

# Casolar HOA Board Meeting Minutes

March 8, 2021

The meeting was called to order at 12:02 pm MST. Participating on the call:

- Donna Pylman Hurwitz
- Brendan McCarthy
- Seanna Mulligan
- Nancy Bigsby
- Reid Phillips
- Allen Mulligan – Homeowner Guest

## Minutes

- February minutes approved

## New Business

- Treasurer Report – 1 unpaid homeowner –
  - Alegra Associates c/o M. McWilliams - 1141 B – finally responded to requests from the HOA BOD. Still no payment.
  - HOA Attorney advised us on next steps for collection of 1141B. Full ledger of charges and payments are required by state law. Late fees and interest are allowed.
  - HOA BOD to adopt an improved collection policy.
  - Discussion of 1141B past payment pattern of delinquency.
- Account balance is \$69,771
  - Currently owe for March and April snow removal
- Account reserve balance \$27,979
- Approved tree trimming for 1170A and the West side of the triplex behind the Bakers. Reid spoke to Vail Fire Chief about fire mitigation project and trimming in our area. Call for a walk thru to look for limbs too close to structures.
- HOMEOWNERS NEED TO EMAIL ALL REQUESTS FOR LANDSCAPING/IMPROVEMENTS TO THE BOD.

## Old Business

- Recommendation by Brendan to use Kathy for comprehensive landscaping plan, second recommendation to engage with Garden Concepts. Reid has a suggested vendor.
- The plan needs to have X# revisions priced into the plan.
- Have proposed contractors interested in bidding on this project due April.

## 1170B Renovation request to HOA

- 2/11 onsite meeting with all board members minus Brendan McCarthy. We developed a list of pros and cons for the request from the homeowner for HOA land to expand the driveway to meet TOV requirements.
- 2/18 phone discussion with all board members minus Reid Phillips.
- HOA Attorney was engaged to write an agreement for the homeowner of 1170B to sign. This request was the first request since the 2016 adoption of cross easements and declaration.
- Attorney to draw an agreement to include:
  - Pay for movement of HOA utilities, care or replacement of tree next to driveway should it fail
  - HOA wanted to encourage solutions to parking which this plan addressed
  - Agreement that the homeowner would not ask for additional HOA land and agree to cross easement understanding
  - Formalize the agreement

Once Donna receives the agreement from our attorney the BOD agreed that it will read and reply all with expediency. Agreement was available by 1:30 3/8/2021. All HOA Board members replied in favor of the agreement.

### Review of Parking Issues

- Overnight Parking on Roadway
- Overnight Parking in snow storage spaces (mostly triplex)
- Parking on Road impeding daytime plowing
- Short term rental with too many cars
- Owner with too many cars
- Repeated parking issues resulted in Casolar and the spur not being plowed because the plow driver could not navigate the road without damaging cars in the way. Our contractor had to return later which is an added charge for the HOA.
- Donna, HOA President, has carried the brunt of this issue by handling complaints from contractors or homeowner's complaining about parking; then having to notify homeowner's/guest/renter's to move their cars. She has repeatedly asked the same people to move their cars from no parking areas.
- Short term and seasonal rentals exceeding the number of parking spots. Town of Vail has Short term rental ordinance and guidelines. Major issue arising from STR are parking and noise issues.
- Reid has suggested another round of reminders to homeowners about NO overnight parking in no parking area and snow storage.
- Find the parking map from 'Marshal' to be clearly marked by current HOA and redistributed to all owners.
- Homeowners repeatedly leaving cars in snow storage or no parking area.
- Triplex owners have parking in the garage and 1 car directly in front of their garage.
- HOA next steps:
  - Purchase NO PARKING signs for area where homeowners have continued to use after multiple requests by Donna and other HOA Board member to move their cars.
  - Draw up no parking areas
  - HOA governing documents address how many parking spots each unit is allowed
  - Parking in area that blocks access to garages is not allowed.
  - Snow storage is not for overnight parking
  - STR and long-term rental units must address parking with their renters. No advertising of parking that is not allotted to their unit
  - Suggest that the triplex owners investigate expanding the retaining wall to accommodate 1 additional parking spot. This would be funded by the triplex owners.

