



## Board of Directors Meeting

**Date/Time:** July 18, 2023, 7:00 pm

**Location:** Zoom

**Attended:** Christina Jaquith, David Ward, Tani Kron, Peter Katsur, Kevin Weeks, Mist Gussak, Scott Rees, 20 Homeowners via Zoom

**Absent:** Thomas Parr, Drew Loeffler

Meeting Notes compiled and distributed by Dannielle Mellor, CMCA

*The meeting was called to order at 7:05 pm.*

### LRSA Update to Project

- Before the meeting, the LRSA Board sent a letter to the Association Manager. There is no update available currently. The LRSA is awaiting a report from the Municipality of Anchorage after inspecting the easement ditches within the Association. (Letter attached)
- The Board of Directors receives questions and feedback from homeowners, including:
  - The work conducted was of poor quality, and the city needs to inspect the completed work and address the issues.
  - Homeowners will potentially work to correct the issues themselves at an unfair cost.
  - Due to the lack of follow-up, homeowners would like to receive updates about the process directly from the Association and Board of Directors; they have lost trust in the LRSA to effectively report the status.
  - The Association should write letters to the Assembly and Mayor's office to draw their attention to the poor quality of work and ask that the issues be addressed. Instead of sending several letters from various homeowners, the Board should draft a single letter with the prominent concerns to address. The letter can then be sent to homeowners who are willing to sign. A single letter may be more effective than several letters with repetitive comments.
  - Homeowners discuss all available options, including legal action against the excavator who completed the work or the entity responsible for the project and resulting damages.
  - The work completed had no plan or contract to ensure compliance with regulations related to groundwater pollution, grading, and potential erosion. The Board explained that the reason for not having a plan or contract was that the work was

considered maintenance of the roadways and not a road project. Because it is maintenance, no plan was needed.

- Peter Katsur will work with two volunteer homeowners to address the Association's completion concerns, no plan in place accounting for Municipal standards for road work, misuse of tax dollars, the lowered value of a property, and the effect on homeowners. The letter will be distributed to the Assembly and Mayor's office to ask that the proper repairs be completed to make the community whole again.
- Homeowners have concerns about the potential consequences of addressing ditches themselves. Some were told they could do their repairs, but others have said that any repairs to the "ditches" would be undone and cost put on homeowners. A homeowner suggests that before doing any repairs, take photos of what the area looks like and document the repair.
- It is unfair that any homeowner should have to repair themselves. Conducting the work is a cost burden, and the Municipality should be paying for repairs. If some homeowners fix their ditch but others don't, it will still affect property values.
- How many culverts were replaced? Were these done with a permit? Many that were replaced were not done correctly. The culverts are a potential legal issue.

*Peter Katsur initially motions to draft a letter to the mayor's office and Assembly addressing the Association's concerns. David Ward seconded.*

*Tani Kron amends the motion to escalate to the Municipality. Then the Assembly to get a response for the specific path forward, and LRSA Board will come forward after working with the Municipality. Second, address the misuse of tax dollars and unclear end in mind. Third, if there is value erosion of property values, there needs to be firm evidence of devaluation. Scott Rees seconded the motion. All Approve.*

### **Insurance**

- The manager invited the representatives of RISQ to attend the Board meeting to discuss the current policy and answer questions. One confirmed they could not make it; the second did not respond in time.
- The manager will contact the insurance company again and ask that they attend next month's meeting.

### **Legal Advice**

- With quarterly drive-throughs now occurring, the Board of Directors asked for legal advice to define the term "front set back line."
- The manager summarizes legal advice (attached) and lets homeowners know it will be placed on the website for homeowners to view.

*Scott Rees motions to adjourn the meeting, and David Ward seconds the motion.*

The meeting adjourned at 8:26 pm.

**Action Item List:**

Peter Katsur, Kristi McLean, and Keegan Bernier will work on drafting a letter to the Assembly and Mayor's office.

