

CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

January 25^h, 2009

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held January 25th, 2009 at 5PM MST at the home of Tracey Allan. The following directors, constituting a quorum, participated in the meeting: Nancy Bigsby, John Uhley and Tracey Allan. Brendan McCarthy called in to say that he'd be about 20 minutes late but to begin the meeting without him.

Nancy called the meeting to order at 5:06pm. With three board members present quorum was established. All present confirmed that they had received proper notice of the meeting.

Nancy presented the minutes of the last Board meeting (January 4th, 2009) and made a Motion that the minutes be approved. Tracey seconded the Motion. John also agreed. Motion passed.

Old business- Pierce Project Letter

Tracey confirmed that we (Casolar Board) sent a letter to Meg H. (Pierce's attorney) granting conditional approval for Qwest to lay temporary phone lines for a alarm system as requested by Meg H. on behalf of the Pierce's at a previous Board meeting. Tracey is waiting for an executed copy back from Meg H. Tracey will follow up with Meg to make sure we get an executed copy back for our records.

Old business- Former Board members input on ongoing/unresolved issues.

Nancy had asked the former (2007-2008) Board members for a written update of what they were working on that still needed to be addressed by the current 2008-2009 Board in order to provide continuity. Several responses were received:

Russell Scott (Scotty) wrote that further follow-up was required to address the ground water situation at bottom of Casolar near the Wallner unit that was noted last spring. He also wrote that we may need to consider hiring a contractor to "reseal" the road this coming year as this should be done every few years in order to preserve/protect the road. The current Board agreed that we will revisit both issues in the spring when the weather permits such activities (the water flow isn't visible right now due to it being frozen/winter).

John McWilliams wrote about similar issues but also brought up an issue relating to the Lohrentz/Scott duplex. Apparently one half changed the exterior but the other half didn't, so the building does not cosmetically "match".

This led to some discussion and John Uhley brought up that he had recently spoken with Mr Lohrentz on the issue that Lohrentz had raised relating to the Associations past (and apparently present) use of his water feed for common area watering. John relayed that despite a former Board member note that the matter had been resolved and that no further action was required, Mr Lohrentz still feels strongly that the Association should reimburse him for his excessive water bills as they related to watering of common areas and that he would like the Association to pay for and install an irrigation meter (that the Association pays the bill for) to avoid future use (or misuse) of his water. He also expressed to John concern that the meter or its feed should be outside his residence as he was not pleased that the Associations contractors had needed access to his unit in order to turn on/off water. Some discussion occurred and the Board agreed that they should review the water bills the Lohrentz had supplied to last years Board and determine at the current Board's discretion what a fair reimbursement should be. The Board also agree that it was important to be clear to Lohrentz that this was for watering of common area land. In addition it was discussed that come spring that the Association should look into paying for a new irrigation sub meter and any plumbing costs needed to resolve any future problems. John Uhley indicated that he had recently asked Eagle River Water about this and they had told him a meter is between \$1000-\$1500 (does not include plumbing costs) and that they had no problem adding this. Nancy make a motion this spring to put in a sub meter for irrigation. Tracey Allan seconded the motion. A vote occurred and the motion passed.

John Uhley also said that Lohrentz brought up that he had been put in limbo on his construction waiting to hear back from last years Board. Since the current Board doesn't have any direct documentation John will do another follow-up call to see what this construction is (hopefully making his side match the other side) and get back to the Board at the next meeting with this info.

Brendan McCarthy joined the meeting – 5:45pm.

Diane Shearer also wrote in that the current Board should follow-up on completion of items that Nedbo agreed to repair/cleanup as part of the Beinghouse/Cross construction project. [current Board agreed to table this until spring when we can see what is done and what is not done.]. Diane indicated that they didn't repair the road to quality (bad patch vs actual repave). John will try to get a new number for Eric as he has no luck in getting Eric to return his calls when voicemail was left on Eric's Vail number or an email that he sent to Eric's alcoa email address. Diane also indicated that the new Board should follow-up on the issues of the Pierce project, a possible management company, sprinkler systems, and the issues relating to the Town of Vail.

