

# Mount Massive Lakes

## Board Meeting

March 27, 2020

### 12:00 PM Teleconference

#### Draft: Subject to Board Approval

**I. Verification of Quorum:** Board members, Joe Angleson, Janice Good, Jim Keller, Gregg Anderson, Ham Lokey, Shaun Mulligan and Colin Perry were present.

Member: Kevin Lentz

Being a quorum, president Angleson called the meeting to order at 12:01PM

**II. Purpose of meeting:** Angleson reiterated that the purpose of the meeting, as stated in his meeting notice from Wed Mar 25, 2020, was to address the pending complaint by member Lentz regarding the LU variance granted the Johnson's with regards to power for their cabin addition. Joe reminded everyone that this complaint was initially addressed at the Jan 25, 2020 board meeting but was not brought to resolution.

**III. Recap of Variance:** Angleson asked board member and LU representative Janice Good to review the circumstances for all in attendance.

- Before Janice began, she pointed out that she had e-mailed a map, created by Sangre de Cristo Electric (SDCE), originally handed out at the Jan 25, 2020 board meeting, that those in attendance may want to refer to during the talk (attached). Janice then began the review by stating that the existing power pole servicing the Johnson's cabin needed to be moved as a result of their addition. Janice stated that the logical move of the pole, to the west of the Johnson's, would not work due to the Johnson's septic field and a large stand of trees that (SDCE) did not want to work around. Also, SDCE was opposed to burying the line due to wetlands both to the south of the Johnsons and to the north. SDCE eventually recommended moving the trunk line from behind the Johnson's cabin to in front of and to the east side of their cabin, costing the Johnson's just over \$19,000.00, according to SDCE records. A new pole on the east side would then provide the drop from the transformer for buried service from that point to the Johnson's cabin. Janice noted that this resulted in new poles and a new trunk line which are partially visible from the Lentz cabin and, as Kevin pointed out, the new line is quite reflective. It was pointed out at the Jan 25<sup>th</sup>, 2020 board meeting that this new line will "weather" and dull over the next few years and be less obtrusive.

- Janice pointed out the similarities between the Johnson's and Lentz projects. In the end, Janice pointed out that the main difference causing the LUC to approve the variance for the Johnson's was that burying the overhead line, would have required burial through TWO wetlands, (which SDCE did not recommend), and, being an SDCE "trunk-line", would have required burial all the way from the pole to the south of the Johnson cabin, to a pole much further north of the Johnson cabin. LU has overseen 44 new cabins or renovations requiring members to bury their service line but has never required a member to bury a trunk line servicing other member's cabins.
- Angleson asked if there were any questions from the board. Janice answered a couple of questions clarifying the location of the old power lines no longer shown on the map provided.

**IV. Lentz Comments:**

- Angleson, upon completion of Janice's recap, asked member Lentz if he had any comments he wanted to make. Kevin commented that he wanted to make sure the board knew that in addition to the buried cable from the Poch's cabin to the new transformer servicing his cabin, that he also had to bury the line from the transformer to the cabin.

**V. Motion:**

- Angleson then turned the floor over to board member Mulligan who was prepared to make a motion. Prior to making a motion, Mulligan stated that, after the Jan 25, 2020 board meeting, the officers of the board suggested getting an attorney to review the complaint. Shaun referenced a letter sent to Kevin Lentz from attorney Mark Payne stating that, in Payne's opinion, given the facts he had been provided, he felt the Board and LU made reasonable and prudent decisions. Kevin acknowledged that he had received the letter from the attorney on Thursday March 26, 2020. (Copy of letter attached). Mulligan then proceeded with the following motion:

*I make a motion that the Mount Massive Lakes (MML) board of directors (BOD) accept the variance approved by the land use committee (LUC) to the Johnsons in Cabin 90 for the upgrade to their electrical service including the relocating of power poles, and dismiss the complaint by Kevin Lentz about this variance. The findings provided by LUC members Bill Bennett and Janice Good, display that the variance was carefully considered and the approval is a reasonable and fair solution to all MML members, including Kevin Lentz. The following are important considerations that came from information provided by Bill Bennett and Janice Good:*

1. *The electrical line going from power pole "A" to the Johnson cabin is a "trunk line" that continues north, and provides electrical service to several other cabins.*
2. *Since the MML rule was passed requiring electrical services to cabins be buried, there has been 44 remodeled or newly constructed cabins, where MML members were required to bury their electric service to their cabin.*

3. *There has not been one situation where a MML member was required to bury an electrical “trunk line” that continued beyond their electrical service, and provides power to other cabins.*
4. *Sangre De Cristo Electric, who owns the power lines, would not bury the electrical line from power pole “A” to the Johnson cabin because the electrical line would be buried in a wetland, and could be subject to a formal environment impact review. Additionally, there were easement / access issues associated with the Johnson’s septic area which precluded burial along the original trunk line route.*
5. *The Johnsons will be required to bury their electrical line from the trunk line from the newly aligned trunk line to their cabin.*
6. *The complaint from Kevin Lentz fails to recognize that in June 2004, the Mount Massive Lakes Land Use committee offered him a similar “reasonable and fair” solution for his electrical upgrade during the remodel of his cabin. The last sentence on the first page of a June 16, 2004 letter from LUC to Kevin Lentz reads as follows: “In the alternative, you may keep your current electrical supply pole in its present location, bury the cable from it to your cabin”.*
7. *In Kevin’s February 2, 2020 letter he provided a copy that he made of the June 16, 2004 letter from LUC to Kevin Lentz mentioned in consideration 6 above. However, it is noted at this time that in the copy provided by Kevin, the last sentence on the first page, “In alternative, you may keep your current electrical supply pole in its present location, bury the cable from it to your cabin” is no longer present.*
8. *Kevin’s February 2, 2020 letter and supporting attachments failed to include Kevin’s Land Use Permit application for his addition which was approved by LUC on 7-5-2004, with approval “contingent upon electrical supply from either Peggy Poch’s pole or current pole and buried cable” noted at the bottom of the application.*

**VI. Vote:**

- Upon hearing Mulligan’s motion, Angleson pointed out that there were really two motions. First to approve the actions of the LUC in granting the variance and second to dismiss the complaint by Kevin Lentz. Angleson asked for a second to the motion. Second by Perry. Being a motion and a second, Angleson asked for any further discussion. Being no further discussion, Angleson called for a vote. Results were seven (7) votes to approve and zero (0) votes against. Motion carried.

**VII. Further Business:** Before concluding the call, Angleson asked the board members to be thinking about how we were going to conduct the April 25, 2020 board meeting and the Annual Meeting in light of the COVID19 Coronavirus pandemic and restrictions on public gatherings. Angleson stated that we would likely need another call to plan ahead for the meetings and determine a format. Angleson also asked if anyone knew if we could allow for a 100% “proxy” vote in lieu of an Annual Meeting. Perry said he would review the by-laws and report back.

**VIII. Motion to Adjourn:** Motion by Good and second by Perry to adjourn the call at 12:43 PM. Approved by all.