

MINUTES OF THE BOARD OF DIRECTORS MEETING Tuesday, October 10, 2023.

ROLL CALL AND DETERMINATION OF QUORUM: BOD Members Shane Jordan, Laura Ellison, Dean Bubolo, Ginny Gordon, Stu McCreedy and Ryan Markey were in attendance.

Pam Hall was in attendance for entire meeting.

Ryan Kusuno was in attendance for site walk

8:00AM Site Walk

- 1) **SITE WALK:** The board met for a site walk to view the location of the proposed Hwy. 145 underpass and connector trail that crosses the fire access road and enters our existing trail located primarily on tract 504D. The board walked the trail to see its current condition and location. The trail which was built by the developer as part of their PUD requirements was not built within the 504D tract. A map was generated showing the exact location of the trail, it takes a slightly different path and diverges from 504D and crosses open space tract 504C and Lot L. The board also looked at the edge of Lot L to view the location for a proposed access road to Lot L and their request for a snow storage and landscape easement on the 504D Tract. No discussion of the merits of the request took place in the field.

Meeting was called to order at 8:45AM

Motion: Stu made a motion to go into executive session, Dean seconded, and the motion passed

2) EXECUTIVE SESSION-LEGAL DISCUSSION

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

10:30AM

John Pandolfo and Ryan Kusuno joined the meeting.

3) OLDBUSINESS:

- A. **John Pandolfo, TSD Superintendent:** John Pandolfo started by providing a timeline to share what they have done to figure out square footage, density and water in their

quest to possibly build additional units in Lawson Hill. The school has talked to Bright Futures, Strong Start and Rascals to see what their needs are. They met with the County to discuss this and John thinks the County can just create additional density. The County suggested TSD do a water study to confirm there is adequate water, which they have completed. They then met with the Telluride Town Council to discuss amending the water agreement to allow them to add units and now they are waiting to hear back from them. The town and school were unaware Lawson Hill was a party to the water and sewer agreement and therefore had not noticed the board of their work session with town council.

John said they would like to add two 1-bedroom units above the day care and additionally two 1-bedroom units on lot S-2. Laura asked if their current density was maxed out. John said yes. Pam said there is no residential density associated with S-1, it was for the daycare only and S-2 has density for the 4 units that have already been built. John said Rascals is in favor of a new facility, but they are concerned about being displaced, so timing would be important if they were able to proceed. Dean asked if they could accommodate the requirement of 2 parking spaces per unit. He said it might be possible if Lot L gives them some land to expand S-2, then they could possibly accommodate all the parking on S-2 (16 parking spaces) for S-1 and S-2. There is a steep grade though and regrading and a large retaining wall would be necessary to develop parking there. Dean said he has concerns that the residential unit tenants would want to park in front of Rascals, rather than parking across the street and having to cross the street each day. He also believes crossing the street at that point seems very dangerous. This would require additional enforcement for the association because it will put additional pressure on an already busy parking lot. John said they could help with some enforcement.

Laura stated that Lawson Hill has always required individuals who want to add additional density or square footage to find unused density and square footage and move this within the Lawson Hill PUD from one lot to another on the matrix. Lawson Hill has never been in favor of manifesting additional square footage or density. This is viewed as being an up zone and the board has concerns about setting a precedent of manifesting additional density and square footage. Ginny said she would like to build housing in the berm at the back of the lots behind the Conoco and Charging station too, but they do not have the density either. Laura said that Lawson Hill has one pot of water and has been asking the town to amend the water agreement for a very long time to get additional uses in Lawson Hill, specifically neighborhood commercial. The town staff has not been willing to grant Lawson Hill a work session with the town council to discuss amending the water agreement to add the neighborhood commercial uses desired by the whole community. If we were to consider amending the water agreement for any purpose this would need to be addressed too.

John Pandolfo left the meeting.

