

## **Bellevue Acres Homeowners Association Board Meeting Minutes November 10, 2022**

### **Attendance**

Board members participating were Janet Hinchcliffe, Michelle Winn, Tim Christiansan, Tim Shangraw, Stephen Winkler, Eldon Sullivan (by phone), and Gary Konwinski. In addition, Lauren King participated during the public comment period. Meeting was at the Shangraw residence.

### **Call to Order and Meeting Agenda**

Janet called the meeting to order at 7:05 pm. A meeting agenda is attached.

### **Public Comment**

Lauren King was invited to the meeting to discuss two notice of violations (NoVs) letters the ACC submitted to her family dated October 31, 2022, and her email response to both letters dated November 3, 2022. After much discussion, the Board and Lauren agreed to the following action items:

- **Construction Materials and Waste Containers:** The existing screen is acceptable to shield domestic trash containers and recycle containers from view of the street. However, construction equipment, construction material, and construction debris are to be relocated to the northeastern side of the home, out of view of the street and Bellevue Acres neighbors. Such relocation will occur within the next week.
- **Dog Kennel Relocation:** The dog kennel location was proposed in an ACC Application that was submitted to and reviewed by the ACC. In accordance with review protocol in our Guidelines, Rules, and Regulations (GRRs), comments from contiguous neighbors were solicited about the Application. One neighbor objected to both the construction material being proposed and the kennel's location adjacent to their property line. The homeowner requested that the location be moved to another part of the property. In response, the ACC reviewed the GRRs for adequacy of the construction material and found no reason for denying use of the proposed kennel material. With regard to its location, Lauren was asked to reconsider another location further away from the property line. She did, and determined that all other options were less desirable, even considering the potential for annoying or nuisance behavior of the dogs. To the latter issue, Lauren assured the ACC that the dogs have mild dispositions when not provoked, and will only be kept in the kennels when they are home; when they are not home, the dogs will be kept in the house. Thus, if annoying or nuisance behavior in the kennels does occur, the Liberto-Kings will address it quickly. For all of these reasons, the ACC approved the Application.

Since construction and habitation of the kennel, several issues have become apparent. First, the size of the kennel installed is much larger than that proposed. While the ACC could take issue with this, the ACC determined that the larger size is not sufficient cause for issuance of violation. The ACC's reasoning is that if the larger kennel size had been included on the original Application, it would have been approved. Second, and more importantly, are

complaints that have been received from neighbors about aggressive, annoying, and/or nuisance behavior of the dogs. While this is unfortunate, corrective action for such a situation is addressed in Article II.F.5 of our GRRs. Specifically, the *Jefferson County Animal Control and Licensing Regulation prohibits a dog from disturbing the peace of any other person by loud, habitual and persistent barking, howling, yelping, whining, whether the dog is on or off the dog owner's premises. Violation of this provision could result in a penalty assessment which ranges from \$50 to \$1,000 and / or a court appearance. Animal Control recommends talking face to face with the dog's owner as a first step. JC offers a [Problem Barking Brochure \(PDF\)](#) as a guide for dog owners that might be of assistance. If all of this is unsuccessful, you may call 303-271-5070, ext. 0 and file a formal complaint.*

Consequently, the Board is recommending neighbors follow these provisions. No further action is required by the ACC.

## General Business

- **Meeting Minutes:** Minutes from the October 13, 2022 Board Meeting and October 21, 2022 Special Meeting were reviewed and approved as written. Tim S. will have them posted on the BAHOA website.
- **Financials:** The monthly Treasurer's report was reviewed and approved. The report is available upon email request at [BellevueAcresHOA@gmail.com](mailto:BellevueAcresHOA@gmail.com). On a related subject, Tim S. offered to reevaluate the proportion of irrigated acreage of Bellevue Acres common property to that of Bellevue Farms for use in updating the share of our next water bill. He will report results to Michelle.

## New Business and Updates

- **ACC Operating Protocol:** Stephen W. will continue forward with preparing a tracking spreadsheet that can be used to monitor the status of action items associated with ACC Applications and Issues. It will incorporate the information from Gary's ACC issues tracker. It can also be linked to the BAHOA directory and historical documents. The tracking package will be cloud based for access by all Board members. He will present it to the Board next month.
- **ACC Applications and Issues:** Two new ACC applications were received; both were approved. Aside from the Liberto-King issues discussed above, the only outstanding ACC issue is Smith's pending response to an ACC letter dated November 2, 2022 that responded to their Appeal letter (dated August 30, 2022) about building a permanent play structure in their back yard. After review of the Appeal letter, the position of the Board remained that the proposed structure is a "detached structure" as defined in Section II.H of our GRRs, and that a second "detached structure" is not allowed by our GRRs. The ACC and Board Officers encouraged the Smiths to modify the structure such that it does not constitute a "permanent structure". However, the Smiths were warned that if they elect to move forward with constructing the structure as proposed, the Board will initiate Enforcement Procedures and Fines in accordance with Section V.B.2 of our GRRs.

- **Community Update:** No news on community updates.
- **Ditch Weed Control:** After much discussion, the proposal from TruGreen to take over ditch weed control for all homes within the BAHOA was voted down by a vote of 5:2.
- **Holiday Party:** Tim C. presented and all concurred with plans for a happy hour at the Lariat Lodge on Saturday, December 10, 2022, from 3:00 pm to 6:00 pm. Location is the southeast corner of C470 and Ken Caryl Ave. Tim C. will confirm with the Lariat Lodge that this time slot is available, and hors d'oeuvres can be made available. Room rental is \$300, a cash bar will be available, and costs for hors d'oeuvres will depend on a head count. Pending confirmation of availability, Tim C. will email an announcement of the happy hour to the HOA membership no later than November 14<sup>th</sup>, with an RSVP of November 28<sup>th</sup>.
- **Holiday Cookie Distribution:** Last year's cookie baskets were well received by homeowners, so the Board decided to repeat the effort this year. Janet H. will take the lead in organizing it. It is scheduled for December 3<sup>rd</sup>. She will reach out to those who volunteered to help.
- **Welcome Gifts:** Michelle will confirm that only one welcome gift remains to be delivered. If confirmed, it will be for Will and Vicki Cohen. Tim C. will purchase and deliver it.
- **Update BAHOA Membership and Directory:** Michelle will update the BAHOA Directory with the most current emails and phone numbers.
- **Questionnaire:** Tim C. offered to visit with neighbors and solicit feedback on the following questions:
  - How long have you lived in Belleview Acres?
  - Have you ever served on the Belleview Acres HOA Board? When, how long, and what position?
  - Do you have any special skills that you would be willing to volunteer to the HOA?
  - Have you or do you intend to have contact with the ACC for a project at your residence?

**Meeting Adjourned at 9:17 pm**

Respectfully submitted,

Tim Shangraw