New Business – Jane Wallner letter

Jane's email about ice at bottom of her driveway and lack of parking tied into Tracey having many cars was discussed. With respect to the car situation, Nancy suggested that this type of problem may best be resolved with direct communication between the parties. Tracey agreed that this would be in everyone's best interests and agreed to call Jane and try to open up a channel of communications to find a way to address Jane's concerns.

The Board further discussed the ice build-up problem. Nancy had already contacted Scott Halstead to request that he make extra “salt” runs to try and mitigate the problem over the next few months. The Board also discussed trying to figure out if there is anything that can be done in the spring to try and mitigate future ice buildup. It was agreed that other than salting for a short term attempt to help that we’d look at this again this spring.

New Business – Meeting with Town of Vail

The Board discussed the recent meeting last week with the Town of Vail Community Development staff member (Bill Gibson). The bottom line from that meeting was that Town of Vail uses a topographical map for a subdivision a part of one means by which they determine if the subdivision is “conforming” or “non-conforming”. It was confirmed with Bill Gibson that regardless of whether we end up being “conforming” or “non conforming” that most lot owners are entitled to build out another 250 sq ft, but anything beyond that is governed by knowing the answer to the “conforming” or “non-conforming” question. Which of these designations lower Casolar is in then determines how much additional buildable space the Town of Vail will permit when/if a lot owner requests such space in a building permit. Because the Town of Vail does not have a topographical map they want one produced – either by the next person who wants a permit to build in the Casolar subdivision or from the Association [they don’t care who pays for it, they just want it].

As a result of that meeting Tracey Allan went out to two different surveying companies. Both have provided quotes and, per Tracey, both have spoken to Bill Gibson over at the Town of Vail to make sure that what they are quoting (if realized) is what the Town of Vail is looking for. Tracey also requested that each surveyor also include the cost of providing accurate “building envelopes” as part of the job. One bid came back as \$7200, the other around \$6300.

Nancy brought up that a previous meeting with Bill Gibson that Paul Bigsby had only a few months earlier that Bill had provided Paul with some numbers that could be used to quickly determine if lower Casolar was “conforming” or “non conforming” without a topographical map. In specific, the numbers that Gibson provided to Paul were that the subdivision had 142945 sq ft and that 86771 sq ft were considered buildable. Further, that the entire subdivision was 2 acres of land. On the two acres we have 8 duplex, for a total of 16 units in 2 acres – of 8 units per acre. Apparently, part of the definition of “conforming” is that there is a limit of 6 units per acre. Since 8 units in an acre is clearly more than 6 units per acre that would lead us to conclude that we’re over by that definition of “conforming”.

The Board decided to have a subcommittee formed to look into this a little more. Tracey was nominated as chairperson and member of the committee. Nancy said that Paul would be happy to be on the committee and the Board agreed (as long as Paul does too). Tracey agreed that she’d contact Paul and then try and coordinate a meet or call with herself, Paul and Bill Gibson to discuss this issue further. In specific, if the reason that the Town is insisting that they receive a topographical map is simply to make a determination of “conforming” vs “non-conforming” why incur the expense of a topographical map survey when the numbers and math that Bill Gibson already supplied to Paul Bigsby already prove that lower Casolar is “non-conforming”.

John Uhley shared that once we have an answer that if the Town of Vail still wants a topographical map that he feels strongly that our job as the Board may not be to make the decision on behalf of all of the Association Members, but rather may be to present the pro's and con's to them and call for their input to determine if we should spend upwards of \$7200 of Association funds on this issue. The rest of the Board agreed that this was a fair course of action should the outcome of the follow-up with Bill Gibson still call for a topographical map.

New Business – Discussion of Kathleen’s request to grant an easement to Beringause.

Nancy put forth that Kathleen had indicated that the previous Board had already granted an easement to Eric Beringause but that she hadn't found it in the minutes of the meetings supplied to us by Kathleen. John Uhley raised the concern that from his reading of the governing documents as well as some previous emails sent by Kathleen on other land related items that the Board may not really be allowed to give away or convey land and that easements have typically been granted to utility companies (like the Road project) after getting a majority okay from all members. John wants to make sure that we're not overstepping our authority on this issue. Nancy spoke out that she shares this same concern. In general the current Board is uncomfortable signing off of something that we're not sure we have the legal right to sign off on.

