

## **Hill Pond on Spring Creek HOA**

### **Board Meeting Minutes**

November 21, 2022

President Tom Trout called the meeting to order at 7:03 pm at the residence of Tom Trout and Vickie Traxler. All Board members (Tom Trout, Larry Paroz, David Taylor, Alan Lamborn, and Marshall Frasier) were in attendance for the meeting. Minutes of the September 6 Board meeting were approved as distributed.

Guests: Dick and Fini Thomas

Meeting opened with discussion with the Thomases who brought four suggestions that they thought the Board should consider having the Association sponsor:

- 1) Sometime after Christmas a neighborhood-wide “free give-away day” where individual households could set out unwanted items on their driveway for others to take as desired.
- 2) A Community Garage Sale in the summer, just before school is out/just after school returns to session.
- 3) With the future of the auto industry being electric and several neighbors having electric cars, we could host an information day where neighbors can come hear about people’s experiences with electric cars.
- 4) Sometime during the milder months of the year an outdoor neighborhood social event.

The Board discussed all four topics with the Thomases and saw merits in all. It was agreed that the most productive way to move forward on all of these was to present these options at the Annual Meeting and to seek volunteers there to lead suggested efforts that generate sufficient membership interest.

### **Between-Meeting Actions**

No email business was conducted by the Board since the September meeting.

## **OLD BUSINESS**

### **Hill Pond Erosion Committee Update:**

Tom Trout updated the Board on conversations with the City and the Ditch Company on pond erosion mitigation. He reported that the City did not provide follow-up to the June 7<sup>th</sup> meeting with the city manager and staff until prompted by the HOA Pond Erosion Committee. In the October 3 City response, the Committee was informed that the Arthur's Ditch Company is unwilling to maintain a constant intermediate water level in the pond due to the lack of a Water Storage Right for the pond filed with the Division of Water Resources, but is willing to lower the water level in the pond more slowly than in the past (the pond water was lowered over 4 days this fall). The Committee was also informed that Jason Graham, director of "wet" utilities for the city, is now our point of contact at the City on pond erosion issues.

The Committee met with City staff (Jason Graham, Mike Calhoon (Director of Parks) and Eric Potyondy (City water attorney)) on November 16. It was not judged a satisfactory meeting by the Committee as the core outcome was that the City's position is that this is an issue between the HOA and the ditch company and that the City has no legal responsibility in solving the problem. The City attorney stated that if the HOA believes the Ditch company is responsible for erosion damage to the pond, then we should sue the Ditch company.

The good news is, however, that a study for the long-term solution and mitigation of the pond erosion is included as a \$65K line-item in the City's 2023 budget. The next step is to identify the consultant and get the study underway and have recommendations hopefully early in the next year. The Board encouraged the Committee to be diligent in engaging with the City to make sure that they are able to participate meaningfully in the scoping exercise for the funded study.

## **NEW BUSINESS**

### **2023 Annual Meeting:**

The Board voted to set the Association's Annual Meeting during the first full week of February. Twinberry Auditorium at the Senior Center has been reserved for Wednesday, February 8 at 7:00 pm.

**2023 HOA Board membership:**

Terms for three of our current Board members (Trout, Paroz, Taylor) expire at the end of this year. In the early 2000s the Association created a “nomination schedule” that identifies properties from which members are invited for nomination for election to the Board each year. For many years we have kept the Board filled at the prescribed level of five members using this method. However, in the past five years, we have had five households that have declined the scheduled nomination. In several cases other individuals were recruited to serve earlier than scheduled. This has resulted in there being no “scheduled” members available for 2023 when three new board members must be elected.

The Board discussed potential approaches to securing nominations for 2023. It was decided that we would approach several members who have recently declined to serve in their scheduled term to see if they would be willing to serve at this time. For any of the remaining positions to be filled, we will approach those scheduled to begin a term in 2024 to see if they would be willing to serve a year earlier.

At the January meeting, the Board will explore opportunities to tweak the “nomination schedule” to streamline future nominations given these recent difficulties.

**2023 Budget:**

The Board reviewed the expenditure summary for the year as compared to the 2022 budget and expects that the 2023 budget will be largely similar. The most significant differences are in expected legal expenditures as we will not need the legal support that we did this year for the administration of the update to our covenants, but that there will be potential new needs for the pond erosion issue with the City and, perhaps, the City’s new Land Development Plan. The Board will develop the 2023 budget at the January meeting to be presented at the Annual Meeting in February.

**City Land Development Plan Draft:**

Alan Lamborn shared with the Board that the Fort Collins City Council recently adopted a new Land Development Code that, among other things, purportedly overrides HOA Covenants and Bylaws that restrict residency. If this is the case, the language that we included in our updated covenants would not be enforceable. Alan reported that there is a petition drive to be launched later this month to freeze

the implementation of the new code. More information regarding this petition drive is available at <http://preserve-fort-collins.com>.

Alan offered to write a short summary with more details that Tom Trout will email to all Association members. The Board expects this to be a topic for discussion at the next few Board meetings as well as the Association's Annual Meeting.

The HOA Board meeting was adjourned at 8:53 pm.

Respectfully submitted,

Marshall Frasier, Secretary