### **Additional Solutions:**

- Create more parking spaces
- Assign parking spaces
- Convert triplex snow storage to guest parking
- Designate Merz/Mulligan snow storage space off limits to parking (impedes driveway)
- More no parking signs
- Paid parking thru an APP
- Create short term rental policy: have Owners give HOA their ad materials before posting; only allow two cars- refer others to Vail View Drive TOV parking or structures; require short-term rental license to be on file with HOA
- Give everyone parking decals for Owner cars/placards for renters so we can easily identify which Unit has violators.

Respectfully submitted Seanna Mulligan  
Next meeting 3/12/2021 at noon

## 1170B Renovation resolution after 3/9/2021

3/8/2021 HOA Attorney returned the Easement agreement to Donna. All HOA Board members approved the document. Simultaneously, Donna sent the document to Jon and Christin Gurka on 3/8/2021.

3/11/2021 The HOA received Nancy Bigsby's resignation via email. Copied below

This is notice of my resignation from the Casolar Board of Directors effective immediately as of 3/11/21.

Please acknowledge receipt of this notification.

Thank you,

Nancy Bigsby

Sent from my iPad

3/12/2021 HOA Board received an email from Jon and Christin Gurka that they did not agree to sign the agreement as proposed.

3/16/2021 at 1:30 MST the HOA Board and Jon and Christin Gurka met via phone to discuss renovation approval and HOA approval of expanded driveway onto HOA common ground for 1170B.

Attendees: Donna Hurwitz, Seanna Mulligan, Reid Phillips, Brendan McCarthy (1:50), Jon Gurka and Christin Gurka

HOA Attorney was engaged to write an agreement for the homeowner of 1170B to sign. Issue and discussion around 2e:

Owner agrees that it will not request for the purpose of expanding the Dwelling Unit footprint any additional easements on Common Area owned by the Association or impairment of existing easements granted to the Association in the Cross Easement Agreement related to Lot 8-B, whether located in the original lot lines or not. Owner also represents and agrees that this project uses the Lot's allocated Town of Vail GRFA allowance and no further concessions will be granted from the Association to Owner or its successors, heirs, and assigns.

Reviewed history of variances between actual and planned building envelopes. The variances were addressed in a 2010 cross easement and then updated in 2016 and ratified by all homeowners/members of the HOA.

HOA Attorney was engaged to write an agreement for the homeowner of 1170B to sign. This request was the first request since the 2016 adoption of the amended declaration, which gives the Board the ability to grant easements. While there was a prior request from the previous owners of 1170B, that request involved a larger piece of HOA land in addition to a driveway easement, so the Board deferred to the Shareholders. Donna explained the Board's responsibility to establish a process and precedent to evaluate homeowner requests for use of common HOA. The alternative is to put this in front of the entire HOA for a vote.

The 1170B renovation captures additional interior space that TOV requires an additional parking spot since the allowable square footage exceeds 2000 ft<sup>2</sup>. The Board views the benefit of one additional off street parking spot for a small parcel of HOA land.

Discussion:

- Pros and cons of granting this easement versus the benefit to all HOA members. The HOA is not required to grant the easement.
- Limitations of re-platting with the county
- What has happened when the entire HOA was asked to vote for such projects
- Driveway is to be in concrete
- TOV GFR allotment of no more than 250 sq2
- We do not want to start a land grab of common HOA ground
- We are not approving expanded requests for additional improvement, deck stairwell, walk ways

### Conclusion

The group wanted to find a path forward. Jon has no intentions of building in the cross easement. No additional concessions for additional projects will be requested or granted. Owner agrees to acknowledge the cross easement.

Donna will relay this language to HOA attorney. Board will review the agreement via email and reply all. Once TOV has decided on these plans, the owner will return to the HOA for the remainder of the construction policy requirements.

Agreement was approved by Reid Phillips, Donna Hurwitz and Seanna Mulligan. Brendan via text to Donna.

Respectfully,  
Seanna Mulligan  
3/30/2021