B. Lot L Easement Request: Pam said we had a site walk this morning to look at where the underpass will cross under Hwy. 145 and emerge on Lawson Hill Open Space at the Fire Access road area. Then we walked the entire trail to the culvert under Society Dr. to look at the condition of the trail. Ryan Kusuno showed where they are proposing an easement to push snow from his Lot L project. Ryan Kusuno said he wanted to get direction from the board on Lot L's proposal.

Stu said he has been a snowplow driver for many years, pushing the snow onto our property would make the trail unusable. He recommended they consider snow melt on their access drive and the parking. He said storing the snow on their own property would take out too many parking spaces with the current plan, removal could be costly. Laura said this trail is important to keep open at all times and will remain open in the winter in the future. The board discussed the impact from pushing snow onto an active trail and how it would make it unusable and the melt out would make a sheet of ice for even longer. There was no Board support for granting an easement for their snow to be stored on the trail parcel.

The conversation shifted to the section of trail that was built by Telecam on a small section of Lot L. Shane said he is about 50/50 on having it moved or leaving it where it is. Ginny said the section of trail works well for us where it is. She thinks the board is ambivalent about Lot L leaving it there or moving it to a new location if it could meet the same standards. Ginny said they realize it may be difficult to move and that is why the developer put it there originally, but the board is open to Lot L moving it if they can maintain the current standard in a new location. Ryan Kusuno clarified the board is saying that Lot L needs to move the trail. He said it concerns them if Lawson Hill is considering condemnation. Ginny said we have not gone down that path or inquired with legal counsel on that subject. Instead, what we are saying is that we are open to Lot L submitting a plan to move it or they may leave it where it is. Lawson Hill would like to be granted an easement to clean it up if it stays in the current location but believes this is in their court and not the boards at this time. Ginny said we are being practical. It has been used for a long time where it is. Ryan Kusuno asked how the board suggests they move forward because this is a hindrance to their re-development plans. Shane said you may need to move the trail if it is impacting your building envelope. Ryan Kusuno asked if they could just close the trail? Ginny said that is a legal question. Ryan Markey said based on what's been happening in the Village they should consider the practicality of that approach. Ryan Markey said he has heard Lot L needs this area for their plan. Ryan Kusuno said they do for the current plan, but they could work around it but were hoping to trade for a snow storage easement. The board reiterated it is not practical to put snow on the trail. Ginny said this is not intended to be confrontational and we are also looking for a solution. Ryan Kusuno summarized the meeting saying he understands pushing the snow over the edge is off the table and they should come back with a plan for the trail encroachment section. He said they are busy working on the new plan after the last work session with the DRB and will be submitting soon.

- C. **Asphalt Chip Seal Bids 2024:** Pam said she has bids for three options for our roads. The first chip seal only, the second a hybrid and the third a full overlay. Shane asked what it cost to chip seal all the roads 8 years ago? Pam said approximately \$220,000.00. Shane asked what it cost to overlay just the limited section we did this year? Pam said approximately \$183,000.00. Pam has observed the road up the hill past Cindy bread is failing. Ryan asked what the effective age of these roads is. Pam said the side roads are original with one chip seal. Society Drive was overlaid in 2002 and chip sealed about 8 years ago. The board questioned if Lot L would damage our roads during their development. Pam said they could be held responsible for any road damage. Stu said he would vote for number three do the whole thing. The price will likely double if we wait. Pam said TGI/United representative recommended we do a traffic count sometime to see how many cars stop at Conoco then how many go up the hill. Laura said we will likely need to do that sometime but not now. Dean asked how much money will come out of reserves. Pam said all of it. Dues do not pay toward this. Ginny said the price seems good and we should move forward with the overlay. Pam said she plans to meet with United one more time to finalize quantities and the final price for the asphalt bid and bring it back to the board for consideration.
- D. **Pedestrian Trail CDOT Update:** Pam said she has finally been able to meet with CDOT. She said there are some caveats. If we want a new design, it will slow down the process, but we already have a design and may need to pay out of pocket for refreshed engineering to meet CDOT standards. Pam said the bids she has gotten to date are expecting her to be the contractor, but we will need a bid from a contractor for the entire project. Then Lawson Hill and the County would oversee their work. Then the next step is CDOT will come back before the end of the year. With a letter describing the process. Pam said Dave Ballode has an engineer in Durango who can bring the design up to CDOT standards.
- E. **Outside Meetings Report:** Laura, Ginny and Shane all participated in the online Board of Directors training that was recommended by Altitude Law. Shane reminded the board to not have outside meeting with more than two members and Laura said that the training also discussed that once the board makes a decision regardless of you individual opinion, the board speaks with one voice.
- F. **OTHER:**