Nancy is going to check into this a little more and report back to the Board. Depending on what she finds we may wish to engage an attorney to review what appears to be conflicting legal information. No decision was reached on this matter and it has been tabled until an update from Nancy at the next meeting.

New Business – www.casolarvail.com web site and first newsletter.

John asked if everyone present had been able to review the first version of the new web site for the Association. Everyone confirmed that they had reviewed the site and were fine with the content.

John also asked that all Board members review the first newsletter (part of the web site and also intended to be mailed out to all Association members). Some discussion ensued and it was decided that Tracey would create a summary section briefly touching on the Town of Vail issue. Everyone agreed that we don't have enough details to clearly present everything about this issue right now, so just a "heads up" would be appropriate now. Tracey will get that update to John in the next few days and he'll add it into the web site and take care of mailing (us postal) the news letter to all Association Members later this week

Tracey moved that we announce the site and officially make it live for our Association as soon as the last bit of the newsletter is done. Brendan seconded the motion. Motion passed

New Business – Treasurer’s report

John shared that he is almost done getting the Association bank accounts (signature updates, online access, etc) and records in order. He is still waiting on a statement and online access from the old alpine bank account but expects that to resolve this week. He has moved the Associations books into quickbooks online which will make it easier for any accounting reviews that we may choose to do in the future. He’s linking that to the online bank accounts. John reviewed the few bills he’s paid (\$650 to Kathleen Eck covering her services for the former Board through the end of the calendar year, a few dollars to Russell Scott as reimbursement for use of conference services by the current Board, paying for the domain name and web site hosting fees approved at the last board meeting, ordering checks and the like for the new bank account). John also shared the only large bills he has received are from Scott Halstead and the Snow Removal/Trucking company that Scott calls on for heavy backhaul and snow removal. As compared to the \$12K we spent on this latter subcontractor a year ago, we’ve only incurred about \$2880 this year. Halstead’s services through nearly the end of January came to just over \$11K (since November) or about 56% of the annual budget for all snow removal. Depending on how many more major snow storms we get we may or may not max out our \$20K budget., but we’re probably okay at this point. John also shared that while there was no actual “reserve” fund, that the operating account has monies in excess of this years operating budget, so we should be fine in terms of our operating expenses at this point in time.

John indicated that he was going to go ahead and pay the snowplow bill and asked if anyone objected. There were no objections.

John reviewed that he has now received payment from the last three unpaid Association members. Only one of the three had received proper notice, had sent in a check but had told Rebecca to rip it up (and as a result had not paid). Per the last meeting discussion late fees on two were waived. Some discussion ensued about the late fees for the remaining member and the Board directed John to follow the rules set down by the last Board on late fees (and to reinvoice that this balance of late fees was still due).

John went on to let everyone know that he had processed 1099-MISC’s and the required 1096 forms for Scott Halstead, Rebecca Flick, Barbara Wyatt and Katheleen Eck. All of these have been properly printed and were mailed out US Postal yesterday (January 24th 2009), meeting the requirement that they be mailed before the end of January. All other contractors are corporations and we do not have to supply them with 1099-MISC’s.

New Business – Change of Registered Agent

Brendan indicated that he’d sent in some paperwork to the Secretary of State to change the registered agent to himself from Katheleen Eck, but hadn’t sent them the \$10 filing fee. John provided a check and Brendan will send it in.

New Business – Next Meeting

Some discussion of the next meeting timing occurred. Due to various Board Member’s holiday plans it might be difficult to meet at the end of February. After some polling of Board

Members Nancy made a motion that we set the date for next meeting for Sunday, March 15th 2009 at 5PM at the home of Tracey Allan. Motion was seconded by Brendan. Motion passed.

Adjournment

After verifying that there was no other business to discuss, Nancy made a motion to adjourn the meeting. John seconded the motion. Motion passed. Meeting was adjourned at 6:45pm.