

# **CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**March 9, 2013**

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held at the home of Marshall Turley March 9, 2013 at 5:00pm MST. The following Board members participated in the meeting: Nancy Bigsby, Brendan McCarthy, Charles Reyner, Marshall Turley and John Uhley (via telephone). The following Homeowners attended the meeting: Kenny Friedman and Todger Anderson.

### **Commencement**

Nancy called the meeting to order at 5:03pm. With 5 Board members participating, a quorum was established. All participating confirmed that they had received proper notice of the meeting.

### **Old Business**

#### **Approval of Previous Board Meeting Minutes**

Nancy presented the minutes of the previous 1/19/13 Board meeting. Charles made a motion to approve the minutes as presented, which was seconded by Brendan. The motion carried with Nancy abstaining because she had not attended that meeting.

#### **Snowplowing Service Specifics**

Marshall stated that a map of the Association lands showing areas plowed and areas used/reserved for snow storage has been completed. This will be added to the documents of the plowing service contract for the next snow season.

#### **Entry Boulder Lighting**

Brendan stated that he has been in touch with the town several times regarding the non-functional light over the Casolar Dr entry boulder. The town has yet to remedy the situation. Marshall had some communication with the Town that they would have to wait until the spring to be able to dig to restore power to the light post. Communication with the town will continue until a solution is found.

#### **Treasurer's Report**

John made a presentation of finances. He said The Association has about \$93k in the bank and is projected to spend \$36k in the remainder of the fiscal year. He also stated that the Association currently has an account at Alpine Bank that sees little or no use, it

has current balance is about \$14k (part of the 93k). He proposed closing that account and transferring all funds to a newly opened reserve account with 1<sup>st</sup> Bank. He also proposed moving \$36k from the current 1<sup>st</sup> Bank operating account into this new reserve account. There was unanimous support for the idea and the Board approved John moving forward with this plan. Nancy asked about the possibility of gaining interest income on the funds in the account. John offered to see what options might be available after moving the funds and will present specifics to the Board once he has info about this.

### **Governing Document Update**

John and Marshall have started the process of looking into where our governing documents most need updating and improvement. Todger piped in from the floor to be cautious with certain key elements, such as the square footage elements defined in the documents, as the Town of Vail uses these for some of its calculations. John mentioned that updating of the governing documents would help specifically note modern things such as e-mail. The Board also discussed using the results of the pending online survey in this process. John and Marshall will report back with progress on this project.

### **Early Season Landscaping**

Discussion of this topic was postponed with landscaping season looking to begin after the next Board meeting. A survey question on the topic will also be presented prior to the discussion.

### **John Uhley Window Replacement**

John presented his plan to replace the windows of his home with similar new windows. Unanimous approval was granted.

### **Tax Form Reimbursement**

John presented expenses of \$34.36 (he personally paid for the required Association 1099 and 1096 forms that we had to send our vendors as part of tax prep). Unanimous approval for reimbursement of this expense was granted.

### **Todger Anderson Presentation on Lots 4 & 5**

Todger took the floor to make a presentation on his two undeveloped Casolar lots. He reviewed various issues he has had with the Town of Vail who has told him (over the last few years) that his lots are undevelopable (or cannot be built on) based on various Town of Vail rules/calculations involving grade, GRFA and the like. To try to resolve this he has been working with Tom Braun (a contractor he has hired) and the Town. He has submitted a written variance request that he believes the Town of Vail will approve that would allow him (or a future owner of the lots) the right to build. Prior to the meeting he had provided a copy of this request to the Board. This request changes the

development plans from a three dwelling unit (one single family home and a duplex building) into a two dwelling units (two single family homes). In doing so it combines the total GRFA that the original three dwelling units would have been allocated between what would become two dwelling units. The Town of Vail requires Association approval prior to considering Todger's variance request.

Nancy asked if it would be possible to enter these lots from Red Sandstone Rd (something Todger had mentioned several years ago). Todger stated that does not seem to be possible and entry will be from Casolar Dr. Nancy asked if Todger had specific plans as to where these units would be built as it appeared to her that prior to Board approval that such information should be considered. Todger indicated that after approval of a variance by the Town that he would come to the Board to ask about a more specific plan for development. Nancy stated her concern that it seemed that if the Board were able to provide written approval for the current written variance that Todger has provided to the Board that he intends to submit to the Town that the Board was being asked to approve the building of two single family homes without any specifics.

John indicated that in reviewing the written request provided by Todger that he had done some research and found two issues which really needed to be addressed prior to the Board being able to consider signing off on the existing written request. He stated that the drawing referenced in the variance request shows the lot 5 building envelope on the driveway/road near lot 6 (Cross). John stated that the Association would need a written easement documenting this pre-existing condition. The second issue involved how to handle the number of votes and amount of future assessments to be collected from these lots. In going from a plan to build three dwelling units down to a plan to build two dwelling units the future association assessments (and votes) from the owner of those lots shouldn't go down (in fairness to the other association members). To do this will require a slight change to our governing documents, allowing two lots share 1.5 assessments and 1.5 votes. John expressed that a vote of the Association authorizing this change should be done as well.

Todger stated that he may have got ahead of himself and included too many items for approval in the presentation to the Town and all that he is trying to do now is just get a statement from the Association that we support his request that the Town make the lots developable. He discussed a first step as a statement from the Board to the Town voicing official support that the Board approve/allow development of the lots and then a second step where he would ask for some type of lot re-division. The Board thanked Todger and indicated that we would consider his requests and get back to him or Tom Braun on the matter.

## **Kenny Friedman Residence Renovation**

Kenny took the floor to present his plans to replace all windows, doors, bathrooms, kitchens, exterior changes and move out for 4 months during the process. Kenny stated he would like to change the garage doors and front doors, heat the driveways and that is all that the changes in the home that will be visible from the street level.

Brendan pointed out that the plans also showed an expansion of the existing home onto Association common land in 2 areas. The upstairs room closest to the Pierce residence expands the roofline towards the Pierce residence and about half of the existing Friedman South deck expands towards the Merz residence. There looked to be about 175 Square feet of land the Friedman's were asking for. Brendan noted that the roofline expansion on the North side of the house puts the Friedman residence very close to the Pierce residence and any setback requirements of the TOV or HOA would have to be checked. Also, the deck expansion will be very visible to all the surrounding neighbors, not match the neighboring duplex, and he didn't think 25% portion of the deck line of the home jutting out over the common meadow would be architecturally pleasing. There also may be an issue with letting Kenny have a portion of the developable land Todger needs to develop his lots. But Kenny certainly had the right to get the opinion of the Association as a whole on it. John stated that with respect to the deck expansion and its need to have supporting pillars placed into common area land that Kenny would need to put the question of empowering the Board to sign off on an easement to a vote of the entire association and that the vote must pass with more than 67% of the membership approving in order for him to do this project. Kenny stated that he'd like to get it done, and asked for any direction on what he should do? John stated the steps Kenny should follow to do this and said he would work with Kenny to call the special meeting for such a vote.

## **Seanna Mulligan Notification**

Seanna notified the Board via a letter they have come across some moisture problems that they would need to solve and a roof replacement in the near future. She also noted he neighbors had been staying up late and making a lot of noise. Nancy returned a message saying thanks for the notification and let Seanna know that when they were ready to move forward on the maintenance projects that they should submit the request formally to the Board to seek approval.

## **Next Board Meeting**

The next Board meeting is scheduled for 4pm Saturday, April 13, 2013.

## **Adjournment**

At 6:08pm John motioned to adjourn the meeting, which was seconded by Brendan, and passed unanimously