

**Minutes of Meeting of the Executive Board of
Somerset Estates Homeowners Association (SEHOA)
January 22, 2019
Niwot Fire Station, CO**

1. Call to order

The meeting was called to order at 6:35 PM.

2. Quorum

Quorum met for Executive Board meeting with Marc Arnold (MA), Paula Hemenway (PH), Kip Sharp (KS), and Anthony Chirikos (AC – attending by phone) present. Susan Reilly was absent.

3. Approval of Prior Meeting Minutes- The minutes from the Executive Board meeting on January 8, 2019 were unanimously approved with a motion from KS, seconded by MA. As noted in the January 8 minutes, a correction was made to the Action by Unanimous Written Consent of the Executive Board Regarding Water Rights and Uses dated December 19, 2018. As revised and restated at this January 22 Executive Board meeting, the following statement is struck from the Action: “RESOLVED, that John Ryan shall be retained as SEHOA counsel with respect to water related issues” as Mr. Ryan is serving as a homeowner, not an attorney.

4. Presentation by Scott Deemer, Outdoor Craftsmen - Scott Deemer is the owner of Outdoor Craftsmen. He has lived in Niwot since 2000 and is familiar with the Somerset community. He has looked at the landscaping problems in Somerset Estates, especially along Somerset Drive near Primrose Lane. He thinks that putting grass sod in that area is doomed to failure due to irrigation limitations, run-off due to the slope, and south-west exposure. He discussed some options, including a balance between native areas and mowed lawn areas. He suggests that we start to introduce some boulders and tall steel edging in the steepest sloped areas, along with smaller gravel that does not require water. Some plants can also be added, along with maintaining as much of the turf as possible. He suggested that we need to customize the landscaping at each street monument and associated locations, tied together by a landscape architect. The board asked Scott for a budget proposal for the areas that need to be repaired on the northeast side of Somerset Drive from Primrose Lane to Longview Drive, as well as photos of similar landscaping to what he has in mind.

5. Presentation of Candidate Attorney by Water Committee – John Ryan and Bob Uhler conducted an extensive process to replace Lyons-Gaddis, which stated it is conflicted. They considered 10-12 firms and interviewed 3 in person. Their recommendation is that SEHOA retain the firm of Dietze and Davis in Boulder, CO with Star Waring as the lead attorney and Mark Detsky as the supporting attorney. Ms. Waring has worked in water law for about 40 years and has represented various types of entities, including homeowner associations. The attached resolution to appoint Dietze and Davis was approved unanimously with motion by PH, second by KS. KS reported that Madoline Wallace-Gross has agreed to meet without charge with the new attorneys to convey information and provide documentation. Dietze and Davis requires a \$5000 retainer, applied to the final invoice.

Ms. Waring suggested that we will need a water engineer. Homeowner Herb McPherson stated that Pat Flood of Wright Water Engineers worked with the association many years ago and was awesome. She is still working and will be considered for our needs.

6. Other Business –

- The Q1 2019 roadmap presented by MA at the January 9 board meeting has been revised. We discussed the list of policies and rules that the board needs to adopt, including which will be part of the Architectural and Landscaping Standards.
- The Architectural Control Committee (ACC) is close to finishing the draft version of the Architectural and Landscaping Standards, which will be mailed to homeowners along with a survey/response form. The goal is for the board to approve a final version prior to the Annual meeting.
- Sue Grampp, Secretary of SHOA, communicated to MA that SHOA is ready to discuss water matters with SEHOA. After some discussion, it was decided that MA will communicate to SHOA that SEHOA's representation will be the four members of our Water Committee: John Ryan, Bob Uhler, Marc Arnold, and Paula Hemenway.
- AC has discussed with Al Orendorff what expense items can be contracted separately to SEHOA and the items that might be kept together and subject to a limited memorandum of understanding (MOU) with SHOA since the first MOU with SHOA expired at the end of December 2018. After review of the MOU by Ms. Waring, AC will discuss with Larry Buster, Treasurer of SHOA.

7. Next meeting – Tuesday, February 12, 6.30 pm at Niwot Fire Station

8. Adjourn - The meeting adjourned at 8:57 PM.



Paula Hemenway
January 28, 2019

RESOLUTION of Executive Board of SEHOA adopted on January 22, 2019

WHEREAS, the Board of Directors of [Somerset Estates Homeowners' Association ("SEHOA")] has determined that it is in the best interest of the SEHOA and the owners within SEHOA to fully understand the existing rights, issues and risks associated with the care and maintenance of common areas within and contiguous to the neighborhood, including a complete understanding of current and future issues surrounding access to water needed to maintain and improve such common areas; and

WHEREAS, the Board of Directors has determined that retaining professional water rights experts is required in order to understand and protect SEHOA's continued maintenance of common areas; and

WHEREAS, 2 members of the Water Committee formed by the Board of Directors, Mr. John Ryan and Mr. Bob Uhler, have discussed and interviewed a number of local water rights attorneys that could assist SEHOA in formulating and implementing a plan to assure that SEHOA has continued access to adequate water resources to allow the maintenance of common areas within and contiguous to the neighborhood; and

WHEREAS, the Water Committee has unanimously recommended to the Board of Directors that the SEHOA retain the Boulder, CO law firm of Dietze and Davis, P.C.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Directors agrees to retain Dietze and Davis, P.C., in order to assist SEHOA in connection with the development and implementation of a plan to secure adequate water resources to allow the maintenance of common areas within and contiguous to the neighborhood; and

IT IS FURTHER RESOLVED that Mr. Ryan and Mr. Uhler shall be designated and empowered to direct Dietze and Davis in connection with its representation of SEHOA, provided that Mr. Ryan and Mr. Uhler shall continue to keep other members of the Water Committee informed regarding the activities being pursued in the engagement, and the Water Committee shall provide updates to the other members of the Board of Directors either at regularly scheduled Board of Directors meetings or otherwise as requested by any member of the Board of Directors; and

IT IS FURTHER RESOLVED that Dietze and Davis shall be authorized and permitted, in connection with its representation of SEHOA, to engage additional professionals, including but not limited to a water engineering firm, to assist in connection with the development and implementation of a plan to secure adequate water resources to allow the maintenance of common areas within and contiguous to the neighborhood, provided that the Board of Directors shall be advised of and approve any economic terms of such engagement.