LAWSON HILL PROPERTY OWNERS CO.

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MINUTES OF THE BOARD OF DIRECTORS MEETING
Wednesday, February 22, 2017

The meeting was called to order at 10:10AM at the Wilkinson Library program room

ROLL CALL AND DETERMINATION OF QUORUM: Members present were Bill de Alva, Jody Van Stratt, Ginny Gordon, Pamela Hall and Lance Waring. Julie McNair was absent.

The board acknowledged appointing Lance Waring to the alternate seat for the board of directors through email January 30, 2017. The motion is shown below.
Motion: Julie makes a motion to appoint Lance Waring to the alternate seat on the Lawson Hill board of directors for the balance of this year's term. Jody seconded the motion passed unanimously.

Tom Kennedy was in attendance as LHPOC legal council.

Doug Tueller was in attendance to represent the applicant Karen Marshall.
Adjacent property owners Art and Michelle Wilgus were in attendance.

1) **Marshall:** Stair Application in Easement Review

Tom Kennedy addressed the members by offering a brief history of the stair application and what led up to this being bumped from the Design Review Board to the LHPOC Board of Directors to review. He explained he had met with the board prior to this meeting to discuss encroachments and suggested an avenue the board might consider as a means of dealing with this encroachment. Tom felt the best solution, should the board members agree, was to approve a waiver allowing the encroachment subject to specific terms that he had outlined for this application. Doug Tueller spoke and said he was in agreement with Tom's assessment and solution. He read through the proposed terms of the waiver and agreed they were acceptable.

Art and Michelle Wilgus were in attendance as abutting neighbors. Pam had copied them with the SMC Declaration of Covenants, Conditions and Restriction recorded 09-11-02 at reception #279394. This document addressed the parking and access to some of the duplex units developed by San Miguel County. Art and Michelle were unaware this document existed.

Doug Tueller and Tom advised Art and Michelle they should first try to resolve any issues with the duplexes parking or access internally, between the two duplex owners. If this is not possible they should schedule a meeting with the County Planner who will help them resolve their disagreement and designate parking or access per the Covenant.

Tom explained that if the board was in favor of approving a waiver for the Marshall encroachment, there should be two motions, one to approve the waiver of the encroachment and one to approve the DRB approval of the stairs.

Motion: Ginny moved to approve a waiver allowing an encroachment into the Earthwork, Snow Storage and Drainage easement located on a portion of Lot 23A which benefits the Lawson Hill Property Owners Company to allow the Lot 23A owner to place, maintain and seasonally use a certain existing stairway within the easement, subject to the following conditions. Lance seconded and the motion passed.

Conditions:

1. The Owner secures design review approval for the Lot 23A Stairway from the HOC

2. The waiver is limited to the existing Lot 23A Stairway and the owner of Lot 23A shall not modify, enlarge or otherwise alter the Lot 23A Stairway.

3. The waiver shall not preclude or impede the HOC from using the Earthwork, Snow Storage and Drainage easement for its intended purposes, including the storage of snow as needed by the HOC in its determination, which usage will likely limit or preclude and/or disrupt the use of the Lot 23A Stairway by the Lot 23A owner and guests from time to time.

4. The HOC is not responsible for repairing any damage to the Lot 23A Stairway, which may be caused by the HOC's use of the easement area for earthwork, snow storage and/or drainage purposes.

5. The Owner of Lot 23A shall: (i) use the Lot 23A Stairway at their own risk, (ii) release the HOC from any claims or actions resulting from the HOC's use of the easement, (iii) indemnify the HOC from any claims, actions, damages, costs and expenses asserted by a third party against the HOC arising from their use of the Lot 23A Stairway and (iv) name the HOC as an additional insured on its insurance policy covering the placement and use of the Lot 23A Stairway.

6. The HOC may revoke its approval of this waiver should Owner fail to comply with the terms and conditions of this approval and/or any design review approval for the Lot 23A Stairway from the HOC.

