

Minutes: Lake Canyon Mutual Water Company Board Meeting

Tuesday, May 19, 2020 7:00 p.m.

Held via Zoom Audio and/or Video Conference

lakecanyonmwc@gmail.com <http://www.lakecanyon.com/> 408-834-7745 (message)

PUBLIC FORUM: Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, if the matter is not on the agenda or pending before the Board.

Roll Call: Jim DiZoglio, Mindi Porebski, Rebecca Cabral, Susan Ady

Also in attendance: Bud Everts, Phil Abel, Barbara Abel, Kirk Epperly, Terry Truong, Kenji Morita, Wais Achak, Vu Dang, John Lipka

Rebecca calls meeting to order at 7:02 pm

Financial Reports

- See Bud's full report [here](#).
- Questions:
 - page 2 and page 3: Treasurer wages are missing from the usual account line. But total on page 2 reflects total wages. Bud to investigate

Susan moves to approve financials

Jim seconds

Motion passes 3-0

Reports: Water, Staff, Projects, Maintenance

- See Bud's full report [here](#).
- Questions:
 - Average water consumption appears to be increasing, which is probably due to shelter in place
 - New pipeline may or may not be helping to ensure fewer leaks, not enough data here to be sure, and most issues were fixed prior to this work
 - Damage on bridges:
 - There was both a GreenTeam and tree crew out on Tuesday, May 12th; could have been either that damaged upper bridge
 - Also possible damage at bridge near 19400 Beardsley
 - Road information on Comcast project to come, disruptions to be between ~8a - 4pm, but specific dates not yet known.
 - No May 16th community meeting: Mindi to help compile a virtual update for community

Communication and Correspondence

Business

1. Update on unimproved lot charges: follow up from last meeting action item on letter
 - a. Bud has letter drafted; Bud to pass by attorneys before sending
 - b. Rebecca has address information for Bud to send; billing to begin July 2020
2. Laurel Curve safety improvement project: status of signs and other improvements
 - a. Mindi to communicate with engineering companies
 - b. Mindi and Rebecca to email Bud with recommended signs
 - c. Tom Newhall will move convex mirror from upper Beardsley to Laurel Dr. corner
 - d. Jim and Kirk interested in signage limiting / not recommending certain sizes
 - e. Mindi Porebski and Rebecca Cabral form a committee and include Kirk to continue conversation about additional signage on Laurel Drive

3. Plan for Lake Canyon shed update: agree on next steps
 - a. Susan to reach out to neighbor to get more information
 - b. Vu interested in smaller shed and something that looks better
 - c. Possible new locations for the shed still undetermined
 - d. John was curious why it is not located on treatment plant property: considerations for slope, parking, and future of that property if 19605 Manz. property is sold if SJC supplies
 - e. Phil expresses the shed needs maintenance, and is currently on community property
4. Hardship policy, including leak adjustments: revisit current policy
 - a. Current shutoff policy is documented
 - b. Hardship policy is not documented
 - c. During a previous leak, the leak adjustment policy did not seem sufficient in the case of hardship or when the homeowner did their due diligence
 - d. Should there be more flexibility above the 50% given now, based on individual circumstance
 - e. Wais thinks he found a leak in his house - to connect with Bud
 - f. Mindi supports clear rules so there is no question of fairness, but also an ability for homeowners to ask for payment plans or deferment in hardship
 - i. Clarifies that hardship policy should be based on some criteria - income, etc.
 - g. Policy is to notify homeowner immediately of leaks
 - h. We are not under prop 218 so we are able to set up policies such as senior rates, hardship payment plans, etc.
 - i. Rebecca shares it would be nice to be able to be more flexible when it's just a one time issue and not a recurring problem
 - i. Mindi agrees, and this is an opportunity to completely re-write the policy
 - j. Jim is curious how much money we would lose each year due to leaks if we moved to a more flexible policy
 - i. Bud recommends this could be based on negligence vs. non-negligence
 - ii. Mindi is curious how we would know exactly where the leak is
 - k. Rebecca mentions that a digital RFID-based meter system would make this easier
 - i. Jim agrees
 - l. Bud, Mindi, and Rebecca to draft up options for revised leak adjustment policy and hardship policy
5. Capital Improvement plan & rate study
 - a. We know we need to replace the pipeline on Laurel/Oak and due to proximity to CSD line, will require engineering and more expense
 - b. Also see if there are any grants we can pursue
 - c. We can use Fall Creek engineering - used before
 - d. We have CIP from 3-4 years ago. Other major repairs are bridge repair at Cameron's house
 - i. Bud to share previous improvement plan with the board
 - e. Jim to take a first pass at drafting this capital improvement plan, which is first step before rate study
 - f. From there, a rate plan could be done to fund those projects
 - g. Bud has requested help through RCAC for grants and information
 - h. Does not require community vote. We have fiduciary responsibility to ensure rates will support the business
 - i. Example: we could do 3% increase every year for X years to keep from having large increases at once
6. Earthquake and fire emergency evacuation plan: initial discussions
 - a. Rebecca feels there should be a communication plan, a way for folks to reach out to each other. For example, how to turn off a propane tank or water leak
 - b. Good to have awareness for neighbors to know how to turn off propane tanks, water shutoffs, etc.
 - c. Also good to have communication methods among neighbors

