

MINUTES OF THE BOARD OF DIRECTORS MEETING Wednesday, January 11, 2023. Lawson Hill Office

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

Alternate Bebe Hinde was absent

Pam Hall was present as manager.

Meeting was called to order at 8:34AM
Adam de Alva joined the meeting

- 1) **MINUTES:** Reading and approval of the draft October 20, 2022 BOD meeting minutes.

Motion: Stu made a motion to approve the minutes as presented, Dean seconded, and the motion passed.

- 2) **Lot E Lawson Hill Request for Layback for Excavation:** On behalf of the Lot E owners, Adam de Alva made a request to allow layback onto a Lawson Hill open space parcel, adjacent to Lot E during their excavation. Shane explained that this had come to the DRB, who were in support, but we felt it was important to have the Lawson Hill board approve this because it was Lawson Hill property. Shane clarified that trees would need to be removed to accommodate the layback, but they are either dead or unhealthy and the applicant has agreed to replace them at the same number as removed. 9 additional trees would need to be removed because of the layback and would be replaced in kind, aspen for aspen and spruce for spruce. Shane went onto explain that the DRB requested the applicant to return to the board after construction to approve a final layout of plantings and to assure the best screening from the trail. The landscape plan called for 21 spruce and 31 aspens to be removed within the footprint or too close to excavation. These will be replaced with 9 new aspen and 14 new spruce. Shane had concerns that if they plant the replacement trees for the layback on our property, who would be responsible for making sure they live? We discussed how they would be irrigated. Laura wanted to make sure the fencing was safe in protecting bikes from falling in the hole. Adam said the fence will be staked and braced so it can take the impact of a biker and is not immediately adjacent to the trail. Adam said he thought they would use the green privacy screening and signage saying slow down construction zone. Pam said they should provide Lawson Hill with an additional insured certificate. Adam agreed they could do that.

Motion: Dean made a motion to approve the layback request per the drawing, provided the applicant complies with Conditions A-E below, Stu seconded, and the motion passed.

- A. Provide Lawson Hill with an additional insured certificate for liability
- B. Supply and install signage on the construction fence advising folks to slow down
- C. They replace the additional 9 trees or shrubs per the DRB recommendation for placement and type.
- D. Insure the 9 replacement trees survive by watering them through at least one summer.
- E. There be a post construction site visit by the DRB to help locate the best landscape plan to screen the property from the trail.

Adam de Alva left the meeting

Bob Gleason, Barbel Hacke, Penelope Gleason and Lucas Price joined the meeting as presenters. Dave Bulson and Banks Brown joined as public.

3) Update Lawson Hill Study Group: Pam explained to all that we invited this group to meet with us because they had requested the contact list for our owners. Our attorney advised us we should invite them to explain how they plan to use the list and to make sure the use was in line with our governing documents. The board had heard rumors that they had been talking to Town of Telluride officials on their own behalf, but the board was unaware of what exactly they were discussing. Penelope explained that they formed a small volunteer study group to explore the possibility of annexation to the Town of Telluride only and not the Town of Mountain Village. Penelope wanted to first state that Lawson Hill has been incredibly successful and she in no way wants to ignore that fact. She also wanted to say the management has been excellent, the roads, playing fields, trash, fire hazard, safety and protection of property values have all been excellent. They do not want to lose that.

She went on to say she feels that the town is slightly disjointed because Lawson Hill is not represented on the town boards. We are the largest mass of working people. The other reasons she stated are the strict limitations on businesses in Lawson Hill that Telluride put on us and the 25% surcharge Telluride placed on our water and sewer bills. She feels that the demographic of town has changed so she is concerned the voting in Town and those who are making the decisions are no longer being made by an authentic local community. Penelope turned it over to Bob Gleason.

