping changes to her property. Ward explained the ARC process, and told Hooks that each of her projects would need to follow the ARC process. He indicated that any Board member would be glad to assist her in preparing the applications.

Ward dispatched a detailed E-mail confirmation of his discussion with Mrs. Hooks by 10:30 AM, Friday, June 4. Additionally, he provided to her an electronic copy of the new ARC form.]

○ Jackson outbuilding

- Receive application; action?

Ward provided to the Board appropriate paperwork requesting Board permission to construct an outbuilding on his property. Papers submitted included the official ARC form, appropriately completed. The form indicated that the new building will raise the "covered footprint" on the property to 9%.

Additional submitted forms included sketches of the proposed building, updated site drawings including the proposed location, photos of the staked proposed location, and an explanation of all materials to be used. After making the official submission, Ward recused himself from official participation in the meeting regarding this issue.

PS requested that landscaping be considered. Ward indicated that there would be landscaping as appropriate. It may lag a bit behind the initial construction period – perhaps by a year or more.

On a motion by PM, seconded by Jeff, and approved by consensus, the proposed application was approved, and the appropriate signatures were affixed to the application form.

- **Roads Report**

- work now scheduled for late June?

Jeff confirmed that the regular roadway improvements and maintenance will take place in late June.

- **Water System Matters**

- **Water Court – Denver Water Board objection**

- Report of Conference call

PS provided the Board with the results of the May 17 conference call regarding the Denver Water Board objection to our increased water rights.

Participants on the conference call included our water attorneys, the judge (called a water referee), and PS. No representatives from Denver Water Board were on the call. No participant on the call knew why Denver Water Board had objections. There will be further actions to try to determine the reason for their objections. If the Water Board continues to fail to respond, their complaint will be dismissed.

PS indicated that we now have 150 GPM water rights that should be covered under the Green Mountain Users Pool, which would automatically cause our water rights to date to 1935. It may be that the adjudication process will require us to make certain adjustments in our rights in order to get them approved by the court.

PS reminded the Board that we are working through two issues: The first involves the consolidation of our water rights from the seven wells to our one well with a backup. That process is nearly completed. The second aspect is the augmentation of our rights so that we have enough water rights that are senior in order to prevent threat to our supplies should a call on the water be made.

Ward asked PS to be prepared to make a full report to the Annual Meeting in August. As part of that report, Ward asked that PS be able to advise the likely budgetary impact to the Community for the next year.

- Status of pump house

- **Handle on new door**

Jeff reported that the work on the pump house door had not been completed until earlier this week. All that work has now been completed. He provided keys to the door to Board members.

- **Eco Source – feedback?**

Ward reported on the recent communications from Al at EcoSource. While there have been some rough spots in report forms, etc. Ward is confident that Al is performing his tasks appropriately.

- **Water Usage:**

- May 15 = 6.5; May 24 = 11.99; 6/1 = 10.41

Board members were not terribly concerned about the rise in usage. It appears appropriate for this time of year. This increase is similar to historical performance, and also is similar to other accounts serviced by EcoSource.

PS indicated that he recently heard “running water” in the basement of the Middel residence on Saddle Circle. He felt that may indicate a leak in the area. He will carefully observe the re-placement of water service lines to the residence (in up-coming remodel) to determine if there is a leak. He will also observe to determine if the water spigot on Saddle Circle needs to be replace, moved, etc.

- **Quality of Life Issues**

- Final Approval of **Letter to the Community**

A hard copy of the approved letter was provided to Mags, who will cause the letter to be expeditiously mailed to all Association members.

- **Work projects?**

- Status of following projects:
 - Paint bridge
 - Re-paint sign posts
 - Flush hydrants
 - Put up new “No Parking” signs

The above issues remain pending. In addition, the following tasks were added:

- *Move the large rock off the water shut-off at Spur Court.*
- *Install a 2” line directly into the pump house to service water tanks for construction work. Such a line could fill such truck without impacting the community distribution system.*

- **New Business**

- Status of **new stationary**, envelopes (with new address)
Mags reported that the new stationary has been ordered.

- **Files** for Community/Board matters.

Mags offered to store Community records with others at his office. Ward noted that Mags ought to be charging the Association for the services provided. He will get back to the Board with his thoughts on that.

Other new business:

- The Board expressed concern about the apparent intentional disregard of approved Community Covenants and By-Laws. Possible enforcement strategies were discussed. The Board will return to this issue at a later meeting after Ward researches the By-Laws and Covenants.
- The Board wanted additional information on how to assure that an “offending” landowner would pay all costs associated with the application a lien if it becomes necessary to hire counsel.
- PS was asked to prepare an ARC presentation for the Annual meeting.
- PS, as agent for the Middel family, will monitor the employees of Travis Construction Company (who will perform remodel tasks at Middels) regarding speeding on Community roadways. There was information provided indicating that the two vehicles repeatedly observed speeding in the area may be visiting the Carver home.

- **Board Vacancy**

- Jeff’s proposal

Ward indicated that Tom Massaro had informally agreed to assume the Board position now held by PM, who has requested to resign. Jeff noted that the election process at the Annual Meeting may go smoother if the Board appointed Tom at this time. The Board agreed, and PM affirmed that decision.

- **Adjournment**

- Schedule for next meeting.

The meeting was adjourned at 7:10 PM. The next meeting will be held on Thursday, July 15, at the Jackson residence.