

# LAWSON HILL PROPERTY OWNERS CO.

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## **MINUTES OF THE BOARD OF DIRECTORS MEETING Tuesday, August 30th, 2022**

**ROLL CALL AND DETERMINATION OF QUORUM:** Members present were Laura Ellison, Shane Jordan, Stu McCreedy, Matt Kuzmich, Bill de Alva and Dean Bubolo.

Pam Hall was present as manager. Nate Smith attended as legal representation.

**Motion:** Laura made a motion to go into executive session, Bill seconded, and the motion passed.

### **1) EXECUTIVE SESSION: LEGAL**

**Motion:** Laura made a motion to come out of executive session, Stu seconded, and the motion passed.

**Motion:** Bill made a motion to direct Nate Smith to work with the County attorney to bring some resolution to the problems caused by the Declarations, Covenant, Conditions and Restrictions the County recorded for the duplex lots and the lack of clarity for the access easements and Declarations the County created while subdividing, selling off lots and developing units within Lawson Hill. Laura seconded and the motion passed.

Nate left the meeting.

### **2) MINUTES:** Reading and approval of the Draft May 10, 2022 Meeting Minutes

**Motion:** Bill made a motion to approve the draft minutes as presented with two typos fixed, Dean seconded, and the motion passed.

**MINUTES:** Reading and approval for posting on the web site the draft Annual Meeting Minutes, March 16, 2022

**Motion:** Laura made a motion to approve the draft Annual Meeting minutes for posting only, Shane seconded, and the motion passed.

Paul Wisor, Lauren Kim, Jim Loebe and David Averill joined the meeting.

- 3) **WORKSESSION:** Lawson Hill/Meadows Underpass: Paul Wisor, town manager of Telluride Mountain Village (TMV) introduced himself and his staff and asked Jim Loebe to explain the project. The trail planners for the TMV noted that there was no safe passage across highway 145 and the Meadows trail basically dead ended at the highway. CDOT supports the project and has agreed to participate. SMART was the program sponsor for the planning and engineering portion and coordinated that portion. The TMV will be picking up the reins to act as the program sponsor for the construction. Lauren said the anticipated construction is 2024 and that would be the year the donation of funds would be required. This is approximately a 4-million-dollar project and Lauren has been leaving no stone unturned looking for additional grants, but the grants will still leave approximately 1 million to be raised locally in matching funds. TMV and SMART have both allocated \$250,000.00 each toward this project. They have also spoken with San Miguel County and Town of Telluride. The County needs to discuss their level of commitment and the town of Telluride said Lawson Hill was a significant beneficiary of this underpass and should be contacted to participate. They have approached the TMVOA board but a lawsuit has been filed by TMV against TMVOA and so they do not necessarily expect funds from that entity. They also expect the argument that this is double dipping because TMVOA is part of TMV. They will do their best to convince TMVOA that a portion of the \$50,000,000.00. in their bank account should be spent in this manner. They went on to say the initial ask from Lawson Hill is \$250,000.00 but recognize Lawson Hill is different than these other entities. The Lawson Hill board laughed at this ask considering the size of our budget. Dean said this is half our yearly budget! Dean asked what the budget for TMV is and they replied \$30,000,000.00. They went on to say that it is important for them to be able to say they made the ask to the other entities. Pam said this is also double dipping because we are part of San Miguel County and are not a town. Matt said he is 100% in support of the project, but he is concerned by the impacts of dumping many more families and users through our neighborhood and the cost associated with maintaining the Lawson Hill trails to a standard that can handle the increased traffic. Pam explained that Lawson Hill is working on designing and engineering a connector - multi use path from the Park and Ride Lot to the existing CDOT underpass. It is projected to cost a half million. This benefits the whole region because it links the Valley Floor recreation opportunities to the parking at the County Park and Ride lot in Lawson Hill. This is a huge undertaking for a small association to try and develop to create a safe passage for those users. They reiterated that what they are asking for today is a commitment to put skin in the game. TMV is taking a risk because if the funds are not there, TMV will be responsible. Laura stated again that this new underpass is going to create new cost and impacts for Lawson Hill. They said this information was good so that when other contributing partners ask why Lawson Hill is not contributing more, he can answer that Lawson Hill is responsible for maintaining the rest of the system and is developing a new section to the regional plan. Dave Averill asked if there was the possibility of in-kind

donations to match grants. Lauren said yes. Dave said the underpass will need an easement from Lawson Hill which could also be considered in kind. Bill said the pedestrian path we are planning on building is part of the same trail system as this underpass and should be considered in kind too.

**Motion:** Bill made a motion to send TMV away with the assurance that Lawson Hill supports the project and will make a financial and in-kind contribution at an amount yet to be determined. Dean seconded and the motion passed.

The board continued to discuss the impacts and cost we will incur with the trails heavy use. We may need to resurface the existing trail. We do not want increased liability. Our financial contribution needs to be tied to our budget putting it at about \$5,000.00. Laura thought we should reach back informally and ask what they need to quantify the in-kind contributions. Laura also said any letter we send should explain that we are not a town but a property owners' company and share how small our budget is by comparison to the towns and county. She recognizes their need but respectfully disagrees with Town of Telluride's assessment that we should contribute at this level. Shane suggested we bring this back for discussion at our next board meeting and bring a copy of our budget for the discussion.