Bob provided a draft with some numbers the group put together. He explained one reason we were not annexed in 1999 was we were not contiguous with the Town of Telluride at that time. Now with the Valley Floor we are. Bob said he met with Kevin Geiger, attorney for Telluride, to discuss the process. This would be unique because most annexations are for undeveloped land with limited owners. This however would have many owners and is already developed. He said the Town could protest the annexation

and the County could also reject the annexation for concerns of revenue loss to them. The primary concern for Lawson Hill owners may be the increased cost. He went on to explain that some mill levies may change and may cost more if annexed. Bob gave his home as an example of assessed value and property tax in the County versus the Town. The board questioned his numbers and also questioned if we were assessed by the town if they might be considerably higher. It is unknown if the county assessed value would change, if it was up to the town to do the assessments. Either way property taxes would increase. Bob said that the County solid waste fee would go away so that would be a savings if we were part of the town. If we eliminated the 25% surcharge on water and sewer it would be a savings. Pam asked if they had inquired about the cost of trash removal as part of the town, because it was her understanding it was significantly higher. Bob said they had not inquired about that. Bob said sales tax would change if Lawson Hill was annexed. The rate would go up for all goods, including cars, to the 8.5% instead of 3.9% for just State and County. He said this would assume Lawson Hill would give up all their revenue from the retail sales assessment they now collect from businesses located with Lawson Hill. The RETA may still be received. Bob went on to say there was commercial support and gave names, but Laura clarified her husband who owns Viking Rental was mentioned as being supportive, but he had not been spoken to directly, and has not made a decision either way and would require more information. Barbel said she lives in Lawson Hill, but Telluride is her work and cultural center, and she wants to vote there. Bob believes the Lawson Hill voting block of maybe 500-600 could sway the elections in town. Banks questioned do you think Lawson Hill would all vote as a block? I do not think we would. The group of course does not know either. Bob said there are committees that we could serve on if we were annexed. Pam questioned, if they really want our input as Bob claims, couldn't they open up their boards and commissions to allow individuals from outside of town limits to participate now? Pam went on, as a home rule charter, maybe the Town of Telluride could allow individuals who receive water and sewer to vote within the town without annexation? Laura asked what they think their next steps are. She said it would be good to get more questions answered. Bob said he thought it was to do a straw poll by talking to the owners. Penelope summarized some questions to get answered: the cost of trash in town, would the assessed values change if we were part of town, would there be loss of revenue to the County, what would the loss of revenue to the Property Owners Association be. Pam questioned why would we possibly want to give up our revenue and funding stream? Bob said maybe we would have enough in savings to develop a new funding stream. Laura said she knows where those savings will be spent. Pam said if the Town cared about us at all, they could reduce the 25% surcharge on deed restricted properties for water and sewer now. If the town cared about housing more locals, they could reduce the water tap fees for deed restricted housing projects now. If the Town cared about us having close at hand services, they could allow those additional

uses now. The town has refused any concessions on allowing minimal neighborhood commercial in the last 20 years. Pam said we have tried for many years to get additional services and tried again last year to get a work session with town council to discuss the addition of a small amount of neighborhood commercial businesses. After nearly a year of asking for a work session with town council, we finally were able to schedule a meeting with the Town manager and their attorney only to be sidelined by this group's discussions about annexation with them. They wanted to discuss annexation which was not the intent of our meeting. We were there to request a work session with the town council and to show our allowed water per the utility connection agreement could support limited neighborhood commercial uses. They would still not grant us a work session with the town council, but instead only wanted to know what we could give them in return for this increase in allowed uses, such as a single diner or pub. The board does not feel we should need to provide them a benefit to approve these uses for many of town employees who live here to enjoy. Discussions with the town were halted again and no work session with the town council was granted.

Laura said the board is reticent because we have tried to open a dialog with the town for 20 years and they are initially excited, but it quickly shifts to what can we give them. Shane said he wants it to be clear when this group talks to anyone, to make it very clear they or their opinions or findings are not representative of the board or the Lawson Hill Property Owners Co. and in no way represents the board. Shane said one of his concerns is Town may want to change the deed restriction. They often discuss their disdain for the fact that Lawson Hill does not have or want price caps. Shane is concerned they would move to remove the free market approach to Lawson Hill and place price caps on our properties. Bob said Kevin Geiger told him it was unlikely they would change them. The board laughed with valid concern.

Lucas said he thinks their group should table the discussion until they find out if Town really wants Lawson Hill's input and if there are alternative ways to get the vote and serve on committees besides annexation and if so, this may be a moot point.

Bob, Penelope, Barbel, Lucas, Banks and Dave left the meeting.

Motion: Laura made a motion to provide the mailing list conditioned on the group making it clear to anyone they speak with that they are not affiliated with the Lawson Hill Board or Lawson Hill Property Owners Co., and they do not represent the opinions or findings of the board. Dean seconded, and the motion passed

Motion: Laura made a motion to go into executive session to discuss legal. Dean seconded and the motion passed.

