

LOMA LINDA HOMEOWNERS ASSOCIATION

Special Meeting Minutes

November 6, 2014

[www.llhoapagosa.com](http://www.llhoapagosa.com)

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Becky Herman, President	264-2171
Glenn Unrath, Vice President	507-0226
Mike Leitch, Director	264-0750
Peggy Beach, Firewise Ambassador	264-0463
Linda Parker, Secretary	264-1434

I. Call to Order--The meeting was called to order by Glenn Unrath at 6:02 p.m. LLHOA Board personnel in attendance were Becky Herman, Glenn Unrath, Mike Leitch, Peggy Beach, and Linda Parker. ACC members in attendance were David Parker and Don Beach. Special guests in attendance were David Hartman of the Pagosa Fire District and Rick Taylor, owner of AAA Propane. Tim Knobbe was unable to attend. Other attendees were: Larry Christine, Will Dunbar, Dean Dussell, Roger Jensen, Doris Leitch, Bob Radigan, Steve Sanderson, Bernie Sautel, Rick Sautel, Carolyn Schwulst, David Smith, Jean Smith, Barbara Trask, Farrell Trask, and Nancy Young.

II. Revisions/Additions to the Agenda--No items were added or revised to the agenda.

III. Speakers on Propane Tank Screening--David Parker introduced the invited guests. He reminded the members that the guests were present as a courtesy to our association and to please be respectful of their time. He also reminded the members that the topic for questions to the speakers should be limited to safety issues of propane tank screening.

- A. David Hartman is the Fire Marshall for the Fire Protection District that includes Loma Linda. He presented two handouts to attendees, one which was taken from the last adopted fire code (August 2009), the other was the CSFS guide. He pointed out several sections of the code which pertain to propane tanks. Those are the following:
  - 1. Section 3807--Safety Precautions and Devices
    - 3807.3 (Clearance to combustibles) This states that "weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet (3048 mm) from LP-gas tanks or containers." Chief Hartman stated that firewood would also be considered combustible material, and that firewood should also be kept at a minimum of 10 feet from a gas tank or container. He also quoted the National Fire Protection

Code, 2011 edition, chapter 58, section 6.4.5.2 which states, "Loose or piled combustible material and weeds and long dry grass shall be separated from containers by a minimum of 10 ft." He stated that firewood would be in this category. He went on to read Section 6.4.7 which states the following:

"Structures such as fire walls, fences, earth or concrete barriers, and other similar structures shall not be permitted around or over installed nonrefrigerated containers unless specifically allowed as follows:

- 1.) Structures partially enclosing containers shall be permitted if designed in accordance with a sound fire protection analysis.
- 2.) Structures used to prevent flammable or combustible liquid accumulation or flow shall be permitted in accordance with 6.4.5.3 which addresses the area under containers.

3.) Structures between LP-Gas containers and gaseous hydrogen containers shall be permitted in accordance with 6.4.5.9 which states:

"Where protective structures having a minimum fire resistance rating of 2 hours interrupt the line of sight between uninsulated portions of the oxygen or hydrogen containers and the LP-Gas containers, no minimum distance shall apply."

- B. Rick Taylor is the owner of AAA Propane in Pagosa Springs, Colorado. Mr. Taylor spoke on the safety of propane, tanks, and the use of screens. He shared the story that several years ago during a wildfire that occurred close to Denver, 268 propane tanks had to be removed and tested before they could be re-used. They were sent back for re-certification according to the rules and regulations of the propane industry. None of the tanks even got hot enough to bleve. He went on to explain that there are many rules and guidelines for the propane industry, and none prohibit the use of fencing or screening of tanks. AAA requires a 3 feet minimum distance around the tank and a 4 foot opening for the driver to service the tank. One side of the screening must be vented. He stated, "If screens were not safe, laws of the propane industry would not allow them." He further stated that in his experience, he has never seen a tank explode because of a screen. Mr. Taylor explained that he began his propane experience as a teenager. He stated that 67% of all accidents are a result of "out of gas" calls (incidents where people had let their tank run out of fuel because they wanted to make a change in their home). He said that three and a half years ago, the state of Colorado added the law that if any resident makes any changes, additions, or deletions to any propane service without contacting the propane company first, the propane company has no liability in case of an accident.

