Executive Board Meeting

October 21, 2015

Location: The Residence of Antonia Cooper & Ryan Turner – 0507 Kings Row Avenue

Board Members in Attendance: Peter May, Carolyn Dahlgren, Antonia Cooper, Gerald Fielding and Krystle Beattie (recording secretary)

Homeowners in Attendance: Mimi and Tim Trombatore, Tom Hazard and Carol Nieuwenhuizen

1. Call to order at 7:15pm
2. Tim & Mimi Trombatore
   1. Liability to homeowners and HOA regarding trail that runs behind homes on S. Kings Row as well as on common space
      1. The Trombatore’s met with Michael Feigenbaum (attorney) to discuss the liability to homeowners (mainly the Trombatore’s and Phillip’s) and the HOA regarding recreational users using private land.
      2. Prescriptive easement is granted after 18 years so by not saying anything to recreation user’s prescriptive easement may have been granted.
      3. Mr. Feigenbaum’s advice to the Trombatore’s and HOA is as follows: “Since the trail affects other parcels in Kings Row in addition to your own, the most effective way to deal with the existence and use of the trail may be through the association and its covenants. In particular, the association is best suited to handle the use of the trail by the neighboring property, through a license that provides satisfactory coverage to the association and its members (the lot owners). A typical license provides for permissive use of the property (in this case, use of the trail), disclaims any other interest in the property, is revocable by the grantor, and requires protections such as insurance coverage and indemnities in the event the landowner suffers damages. A possible alternative, if the association does not want to pursue the issues relating to the trail, would be for you to present a license (as described above) to the association, to allow for continued permissive use of the trail crossing your lot by its members, but providing coverage to you. Without going into detail, I also want to note that Colorado law provides certain protections to landowners against the claims for damages from parties crossing their land. Generally, it’s important for a landowner to be aware of any dangers that may exist on his or her land (if any) and provide adequate warning of them.”
         1. In response to the above letter, the Trombatore’s plan to place a sign on their property advising users that they are entering private property and warning users of any dangers.
   2. Assignments: Tim and Mimi Trombatore will meet with Phillips, McClean and Gault to discuss their findings on the use of the trail and will report back to the Board before the November 7th, 2015 annual meeting. Tom Hazard and The Trombatore’s will meet with Gay Lewis to discuss her signing a license between the homeowners and the HOA. Carolyn Dahlgren will add that recreational users of the trail must stay on designated trail to Covenant 3.1.6. Tim and Mimi Trombatore will present this topic at the annual meeting. Gerald Fielding will GPS the trails. There will also need to be a license agreement with the owner(s) of the “windmills” that have farm implements and other items that are encroaching on HOA open space property.
   3. Mineral Rights – Michael Feigenbaum also did some research on mineral rights for the Trombatore's. “While the Kings Row covenants describe ½ of the mineral rights being owned by the association, we did not find evidence of this ownership.”
3. Neighborhood Dog Issue
   1. County ordinance states that owners need to have control of dogs via voice or leash.
   2. The current covenant states the following: “No dog shall be permitted to trespass beyond the boundaries of the lot owned by the person or persons where the dog is housed unless accompanied by a person in full control of the animal’s behavior. The Homeowners Association shall have the right and obligation to assess and enforce payment of a fine by the dog’s owner of One Hundred Dollars ($100.00) for each violation of this restriction. In addition to the foregoing penalty, any dog caught chasing or molesting deer or horses may be disposed of by the Homeowners Association”
   3. The Board discussed rewriting the covenant to allow for the Sherriff to handle such situations rather than the HOA. The Board feels that asking neighbors to referee dog issues is not a good idea.
      1. Assignments: Peter May to respond to Roberta McGowan via email to let her know that the covenants are being rewritten and that the Sherriff not the Board will be handling neighborhood dog issues in the future. Tom Hazard will research Eagle County Dog at Large Law.
