

CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

May 16th, 2009

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held May 16th, 2009 at 3:15PM MST (immediately following the special meeting of the Association) at the home of Tracey Allan at 1150A Casolar Drive. The following directors, constituting a quorum, participated in the meeting: Nancy Bigsby (by phone), John Uhley, Brendan McCarthy, Tracey Allan and Charles Reyner (by phone) . Homeowners Jack & Diane Shearer were also in attendance.

Tracey called the meeting to order at 3:09pm. With five Board members present quorum was established. All present confirmed that they had received proper notice of the meeting.

Tracey presented the minutes of the last Board meeting (April 23rd, 2009) and made a Motion that the minutes be approved. Brendan seconded the Motion. All other Board members also approved the minutes. Motion passed and minutes were approved.

Old business- Ratification of Revised Budget

John reviewed the results from the special meeting of the Association (being 14-for and 5-against) and noted that the revised budget had been ratified at the special meeting. Tracey will take the lead in contacting the surveying company to get a written confirmation of the previous estimate and time frame for when the contractor will get the work done. Tracey is authorized by the Board to proceed in this matter.

Old business- Follow up on Pierce Project

Tracey updated us on her communications with the Pierces. Since her last communication with Mrs. Pierce she has received no other communications from them. John confirmed that we do have a certified receipt back from the Pierce's getting our letter, but that no other written letters have arrived at the PO Box. So at this time while the Pierce's have cleaned up the major mess in front of their house, they have failed to address the drainage pipe and landscaping issues as required of them in our written communication. The deadline set by the Board was June 15th, 2009 and we believe that the Town of Vail also had a deadline set for the Pierce's to complete landscaping issues. Guest Diane Shearer noted that she'd seen some utility work done in the last week (cable or phone line). John and Tracey will take a walk up the street to see what this new item might be.

After much discussion the Board decided that Tracey would check with the Town of Vail to see what requirements they made of the Pierce's and then send a second letter to the Pierce's and include language along the lines that we demand a written response to this letter no later than June 15th, 2009 along with the landscape and drainage items be addressed and completed by their contractors by this date.

Nancy suggested that we also let the Pierce's know that unless these items are addressed that their ability to continue with any construction approved by the Board will have expired and that they risked a situation where they would not be allowed to continue without additional Board approval.

Tracey also reviewed the other letter she'd sent the Pierce's pertaining to the Board's position on what they owned (in specific that we all own the land under our homes and a share of common area land, which is what the county tends to list as a total amount of land owned, but that the Board's position is that homeowners should not represent that they own any common area land as their own). The Board feels that it is inaccurate to list common area land amounts as "owned land" and has asked the Pierce's to remove the land listing as part of their sale as we do not feel that they have title to any common area land. The Board feels that having provided this written position/opinion to the Pierce's that we do not need to take any other action on this issue at this time.

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

John asked if the Board members had reviewed the letter from Jerry Cross addressing what he/Nedbo had now taken care of. Some discussion ensued relating to Cross not addressing the drainage pan as requested in the letter. Tracey is going to follow-up with Beringause/Cross and include a photo of the drainage pan in question as it is possible that Jerry, who wasn't present during the electrical work done on his behalf, is confusing the drainage pan with some other road/pad element. In specific, the drainage pan was damaged when their contractors ran new conduit into the power box and then patched (versus being replaced as the Board requires). Members of the Board do not believe that this damage was something that a snowplow has anything to do with (rather it was the treads for the backhoe) and the Board's concern is that this new drainage pan, if not properly replaced, will have any temporary patch erode away and cause issues. The issue is that damage was done by the treads of the backhoe that was used to do the work. Tracey will follow-up with a letter to Beringause/Cross.

In addition, the area at the top of the street between the fire hydrant and the road leading up the hill really needs to be replanted with - at the very least - grass. This area was completely torn up during construction (installation of electrical and/or water mains) and was not replanted last year as construction was, at that time, ongoing. It has not been returned to its original state and the landscaping plans approved by the former Board have not been followed up on by Cross. Nancy also pointed out that several trees branches were cut out during construction of the Cross project and that the statement that no tree damage had occurred is incorrect - the viewer just needs to look up at the branches to see what has been cut away. Tracy will follow up on these issues with Beringhaus/Cross.

