

**Blue Lake Owner's Association  
Board Meeting Minutes  
April 13, 2010**

Members present: Missen Brucker, Kelly McKenny, Scott Wirkler, Susan Atwood, Stan Snyder, Joe Meade

Members absent: Bart Outzen, Bruce Pearson, Gina Shaw

Also present: Homeowners – Sheryl Carr, Linda Harlem, Tom Banc, Justin and Debbie Todd, Bill Reynolds, Robert Giacinto

Meeting called to order at 6:37 pm

**Homeowner comment: None**

**New Business:**

**Island Committee:** Susie opened the discussion with the following motion; "I moved the creation of an island management committee. The mandate of this committee will be to formulate plans to govern the management of the island subject to the following restrictions:

- Committee members shall be solicited in the May Bugle. Interested parties will contact Gina with names, telephone numbers and email addresses. Gina will schedule the first meeting.
- Membership shall be open to any current member of the association regardless of their opinion of the island.
- In order to preserve transparency, all communications, emails, etc. received by the office or board or committee members will be posted on the website. Return addresses will be deleted if requested.
- All members will be required to visit the island so each member will be educated as to the current state of the island.
- The committee or subcommittees will be encouraged to seek outside opinions such as the Eagle County Extension Office, Department of Wildlife, arborists, etc. There is also a massive amount of research available at no expense on the web.
- Any expenditure of Association funds must have prior approval of the Board.
- Any and all plans for the island shall be submitted to the Board for review and discussion at the August meeting. Any known costs associated with each plan shall be disclosed by the committee or subcommittee.
- The Board shall propose all plans to the owners of the association for a vote in September. The ballots will be included with the September mailing in order not to incur additional postage costs.
- One vote per property owned. All returned ballots must be signed by the owner or the owner's representative and addresses or lot numbers provided for the ballot to be considered.
- The plan approved by a simple majority will direct the future actions of this Board with regards to the island and shall be considered the will of the association."

Discussion followed with Sheryl Carr suggesting that she link her message board to the BLOA website for posting of any opinions, ideas or suggestions which will be easier than posting to the association website. This was accepted enthusiastically. Any issue is open for consideration of the committee. The hope is that there will be many ideas/solutions proposed to the Board. Kelly proposed an amendment in which the Board made the final decisions. The amendment failed. The original motion passed unanimously.

**Weed and Tree Spraying:** There was not enough information provided so the Board will ask Gina to provide the amounts spent in 2008, 2009 and the proposed amounts for 2010. The Board is happy with the work provided by Daly Property, Brush Creek Landscaping and Outdoor Services. If the 2010 proposals are within the same scope as before, the Board will agree by email to continue the contracts.

**McMahon and Associates:** Stan and Susie will discuss the year end review. The Board agrees to release payment to McMahan contingent upon approval by Susie and Stan.

**Eagle County Grant Request:** Missen has completed the paperwork asking for consideration in the 2011 Eagle County budget process. Keep your fingers crossed.

**Old Business:**

**CC&R Variance Requests:** Linda Harlem, Tom Banc and Justin and Debbie Todd have requested variances for sheds located on Association open space. Several reasons for accepting the variances were put forth; variances had been granted but not documented in the office; the land is actually dedicated open space not common area; the sheds would be onerous to move; it is actually a "crappy piece of land full of thistle"; the sheds do not significantly affect homeowner enjoyment; current owners did not create the violation. Missen pointed out that the owners are maintaining an area by controlling the weeds. Gio wanted to know what kind of liability the issue presented to the association.

Kelly moved that the Association grant the variance requests of the four home owners (Banc at 298 Deer Run; Todd at 312 Deer Run; Harlem at 284 Deer Run; and Britt at 254 Deer Run) who made written requests to allow their sheds to remain where they are, which is either partially or completely on common space of the association located behind their respective houses, and in the case of the Britts to allow their sandbox and fence enclosure to remain on association property, for the duration of each of their respective ownerships of the properties in question. This variance grant does **not** run with the property but is granted only to the current home owner. The shed or fencing must be removed upon the sale of the home to another. The owners each agree and accept any and all liability that arises from the grant of this variance and the use of the common space. The reasons for granting the variances are that 1) enjoyment of the common space by home owners is not significantly affected due to the remote location of the area in question, the fact that it is a very small space that is weed strewn, and that it is not on any of the common pathways used to walk up the hill side; 2) most of the home owners who requested the variance did not create the violation but inherited it upon the purchase of their home, and the fact that the Bancs who did erect the shed in question stated that they had approval from a prior Board to place their shed where it is with the understanding that they would maintain the small strip of land behind their house before the land slopes upwards, unfortunately there is no documentation available regarding this prior decision of the Board; 3) each of the home owners stated that they would agree in writing that they understood that they have no ownership claim to the land they are occupying on the association's common space; 4) the land in question is minimally maintained, other than by the home owners themselves, and has over 80% illegal thistle growing on it, thus the sheds would decrease the area that is in need of maintenance by the association; 5) That the variance will not run with the land but is being granted only to the current owner. The motion carried with 4 in favor, Susie and Bruce (proxy vote) opposed. Gina will place the appropriated documentation in the file.

Tom Banc objected to the tone in the CC&R violation letters that he has received. The Board thanked him for his input and agreed to review the letters for discussion at the next meeting.

**Preschool Shade Structure:** No report.

**Irrigation Expansion Plan:** Stan reported an issue with access to electrical power needed to run the pump. He is going to pursue different alternatives and report back at the next meeting.

**Community Garden:** Information will be provided at the May meeting.

**Clean Up Day:** Was a huge success despite the gloomy weather. Over 20 people participated. The barbeque was presented by master chef, Bruce Pearson. Everyone had a good time.

**MidValley Met Construction:** Bill Reynolds appeared both as a homeowner and as the Director of MidValley Met. He was upset about the letter that the Board sent to Eagle County in response to the referral from the EC Planning Mgr. Bill complained that Susie had written a letter without having a meeting on the subject. It was pointed out that he only informed the Board about the project at the last meeting and the referral was due before the next meeting. Input was solicited and the letter was approved via email. As the head of MidValley Met he was visibly upset with the letter. Susie pointed out that the Board was doing "due diligence" by responding to Eagle County. Kelly pointed out that the letter was attempting to protect the association in the future. He was upset with the request for landscaping to mitigate the visual impact and any noise generated by the new blowers. He stated that there would be no noise impact. He also pointed out the landscaping requested by the Town of Basalt was excessive and that his board has voted to only spend \$6,000 for landscaping. He reminded the Board that, as a District, MidValley Met is exempt from any regulation from the County. He stated that the District has always tried to be a good neighbor. Both Stan and Kelly responded in kind. (The referral and response is posted on the association website at <http://www.bluelakehoa.com/minutes.html> for homeowner review).

**Operations Manager report:** Joe reported that he has hired Steve Turley as an assistant. They have been busy digging out the culverts.

**Board Member Comment:** Missen requested another trash receptacle at the soccer field.

**Executive Session:** Personnel

**Meeting adjourned at 9:40pm.**

Minutes respectfully submitted by Susan Atwood