

Reminder:

- The gates must always be closed after each use per the Court Order.
- All pets must be on leash and under control.
- Members will be fined for violations. See www.beaverlakes.org/documents/ for more information.



Board Meeting

March 23, 2019 – 9:00 A.M.

Board Members Present:

Adam Wiens, Eric Flora, Ken Berendt, Rich Boon, Karen Runowski, Floyd Strader

Board Members Absent:

Bob Dixon, Andy Olear

Lot Owners Present:

Mark Larsen, Aaron Oglesby, Jeff & Kim Pierron, Dena Strader, Jonathan Bratz, Demetria Ray, Annie Stiefel, Brian Runowski, Anita Mihaylov, Brad & Marsha Allen, Julia Laster, Glenn & Leona Brenchley, Janis Lind, Tim & Madelyn Ratterman, Larree Morgan, Suzy & Scott Magill, and Khristine Prickett

Caretaker:

Mark Larsen

Agenda

- | | |
|--|----------------------|
| 1. Open meeting | Adam, Vice-President |
| a. All members please sign in | |
| b. Board members present | |
| c. Excused absences – Bob Dixon, Andy Olear | |
| 2. Approval of Minutes Posted on BLE Website | Rich |
| 3. Treasurer Report | Adam |
| 4. Caretaker’s Report | Mark, Caretaker |
| a. Progress Report | |
| b. Equipment Status | |
| c. New Equipment | |
| 5. Architectural Controls Committee Report | Marty |
| 6. Snow Plowing and Road Etiquette | Floyd |
| 7. Motion for Plowing Driveways into Road | Rich |
| 8. Dam Repairs Update | Karen |
| 9. Water Options Update | Karen |
| 10. Septic Tank Replacement Update | Ken |
| 11. Short Term Rental Update | Ken |
| a. Vote Underway | |
| b. Address Update Request | |
| 12. Other Topics from Members | Members |
| 13. Adjourn | Adam |

Minutes

1. Open meeting Adam, Vice-President
 - a) Board members present Adam Wiens, Karen Runowski, Ken Berendt, Rich Boon, Floyd Strader, and Eric Flora.
 - b) Board members absent: Bob Dixon and Andy Olear. The Board voted unanimously to accept these as excused absences.

 2. Approval of minutes as posted on BLE website
There were no changes to the minutes from those present and they stand approved as posted on the website.

 3. Treasurer Report Adam
Since the treasurer was unable to attend, Andy provided a brief summary of the current financial situation. Overall BLE is operating within the budget for FY 2018-2019 which closes at the end of April 2019.

 4. Caretaker's Report Mark, Caretaker
 - a) Progress Report
Mark reported virtually all his time, well over 40 hours per week, has been taken up moving the large amount of snow in order to keep the roads open so members to access their homes.
 - b) Equipment Status
Mark has prepared the truck to remove the engine which is beyond repair. He plans to order the rebuilt engine shortly.
 - c) New Equipment
Nothing new to report at this meeting.

 5. Architectural Controls Committee (ACC) Report Marty
Marty was called to an emergency job and was unable to attend so there was no ACC report regarding new permits.

 6. Snow Plowing and Road Etiquette Floyd
PLEASE give Mark and other's plowing plenty of room and time to do their job. They have work to do and need space. Also please be patient when you must wait until they are able to safely let you proceed. We have multiple reports of people not giving them space, making rude jesters, and passing them when it's not safe.

 7. Motion for Plowing Driveways into Road Rich
We had several instances of people plowing the snow off their driveways into the road after the road had already been plowed. A discussion on a prior Board phone call didn't have a quorum so there was no motion at that time. Rich moved, "BLE shall implement a driveway plowing rule that people do not move snow into the road to create no more than 6" berm in the road, first-time violators will get a warning letter, any and all subsequent offences will incur a \$250 fine." Adam seconded and the motion passed unanimously.
1. The Rules and Regulation will be modified to read:

“21. SNOWPLOWING AND ROAD MAINTENANCE OPERATIONS: Yield to snowplowing and road grading maintenance operations. ELHA will not plow snow or grade private driveways or access roads. Members and their Guests, Tenants and Agents shall not park on any main BLE road to allow for effective snow plowing and road maintenance work.

Members and their Guests, Tenants and Agents shall not move snow onto the road such that the snow movement creates more than a 6” berm on the road. Members are responsible for the snow movement operations of their Guests, Tenants and Agents. Any Member found in violation of the snow movement rule will be issued one warning letter by the Board. Subsequent violations of the snow movement rule will incur a \$250 fine.

Fines will be levied in accordance with Covenants, Article 5, Section 5.5 (b), Article 6, Section 6.2 (b), 6.14.”

