

# **CASOLAR ANNUAL MEETING**

**November 27, 2008**

**4PM**

The Annual Meeting of Casolar Home Owners Association was called to order at 4:15 pm by President Bill Russell. In attendance were Board members Bill Russell, Dianne Shearer and Russell Scott via speaker phone. Homeowners attending in person were Tracey Allan, Ken Allan, Paul Bigsby, Nancy Bigsby, Todger Anderson, Brendan McCarthy, Jerry Cross, Curtis Landry, Mary Ellen Anderson, Jack Shearer, Monique Seebacher, and Fred Merz who arrived late. John Uhley and Charles Reyner joined the meeting via phone. Including proxies from absent owners, a quorum was established.

Kathleen Eck, counsel for the Association also attended the meeting, and Rebecca Flick, the Association's bookkeeper joined the meeting via phone.

All parties could speak and hear one another clearly.

The 2008 budget was distributed along with copies of all invoices. The 2008/2009 Resident Directory was also distributed.

Minutes from the 2007 Annual Meeting, having been previously distributed to all homeowners, were approved as submitted.

## **ELECTION OF BOARD FOR 2009**

Dianne Shearer, Chairman of the Nominating Committee, presented the nominees for Board – Tracey Allan, Bill Russell, Nancy Bigsby, Mike Chojnowski and John Wallner. She then asked for any nominations from the floor. The following owners were nominated: John Uhley, Brendan McCarthy, and Charles Reyner.

Ms. Eck then reviewed the provisions for the election of Board members and advised that since there were more nominees than Board seats, it would be necessary to hold an election at this time. Bill Russell then discussed the time commitment and responsibilities of the Board, noting many of the matters considered by the Board over this past year.

Voting was held by secret ballot, with Dianne Shearer and Kathleen Eck asked to count the ballots. Following the counting, Ms. Shearer then reported that the new Board members are Tracey Allan, Nancy Bigsby, Mike Chojnowski, Brendan McCarthy and

John Uhley. The new board will meet to elect officers.

#### RATIFICATION OF 2009 BUDGET

The owners then reviewed 08 budget, including areas in which the budget was exceeded. In addition to snow removal costs, necessitated by large amounts of snow during the past winter, the budget was also exceeded for legal costs and lawn care.

Bill Russell then reviewed the 2009 budget, which had also been provided to the owners in compliance with the Association's governing documents. John Uhley said he would like to get background information on the budget prior to approving it. Kathleen Eck then reviewed the process and provisions required to change a budget, once it had been recommended by the Board and presented to the homeowners. Following discussion, Ken Allen made a motion to reject the budget, which motion failed for lack of a second. Following further discussion, John Uhley withdrew his objections. The 2009 budget was ratified.

#### OLD BUSINESS

##### PIERCE REMODEL

The Board has been informed that due to the liquidity crisis the Pierces are not able to complete their home at this time. They do plan to install doors, windows and complete the exterior. Tracey Allan asked if the Pierce's posted bond prior to starting construction, and whether the Board had any recourse for this construction delay. Ms. Eck advised that the Pierce's had not posted a bond, nor had it been requested by the Board. She further noted that construction projects are required to be completed within twelve (12) months of permit issuance, unless additional time is authorized by the Board, which authorization had been provided to the Pierce's. Ms. Eck also commented that they had timely provided notice of this construction delay through their attorney Meg Hanlon, and that they also requested authority for a surface telephone line to be laid to the property. The document from Qwest had been provided to the Board for its consideration and execution. Ms. Hanlon noted in her request that this phone line was necessary for security purposes.

Nancy Bigsby asked if it is too late to ask them to post bond. Paul Bigsby stated that he did not believe most companies would give them bond at this point. There was no further discussion of the bond request.

Following further discussion, it was decided to require that the orange fence, construction items, dumpster and port-a-toilet be removed once exterior is complete.

The new board will continue to oversee this project.

##### BERINGAUSE/CROSS REMODEL

This project is complete except for landscaping. The new board will review list of items still outstanding that the contractor, Nedbo agreed to repair and restore. Jerry Cross asked that he and Eric Beringause be advised of all of the outstanding items that still require attention.

## GARBAGE CANS

Bill Russell reminded everyone that the Town of Vail requires all homeowners to have bear proof trash cans. The cans are to be placed on the curb the day of pick up and returned to the owners garage the same day.

## PARKING

Discussion was held on parking problems on Casolar Dr. Owners were advised that the Board had authorized the installation of NO PARKING signs. Curtis Landry noted his objection to these signs and to snow storage areas. Members of the new board said they would develop guidelines for snow plowing.

## NEW BUSINESS

### TOPO SURVEY/GRFA(GROSS RESIDENTIAL FLOOR AREA)

There was long discussion about the advisability of the Association obtaining a TOPO survey, which could cost between \$15,000- \$20,000.

Todger Anderson stated that he recently met with Town of Vail representatives on this matter, along with Kathleen Eck, who represented the Association at the meeting. He said there are two (2) issues from the Town's perspective. First, there is the need to get each unit into its' correct footprint. Second, the Town cannot calculate GRFA without information from a TOPO survey. Todger reminded those in attendance that he owns three (3) building envelopes/lots. One is next to Greg Hampton's, and the other is a duplex lot across from Beringause. He cannot build on these lots unless and until there is a TOPO survey prepared, so that the Town knows how much buildable square footage remains in the development.

During that meeting, Town officials also stated that they will not approve any more construction projects (adding square footage) in Casolar until they have TOPO. She stated that the Town has requested a TOPO from the Association in prior meetings, including the one she and Nancy Bigsby attended earlier this year, in which the Beringause project was discussed.

Mr. Bigsby said that he has also met with the Town and was told that Casolar I consists of 16 units and 3 undeveloped lots and Casolar I is allowed the 250 additional square feet for most structures. He also noted that he was told that Casolar I is non-conforming.

Todger said Casolar II is under different zoning. Casolar II consists of units on Sandstone Dr, duplex owned by Reyner and Merz and a triplex. There was a question as to whether a TOPO existed or had been prepared for Casolar II. Ms. Eck commented that a substantial amount of this work had been performed for Casolar II by Galen Aasland, the architect for the Pierce's. Todger then stated that the TOV recommended the Association hire Tom Braun, a local planner, for this project, noting that there are many issues surrounding Casolar as a development. Todger then asked if there would be objections if the three (3) lots were consolidated into one lot, which would allow for a structure of

approximately 4000 square feet. It was understood and agreed that the new Board will study all these issues and report back to the owners.

Bill Russell then reviewed the procedures for applications to Board for remodels. He commented that much of the Board's work over the past year involved challenges with applications for remodels, both those which had been approved without Board authorization, as well as those homeowners who had proceeded to obtain Town of Vail approval without the required Board approval.

#### IRRIGATION SYSTEM

Russell Scott submitted a proposal for changes in the Association's irrigation systems. The new Board will review these recommendations.

#### MANAGEMENT COMPANY

Bill Russell said there are areas of Association property that need attention. He thinks we need a spring and fall clean up. He recommends the new Board consider hiring a management company. It was understood that the new Board will take this under advisement.

There being no further business, the meeting was adjourned.

Pending Approval at 11-2009 Annual Meeting