

Minutes from 9/24/21 Board Meeting:

In Attendance (not sure I have the spelling correct on these names):

Board Members:

Charlotte on phone

Frank

Cliff

Robert

Mike

Dane

Members present:

Todd Kochlein

Pam VanLandingham

Tsenre Deveraux

Marion Hutchinson

Deb and Harold Retzloff

- Frank Stover as guest of Deb and Harold

Eleanor Dickey

Terry and Sandra Jolly

Ted Wenrich

Sharon Pace

(and Rocky)!

Frank opened the meeting shortly after 5pm. He provided a welcome to the meeting, outlined general purpose of the meeting, and explained a desire for each person to limit comments to a 3 minute discussion in interest of time and numbers of people in attendance.

Discussion and comments from various community and board members follows (comments are grouped by person, not in sequence as raised in the meeting):

Marion: raised concerns about removing ambiguity from the documents, questioned the definition of "guest", raised concern about wording related to short term rental of "any part there of" language.

Harold: Used example about renting RV pads or sheds (in relation to Marion's "any part there of" concern). Felt that owners should not be able to rent out portions of the property, but entire property is okay. Shared concern with Marion about removing ambiguity from the document, expressed this version was progress, but time to review was too short, and suggested delay of two weeks or another month for further review. Raised concern about cats and lack of limits on inside animals due to his experience where smells get bad and can affect neighboring property values. Expressed concern about fencing on HOA property. Expressed

concern about lots being grandfathered in CC&Rs for quantity of pets, offered alternative suggestion on how to handle (letter of notification, acceptance by owner of violation, agreement not to continue when pet dies). Explained position that a “guest” should be further qualified as a non-resident. Raised question to understand if current by-laws were up-to-date with the Colorado Common Interest Act, suggested that something was not inline with the law, but did not clarify. Asked board about naming the “disinterested 3rd party” that will be counting the votes, indicated acceptance of the choice when name was provided. Wants owner input considered for new by-laws and rules & regulations.

Deb: Concerned about notice period provided in current CC&R’s being removed. Asked to keep a reasonable time period. Concerned that owners don’t have a say in by-laws. Requested that owners be assured of reasonable time period. Requested response to reasonable time period by the board be clearly stated in the minutes. Expected that board should have sent out red-lined document automatically. Wanted to have all collected owner input disseminated to the entire association for review and comment. Disagrees with statement that the CC&R project started out as a housekeeping project, feels it is past that. Expressed concern that level of transparency from the board was not up to her expectation.

Eleanor: Question about the process that will be used when by-laws are updated (will they be distributed with having to ask for them). Voiced concern about what will be in the Rules & Regulations and when they would be sent out to review and begin discussion.

Board discussion and feedback during comments section:

Throughout the member comment period (above), board members provided various responses to concerns as they were raised, or asked for clarification from members. Here are the outcomes.

- Time limit intent was reiterated with a desire to note comments for further discussion to try to contain meeting length, however, the limit was not actively enforced during the meeting.
- Definition of guest was discussed and the definition provided: “guest is any guest of an owner”
- Expressed intention to put a time limit on guests in the Rules & Regulations, considered to be a more appropriate location for such items.
- Explanation of the redline process was provided.
- Definition that cats are considered a “pet” was clarified. Discussion of what counts toward the 2 pet limit clarified that indoor pets that never utilize outside elements does not count toward the limit.
- Use of suggested agreement letter to resolve current pet violations had been discussed and was ruled out based on legal advice.
- Reasonable time period belongs in by-laws per legal advice. Board committed to 60 days as the number.
- Reiterated that the project began as a housekeeping project.

- Board does not feel comments from other owners related to the CC&R project are to be shared with others on basis of owner confidentiality.
- Status of compliance of by-laws with current Colorado Common Interest law is unclear and will be investigated, and likely corrected in the next phase of this project.
- Provided name of dis-interested 3rd party: Marilyn Lang, a local real estate agent. Additional information regarding types of parties that turned down the association request was given. The board had reached out CPA's and attorneys in the area, which declined to participate.
- Provided feedback from the attorney that the document had reached a point that was ready for the association to vote.
- Board committed to association review of by-laws and rules & regulations by the association, noted that a "vote" by the association member is not required, as it is a responsibility of the board. However, input will be solicited from members as it is the desire of the board to have a document that best represents the interests of the entire community.
- An example of an item to be considered that would be included in rules & regulations was provided. It was suggested that a time limit for guest RV use would be limited to 2 weeks for a guest with a total of 42 nights for a season. With further clarification that the board will take feedback when it gets to that part of the process.
- Explanation that CC&R's are more rigid, where rules & regulations are more flexible.
- Board and ARC are not meant to be adversarial with owners. Would like to understand more about the distrust and constant negative feedback.
- Corrected a statement suggesting the board was going to put out Rules & Regulations without consulting the membership for feedback. That suggestion is 100% NOT accurate and the commitment to gathering feedback was reiterated again.

After the end of the comment period by owners, the board began discussions on the suggestions provided. Key points and decisions:

- Outlined original purpose of the meeting, to review final redline document, review and vote on form of document to send to association for vote.
- Discussed it is okay for board to make remaining tweaks or changes if needed with vote to approve if appropriate.
- General discussion on feedback and comments from owners
 - Not in agreement on request for additional comment period
 - Did not feel appropriate to share owner feedback with entire community given privacy and confidentiality concerns for owners
 - Agreement to remove "any part thereof" wording
 - Confirmation that board is unaware of any other owners in violation of the 2 pet limit.
 - Letters for pet issue were debated and board choosing to follow advice of legal.
- Additional items not raised during comments period were discussed
 - Number of lots updated to reflect correct number (given changes with various tracts over time). 79 lots pay dues, but only 78 have voting.

- Discussion about possible movement of retail and traffic items to Rules & Regulations. Decision to leave in CC&Rs with caveat to put rules about traffic in Rules & Regulations.
- Explanation that guest was removed from walkway easement section since a guest can have rights extended by an owner from another section of the CC&Rs.

A motion was made by Robert Little to “Approve the Form of the Amended and Restated CC&Rs with the following changes - remove the wording “any part thereof” from the rentals section, adjust the number of lots to 78, leave pet clause as-is, and to leave the retail clause as-is.”

Frank 2nd the motion.

Board vote – 5 in favor, 0 apposed

Review of upcoming process was outlined – cover letter will be reviewed by board before sending out the documents to owners, there will be 60 days to review, approve, and vote on revised CC&Rs as voted tonight.

Robert motioned to close the board meeting. Mike 2nd the motion.

Meeting adjourned around 615pm.