

# CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

## ANNUAL MEETING

**August 25, 2013**

The annual meeting of the Casolar Del Norte Homeowners Association was duly held at the home of Brendan McCarthy August 25, 2013 at 3pm MDT. The participants in attendance were: Nancy Bigsby, Marshall & Carolyn Turley, Brendan McCarthy, Kellie & Steven Sponberg, Bridget Bell, Kenny & Monique Friedman, Jack & Dianne Shearer, and Jack & Janie Wallner. The participants via teleconference were: John Uhley, Rod Wright, Jay Merz, Peter & Donna Hurwitz, Gerald Merfish, Bill Russell, Allen & Seanna Mulligan, and Seth Kimmelman.

### **Commencement –**

At 3:09 PM the annual meeting of the Casolar HOA was called to order by Nancy Bigsby. The minimum quorum requirement of 3 attendees was met.

### **Minutes of the Previous Annual Meeting -**

The minutes of the last annual meeting of 8/26/12 were presented for approval. Janie motioned to approve the minutes as presented, which was seconded by Dianne. All in attendance voted yes, Seanna Mulligan asked for recusal. Overall 16 voted to approve and 3 voted to not approve and the motion was approved.

### **President's Report –**

Nancy welcomed all and thanked everyone for attending. She said that she felt things had been somewhat contentious around the Association and hoped better cooperation could solve some of this in the future. She apologized for this. She mentioned the ongoing talk of updating the Association documents to better deal with the current issues faced by the Association.

### **Treasurer's Report –**

John said that projections and budgets had been sent out in the owner packet, and at the end of this year we should be approximately \$3,000 under budget. He stated the Association currently has \$51,000 in reserve and \$20,234 in the operating account. At the end of the year we should have \$12,000-15,000 on hand to start the next year and \$50,000 in the bank in reserves. Jay Merz asked why we were over on legal but under on things like lawn service and snow removal. He was wondering why the lawn service had been so over budget last year. John stated that American lawn care had been our contractor in the past, but they had decided not to service the Vail area anymore. Nancy

said that it was not until May that we would need a new contractor. John stated that this year we got 3 bids on landscaping and went with the low bidder Pristine out of the 3 bids, but it remains to be seen if the year will end under budget. Jay asked about the care level received. Nancy mentioned that there was a lot of learning involved in the system startup. Marshall stated that Pristine was the cheapest by far but they are a newer company and there was a learning curve. Brendan stated the Pristine and Dave Probst had been a little hard to get immediate response from and that had been disappointing. He added there had been a faulty valve in the irrigation system leaking water pressure from the Casolar Drive lawn irrigation zones. The problem did not become apparent until the extreme dry of June and it took Pristine some time to diagnose and fix. John stated that Scott Halstead had given us the highest bid of the 3. The existing irrigation system is functioning correctly and properly backflow prevented. Jay asked about sprinkler system mapping. Seanna asked if Dave is the guy who knows the system now and what knowledge can we tap. Bridget noted the lawn service budget for 2012 was \$9,078 while 2013 was \$12,200. The budget had increased 30% on irrigation from the past years budget to this year. She wondered what the increase was for. And if for this year from 7/22 through 9/30 we are expected to spend \$7,000 only? John stated that he thinks we will have about \$4,000 left to pay just on the lawn care piece and some winter preparation work.

Gerald asked if we were on cash or accrual basis accounting and stated that cash based accounting will end load your budgets more than accrual based. Marshall stated that we often have to wait a long time for billing to come in from vendors. Bridget asked about the contingency fund and what may have been included in there. John stated that the backflow preventer repairs had been completed to bring them up to code at a cost of \$1640. There were additional expenditures of \$375 for testing and certification of the backflow preventers and about \$1500 for additional irrigation related billing. Bridget asked what percent of funding for landscaping went to Vail View Dr compared to other areas of Casolar. Initially the landscaping idea was to concentrate efforts on visible areas. However, there exist some inherent inequalities in the HOA, like reconstructing Casolar Dr vs. the residents on Red Sandstone Rd. Nancy stated this year's budget includes Vail View Dr area landscape improvements. Dianne stated that the Board has a lot to do and on some of these issues maybe committee's need to be formed to explore these things. Bridget asked about common area responsibility. Nancy stated that maintenance of any planters is homeowners' responsibility as well as driveways.. Brendan stated that there is a huge deficiency in the HOA governing documents in this area. Allen stated that this area is probably a very contentious thing and should be a priority to solve. Nancy stated we have come a long way since incorporation into town. Bridget suggested asking homeowners to form a committee. Diane stated that homeowners need to get involved. The formation of a landscaping committee was taken up. Allen suggested that 2 people from each block should be on the committee. Peter stated that Nancy seemed to be putting together committees that will make recommendations to the Board and then the Board will decide what action to take.