8. Dam Repairs Update

Karen

Karen, Mark and Marty have been working with the State Dam Inspector on the work that must be done on the lake dams. The current engineer is relocating to New Mexico and may be able to still provide the as-built, but somewhat slower due to the move. In the Spring the lakes will need to be partially drained to do the needed work. We will also have a person run a camera down the overflows to inspect the structure and integrity. The primary work will be adding rip rap to reduce erosion. Karen noted this work is overdue but the state doesn't consider these dams high risk, so we've had some flexibility in the timeframe. They are hoping to minimize impact to the fish, which have previously been OK with taking the lake down 9 boards due to needs for the rancher. Mark noted it it's done when the water is colder there is more dissolved oxygen and less impact on fish. They will only drain the lake to the level needed to get the work done and re-fill them from spring runoff as quickly as practical. It's not yet known how much it will cost to refill the lakes, occasionally, in very high snow years the state can declare it a free river year but that's unlikely.

9. Water Options Update

Karen

Karen has done a significant amount of work on the long-term water maintenance. There are large and complex water rights regulations in Colorado that must be navigated. BLE water rights are secondary to the rights of the ranch below us so we don't get priority on water use. We do have the right to exchange water with others. We have absolute rights for 50% of our water and conditional rights for other 50%. The conditional portion requires annual paperwork. The goal is convert all our rights to absolute. To keep our lakes full, we currently have to pay for water that evaporates since we have secondary rights. Our current lease with Pueblo Water expires in 10 years. We currently pay about \$250/acre-foot. As previously discussed, BLE has contacted Pueblo Water, but they will not discuss a lease renewal until we're within 5 years of the expiration. Karen noted other areas currently charge up to \$400/acre-foot, **but that varies**. Karen also noted that Lake County won a law suit a few years ago that gave them additional water, which is great for Leadville, but we're not sure if that could be of any value to BLE. This may be an option rather than renewing the current lease but could also be very costly.

Karen has also been in contact with an organization in Buena Vista that may have surplus water rights that we could purchase. In that case we would not need to lease rights any more. They have more than we need so we also need to find a partner for the rest of the surplus. The cost plus the legal costs with Colorado Water Board need to be determined. Her very rough estimates show it could be \$3-4,000 per member to get the permanent rights but we would save the annual expense of leasing water. Karen noted that BLE has continued to do everything correctly with respect to water to avoid additional complications.

A member asked if we have considered purchasing land with senior water rights to use those rights. She noted it must be in our water shed to be allowed so the supply is limited. One member stated it was much better to purchase the rights and even \$4,000/member would be well worth the value to get permanent rights. It was also noted we would have to get a special assessment approved by the BLE members, but the Board feels it's high priority. The process for obtaining permanent rights includes automatic lawsuits by others with rights in our watershed. These always happen and is the standard way it gets public review.

10. Septic Tank Replacement Update

Karen

Karen discussed the work to integrate the septic for the lodge, cabin, and campground since the current one had significant problems. Karen noted the engineer that does the dam also does septic work. The 2019-2020 budget includes this work, which is one item that triggered the increase in dues this year.

11. Short Term Rental Update

Ken/Adam

a) The vote on the potential covenant amendment is underway. As of March 10th, there have been 108 responses which is 60.3% of the members. The results will not be released until the vote is complete based on CRS 38-333.3-317(1)(n) which states "Ballot, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate are required to be made available for inspection and copying. Until the action is complete, they are not deemed to be records of the Association". We are asking the people who have not responded to vote by April 14, 2019. Adam indicated we had some members contact our attorneys directly attempting to get preliminary results. Contacting the attorney incurs fees, which BLE intends to forward to the members who called them. The Board requests that only the Board President contact to attorney to minimize the fees and maintain consistent communications with them.

Adam also indicated that a member stated if the STR restriction passes, they will attempt to stop our ability to rent our cabins by categorizing them as STRs. Our attorney indicates these cabins are common property owned by the membership. Since use is limited to members and their guests and the fees for using the cabins is a "Common Property Use Fee", they are not considered STRs.

It was asked if we will have to re-address the STR issue every year. Adam indicated the change, if it's passed, will remain in place until a similar effort is undertaken to make additional changes.

12. Other Topics from Members

Members

a) No topics raised

13. Adjourn: The meeting was adjourned at 9:55 am.

BLE Office Contact Information:

- BLE Web Site: www.beaverlakes.org
- E-mail Address: beaverlakesestates@gmail.com
- Phone: 719-486-0978
- Address: 585 Empire Valley Drive
Leadville, CO 80461

Future Meeting Dates for 2019:

- May 18 8:00 am
- July 13 - Annual Meeting 9:00 am
Picnic follows the meeting! 12:00 noon
- September 7 8:00 am
- November 23 - Budget Meeting 9:00 am