MINUTES -- KINGS ROW HOA BOARD MEETING

August 9, 2017, C. Dahlgren’s home, 34 Kings Row, N.

Board Members Present: Mimi T, Peter M, GR F, Carolyn D

Homeowners Present: Carol N, Tom H

Guest: Association attorney, Jeff Concklin

Administrative Assistant, Krystle Beattie was not present. Carolyn, as Board Secretary, took notes.

1. The meeting was opened at 7:15.
2. The June 28 draft minutes were reviewed and accepted, as amended, with Motion made by GR and second by Peter. *Because the Association’s Attorney was present for discussion of several topics, the Board changed the order of agenda items, as needed.* *Discussion and voting are presented below by topic, even if items were not dealt with chronologically or were discussed out of order.*
3. Legal Matters Update – Jeff Conklin
   1. ”Horse Water”: Jeff reviewed the original and current augmentation plans and decreed well water uses. He summarized the stock watering issue: Kings Row has plenty of water, however stock watering, a decreed use for Well No. 2, is an un-augmented use. That is, neither augmentation plan included a depletion/consumptive use “line item” for watering horses. Other uses - domestic, septic system, irrigation - show up on depletion tables. Therefore, the State Engineer refuses to add the use to the Water Permit.
      1. As the decrees control, not the permits, there is no legal or practical issue with our stock watering right; it is decreed and “absolute.” Plus we have a “cushion” in our Aug Plan.
      2. The worst thing that could happen is if there is a “call” on the rivers system, for example a “Cameo Call” from the Grand Junction power station, owners may have to remove horses from the subdivision.
      3. Peter and Carol added that they think the worst thing that could really happen is that horse owners would have to haul water during a call. Jeff agreed saying that the State Engineer’s Office is not likely to send a representative to tell people to curtail stock watering of 2 horses on any one lot. He said that the SEO operates from a bigger picture perspective, administering “at the head gate.” The Department of Natural Resources would notice if we were using more than allowed under our Aug Plan for major uses – lots of lawn/garden watering, many more Evapo-Transpiration systems, many more sinks and showers.
      4. After discussion, the general agreement was that it does not make sense to seek to amend our Aug Plan. The Court expense and the risk of opening the plan to opposition are too great. The Board determined: (1) we should not poll the membership or recommend a change in the size of lots allowed to have horses (3 to 3.5 acres); and (2) we should not send Jeff back to Court.
   2. Annual Report SEO: Jeff’s sent the SEO annually required information, including report of: (1) not more than 2000 sq. feet x 49 (51 if Hunt properties ever included) of irrigated lawns and gardens; and (2) fewer ET septic systems.
      1. We need to keep up with changes – additions and deletions- to the amount of watering on each lot. If we were metered, we would be better able to tell which lots are watering a lot with potable water as usage we be higher during the growing season.
      2. We need to keep up with changes in infiltration and evaporation OWTS; Jeff suggests an actual notebook with original septic permits, plus notes on changes. Assignment: Carolyn to continue pulling septic permits from County websites and recording lot owner self-reported changes.
      3. Less watering, more xeriscaping; fewer ET systems, more traditional systems mean consumptive use down and “credit” on our Aug Plan
   3. Potable System Curb Stop Valves: Carolyn reminded Board members that the 1991 Board decided that HOA is responsible for everything on the street side of the CSV and the lot owner is responsible for the CSV and everything on the lot side of the valve. She then relayed the results of her email exchange and phone conferences with Lee Leavenworth and Dick Wells: Lee reported that the 1991 decision was primarily financial. People were building and the membership did not want to pay for the infrastructure. When Dick was active in the Association, the Board took the position that the HOA was responsible for the Curb Stop Valves, as well as everything else on the street side. The Board then discussed, with Jeff’s input, whether the 1991decision should be rescinded and the Board should formally adopt the apparent practice of the newer Board.
      1. Makes sense in terms of Board’s management of the water system and potential emergencies, and, gives the Board the option to create a policy of turning off potable water if a lot owner is badly in arrears.
      2. If the HOA “owns” – or at least is responsible for – the CSV, we could face a big bill if a number of valves fail in any given budget year.
      3. The bottom line: The HOA may be better protected by owning, maintaining, and replacing the valves, even though this means taking on the financial liability. The Board tabled this discussion until we have more information from John McDermott. Assignment: Carolyn to ask John the estimated cost of materials and labor to replace a “normal” CSV.
   4. Real Estate documents: Jeff has not yet finished discussions with other lawyers.
4. 2017 Irrigation System:
   1. Tom reported that maintenance was light this year, only 2 gate valves replaced. He plans to blow out the system early in order to be able to observe whether potable water ends up in the ditch pipes, meaning we still have a potential cross-connection. If clean water shows up, Tom will close all irrigation valves and open one at a time to see if water shows up. This will take 3 – 4 weeks, at a minimum.
   2. While Jeff was present, the Board discussed the unwritten Board policy that the HOA is responsible for the Irrigation Valves and all street-side infrastructure, unlike the Board’s 1991 written policy on Curb Stop Valves. Carolyn stated that both Dick and Lee told her the policy was never formally adopted; it just followed the Association’s design and installation of the ditch water system. There does not appear to be a need to change the policy, but it should be formalized.
   3. Patrick Chase showed those present the parts he dug up in his yard when dealing with a significant drop in irrigation water pressure this season.