4) Executive Session: Legal Discussion

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

5) OLD BUSINESS:

A. Update Underpass Easement Info: Pam explained she had a meeting with the Mountain Village and Smart representatives working on the underpass application for grant money. The discussion was about where easements may be needed and who would hold them. Most of our easements have no definitive language but are a plat note. We will need Tom Kennedy to review this for us however we were asked to wait briefly until the Mountain Village could talk to Tom about and ask for an easement from Genesee. We need more information from Tom about the best approach to this. Presumably the maintenance and liability for our trails will stay with us. They did discuss if there would need to be maintenance on the underpass and who would be responsible. This is still unclear. Janet Kask working for the County did not seem interested in the responsibility. Lawson Hill is not interested in the maintenance. This may leave it with Mountain Village who is sponsoring this improvement application to CDOT. The board discussed that our trail is steep, and the turns are slick in areas. The topography may not allow them to be modified to make them easier to navigate. Signage will be necessary that states “caution this is a steep trail, biking or walking may be difficult for some users”.

B. Neighborhood Commercial: The board decided to table this for now. This however would be a good time to get the SGM report cleaned up to reference the correct number of unbuilt properties.

6) NEW BUSINESS:

A. 2023 Budget Discussion: Pam started by saying that dues have not been raised in 21 years. We started subsidizing the budget with reserves but the amount necessary to balance the operational budget has grown each year and now is no longer sustainable. Pam said the hit on reserves this year is approximately \$124,000.00. Dues collected were \$126, 000.00. This is

nearly equal. The cost of everything has gone up. The discussion went on to question how much to consider raising them. Pam said that an overlay of our roads alone could come close to wiping out our reserves. Pam proposed a residential unit could be raised from \$114.36 per quarter to \$150.00 per unit per quarter. This would amount to \$12.00 per month for residential and a similar percentage for commercial. It would still not be enough to balance the budget, but it would be a start. The board thought we should consider a plan to increase them yearly. Stu said this is a better approach than needing a special assessment. Shane asked if we would be offering additional services for the increase, but the answer is not necessarily, but it keeps us from reducing services. Dean said we need to raise dues and we need to explain that we are not covering the operational budget. He said we should explain what the budget covers and what future costs we could be facing for roads and the trails. Pam explained the reserves should primarily be used for capital improvements and major road maintenance. The board suggested Pam compile the last 5 years of subsidies for their review and come back with the budget for approval at the next meeting.

- B. New Governance Document:** The board will review this at the next meeting.
- C. Annual Meeting Planning:** Pam said she reserved the library for March 15th, and we can either cancel and do it by ZOOM or do a hybrid if we can figure it out how to make an in person and Zoom meeting work. At the library. Laura said she could swing by the library and ask about the process.
- D. Other:** Matt said speeding on our roads has been raised as an issue to him and also the Galloping Goose bus stopping along the road in the winter is a safety hazard. Pam said we could add new speed signage and maybe reduce the speed to 15mph or 20mph in the commercial area. There is a speed sign missing on the way into Lawson Hill which should be replaced.
- E. Other:** Pam said the Telluride Wine Festival has inquired about using playing fields for their event this year. The board was in support of negotiating terms for the use.
- F. Other:** KOTO asked if the board wanted to publicly comment on dog ownership in Lawson Hill for a newscast. The board said they do not want to be interviewed about reasonable accommodations for the disabled. They do think we should copy KOTO with the PUD and Declarations that regulated dogs in the community from the beginning.

- G. Genesee:** Pam said the board has not responded to the County about referral we received for Genesee. She did attend the site visit. The only major change to the plan was the addition of a fourth floor of housing on two lots closest to the river.
- H. Other:** Pam said she was still pursuing the support from San Miguel County to apply for TAP funding through CDOT. This would make them a sponsor and fiscal receiver for the project. TAP has a 20% matching grant requirement. This is a lower match than some which are 50%.
- I. Other:** Stu said he has met with Commissioner Waring about putting up “no jake brakes signs” along 145 behind Lawson Hill near the fire access. It sounded like they were receptive.

7) Adjournment: Stu made a motion to adjourn, Shane seconded, and the motion passed.