

CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

April 16th, 2009

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held April 16th, 2009 at 5:30PM MST at the home of Tracey Allan at 1150A Casolar Drive. The following directors, constituting a quorum, participated in the meeting: Nancy Bigsby, John Uhley, Brendan McCarthy and Tracey Allan . Homeowner Paul Bigsby was also in attendance.

Nancy called the meeting to order at 5:30pm. With four 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 (March 15th, 2009) and made a Motion that the minutes be approved. Tracey seconded the Motion. Motion passed.

Nancy presented Mike Chojnowski's resignation letter from the Board. All Board members present formerly accepted Mike's resignation.

Nancy indicated that she had recently contacted Steve Weirich (1141B Casolar) to ask if he would be willing to serve on the Board, but that he had declined.

John made a motion that prior to conducting the rest of the meeting that we appoint a 5th Board member, at least on a temporary basis, as our governing documents require an odd number of Board members and may also have a minimum number of members required. John ask Paul Bigsby if he would serve in this role, at least for this meeting. Some discussion ensued and the Board members agreed that it would be appropriate to email all HOA members to see if anyone else had an interest in serving on the Board as well. In the mean time Paul accepted the position for the current meeting with the qualifier that he would be willing to resign if someone else that was agreeable to the other Board members were to express an interest. Both John and Tracey voted in favor of appointing Paul with this understanding. Nancy abstained to avoid any possible conflict of interest. Brendan agreed to Paul's appointment with the above condition (that Paul be willing to resign/step down should the Board find someone else willing to serve).

Old business- Follow up on Pierce Project

Tracey updated us on communications between Meg Hanlon (attorney). Basically Meg provided information relating to the possible source of the pipes, one of which has been gushing a steady flow of water for some time. From the description it appears to water from the front of the house or the basement that is shooting out of this pipe. Tracey also indicated that she had not received back the signed agreement that the Board had sent through Meg to the Pierce's relating to our granting them right of way for an alarm/phone cable.

John let Board know that he had taken photos on behalf of Reyner and emailed them to Meg on March 18th, 2009. He had thought that Meg was supposed to have had the contractors do something about the pipe that is leaking water towards Reyners, not just let us know what its source might be. John said nothing appears to have been done at all. He took another set of photos yesterday (April 15th, 2009) and the pipe is still spouting water out. He also noted that the top side (driveway portion) of the home has a lot of garbage/construction material. The driveway appears to be somewhat "pool like".

Some discussion ensued and Brendan said he felt that all that may be required to resolve the water, which we suspect is from the pool of water in the driveway and under the building draining out through the pipe, would be installation of some type large hole filled with rock into which this water could drain (vs running down the hill and eroding the hillside). This matched the suggestion of the engineering group that wrote a letter as seen by last years Board quite some time ago.

Tracey is going to follow up with a more direct letter demanding that the Pierces address several issues no later than June 15th and respond to the Association no later than 15 days from now. If they do not we will look into taking additional actions to resolve this problem.

The issues include (1) immediate address of the pipe/drainage issue with the installation of the pit/rock/drain system recommended by their own contractor (letter to be included), (2) execution of the agreement we sent them over a month ago, (3) clean up the mess their contractor continues to have outside of their home which is quite an eyesore to the neighborhood. The letter is to be sent return receipt.

Old business- Opinion Letter from Candyce Cavanagh

The opinion letter from Candyce Cavanagh was reviewed. Because the Pierce project is still not finished and was supposed to have been finished long before now the Board does have some legal options that we could take. The Board decided to consider these if we do not get a response within 15 days to the above mentioned letter being sent to them.

Old business- Follow-up on Beringause/Cross/Nedbo

Nancy said that she would get the rest of the Board a list of the items formerly sent to Beringause/Cross & Nedbo that were damaged items during construction that have still not been repaired. The Board agreed to review the list to confirm that these items still needed addressing and that a letter would then be sent to Beringause/Cross & Nedbo to make sure that these items are addressed.

Old business- Follow-up on Beringause Request for ILC approval

Based on the Cavanagh opinion letter the Board agreed that we cannot proceed with granting the request and that we need to provide Beringause written response that we believe that there is an issue relating to the use of common area land. In specific, the Board does not believe, and the legal opinion appears to support, that our governing documents permit us to do this without at least at 66% vote of the homeowners approving it.

Old business- Status of Cross landscaping.

John reported that he's talked to Jerry Cross. Jerry wants to wait for the snow to melt this spring and then said he'd be fine meeting with John to review the area. Jerry has not yet determined if the landscaping plans that were submitted to the prior Board and approved by them are something that he will actually proceed with, but did agree that if he does not elect to proceed with those plans that he does agree that the landscaping would at least be returned to the pre-construction condition that it was in. Jerry expressed that he believed this was already the case (as he did not believe that any work on landscaping had been done and that the area in question was not subject to construction related work). Jerry agreed to meet with John or at least use him as a third party sounding board to see if John agreed that the current (once the snow melts) conditions matched any pre construction conditions of the common area at the top of the street and between his unit and the upper half of 1180. The matter will be deferred until this occurs, but likely the snow will be gone in a week or two, so this is likely to occur soon.

Old business- Insurance letter to change agent of record.

Paul Bigsby (in his role as chairman of the subcommittee on insurance for the Association) will be faxing a letter to transfer the agent on our insurance to Comerford from Thompson. Paul will report back to the Board once he and Comerford have had a chance to review the current policy with any recommendations that might be made after this review.

Old business- John's meeting with Scott Fritzler / American Lawn Care.