Dannielle will contact RISQ, the insurance company, and ask that they attend the next meeting.

## Valli Vue Home Owners Association

Thank you for the invitation to meet with homeowners and the Board at tonight's meeting. Some of us were alerted via the NextDoor social media site but via this email, we are letting you know we do not have sufficient information to share and discuss the issues before us at this time

Over the past month, homeowners and LRSA member have been in contact and meeting with the Municipality to review the issues. As a result, staff from Public Works have been asked to inspect the project and work to date. We have been assured a report of their findings and recommendations will be forthcoming, but as of today, those reports are still under review. Until we have something in hand and the opportunity to meet with them, it would be unfair of us to not have reasonable or accurate responses to your and homeowner questions.

Please be assured that the LRSA members, who are also Valli Vue homeowners, want to do what we can to share project information with everyone as soon as possible. We will let Danielle know right away and get back to the Board at that time. We all want to resolve these concerns working with the Municipality for an outcome that works.

LRSA Board Members

# Valli Vue Estates Property Owners Association

Question posed to legal:

The CC&Rs for Valli Vue Estates refer to a front building set-back line for the storage of recreational items. Please define front building set-back line.

Storage. All boats, trailers, campers, motorcycles, snow machines, all-terrain vehicles, and cross country vehicles of any type, midget cars, and all similar types of property must be stored, kept, located, and maintained behind the front building set-back line and no such property may be stored, kept or maintained on any street in the subdivision. (emphasis added).

The phrase “front building set-back line” is not a defined term in Article 1 of the Declaration (the definitions section). However, Article V, Sections 2 and 3 of the Declaration, regulate buildings in the Association and help clarify the meaning of this phrase.

The Declaration defines setbacks and states that “No building shall be located on any lot nearer than 30 feet to the front lot line.” [Article V, Section 3(A)]. As such, **the front building set-back line is 30 feet**. Consequently, no items may be stored on a Lot within the 30 feet to the front lot line.

This conclusion is supported by Article V, Section 2, which provides that, “it being the intention and purpose of the covenants to assure that all dwellings shall be of a quality . . . substantially the same or better than that which could be produced on the date these covenants are recorded.” (emphasis added). And appraisals and valuations are based on those “prevailing on the date these covenants are recorded.” (emphasis added). Because the phrase, “on the date these covenants are recorded” is used twice in this section, it indicates that the standard “on the date the covenants were recorded” is the standard to be used. As such, the logical conclusion is that the “front building set-back line” is the 30 feet defined by the Declaration, not the Anchorage Municipal Code which may change over time. This conclusion is further supported by the fact that the MOA code is only mentioned in the Declaration with regard to sewage disposal (not setbacks). If the developer had wanted to use the MOA code for setback requirements, it could have done so, but didn’t.

It appears that the purpose of this storage provision is to maintain the aesthetics in the neighborhood so that property values are not diminished by the storage of items in front of the house. By requiring storage of items to be behind the “front building set-back line,” front yards are kept clear and the neighborhood looking uncluttered.

Of course, there is some flexibility with this rule. The “Architectural Control Committee shall be empowered to resolve any question regarding appraisals and valuations.” [Article V, Section 2]. And the “Architectural Control Committee may reduce the [setback minimums] on individual lots which present development problems due to topography or lot sizes.” [Article V, Section 3(D)]. So if any particular Lot has limitations due to its topography or lot size, the Board or ACC could grant a variance and shorten the “front building set-back line” in those cases (which may be limited to storage allowances). This would allow storage of items in front of the building in expressly approved cases that meet the requirements, especially where the Board determines that appraisals and valuations would not be negatively affected.

As indicated by Article V, Section 9, the purpose of Architectural Control is to maintain “harmony” in the external aesthetics of the community. Hopefully the Board is able to achieve harmony in this instance.

Please let us know if you or the Board have any further questions.