- d. Susan mentioned Las Cumbres has road captains that have all this information, and has a communication method to ensure you can reach out and see if folks are alright
 - e. Rebecca to work on putting something together on the earthquake
 - f. Susan is interested in helping
 - g. Fire escape: plan to have walkthrough but that cannot be done very safely during shelter in place
 - h. Jim can film the exit this weekend
 - i. Trail from Abel's up toward Black / school / tree farms, but it gets very steep and is not a good trail. Kirk has done that trail before, it is very steep
 - j. Ideas for signage, ropes, or tape on the trees
 - k. Jim, Vu, and Ru interested in walking the trail
 - l. Mindi mentioned seeing an article in Mountain Network News about how Las Cumbres became a Firewise USA program
7. Updates on Comcast internet project from LCCIC
- a. See community email for most recent updates; installs should begin in Aug./Sept. 2020
8. Request for 19388 Beardsley: updates on facts requested and next steps
- a. Met with John on May 5, covered situation at his property
 - b. Board requesting as-built plans, comments from county in permit card, measurements and photos
 - i. As-built plans still in progress
 - c. Monument in question is on John's site plan
 - i. Was sent to board for approval in 2018
 - d. John is not interested in paving 20 feet of roadway, due to additional expense incurred
 - e. John believes that the sale process and disclosures will be sufficient to protect our easement
 - f. Mindi has possibly located center of the road using Kenji and her surveys, but is a layperson and not an expert in this
 - g. Kirk recommends if this is found, it can draw a straight line to Kenji's current point and we could have center of the road
 - h. John has agreed to use and current property lines are based on Kenji's survey
 - i. John states the road is in the current easement, but if it is not, Kirk asks if John would pay to have the easement adjusted
 - i. John to include this in disclosures
 - j. If everything is built to spec and approved why is the board involved
 - k. John to withdraw request for approval as he does not have time
 - l. Kirk suggests if the easement has to be moved, perhaps homeowner could pay for the adjustment officially
 - i. Would likely not be very expensive
 - m. Per John, the pipeline is not under the wall and pavers, it is under the road
 - i. Asphalt existing now is 10 inches wider than it was before
 - n. The pin is important to John. We need to either locate it or replace it.
 - o. Irrespective, the road will be wider
 - p. Future homeowner might have an issue per survey to the easement, if we have fire lanes or other signifiers
 - q. John has approved variance and setback on plan
 - r. Terry requests any letter from the board about center of the road has nothing to do with the property line between properties
 - s. Letter regarding John's plan to pave the road. No mention of easement location, property line locations, etc.
 - i. John to draft letter with his intention to pave 18 feet of road

Jim makes a motion for John to write a letter and we will get the lawyer to notarize it
Susan seconds the motion

Jim motions to continue with Alpha surveyor to find the pin

Susan seconds the motion
Motions both pass 3-0

To leave until June meeting

9. Conversations with San Jose water on hookup next steps

10. Labor costs: consider wage rate changes. Can go into executive session in a Zoom breakout room

Review Meeting Minutes

Review meeting minutes from May 5th 5:45pm meeting

Meeting minutes approved 3-0

Review meeting minutes from May 5th 7pm meeting

Meeting minutes approved 3-0

Review these meeting minutes

Meeting minutes approved 3-0

Create next meeting agenda items: Tuesday, June 16th, 2020 7:00 p.m.

Adjourned at 10:49 p.m.