4. Approval of September 8, 2015 Meeting Minutes – Carolyn Dahlgren motions to approve with changes made to 3bii, Gerald Fielding second, all were in favor.
5. Budget
   1. Krystle Beattie presented the Proposed 2016 budget. The main concern with the budget is the insurance account – the Board feels that this account may require more funding if the HOA has not been paying insurance for open space – without knowing if the insurance will increase, Peter May motioned to approve the 2016 budget; Carolyn Dahlgren second; all were in favor.
      1. Assignments: Tom Hazard to contact State Farm Insurance to get a quote to cover open space. Tom Hazard will call Mountain Lawn for Common Area Maintenance bill.
6. Agenda for Annual Meeting
   1. Krystle Beattie presented a ‘mock’ agenda.
      1. Assignments: Peter May to put up sign at entrances of Kings Row and change the date to be November 7th, 2015. Carol Nieuwenhuizen to make “voting paddles.”
7. Covenants
   1. Covenants that will need to be discussed at the annual meeting:
      1. Open Space – Mimi and Tim Trombatore
      2. Dogs – Gerald Fielding
      3. Noxious Weeds – Tom Hazard
      4. Backflow Devices – Tom Hazard
         1. Assignments: Carolyn Dahlgren will take other members covenant rewrites and add them to her draft. Tom Hazard and Carolyn Dahlgren will look at the laws for backflow devices and inspection.
8. Direction to Administrative Assistant on website updates – this will be addressed at the December monthly meeting.
9. November well reports
   1. Assignments: Tom Hazard will complete the well reports and submit them by the due date.
10. Review of insurance coverage and premium due
    1. Krystle Beattie reported that currently the insurance premium is $1,095.00 but this is the same insurance that the HOA had when she took over the books and does not know what the coverage is.
    2. The State Farm representative (Todd or Robin) should be invited to attend the December meeting.
       1. Assignments: Krystle Beattie to contact State Farm representative and invite them to the next meeting once the date has been established.
11. Email sufficient for annual meeting 2nd notice?
    1. Board agreed that email would be sufficient for 2nd notice.
       1. Assignments: Krystle Beattie to send annual meeting notice via email to all homeowners.
12. Revenue Ruling 70-604 Resolution
    1. Krystle Beattie handed out copies of Revenue Ruling 70-604 and went over that this Resolution is required by the IRS and basically states that any excess funds will be ‘held’ in the operating account for future years when the HOA may operate at a loss. Per Dennis Fox, CPA this needs to be voted on at the annual membership meeting.
13. Past Due Assessments
    1. Kuen – lien has been filed
    2. Misunas – will be 2 quarters behind as of October 31st, 2015. Board will need to address at next meeting if a lien shall be filed. Hopefully they pay before then.
    3. Peterson – they sent a proxy to Krystle Beattie, however until they pay their finance charges and statement fees they are not eligible to vote.
       1. Assignment: Krystle Beattie to send letter to Peterson’s letting them know that there vote will not count until they are current on their dues.
14. Items discussed but not on agenda
    1. Irrigation pipe repair – Tom Hazard reported that the pipe is currently not leaking but it has not been fixed. The problem is definitely within the HOA’s irrigation system.
    2. Herried/Ponto – there was a large tank put into the ground. This may be part of the HOA’s or ARC’s approval, per the current covenants a ‘structure’ is defined as being above or below ground.
       1. Assignments: Peter May to contact the Tim or Paula to discuss.
    3. ADU’s – there are currently some homes that have ADU’s. An ADU is defined by a separate entrance and stove. The original plat states that the subdivision is for single family dwellings. County should not be approving ADU’s because of plat and covenants.

The next meeting will be the Annual Meeting on November 7th, 2015– 6pm – Missouri Heights Community League (White Schoolhouse) 0498 County Road, 102. Assignment: Carolyn Dahlgren will get beer and wine for annual social event following the annual meeting. Krystle Beattie will reimburse her for her expenses. There being no further matters to come before the HOA, the meeting adjourned at 9:30pm.