7. Any and all written or verbal information provided to the HOC, including any statements or representations made by Owner or their consultants are deemed to be integrated into this Final Approval and constitute binding conditions of the Final Approval.

8. The Owner shall sign an approval letter with the HOC acknowledging the terms and conditions of this approval.

The need for a second motion to was discussed.

Motion: Lance made a motion to approve an application for design review of a certain existing stairway located Lot 23A, subject to the following conditions. Pam seconded and the motion passed.

Conditions:

1. Any changes, revisions or modifications to the Lot 23A Stairway will require the prior, written approval of the HOC.

2. Owner is responsible for pursuing and obtaining any and all required plan and permit approvals required for the Lot 23A Stairway from San Miguel County. Nothing herein shall obviate or alter such obligations to secure necessary county approvals. Nothing herein suggests or implies that the Approved Development reflected in the Approved Design Plans meets County Land Use Code requirements.

3. The HOC may revoke its approval of this Application should Owner fail to comply with the terms and conditions of this approval and/or the approval of the Waiver allowing for the placement of the Lot 23A Stairway in the Earthwork, Snow Storage and Drainage easement located on a portion of Lot 23A.

4. Any and all written or verbal information provided to the HOC, including any statements or representations made by Owner or their consultants are deemed to be integrated into this Final Approval and constitute binding conditions of the Final Approval.

5. The Owner shall sign an approval letter with the HOC acknowledging the terms and conditions of this approval. The Approval Letter may be combined with the HOC approval of the Waiver allowing for the placement of the Lot 23A Stairway in the Earthwork, Snow Storage and Drainage easement located on a portion of Lot 23A.

Doug Tueller left the meeting.

2) Minutes: Reading and approval of the Draft January 25, 2017 BOD Meeting Minutes.

Motion: Ginny made a motion to approve the minutes as amended, Jody seconded and the motion passed.

4) New Business:

A. **Draft Encroachment Rules and Regulation and Draft Road and Street Maintenance and Snow Plow Policy:** The board has done a preliminary review of both of these draft policies and accepts and authorizes the documents to be circulated. It was agreed they would be circulated to all owners via email or US mail for those without emails. Written comments would be accepted prior to the Lawson Hill boards next regular meeting. The date of this meeting would be set prior to sending out the Annual meeting packets.

B. **No Hunting Policy:** It was agreed a No Hunting policy should be drafted to clarify that trapping is hunting and to help make those in the neighborhood aware that hunting and trapping is not allowed in the Lawson Hill community. Tom was directed to draft a no hunting policy by the board, preferably in time to send out to the owners along with the other policies.

Tom Kennedy left the meeting.

C. **Annual Meeting Planning:** The board discussed the annual meeting. And what might be discussed. It was anticipated there might be some questions about the policies that were circulated, we would put them on the agenda and answer questions but ask for written comment prior to our next regular meeting. It is expected we may need to discuss the no hunting rule and how the bobcats trapping and killing unfolded.

D. **Composting:** Eco action partners, Heather Knox and County commissioner Kris Holstrum met with Pam and had proposed they were writing a grant that may cover the cost of composting equipment for different locations in the region. The board agreed there may be some interest in composting in Lawson Hill but the board was reluctant to eliminate trash receptacles from our trash and recycle center to accommodate the equipment. It was agreed it would be beneficial to put this off until the next round of grant writing next year and in the meantime, we could actually see some of these composting tools in operation. It would be helpful to understand the pros and cons of the different options.

E. **Ride Festival Request for Camping:** Pam explained that the Ride Festival has requested a contract for camping and parking Lot HI for this years event. We have worked with them the last two years to provide the playing fields for camping and Lot HI for parking. Noting

there was no downside to renewing this license, it was agreed Pam could move forward with offering them an updated event license.

6) **Adjournment:** Lance moved to adjourn, all were in favor.