John stated that Bill and Bridget have not yet paid their dues in full from the last year. Bridget stated that she fully intends to make whole on the dues from last year, and

the whole reason the dues were withheld last year was due to the disrepair of the common areas. She stated that now that there was \$10,000 set aside for area landscaping, she was in the right and she had the right to withhold her dues. Gerald offered no more debate here, let's just follow the rules, and that was their choice not to. John added that they hadn't paid their dues at all for 53 days. Gerald asked whether or not someone that is in arrears on their dues has a right to vote? John stated that the Association has the right to suspend voting rights, but that option has not been exercised. Kenny stated that the Board has offered \$10,000 earmarked for landscape improvements. Kenny asked for a compromise. Bill motioned that the Russells will pay the \$160 and make whole on the \$160 that they owe if the homeowners will support lifting the lien off their home as well as late fees and legal fees. Peter asked what all the costs involved were? John stated \$1,900 was due on 10/1/13 and nothing was paid at all for 53 days then an amount less \$160 was submitted, then \$150 in late fees, then time went on so \$150 more in late fees. And then it went to the lien process \$58, \$275, \$319 in lien costs, so \$1502 dollars total. \$977 in legal bills and \$1342.19 without. Allen stated that it's a shame it had to be escalated to this level and how did this happen? Bridget stated that they had been asking for something to improve for a long time, asked who was maintaining the area. Her efforts to establish communication and cooperation with regard to the area were not being answered. Nancy stated that a 2011 letter had been sent out asking for what improvements were needed, there was no answer from Bridget or Bill and they did not attend the annual meeting, same thing again in 2012. Peter stated that there are a number of homeowner's who don't live full time in the valley and it is not the HOA responsibility to look after individual properties. He has a private property manager, so do his neighbors the Merfish's, and if the Russells were not around for a year they need a property manager. Watching your home is not an HOA responsibility. Monique pressed for resolution on the matter. Gerald spoke against the motion as he didn't think that a homeowner should withhold the money to threaten the homeowner's association. The first motion was \$160, it was amended to \$460. The second amended motion was \$460 + lien release fees. Diane – yes, Sponberg - yes, Kenny - yes, Jack - yes, Marshall - yes, Brendan - yes, Peter Hurwitz – no, Gerald – no, Kimmelman – yes, John – abstain. The motion passed.

### **The Budget –**

The budget was presented for approval. Bridget asked if the year end estimate v. proposed 2014 budget contained a math error. She also believed that the \$53,000 needs to be listed as an asset. A couple minor typos were pointed out. Gerald motioned to accept the budget as submitted, Bill Russell seconded the motion. Nancy moved to a vote. Diane presented 11 approvals, and 6 negative votes for the budget. Sponbergs approved the budget, Merfish approved, and Pylman approved. The total was 14 for and 6 against.

### **Waive of annual audit –**

Diane presented 8 for and 3 against. Gerald made a motion to waive the annual audit, which was seconded by Peter.. Motion passed.

### **Audit committee –**

Jack made a motion to form an audit committee, seconded by Diane . Seanna presented that in her experience an audit committee would compare check register v. bank statements etcetera. Motion passed unanimously

### **Revision of documents to clarify tree policy -**

Dianne motioned to table this vote until common area definitions are established. Second Monique. Unanimous

### **Sponberg request for tree trimming -**

The Sponberg request for the HOA to trim trees was discussed. Peter stated that when they moved in they spent thousands of dollars trimming trees at the recommendation of the fire department. He was afraid of opening the door for a homeowner to submit past bills for tree trimming. Jack Wallner stated he wondered if anyone was to have any tree trimming done if it wasn't just their responsibility. The request for the HOA to pay for tree trimming at the Sponbergs was denied by a vote by the HOA.

### **Board of Directors Election –**

Candidates for the 2013-2014 BOD are as follows:: Nancy Bigsby, Rod Wright, John Uhley, Marshall Turley, Brendan McCarthy, Kenny Friedman, Bridget Bell, Seth Kimmelman, and Jim Pierce.

The top 5 candidates receiving votes were Nancy Bigsby, Kenny Friedman, Marshall Turley, John Uhley and Rod Wright who will represent the Casolar Homeowners Association as the Board of Directors.

### **Next Year's Annual Meeting –**

Date is tentatively set for 8/24/14.

### **Adjournment -**

Motion to adjourn was made by Brendan at 5:35pm, and seconded by Jack Shearer. Motion was approved unanimously..