John reported that he did a walk through with American Lawn Care and was then able to generate an overlay on a google map of the Casolar area as to where Scott has been mowing. There was significant lawn and irrigation system damage to the houses across the street from Tracey and towards the mailboxes (most heads and grass gone). The sprinkler box (rectangular box in the ground) on one of the units on sandstone has been destroyed and will need to be replaced. Scott is willing able to sub out the water work to add another meter and re-pipe Lohrentz so he's no longer providing water for this common area work. John got a very rough

estimate from American Lawn Care (~\$1200 last year, plus more for this year due to above damage) but suspects it might be higher. And that is just to get us back to 'status quo'.

John also got a phone call from Andy Henke which he needs to return. Based on the Board discussion of the desire to consolidate the clean up / irrigation / mowing under a single vendor John was directed to let Andy know that at this time his services would not be required.

Some discussion of Russell Scott's use of Andy in the past occurred. Also some discussion of the pending water main work to be done at the base of the hill which might result in the tear-up of the vegetation in the common area at the base of the street. Tracey suggested that we should let both Russell Scott (or James) know that this was going to occur as if they were going to have Andy do any work for them it would be wasteful to pay for such work only to have ERWSD tear it out as part of their job. She will try and contact one of them to pass this info on. John also agreed that he would include this info when contacting Andy so that he was also aware that in addition to the association not requiring his services at this time that he may wish to be aware of this pending ERWSD project if Russell Scott does elect to hire him independently.

Some discussion of the lawn area from the base of the hill up and around Tracey's driveway was also discussed and Tracey agreed that she was fine with American Lawn care doing this mowing. Apparently in the past they have been told not to do this as Russell Scott paid Andy directly for this service.

John pointed out that because a number of old (prior years) bills were paid for out of the landscaping budget that it was almost guaranteed that this year's landscaping budget would go over budget. However, despite this John suggested that we pull the trigger on American Lawn Care doing this work and called for a motion to do this. John made a motion to do this. Tracey seconded the motion. Motion passed.

Old business- Irrigation and Water Bills.

John provided the summary of water bill/usage sheet that Lorentz provided the former Board. Appears to be about \$1000 that he is seeking from 2001-2007. Some discussion ensued and the Board agreed that they would each review the sheet and come up with how much of this they felt that the Association should reimburse to Lohrentz. Everyone agreed to get this done over the next week so that we could move forward on this item.

Based on what Lohrentz is asking for John pointed out that it's around \$200/year, so with respect to the water meter project approved at the last Board meeting John indicated that if we have to delay that (though we have agreed to do it) that we should also consider paying something along these lines (or whatever 'annual' figure comes out of the group decision above) to Lohrentz this year. The Board agreed to this in principal.

Old Business – Town of Vail

Based yet another meeting that John and Paul had with Bill Gibson of the Town of Vail it appears that the math done without a topographical map, while likely correct, was based on numbers that the Town doesn't have any third party backup documents on (which is what the topo map provides). So they really need the topo map at the Town.

To use the phrase passed on by Bill Gibson of the Town of Vail, the topographical study is really the “lynch-pin” document that these calculations depend on, and Town must have this in order to run its numbers. Any building request that requests additional building square footage will be considered incomplete without this study (and thus the homeowner making this request will not be able to get a building permit)

John agreed to draft a summary of this issue for the next news letter and to email this back and forth between Board members over the next week or two to try and come up with a draft that we can send out to our members. John indicated that based on a “worst case” of around \$10,000 cost that the per-owner cost would be around \$355/owner. Because doing this would represent more than a 15% increase in the approved budget our governing documents require that we re-budget and seek homeowner approval to ratify that revised budget. Everyone agreed that we should get the word out both via next newsletter (mailed US mail) and via a direct email based on the current email list.

New Business – Work on Vail View by ERWSD

As work will be done by ERWSD that will likely dig up the bottom of both Casolar and Sandstone Drives we should get this into the newsletter so all HOA members know. As noted above re: landscaping we want to be sure Russell Scott & Andy Henkes (should Russell Scott continue to use Andy this year) know so that work isn't done and torn out.

Brendan also indicated that ERWSD may well be planning on tearing out some trees, which he would like them to try and work around. Brendan is going to draft a letter for the Board to sign indicating our desire as an association to avoid removing those trees if at all possible so that ERWSD gets this from the Board. John agreed to contact someone he knows on the ERWSD Board to see if anything can be done to try and promote this agenda.

New Business – Fence repair/extension question

John indicated that he'd had some requests from Bill Russell relating to repair work and possible extension of a fence between the far end of the triplex where Bill lives and the next condo complex (not part of our HOA). No one on the Board was sure who owned this fence and John agreed to contact Greg Hampton and/or to try and track down the HOA next door to see who might have tribal knowledge as to if this was a Casolar paid for/approved/built fence or not. John will get back to the Board at the next meeting with whatever he finds.

John also reviewed that there was still an outstanding issue relating to one homeowner who appears to both be leaving a garbage container out and who still does not have a bear proof container. John already left one voice message but got no reply. John is going to leave another message and, if there is still no reply, recommended that the Board consider taking further action.

New Business – Next meeting

Nancy asked if there was any other business to discuss. No other business came up other than scheduling of next meeting.

Nancy suggested that we hold the next Board meeting one week from today as we have a lot of important issues going on. Next meeting to be held at 4:45pm at the home of Tracey Allan on Thursday, April 23th, 2009.

Motion made by Nancy to adjourn meeting. John seconded the Motion. Meeting adjourned at 6:58pm.