      1. Lot 3’s Irrigation Valve contained a metal washer that made the ditch water delivery pipe smaller. Plus, a stone blocked the hole in the washer. The on-lot irrigation system worked fine as soon as Patrick replaced the valve, without inserting a washer.
      2. The Chases requested reimbursement of $44.81, the cost of parts. Patrick’s labor as a “gift” to the Association. The Board voted unanimously to reimburse the Chase’s. Assignment: Carolyn to talk with Krystle to see if Chase’s expenditure can reduce HOA fees or if Krystle has to actually cut a separate check in order to keep the budget straight.
      3. The Board briefly discussed Lot 12’s long existing problems with irrigation water flow and pressure. Peter and Carol will dig up their IV to see if they have a mechanical issue similar to Chase’s.
   4. The Board discussed storage of irrigation water on individual lots. Apparently, more than one lot has an underground or aboveground storage tank. Jeff talked about the law on “irrigation storage structures” allowed without specific Court action, stating that the definition relies on water leaving the storage structure within X number of hours. If the structure does not meet that definition, then a separate “storage” right would need to be decreed. Jeff will review law on small storage tanks/cisterns on individual lots and review MHMMIC By Laws to see if the ditch company addresses storage by individual users.
   5. The Board briefly discussed storage by the Association in a large pond, located on unidentified common space. However, as discussed at prior meetings, a large storage structure not only would require construction and land use-right expenses, but would also add to our evaporative losses under our Augmentation Plan and would entail on-going maintenance costs. Despite MHMMIC’s encouragement of Kings Row building a storage structure it just does not make sense considering the Association’s other financial obligations.
   6. The Board briefly discussed coordination with other owners of B Shares in order to affect how we receive ditch water next year. The problem is, B shares cannot pull water (“Call”) separately from A shares. Assignment: Carolyn to ask Krystle to send copy of Ditch Company ByLaws to Carol and Peter.
5. CDPH&E Design Review: Carolyn reported that she had red-lined a Zancanella draft and expected the final to be delivered this month. The Board discussed the CDPH&E required “entry point,” and decided this would have to wait until CDPG&E reacts to the Design Review. Bill for engineering services not yet received. Assignment: cmd to agenda with Krystle after discussion with Zancanella and Samuelson.
6. Administrative Assistant’s Reports: GR, as Treasurer, reviewed Krystle’s reports, commenting on what “line items” may be over spent by November. The Board discussed amounts moved from reserves to cover potable water system expenses, including quality testing required by CDPH&E on Well No. 4 in the design review process, and 3 lots late on fees. Assignment: cmd to check with Krystle end of August and call lot owners who are out of compliance on quarterly fees.
7. Storage Tank: Over about 3 weeks in July and early August, the pump house auto-dialer called numerous times reporting a tank overflow, probably due to multiple lightening strikes messing up electronics. There was no choice in making expenditures; repairs had to be made.
   1. Bills for Western Colorado Electrical Control Specialties are high, close to $4000.00. Kevin Madison spent a lot of time on phonem at computer and making site visits. He replaced “surge protectors” on lines between tank and pump house and the sensor that floats at bottom of tank. Current sensor belongs to Kevin and is in use while the one we own is with the manufacturer for warranty work. If our unit can be repaired we will receive a reimbursement from Kevin when he re-installs the sensor we own. Kevin initially replaced the sensor with one belonging to EPC, but that one failed and, thus, we had the flood. Ed DeVincenzi alerted Carolyn to the overflow. Ironically the auto-dialer did not call when the flood happened.
   2. EPC bill not received.
8. Pump House:
   1. Chlorination tank required work by EPC. Bill not yet received.
   2. Electricity usage increase was, again, $100.00 more than usual. This may be related to lightning strike damage. Carolyn reported on Holy Cross’ site visit and a conference between Holy Cross and WCECS. Holy Cross found no problems on the provider side and suggested we may have one or more lots using large amounts of power. Kevin thinks usage increase may be due to lightning strike effect on pump house electronics, turning pumps off and on in excess. The Board decided all we can do is wait to see what our electricity bills are for next couple of months.
9. Curb Stop Valve Location: John McDermott continues to work on location and mapping of distribution system gate valves and curb stop valves.
10. Website Summaries: Board members and members reported on their reviews of Carolyn’s draft summaries of utilities, roads, etc.: generally positive reactions, accurate and informative, but maybe too much information to put on web site. Assignment: Carolyn will edit and schedule legal review, if needed, e.g. on her summaries of Water Court case requirements.
11. President’s Update:
    1. Pump house clean up includes removing old poison container/sprayer. Board agreed that we can give old weed sprayer to Tom Z to use on his ranch.
    2. Tom Hazard reported that he is working on cross connection phone calls.
12. ARC
    1. Dahlgren and Fielding delivered by ARC to Board today; approved with conditions. Assignment: Board members will review and return signed approval sheets. If any questions or disagreement, will be calendared for next meeting.
    2. Ryan: Lot 9 was not discussed when Jeff was present due to time limitations. Board discussed on-going lack of progress on exterior of home on Lot 9, even after delivery of professionally printed photographs to Antonia. GR made Motion and Mimi seconded, with Board deciding to hire Jeff to call Ryan before any legal action taken. If no progress, record appropriate document stating project not approved and continuing to accrue $100.00 per day fine in accordance with Covenants. Assignment: Carolyn to call Jeff.
13. No new or added topics
14. Next Meeting: September 20, 7pm. Location not set.
15. Meeting adjourned Macintosh HD:Users:carolyndahlgren:Documents:HOA:mtg mts&agendas:2017:08.17 MINUTES.docx