Paul, Lauren and Jim left the meeting. Stu left the meeting.

#### **4) OLD BUSINESS:**

- A. Approval of Signor for re-plat Lot F, G and HI: Shane asked if Bill was willing to do this. He said he would if it happens while he is still on the board.

**Motion:** Laura made a motion that Bill de Alva should be the designated signor as long as he remains on the board otherwise Shane would sign. Matt seconded and the motion passed.

- B. Pedestrian Path (Front Entrance) Update: Pam said we are still putting together numbers. The Hilfiger has been engineered. We discussed the photo Bill showed of his railing and decided to request that design because it looks really nice. The double post and double rail are very attractive. She said she is trying to secure a landscape bid; Lance has still not provided one.
- C. Wells 1 and 2: Pam said she is trying to get Valley Pump to test the one well head. She said she had talked to the water attorney about the existing permits. We would need to reapply for the permits as augmented.

- D. Armor Seal Bid: Pam said we were unclear exactly what would be done. Stu had met with them but is not in attendance to answer those questions. Armor seal has not returned phone calls. She is still trying to speak with them to get answers for what the bid covers. Matt asked if we could cold patch again. Pam said maybe, if she can find someone to do it. Only Sealco has the equipment to do spray injection patching.
- E. Other: Dean asked if Ryan Kusuno, Lot L has provided any new information since the first work session. Pam said they requested a second work session but have not provided any new information to warrant having one and their requested timing was not practical to organize both boards with such short notice.

Sofia Marcheva and Ignacio Aedo joined the meeting.

**5) WORKSESSION: Sofia Marcheva**

Sofia asked if the whole board wrote the response to her. They assured her they did. She had additional questions to try and clarify the response. She wanted information about the park and the playing fields and why we do not allow access.

She asked what type company the POC is. The answer is a non-profit. She said Colorado state has gone further with rules and regulations and state statute we should follow. Laura said we could pass this information on to our attorney if they want to provide this in writing. We are not qualified to answer these legal questions. Matt said we are doing our best to follow the rules regulations that have been shared with us from our attorneys. She said she has a service dog in training which is not acknowledged. Sofia has been given a reasonable accommodation for an ESA dog.

She wanted to know why the illegal signs were compared to garage sale signs. Bill said Lawson Hill did not place the signs and therefore was not responsible for their content and were quickly removed.

She asked about the fine schedule “may” be eliminated after 6 months. Pam said we are amending the assistance policy today to include a 6-month reset after no violations and to allow responsible adults within the household to be considered to accommodate the ESA dog on walks. That will be considered next.

Sofia said she wants a special accommodation for herself to be approved indefinitely rather than needing a yearly review. Ignacio said the dog is part of a treatment program and the treatment goes with the life of the dog. Pam said that is not how our attorneys explained our rights to grant a reasonable accommodation. Matt said his household has a mental illness ESA dog and mental illness requires ongoing therapy and is easy to get this paperwork completed at that time. Sofia said it would be easier for her to not have to request a reasonable accommodation yearly. The board understands but feels it is important to keep this process intact and everyone with a reasonable accommodation to be treated equally and has the same process. We do not expect anything different from her than other owners with a reasonable accommodation. Sofia said she does not want us to change the

rules, but it is heart breaking if you have to give your dog away. She also questioned why the PUD did not allow dogs.

She questioned why we feel that having a dog fundamentally changes the nature of the community. Ignacio thinks we should facilitate dog ownership by asking the community to accept all dogs you see as permitted. Dean said we have also received many letters in support of the wildlife and that the dogs in the community do impact them and their enjoyment of this community.

Laura said we discuss this on a regular basis and will continue to do so. We are trying to balance the financial burden and what is best for the entire neighborhood.

Sofia debated that the survey taken was done wrong and she wants to see it done again.

Sofia thinks we should provide an area for stands and dog waste bags. The board is not in support of providing dog waste bags when it should be the responsibility of the dog owners. We are still a no dog community.

Sofia complained about the fines she has been assessed when she left the country and did not renew her reasonable accommodation for 7 months. She wants to also discuss the easement for her road and why we have not provided her with a copy of it. There is no written easement just the plat. Lawson Hill has asked our attorney to work with the County to get this worked out. The primary streets are a common element and open to her to be on, but the easements over private lots are unclear.

Sofia and Ignacio left the meeting.

**6) NEW BUSINESS:**

- A. **Amendment to the Assistance Dog Policy:** The amendments allows for the 6-month reset and the responsible adult may walk the dog.

**Motion:** Matt moves to approve the amendment to the Dog Policy as presented, Dean seconded, and the motion passed.

- B. **Other:** Matt asked what the timeline was for the trail relocation at Coors Wright, Lot 316. Pam said Brighton was planning to start today.

**7) ADJOURNMENT:** Members moved to adjourn.