

LPPO Association

Board Meeting Minutes: 02/18/2020

The LPPO Association Board of Directors held a board meeting on the above date to discuss several items of importance.

A quorum was verified. Board members present in person included Tom Clutinger, Sean McCormack, and telephonically, John Oxley and Terri Farmer. Absent were Board members Keith Brant and John Ickes. Property owner members present were Hans Van der Leden, Jonathan Westlund, Doug Scott, and Linda Logan.

The meeting was called to order at 6:05 p.m. by Tom Clutinger.

The minutes of the previous meeting were posted to the website not available to everyone so approval was pushed back to the next meeting.

The Treasurer's report was not available and the treasurer was not present at the meeting.

Committee Reports:

Covenants Committee

The memorandum regarding Protective Covenants from attorney Paul Kosnik was discussed. After review of the Protective Covenants, he had several issues and questions. The most pressing were the overall lack of clear terms, processes, and procedures for reviewing construction design, building, and improvements. It was felt by several members that a Covenants Committee should continue to exist and should be involved in checking compliance prior to construction and referring questions and concerns to the Board. A Covenants Committee should not have the ability to enforce codes, but to inform the board on Covenant violations. The plans for any dwelling or building should fit the Covenants and County Codes.

More discussion involved building restrictions regarding mobile homes, prefab homes, and manufactured homes. Some members felt that no mobile homes or trailers should be present on a property unless the property owner is using them as a dwelling while completing construction of a home. More language should be added to the Covenants to verify that all structures must meet County Codes and must be permanent structures. Meeting County Codes would also ensure that roofs have adequate snow load specifications. It was noted by one member that County Codes supersede the Covenants unless the Covenants are more restrictive. We need to consider that when adjusting Covenant language.

Also discussed were maximum height of a home, number of stories, where to measure the height of a structure, and potential exceptions. Setbacks require further definition of terms, so that they only include utilities, gates, fences, and driveways. In some cases, building in the setback may be required due to terrain needs or proper placement of septic and well.

Mr. Kosnik noted the ambiguous language Sections 13 and 14 of the Covenants, including the words "harmony", "dwelling", and "home." We need further definition of these terms in order to

enforce Covenants. The standard building for garages, accessory structures, and the house needs to be further defined in order to provide guidance for future building as well as current homeowners. Culverts were also discussed. Several members felt that every dwelling needs a culvert in order to prevent road erosion and problems. Again, clarification of standards and the process was emphasized. There was concern about building in the right-of-way and setbacks and again a need for more rules, regulations, and process to prevent buildings in these areas.

Sections 18.3, 18.4 and 19.1 state that annual assessments will be determined on an equitable basis. This is in disagreement with the Colorado Common Interest Ownership Act that requires a homeowner's association declaration to set forth and state any formula used to determine allocated interests. Doug Scott will bring information to describe how this formula is calculated, so that it may be a part of the Covenants. It was discussed that owners of multiple lots who have not yet consolidated them will be required to pay the assessments for each lot owned. Attorney Kosnik noted that the language in our Bylaws were stronger than in the Covenants and the language needs to be strengthened between the two.

Sean McCormack agreed to review the Covenants and create logical processes for all concerns.

Real Estate: Discussion involved a query by a real estate agent for potential buyer for the Aspen Circle lots regarding a "prefab" home and ability to build a guest house. It was decided that this discussion will be tabled because the full Board is not present.

Road Committee

John Oxley stated that the construction company for the bridge will try to start in May or June depending on the water level in Little Cascade Creek.

Fire Safety Committee

The CWPP was submitted by Wildfire Adapted Partnership (from Durango) to Colorado State Forest Service in December 2019 but has not been reviewed by CSFS or forwarded to Durango Fire or to La Plata County Emergency Management. John Oxley is following up with Wildfire Adapted Partnership.

Winter Safety Committee

Due to the recent warm weather, the roads in the neighborhood are slushy, muddy, and icy. A plowing will be ordered in order to mitigate some of these problems.

Old Business

The transfer of Doug Scott's tasks was continued. Tom Clutinger stated that Keith Brant has been making great progress on issues related to the Treasury. He has developed an electronic billing process and is working with the accountant on how to streamline monetary transactions. The accountant will take responsibility for dumpster subscribers and fees. An announcement about renewal of dumpster membership and new subscribers will be the responsibility of Terri Farmer. Physical inspection of the dumpster area and repair of the lock will be taken over by Hans Van Der Leden. Sean McCormack will take over construction contracts. The cluster mailbox area and the

parcel room will be overseen by Hans Van Der Leden. Terri Farmer will be responsible for the snowplow list, and requests for information. Tom Clutinger will be a backup for this task. Doug Scott will continue website maintenance with Sean McCormack as backup.

New Business

Hans Van Der Leden voiced need for a discussion of general road safety. This will be tabled until the March 10, 2020 meeting of the Board.

The meeting was adjourned at 8:25 p.m.

Terri J. Farmer
Secretary, LPPPO Board.

TJF/lye