

# **CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**April 10th, 2010**

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held April 10th, 2010 at 3:45PM MST at the home of Nancy Bigsby at 1180B Casolar Drive. The following directors, constituting a quorum, participated in the meeting: Nancy Bigsby, John Uhley, Tracey Allan and Brendan McCarthy. Nancy noted the Charles Reyner would be unable to attend this meeting. Homeowner Todger Anderson also attended. Nancy called the meeting to order at 3:52pm. With four Board members on site, a quorum was established. All present confirmed that they had received proper notice of the meeting.

### **Commencement**

At 3:55pm Nancy called the meeting to order. Approval of the 1/10/10 and 3/7/2010 Board of Director's meeting minutes were reviewed. Nancy asked that we fix the spelling of Candyce's name. John made a motion to approve both sets of minutes with this change, Brendan seconded the motion. A vote was done and passed with all four board members voting in favor of approval of these minutes.

### **Follow-up on Cross/Beringhause outstanding bill**

Nancy brought up the follow up on Cross/Beringhause Common Area Damage issues. Nancy sent a certified returned receipt letter to all parties (both homeowners and Nedbo). A summary of the situation was reviewed for Todger who was curious as to the issue. We have a signed receipt back from Nedbo, but neither homeowner yet.

### **Scott Halstead / Snow Plow for next year**

John reviewed the offer from Scott to waive any charges for the extra equipment he used one week this in exchange for an early renewal for next years snow removal agreement at the current rate of \$1900/month plus extras for salting, etc. John made a motion we approve this. Brendan seconded the motion. All present board members voted in favor of this. We will renew for next year at the same rate.

### **Platt/Building Footprint Issue**

We continued to discuss moving forward with the project to get the correct data for where people's homes are actually built. Nancy indicated that Paul had been to see Inter Mountain, who is the other company that can help us with this project. John said he and Paul had talked to Inter Mountain (Duke) and suggested that we move forward with getting a solid bid from them. The idea is to get them to provide both the corrected legal descriptions for the homes "built as" locations (vs. what may be on file today) as well as the necessary easement descriptions that may have to be granted between neighbors and the Association to make the "built-as" match the legal documentation. Nancy said Paul is willing to be on a committee to do this. John made a motion that we create a committee of Paul, John and Brendan to work with Duke to get a solid quote on this work so that we can move forward on the Platt portion of the project to provide the raw data to fix individual titles. It was also pointed out that while the Association is trying to make this happen (have all the legal engineering work done) that in the end it may be up the individual homeowner to bring this work to their individual title company (or whatever legal authority) to enact.

### **Update from Todger Anderson on his land/build issues**

Todger wanted to bring the Board up to speed on what he and his contractors have been working on with respect to his lots and the Town of Vail. He has hired Tom Braun to deal with town. Todger let us know that he paid \$10K to Braun to figure out square footage of all homes in Casolar. Nancy asked how this was done as no one had been in her home and Brendan explained that Tom probably used all the filed plans and documents to construct his information. In either case, Todger said that with both the Topo map that the Association paid for and Tom's work that the Town has now told him verbally that enough GRFA remains that the town would allow him to build the single family and duplex unit as originally intended on his lots. Todger thought that there may be some "better" things he could do for himself, a future buyer and the association by perhaps building two single family homes vs. the original plan of a small single family and a duplex but that there may be an Association bylaws issue with this. John pointed out that he thought that if we were being asked to shift land around that there were by-law issues that prevented the Board from doing this – that it would take either a 67% majority vote of all homeowners or perhaps a 100% vote of the homeowners if land is to be transferred or granted. Todger said he understood this.

Next part of this effort Todger is going before one of the town committees with a more specific proposal, but he'll have to take this same proposal to the HOA as well. Tracey pointed out that we probably have to see and approve it first as the Town would probably want our okay before they'd comment. Todger said he isn't going to submit plans; he just wants to submit a proposal to build a certain sized house (vs. a specific house). Currently this is on the books as a duplex and single family; all three would be 1690 sq ft. Todger said he would maximize his income by selling as platted, but he thinks it would be better to combine the GRFA between the two and turn it into two single family homes (instead of three 1690's, two 2535's).

