

**CHATFIELD EAST PROPERTY OWNERS ASSOCIATION  
GENERAL BOARD MEETING MINUTES  
5/17/23 at 6:00 PM**

- 1) CALL TO ORDER at 6:09 pm
- 2) ESTABLISH QUORUM
  - a) Board Members present (3 constitute a quorum):
    - i) Kathy Kirchner
    - ii) Mary Gross
    - iii) Mark Hochstedler
    - iv) Katrina Swenson
    - v) Teresa Spencer
  - b) Members present: Rich Bell, Mike and Pat Kummer, Teri Pichot, Linda McMakin, Al
- 3) CONSENT AGENDA
  - a) **MOTION** to approve minutes from previous Board Meeting(s) made by Mary, seconded by Katrina, approved by Mary, Teresa and Katrina with Kathy and Mark abstaining:
    - i) 4/19/23 General Board Meeting
    - ii) 5/5/23 Consent to Action

4) TREASURER’S REPORT

YTD Income	\$25,911.34	
YTD Expenses	\$46,196.02	*see legal portion below
Current Bank Balance	\$34,194.91	

	*legal YTD	\$49,609.50	Actually paid
		(\$7401.00)	Reimbursement from VVCC
	CEPOA Total Legal	42,208.50	

- i) As of 5/17/23, CEPOA on budget except for Legal expenses
- ii) Legal expenses as of 5/17/2023 over budget by \$29,268.50- overages covered by reserves
- iii) Discussed options for future legal expenses

5) COMMITTEE REPORTS - NA

6) UNFINISHED BUSINESS

- a) Communications
  - i) Email distribution – 75 forms + 16 calls or emails = 91 of 103 confirmed emails, working to contact remaining by phone or email address(es) on file (we will continue to use those addresses unless directed otherwise)
- b) Governing Documents – Covenant Restatement
  - i) Water Decree sections need to be updated

- ii) Some items in Bylaws and Rules that are lot owner responsibilities need to be incorporated in covenants
- iii) Colorado state statute changes need to be addressed
- iv) Propose Covenant restatement that reads easier than original document which has multiple and overlapping amendments
- v) Draft document is being reviewed by legal. Once Board reviews and agrees on legal recommendations, Covenant restatement will be sent to members for approval.
- c) Denver Augmentation Plan Modification – follow up from April Bd Meeting Discussion
  - i) Referee entered ruling on 4/25/23, protest period through 5/17/23, then judge will enter the ruling as a final decree. Attorney is exploring the following:
    - (1) Does CEPOA own some deep well water? What is the value? Can we sell if no longer needed and not part of the decree?
    - (2) What about G3T ditch rights? Are they part of decree or can they be sold?
    - (3) How much is a new well permit? Is application by lot owner made to Douglas County?
    - (4) Does every owner really own the water under their lot? Can you draft a template for the required affidavit regarding ownership and decree compliance that can be used by individual lot owners?
    - (5) We need to make multiple changes to the covenants, that work is in progress. Does the following language to be added as a new section adequately cover this (and any future) water decree? All other references to water decrees will be removed.
      - (i) “Water. The Association as well as any owner shall adhere to the most current governing water decrees. The CEPOA Board may investigate ways to research and/or renegotiate the decrees in the interest of the community. Any change that requires action or expense by the membership shall be submitted to the membership for approval by sixty percent (60%) of the residential lot owners.”
    - (6) We understand this applies only to existing Denver aquifer well users. Is any action needed by Arapahoe aquifer well users? [other questions: can people drill new Denver or Arapahoe wells? How will Arapahoe well meter readings be handled?]
    - (7) We understand the SWAP water is needed through the 6 month well permit application period (essentially taking us through 2023). Please confirm.
    - (8) What responsibility, if any, does the Association have to track and report permitted wells going forward?
    - (9) Board will post latest correspondence from Jeffers on the CEPOA website. When available, water decree will be linked or posted on the website. FAQ will be posted once we have answers.
- d) Valley View Church waterline easement through CEPOA open space
  - i) Roxborough Water is reviewing easement questions regarding section 8 raised at last meeting
  - ii) Legal distributed draft church agreement to Board. Once corrections are made, it will be shared with the Church for review.
  - iii) Board needs to approve these two agreements together. Expect email consent action prior to June Board Meeting.
- e) Covenant Violation Litigation
  - i) CEPOA has intervened in Hoffman vs McMakin case regarding proposed easement across lot 32 for access to 40 acre property. An access road across subdivision lot is against our covenants. Intervention in existing case was deemed to be the most efficient way to resolve.
  - ii) Intervention was filed May 5, 2023. McMakin has 21 days to answer complaint and counterclaim then CEPOA has 21 days to answer any claims. Then enter period to exchange discovery, file for summary judgement (court may decide issue without a trial) or go to trial set for Oct 3, 2023.
- f) CEPOA Record Review – ON HOLD

g) Neighborhood Activities

- i) Thanks to all who helped pick up trash at entrances May 5. 14 people can do a lot of good in 2 hours!
- ii) Car cruise rescheduled, date still TBD
- iii) Picnic – need member to volunteer to coordinate

7) NEW BUSINESS

- a) Special Member Meeting - Should there be a special meeting to discuss water decree and permit requirements, covenant restatement, and financials/special assessment with members? If so, best date?
  - i) Board recommends meeting June 13, 15, 20 or 22; may depend on Church availability and covenant restatement completion
  - ii) Notice and agenda needs to be sent US Mail at least 15 days before stating purpose of meeting is to share information regarding water decree and well permits and vote on covenant restatement; invite people to join in person or virtually
  - iii) Encourage members to submit well questions on website, by mail or by phone prior to meeting; have Jeffers join meeting (virtually or in person)
- b) New member welcome – propose Board send email welcome with link to website
  - i) FAQ including list of utility providers and the neighborhood contact map would be helpful
- c) Association mailbox
  - i) Current PO box In downtown Littleton, Mark will look for keys for Kathy and/or Mary to help monitor
  - ii) Can we have Association mailbox in the neighborhood? Consider mounting in open space near 1<sup>st</sup> house on south entrance (probably need street address), locked box for security. Need to contact Littleton post master

8) EXECUTIVE SESSION ANNOUNCEMENT (if needed) - NA

9) OPEN FORUM/COMMUNITY COMMENTS regarding any topic

- a) Rich asked if water information is posted on website. Board will update and post as information becomes available.

10) ADJOURN –motion to adjourn made by Mary, seconded by Kathy and unanimously approved at 7:30PM.