Old business- Insurance D&O issue

Paul Bigsby (in his role as chairman of the subcommittee on insurance for the Association) reviewed that from his research with Wil Comerford that the Board does not currently have adequate insurance coverage. Paul recommended that we increase the policy as suggested by Comerford's proposal. Some discussion ensued and Tracey made a motion that we move forward with increasing the coverage for the rest of this year and that we budget for the full year of increased coverage when we budget for next year. John seconded the motion. A vote was called for and all Board members voted in favor of this plan. John and/or Paul will contact Wil Comerford to take care of the details next week.

Old business- American Lawn Care / lawn care update / Russell Scott

John reported that American Lawn Care is completing its initial cleanup of Casolar and has also done some basic repair work already. Next week he expects that they'll be starting the irrigation identification/blowout/repair and, as this is completed, some additional seeding and/or sodding to repair some of the more shredded/dug up lawn areas. Brendan noted that this needs to happen quickly as it is starting to get warm/hot out and the lawns will suffer if water isn't turned on soon. John asked if another Board member would be willing to take over working with American Lawn Care as he isn't much of a "green thumb". Tracey said she'd be willing to work with John on this in a shared capacity.

Tracey shared a voicemail from the Henkes indicating that they understood that other than some work that Russell Scott may have them do on his specific area that they would not be doing any work for the Association this year. Tracey shared that Andy had left her a voice mail saying not to call him for any help with irrigation.

John reiterated that American Lawn Care is more than willing to mow the lawn in front of Tracey's home (and will followup to let Scott Fritzler know to do this), but that they don't do flowers – so the non-lawn work will become an issue along the base of Casolar as that has never been an association project/zone. In addition, John reviewed that there is an association owned and paid for water meter which he understood was used just for the lawns (and not for "Scotty's garden") fed out of either Russell Scott's home or Tracey Allen's home. The Board will research where this meter is and what it actually waters.

Some discussion ensued about this larger problem – in specific that Russell Scott at his expense built out this area and that it was the understanding of the current Board (and we think past Boards) that this was going to be a responsibility of the individual homeowner and not something that would later become an association expense. The Board is going to look into this and discuss at the next meeting when we have a better understanding of the water meter and what it feeds. Brendan pointed out that the landscaping does look really good and it would be a shame to let it revert back to entirely wild but agreed that we need to be very careful about well meaning projects that suddenly become an association cost.

John suggested that as we gather more information on this specific item and as part of pre-budgeting for next year that we poll the homeowners to get ideas and see what they'd like to do on this type of issue. Tabled until future meeting.

Treasurers Report

John reported that we did get the legal bill for the actual legal opinion letter from last month and that he'd go ahead and pay it. No other noteworthy financial info to report. Tracey agreed that John should go ahead and pay that bill.

New Business

Tracey asked if there was any other business to discuss. Jack Shearer asked if he could add an item. The Board welcomed his input and Jack brought up the current valuations that we've all been receiving from the county assessor. Jack pointed out that in looking at his valuation that he found that not only had it increased but that he found it curious that the County had actually reduced his "structure" valuation and had increased (significantly) his "land" valuation. He asked if there was anything that could be done at an association level to try and reduce this total valuation as we're all being taxed on common area land. Tracey also shared that she thought this might be worth look into. John pointed out that any contesting of valuations had to be done really quickly – that he thought that were a deadline near the end of the month. Brendan said he thought it was by May 31st 2009. Charles said he thought there was a group that we could hire on a contingency basis – something that costs us nothing if they don't get our appraisal lowered and only costs us a percentage of the savings if they succeed). Charles is going to forward that name/company to Brendan and Tracey.

Brendan said he would have a discussion with the county next week and email the Board on what he finds out.

Diane then brought up another topic. She had called Vail Honeywagon to ask that they pick up her recycling but had been told that the association had to call them. She asked the Board to call to okay this. John said he'd call Vail Honeywagon to see what this cost as the association pays the bill for everyone (not individual units). Nancy said she had thought that the prior Board had said that anyone wanting to recycle had been told to pay for it on their own (which apparently Vail Honeywagon won't do for Diane although she'd told them she would be happy to pay them directly). John said he'd still call to research this, but also wanted to make sure that it wouldn't drastically change the bill. John will get back to the Board and to Diane on this issue next week.

New Business – Next meeting

Tracey suggested that we hold the next Board meeting at 5:00pm on Sunday, June 21st 2009 at the home of Tracey Allan. All Board members agreed to this date and time.

Motion made by Tracey to adjourn meeting. John seconded the Motion. Meeting adjourned at 4:10pm.