#### IV. Question/Answer Session

Barbara Trask asked Chief Hartman if he had located the code book that was in effect when the covenants were written. His answer was that the 10 feet minimum was in the code at that time.

Dean Dussell asked why this Covenant was being enforced. Mike Leitch responded that according to the LLHOA attorneys, all Covenants must be enforced, an HOA cannot pick and choose which rules are enforced and which are ignored.

Carolyn Schwulst asked the Board what initiated the enforcement. Becky Herman responded that none of the current Board members were in office when that was decided.

Roger Jensen asked Chief Hartman for clarification that the code does allow fencing of tanks. Chief Hartman responded in the affirmative, i.e., screens are allowed but he stated that the Board should check with the attorneys.

Becky Herman stated that the Board had worked closely with the attorneys who were given all of the governing documents of LLHOA. A report was sent to the Board on the documents with suggested changes that needed to be made in order to be in compliance with state law. The attorneys did not indicate that tank screens were a legal issue.

Dean Dussell stated that his tank was painted several years ago and was approved by the ACC. There is, however, no documentation to that effect. The current ACC is working to provide documentation to everyone so that those situations don't arise again.

David Parker made the observation that most likely, everyone in Loma Linda is out of compliance with the 10 foot minimum code.

Barbara Trask stated that the CC&Rs regarding this Covenant should be changed.

David Smith recommended that since the Covenant states that "all tanks shall be screened to the satisfaction of the ACC," the committee should write a declaration stating that as of a certain date, all tanks are considered to be satisfactorily screened.

David Parker stated that he would not agree to David Smith's recommendation because it is in direct conflict of the CC&Rs, as opposed to being about a matter of interpretation. He also quoted guidelines from PLPOA and explained that their association was now in legal trouble, because they went for too long a period of time without enforcing their CC&Rs.

David Smith suggested that those individuals who want to change the CC&Rs can get signatures on a petition and begin the process. A petition has already been presented to President Becky Herman.

Becky Herman stated that a great deal of research has been done on this issue. She reiterated what Mike Leitch said earlier about the LLHOA attorneys cautioning the Board to enforce all Covenants, rather than a few.

Carolyn Schwulst brought up the issue of insurance requirements and how they might affect the enforcement of the Covenants in the future. Linda Parker, who worked with Farmers Insurance, explained that all insurance companies have different requirements. The LLHOA Board's has encouraged homeowners to talk to their specific agent regarding mitigation and tank screens.

Will Dunbar expressed his displeasure with the Board for their lack of consistency on enforcement. He went on to say that the CC&Rs have been changed in the past, and that it is possible to change them now.

Barbara Trask agreed to get a calling committee together so that the process can begin. Property owners will be called to encourage their vote.

Rick Sautel asked why the plants he used in front of his tank as a screen were okayed a year ago, but he received a letter recently stating that he was out of compliance. David Parker stated that several decisions on tank screening were made by individuals, not the entirety of the ACC committee. He reiterated the Form for Property Improvement which can be found on the LLHOA website to use whenever a property owner wants to add or change anything on their property. By using this form, he hopes to have documentation of decisions that are made by the ACC.

Peggy Beach reminded everyone that all of the Board and ACC members have spent countless hours on this topic without much appreciation. She encouraged those present to consider serving our community to make it better.

Linda Parker added that the LLHOA Board will have a vacancy in January. The ACC also needs additional members.

An addition to the minutes was requested at the 11/18/2014 regular meeting of the LLHOA Board by Dean Dussell to state the following:

“Dean Dussell stated that ‘the current LLHOA guidelines for propane tank screening violate the fire code and are therefore illegal’ and ‘the screening of propane tanks is against the recommendations of the Colorado State Forest

Service, the National Forest service, the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the Dept. of Fish and Wildlife.”

Becky moved and Mike seconded a motion to approve the minutes with this addition with the stipulation that the minutes indicate that these statements were made by Dean Dussell as his opinion only, and are not the opinion of the LLHOA Board. The motion passed.

- V. Adjournment--There being no other discussion, Glenn Unrath adjourned the meeting at 7:48 p.m.