Nancy brought up the assessment issue (3 x \$1900 based on what is assumed to be built turning into 2 x \$1900?). Todger said he understood that if it went down as two units vs. three units that the dues would be adjusted accordingly (ie: 1.5 x \$1900 per unit, so the total is still 3 x \$1900 in dues, assuming dues are \$1900 per unit per year).

Todger indicated that under the current plan (a duplex and single family) that he'd probably come up with a driveway across from the Cross home. If he did a single family unit above he might try for a driveway for that unit from above and another from below.

Some discussion ensued about how the legal descriptions (which Todger didn't have on hand but said he'd get us a copy of) would map into two identical sized rectangles on the Platt/Topo maps if one building is supposed to be a duplex and another a small single family home. After some talk it was decided that Todger would get the Board a copy of the legal descriptions for us to look at.

John asked Todger what he is asking of us.

Todger indicated that he would prefer to divvy up the GRFA between the three and build two single family homes. The benefit is to reduce traffic problem (2 vs. 3). Each would pay 1.5 dues. He pointed out that with access to one from above and another from Casolar that the traffic would be less (also because it's two units vs. three).

Tracey also pointed out that she is not sure we can do this with our bylaws. We need 67% at least, but perhaps 100%. Brendan pointed out that there may also be a question of authority (or lack of authority) for the board to change density on what has been intended as a duplex and single family into two single family units. We may need to hire an attorney to let us know if this is something we can (or cannot do).

Nancy asked Todger to submit something in writing when he was ready. It was also discussed that if we had to take it to our attorney would Todger pay for this? Todger said he understood that if this had to go to an attorney for an opinion that he'd pay for this.

Tracey asks what his timeline was. Todger said he'd like to get this taken care of in the next 2-3 months.

Nancy asks why he cares if he is not going to build on it himself. Wouldn't it be easier to let the next person worry about it? Todger says it is harder for him to sell the land if this is up in the air.

Todger said he has a friend who may want to buy one of these lots. Has also talked to a developer would be interested in all three as laid out. Or combine both and do one home.

John pointed out the easiest for the Board is to build as laid out as we don't have to get involved in trying to figure out if we have the authority to say he can build other than a duplex and small single family.

Todger understand any movement (change from duplex + single family to something else) may require a vote of the members (homeowners vs. board) and may be voted down While he understands from the town (verbally) that at this point the GRFA exists to do a duplex and single family he does not yet have this in writing from them.

Nancy said that she doesn't think that we (the HOA) should bear any cost here. Nancy suggested that if Todger wants to built differently than the small single family and a duplex, then get us what you want, and agree to pay our attorney for their opinion as to if we can approve this as a board or what it would take to get it approved.

The actions items for Todger after this long discussion were to get the Board:

- 1) Legal description of lots
- 2) Something in writing from town saying its buildable (that they approve GRFA usage)
- 3) Some type of description as to what he actually wants to do.

#### **Update from George Scott / Lohrenz issue**

Nancy talked to the Town. Nothing is in writing with the Town relating to the Bond that Scott said he had to post to assure that Lohrenz stuccued his half as well other than a check when they released him from what we assume is this bond. Bill Gibson said he'd "look into it". Nancy had asked George Scott to call Lorentz; apparently he had not done this prior to seeking Help from the Board. The Board will wait until we see if the two neighbors can work this out between themselves.

#### **Next Board Meeting**

Scheduled for Sunday, May 16<sup>th</sup> 2010 4:00pm at the home of Brendan's home.  
(NOTE: Meeting was later Rescheduled to Sunday, May 23<sup>rd</sup> 2010 4:00PM)

#### **Adjournment**

At 5:00pm Nancy motioned to adjourn the meeting, seconded by Tracey, and passed unanimously.