

# LAWSON HILL PROPERTY OWNERS CO.

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138 Society Drive, suite B  
P.O. Box 3927  
Telluride, Co 81435  
970-728-5893  
970-728-3413 (fax)

## **ANNUAL MEETING MINUTES OF THE LAWSON HILL PROPERTY OWNERS COMPANY WEDNESDAY, MARCH 19, 2008 at the Ah Haa School for the Arts**

Jody Van Stratt gave a brief introduction of the Board of Directors.

Bill de Alva called the meeting to order at 5:35 PM

**1) ROLL CALL:** Members present were Jody Van Stratt, Pamela Hall, Bill de Alva, Bill Ellison, Julie McNair, Ginny Gordon, John Arnold, Don Boggs, Ashley Boling, Dawn Davis, Thomas Byrne, Mark Charles, Kari Distefano, Jerry Delozier, Jack Eagleton, Michele Foote, Nancy Craft, Mark Demist, Karen Gugliemone, Barbel Hacke, Kevin Edholm, Mary Duffy Henzie, Colleen Trout, Jeremiah Katz, Judy Kohn, Christopher Jaquet, Dennis Green, Linda Levin, Ingrid Lundahl, Linda Lyon, Marie McCloskey, Melanie McDonald, Camille Price, Amy Russell, Steven Brown, Kristin Taylor, Kathy Green, Dave Kenney, Lee Taylor, Beverly Cusick, Jennifer Heflin, Amy and Leo Van Der Bosch, Suzanne Cheavens, John Wontrobski, Salli Russell, Kim and Jake Spaulding, Kathleen Erie, Rebecca White, Gary and Michelle Wright, Elizabeth Burke, Proxies were submitted by Jan Robberson, David Volz, Dori Shapiro and Pamela Frenz

**2) PROOF OF NOTICE OF MEETING:** The meeting was noticed to all property owners via U.S. Post Office, February 8th, 2008. The meeting date and location were also posted on the doors to the Post Office and trash building, and listed in the calendars for KOTO, The Telluride Watch and The Daily Planet. Members present acknowledged sufficient notice of meeting.

**3) READING OF THE MINUTES OF PREVIOUS MEETING:** Judy Kohn made a motion to approve the minutes from March 21, 2007 Annual meeting with an amendment to the 7<sup>th</sup> agenda item "Community Garden / Greenhouse" noting that a straw poll had been taken showing conceptual support. Linda Levin seconded the motion and the motion carried.

**4) DEED RESTRICTION UPDATE:** Ginny Gordon presented a brief update on conversations the Lawson Hill board of directors has been having with the San Miguel County staff. These conversations, which have included legal representation by our attorney, centered on changes that have been made to the original section of the Land Use Code pertaining to the deed restriction. Specifically, in 2001 the SMC board of commissioners had deleted a section from the original deed restriction 1304-B, which had language that protected all owners of deed restricted property from amendments to the LUC that were more restrictive. Our attorney, the Lawson Hill board of directors, Aldasoro deed restricted owners, San Bernardo board of directors and the San Miguel County staff are working together to agree on a draft of a new deed restriction agreement, rolling back the changes that had been made to the original deed restriction with out the owners consent. The new agreement may include some of the less restrictive amendments to the LUC deed restriction section. Each owner of deed restricted lots in Lawson Hill would need to sign this new agreement to make it apply to their property. It would then be recorded with the properties deed. Once this document is ready for general owner review, the Lawson Hill board of directors will call a special meeting for the residential owners' with SMC staff and our attorney to answer questions. When asked how long it might take to have this ready, the board responded that they are hopeful that this may be able to take place within 6 months.

**5) 2008 BUDGET- FINANCIALS:** Pam shared some history on how Lawson Hill came to be. It had been part of a larger PUD but had been separated off from lower Ilium through its governing document, the declaration for the Lawson Hill Property Owners Co. The developer had created a funding stream for the association to help defray the future cost of road maintenance and capital improvements. This comes from real estate transfer assessments, money collected each time a home, residential lot, commercial lot or building is sold and the collection of a retail sales assessment collected on any retail sale made within Lawson Hill that is subject to State and County sales tax. Although this revenue is relatively stable it is not guaranteed. The board is concerned with attracting stable businesses that will provide a level of financial security. The operational budget is adopted on a yearly basis and is primarily funded through dues. It has however been subsidized through reserves in order to hold the dues level for the last 6 years. The reserve budget which is funded through sales tax assessments and real estate transfer assessments is for board guidance only and may change over the year based on need and projects. The reserve account pays for the land payments on Lot HI, all road reserve expenses, and all capital improvements that take place within Lawson Hill. Pam explained the budget line by line. The plowing budget was increased by more than double because of the major storms that Lawson Hill encountered this winter. Salli Russell asked what percentage of the operational budget is paid by the Industrial lots. Pam responded approximately 1/3 because they do not use the trash at all and most of the plowing takes place in the residential neighborhood. Salli asked other questions about management, board fees, and legal fees. The board responded and answered all questions to the best of their ability. Other questions were asked by members about specific line items including the playing field and bus stops. The revenue from the playing field does not quite cover the operations but Pam explained that the local sports groups are given a low hourly use fee as a, Lawson Hill gift back to the regional community. The demand

for other uses is low. There are not any amenities that make it attractive for other events. It is anticipated that this may change and demand increases. The playing fields were a requirement of the PUD approval to meet developer impact mitigation. The Lawson Hill POC has a responsibility to maintain the playing fields; it is not an option to abandon them.

