

LPPO Association
Board of Directors Meeting
8/29/19

Draft of minutes

A Quorum was verified with four Board Members present; Tom Clutinger, John Oxley, Sean McCormack and Doug Scott. Jon Ickes was in Denver. Also in attendance were Linda Logan, Jonathan Westlund, Hans Van Der Leden, Linzi Eisemann and Dan Bates.

Minutes of the Annual Meeting were approved as published (sent via email). They will also be mailed to all owners via first class mail soon.

Treasurer's Report

Doug Scott's computer was unavailable due to a lengthy upgrade, and he presented the following report:

At the end of the previous month, our available cash flow was about \$12,400.00; Since that time, we have received \$16,606.20 in dues assessment payments, making our bank balance approximately \$29,000.00. Additional dues total \$34,720.60. About 32% of the dues have been received in the two weeks since they were invoiced.

All bills received have been paid. We will have an insurance invoice due in October.

Committee Reports

Covenants Committee

John Oxley reported that following the resignation of Jim Melot, that Kirk Johnson has agreed to serve on the committee.

John reported on the Hearing that was held on August 8th at the Purgatory Resort. Doug Harrington's attorney, Mike Chapman, made a presentation giving Harrington's position and a suggested remedy. After much discussion, the Board voted to accept the compromise that Mr. Chapman presented, pending the final wording that was agreed to verbally. It will require the gate to be either removed or moved onto the Harrington property if the property is sold, or if LPPO has a need for the area of the right of way that the gate sits on. Another Board Meeting will be required to review the wording and vote on it.

Linda Logan stated that she prefers that the gate be removed from the right of way. She pointed out that a vehicle slid into that area last winter before the gate was removed. She also said that she thought that the entire membership should be allowed to vote on the agreement. (Note: The By-Laws give the Board the sole power to make decisions following a hearing).

John Oxley mentioned that the Board is considering a complete rewrite of the Covenants and plans to start work on them this winter.

Dan Bates asked if the Covenants can be waived by the Board and was advised that no part of them nor the entire covenants can be waived. Doug Scott pointed out that making a change to part of the

Covenants requires a 67% vote of all owners. If the entire Covenants are rewritten, a 51% positive vote of all owners is required.

There was a discussion about re-writing all or part of the Covenants. Jonathan Westlund said that he knew of one subdivision that spent \$45,000.00. It was decided that the Board needs to investigate the cost of this project. (Since the meeting, attorney Paul Kosnik was asked about the cost, and he wrote that it could be from \$700.00 to \$3,000.00).

A motion was made to approve the special hearing meeting minutes. It passed 3-0 with Sean McCormack abstaining because he was not on the Board at the time of the hearing.

Road Committee – Road maintenance and Bridge repair

Road - The extreme winter took a toll on our road, and the budget will be larger for road maintenance this year in order to rebuild parts of the road that have deteriorated more than in an average snow year.

Bridge Report

The bridge repair is an LPDRA issue, but since LPPO pays a share of the LPDRA budget, it was deemed reasonable to discuss the preparations for this action.

John Oxley, being a Civil Engineer, was appointed to be the contact person with the engineering company. He reported that the design is complete, and that there are three companies lined up to bid on the project. Once the contractor is selected, the work will only take one to two weeks to complete.

Fire Safety Committee

CWPP (Community Wildfire Protection Plan)

The Board has been frustrated by the failure of the Wildfire Adaptive Partnership to complete this plan for which the Board has completed its part over a year ago. The Board has made several contacts to attempt to get this finished, and will continue to pursue it.

Fall Mitigation

The Board needs to decide if we will need to do some right of way fire mitigation this year. When it was done two years ago, it cost about \$7,000.00 plus we had a grant of \$7500.00 from the Firewise organization. If we decide to rent a chipper, there is a program that pays for 50% of the cost. Volunteers would be needed for a work party to get the brush cleared from the right of way wherever it is needed. We collected \$3,000.00 for this purpose which was not used last fiscal year. That would pay for the chipper cost.

Old Business

Update of CR Legal Fees Payment and Status

LPDRA received a judgment against Columbine Ranch LLC for their delaying and additional filings that caused LPDRA to spend money on additional attorney fees. Attorney Paul Kosnik has been contacted and asked about the next steps.

Discussion about possible sale of lots owned by LPPO Association.

Tom Clutinger reported that he had asked our attorney whether or not LPPO would have an obligation to bring Aspen Circle up to the standard of the reset of the road. Paul Kosnik responded that we do not have any responsibility or liability or obligation to do this. The purchaser would be considered to be a developer, and would have to upgrade the road.

Two of the lots back up to the creek and the National Forest. This could be a selling point for those lots.

It was mentioned that the Board should get owners' opinions about the sale of these lots.

Linda Logan had a suggestion to sell two of the lots and keep one of them as a recreation area.

There was previous discussion about creating an easement along one of the lot boundaries that could be used at some future time as a second egress in case of emergency. This would need to be part of the discussion.

Sean McCormack suggested that the Board should plan a tour of the lots to review all possibilities. All agreed that this is a good idea.

Discussion about a suggestion to make LPPO a Road Association instead of a Homeowners Association

Some of the points made are: There are pros and cons of both types of association; There would be significant cost to making the change; Need to investigate differences there would be no Covenants, and the neighborhood could deteriorate; the location of the road would be an issue; Tom Clutinger reported that our attorney said that the Association has adverse possession of the road, so it would not need to be relocated to its original plat location – this would cost tons of money; Hans Van Der Leden stated that relocating the road would be a waste of money. Hans also said that the neighborhood could deteriorate as a Road Association because there would be no rules such as there are in the Covenants - height of buildings, size, conformance to exterior materials that we now have.

Dan Bates suggested that the Board could put out a straw poll of owners to ask if there is interest in pursuing considering a change from HOA to Road Association.

The question of cost to operate a Road Association versus a HOA was mentioned. Tom Clutinger said that his opinion is that there would not be much difference. The amount of work of the Board would be similar.

John Oxley said that people should consider how much work the Board members have to do, and that it is often stressful – and all volunteer.

A motion to adjourn was met with unanimous consent.

Minutes drafted by Doug Scott