Barbel joined the meeting so the chair jumped ahead to her discussion.

- A. **Barbel:** Barbel said the study group has not met since March. They got slowed down this summer but wanted to suggest that once they do get together again

maybe a board member could attend. Dean said he would, and the group should let him know the time and place.

Barbel also wanted to share that she was run off the road by a car going too fast and she fell in the road and broke her wrist. She thought it may be good to add a speed limit sign just before the curve past Alpine's truck pullout.

- B. Recycle Sharing:** Pam said she had a request from an owner in Hunters Gulch who would like to use our recycling. They have 4-unit owners, each has their own commercial spaces and residential spaces. Two of the 4 businesses are property management companies and have a lot of cardboard from their supplies. Ginny said the precedence of sharing is a bad idea and we should deny the request and encourage they address the need on their own Industrial lot.
- C. Fire Mitigation Discussion:** Dean said his cousin who lives in Norwood has not had a chance to look at the trees yet. Dean thinks we should consider cleaning up from the Goose to where Ryan Markey lives. Remove dead trees and ladder fuels and lower branches along the Goose toward the development. Pam said she has tried to reach out to Nick Dillsworth to get feedback too. Ryan Kusuno wanted to know if there has been feedback from Insurance companies. He said he is the president of Eider Creek and they were dropped from an Insurance company as they pulled out of the area and it was difficult for them to find insurance after it lapsed. He was wondering how this fit with the current policy on wildland fires. And the higher ratings we see here. Pam explained that Lawson Hill was approved to be located in a heavily wooded area. They were required to leave trees to help mitigate the visual impact of the area. Everyone who has built has retained mature trees on their property. Ryan Markey said he sells insurance and he said Nationwide has left the area and canceled all policies here. They have been able to get insurance for many homes in Lawson because they fall in a sweet spot for their value being under 1.5 million. The multifamily buildings are often more difficult to insure because the value of the insured project value may get upwards of 6 million.

4) NEW BUSINESS:

- A. Communication Policy:** Ginny said this is a new document which is not required, and the board has barely considered or reviewed. It will take additional time to consider.
- B. Other:** Ginny mentioned we should review the Reserve study. Dean said he wants to work toward projecting future expenses. Ginny said we need to have a public Budget

meeting. She will check to see if this is considered a special meeting or can be noticed the same way as all regular meetings. Pam asked if a reserve budget is handled the same as the operational budget per the Governance documents. Ryan and Dean agreed they could meet and start working on financial projections for 3-5 years and then share them with the board at the next meeting. The biggest concern is the operational budget and raising dues. It would be great to get a handle on how much dues may need to be raised to balance the operational budget. Ryan Kusuno asked about operational changes. Pam explained they are talking about hiring enforcement, they have already hired Chris to take on the larger DRB projects. The board anticipates hiring more sub-contractors to manage all aspects of the association which has grown to be more complex.

Ryan Kusuno left the meeting.

Motion: Shane made a motion to go back into executive session, Stu seconded, and the motion passed.

5) EXECUTIVE SESSION LEGAL CONTINUED:

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

6) Adjournment: Board moved to adjourn