Kathy Green asked if it was wise to continue to subsidize the budget from reserves to the extent necessary to not raise dues at all. This year it is estimated to require \$106,000.00 in transfers. Kathy questioned if it would make sense to minimally add a cost of living increase of 3% to not get further behind. She questioned if next year \$200,000.00 was needed to balance the operational budget beyond the dues collected would we be in favor of this size subsidy. Bill de Alva stated that the board of directors usually comes to a consensus on most issues but disagrees on this topic each year. To date a majority of the board voted to maintain the subsidy. This will be reviewed again next year.

## **6) BOARD OF DIRECTORS REPORT:**

**A. Trail Connection/Underpass:** Kari Distefano, a San Miguel County staff member and Lawson Hill resident, gave the owners an update on her progress to secure funding and approvals for an underpass for pedestrians and bikes under Hwy 145 at the entrance to Lawson Hill. She reported receiving some grant money and was still writing more grant applications. It was her goal to break ground in August of 2008 if all went well. Last year Kari had asked for funding from the Lawson Hill POC but after meeting with the County attorney and our attorney it was determined that the best approach would be for Lawson Hill to agree to pay for and build a trail within Lawson Hill that would link the underpass to the intercept lot. Jerry Delozier asked what that would cost. A general range of \$20,000.00 to \$50,000.00 was offered as the parameters but a design had not been completed yet so it was impossible to know.

**B. Roundabout/Crosswalks:** Bill de Alva presented a drawing of a conceptual plan for a roundabout in the area across from Cindy Bread. This was only one piece of a possible traffic calming option that may be considered in the future after more of the adjacent lots become built out. The drawings showed an overlay of the existing paved area and island. Kathleen Erie asked if the traffic could be changed to a one way around the island at this time. The board could take a look at this.

There was more discussion among members about traffic, speeding, and the egress from the Society Conoco and Cindy Bread.

**C. Trash/Recycle:** Julie gave a humorous report on the state of the trash facility. She reminded all about the need for every individual that uses the facility to show respect. They should break down boxes, bag peanuts, double bag kitty litter, take recycle out of the plastic bags that it is carried to the facility in, not leave anything outside of the trash dumpsters and do not dump shredded paper because it leaves a huge mess. Julie said we were planning to build a new larger building in place of the one that is there but without respect it will not be much

better. She pleaded with folks to not pass out the combination to the building to anyone. She also asked that no trash except that generated in Lawson Hill by owners be dumped, there had been complaints that trash from homes in Mountain Village and Town of Telluride was being left by property management companies or from folks who had been given the combination. Julie also brought up the possibility of switching the lock to a proximity card instead of a combination because it would be unlikely one would pass their card onto another. This was received well but owners felt they would need at least two per unit. Kudos' were given to John Wontrobski for his voluntary work at the trash facility and to Tova Davis and Matriah for the great job they do to keep the area clean for all of us.

**7) VOTING:** There was no need for a vote because Bill Ellison, Pamela Hall and Julie McNair ran unopposed.

**8) OTHER:** Colleen Trout offered an update on the Lawson Hill Community Greenhouse committees work. A group of individuals formed a committee which has used Tomten Institute as their non profit umbrella organization to facilitate their fund raising campaign for a grow dome greenhouse. She advised that the project would take approximately \$45,000.00 the first year to purchase the dome and get the project up and running. They had applied for grants in the fall and had been awarded one for \$1000.00 from San Miguel County for planning and a matching grant from the Telluride Foundation for \$2500.00. This last grant would require the Lawson Hill Property Owners to donate \$2500.00 to match it. They had also received donations from individuals. Colleen reported they had sent out a mailing to all Lawson Hill owner's and had hosted a meeting for all interested to attend. She explained their concept had shifted over time to be more like a community shared agriculture (CSA) project so individuals would buy shares and then share equally in what was grown rather than leasing 10-15 plots. Colleen said they still would need to raise considerable funds and it would be hard to move forward without a long term site. They had asked for both from Lawson Hill but the board was unwilling to commit to a long term lease on property and the lease that had been offered required a 60 day vacate clause. This was due to unforeseen pressures to move forward in some manner with development, planning or other uses by the community on the proposed site. Colleen suggested that they might need to take their plans elsewhere because it was a lot of effort for a temporary site.

Bill Ellison admitted that this had been an emotionally charged issue and the board had struggled with the fact that the funds Lawson has available are for the benefit of all Lawson Hill owners. These funds are used for preserving and maintaining all roads and properties owned by the association. He noted that last year the Valley Floor campaign had asked for a financial donation. The board referred the request to our attorney for legal advice. Upon review of our governing documents he advised against the donation because the documents do not give clear authority to spend funds outside of the association's direct obligations and that donating money to the Valley Floor campaign was not defensible. If an owner chose to sue over such a donation, we would not have been operating within our authority.

Barbel expressed concerns about using Lawson Hill funds to support such a small group

project, clearly not for the benefit of all owners. She also was concerned that this CSA effort might possibly undermine her friends at Indian Ridge who run a CSA farm in Norwood and rely on some of these same individuals to buy their shares. Bill Ellison suggested that the Greenhouse committee members schedule a meeting with the Lawson Hill board of directors to continue any discussions. The committee representatives agreed.

**9) ADJOURNEMENT:** Lee Taylor made a motion to adjourn and Colleen Trout seconded. The motion passed and the meeting was adjourned at 8:15PM.