

# **CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

**May 23rd, 2010**

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held May 23rd, 2010 at 4:00PM MST at the home of Brendan McCarthy at 1101 Vail View Drive Unit B. The following directors, constituting a quorum, participated in the meeting: Nancy Bigsby (by phone), John Uhley, Charles Reyner and Brendan McCarthy. [Tracey Allan joined the meeting about 10 minutes later]. Nancy called the meeting to order at 4:05pm. With two Board members on site and two over the phone a quorum was established. All present confirmed that they had received proper notice of the meeting.

### **Commencement**

At 4:05pm Nancy called the meeting to order. The 04/10/10 Board of Director's meeting minutes were reviewed. Brendan made a motion to approve these minutes. John seconded the motion. A vote was carried out and passed with all board members voting in favor of approval of these minutes.

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

Nancy asked if Cross or Beringhause had paid their outstanding bill. John reported that he had not received any payment from either party.

The Board discussed the matter. It was decided that late fees will now apply and the Board instructed John to invoice Cross/Beringhause for the first late fee, due on receipt but late if not paid by July 15<sup>th</sup>, 2010. Charles and John will draft a cover letter to be attached to a new invoice reminding both parties of their obligations to the Association and the possible consequences to them if they do not comply.

### **Update on Todger's initiatives**

Nancy asked if anyone had heard back from Todger on the items from the last meeting that he was supposed to provide to us. These were:

- 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.

No one had received anything from Todger. The Board decided to table this issue until such a time as Todger gets back to us.

[note: Tracey called in late at this time. Nancy reviewed the meeting to date to bring her up to speed.]

### **Opinion from Candyce Cavanagh re: platting, easements**

The Board discussed the memo we'd received back from Candyce. After some discussion it was agreed that the Association would probably have best results going with the cross-easement work product over the platting work product (as the former would only require the Association and one or two homeowners signatures to become effective for a given individuals building envelope while the latter would require everyones signatures to be valid)

Further discussion involving future building projects occurred but the Board determined that since we are only trying to address past problems/issues relating to the mismatch between recorded building envelopes and actual existing building envelopes that it would be best to get the issue resolved for what exists today. In other words, this will not include any additions that someone may want to do (that is out of scope for this project and should not be included in this project).

John makes a motion that we proceed with the project with Duke's company. Nancy seconded the motion. All Board members voted in favor of this. Brendan added that he would contact Duke in the next week and try to nail down the price (and possible get a slightly lower price) as we know that Duke has already done this in the past for a few Casolar homes. Brendan will email the Board when he has this completed. John noted that the combination of the remaining funds for this project as budgeted to cover Casolar Drive plus the excess funds we have from the light snow year (resulting in a lower than expected snowplow cost expenditure) that we should have sufficient funds to pay for all of the Casolar HOA (including Vail View and Sandstone owners units) and still remain within the total overall fiscal budget.

### **Update on George Scott / Lohrentz building issue**

Nancy shared that she had spoken with Bill Lohrentz on several occasions in the last month. He wishes to proceed with a project "faceleft" on his half of the unit. Apparently he doesn't have his plans yet. He is supposed to mail them (if available before June 6<sup>th</sup> to John, if after the 8<sup>th</sup> of June to Nancy). He wants to change his deck railings (won't match Scott's), wants to change a window on the west side of the house and wants to add stucco to match. He \*may\* want to take the area where his deck is above the garage and add a 2<sup>nd</sup> garage unit below the deck. After some discussion the Board resolved that this would be two issues. The first issue would be his request asking for Board approval for the deck railing, window and stucco work. The other request would be asking for an addition. As the Board suspects that the area he is talking about is actually common area land this request would likely fall into a category of having to get more than just Board approval (would require a vote of something like 67% of the entire membership to approve). John said he'd call Bill back and let him know that if its common area land that he can't build on it without going through this process and receiving approval though a vote of the membership on this issue. In either case, the Board needs to see the drawings first. The Board tabled the issue until we hear back from Bill and see drawings/plans.

Tracey also piped in that many people are often confused regarding the 250 sq ft that may be available for them to build and an exception where the Town of Vail doesn't include garage space (or 600 sq ft) of garage space as part of the GRFA calculation. Tracey shared that because in many parts of Vail people actually own the land around their homes, unlike our Association where the land is owned by the Association and not the individual homeowner, that it is often confusing. In short, if the homeowner did own the land then maybe it would be okay, but because the Homeowner doesn't own the land (its common area land) they don't have the right to build on it – something even the Town sometimes needs to be reminded of). Also, because our governing documents forbid the Board from selling or granting land to individual homeowners we can't "ok" such a thing ourselves. The only possible workaround with our current governing documents may be to have the entire association vote in favor of granting an easement to an individual homeowner who requests it and, if 67% vote in favor of this, to then

permit the building on Association land as an easement. As a future issue this might be something to bring up with the membership to see if they want to change the governing documents in some way to make this easier or if this is something that the majority of homeowners want to keep in place. Tabled for a future discussion.

#### **Bill Russell's issue re: tree damage and Brendan's common area garden**

Nancy had received some photo's from Bill showing a garden hose that Brendan used to drain his hot tub. John said he'd walked the property the day after he got an email about it and took a video, which didn't show a hose and showed some limited runoff area (though possibly caused by general runoff – not the hose itself). John said he didn't see or recognize any specific tree damage but regardless does not feel that Bill, who admits to planting the trees on his own, has any cause to ask that the Association should be paying to maintain something that we didn't pay for or say we would maintain. John pointed out that this appears to be a recurring issue with Bill and suggested that we try again to make it clear to Bill the Association has elected to not take on any cost bearing maintenance projects outside of budget.

Some discussion ensued and Brendan said he isn't sure what tree he's referring to. He doesn't think it has anything to do with draining hot tubs and while he (Brendan) drains his own hot tub he shared that both Bill and Kelly have hot tubs that Maximum Comfort takes care of and which are also drained.

Charles suggested that problems of this nature should be taken up with his neighbor (in this case Bill and Brandon should talk). In short, this is not a Board issue. The entire Board agreed. To make this clear to Bill, Nancy is going to write him a letter indicating this.

#### **Sod Repair and Summer Schedule for landscaping**

John noted that there has been some snowplow damage to the sod and some stonework but that he'd already seen some of Beef's workers fixing some of it. American Lawn Care has removed the covering on the flowerbed at the base of Casolar, but they have not yet started with repair and cleanup of the neighborhood due to late snow and bad weather still occurring. John said he would follow-up with both Beef and American Lawn Care over the next week or two to work with them as needed. Nancy wanted to make sure that Beef has a chance to repair the sod and the like as he'd agreed to do this (so that we don't have to double pay for the service).

#### **Annual Meeting plans and newsletter to owners**

John made a motion that we set the date of the annual meeting. The Board agreed to set the meeting for Saturday, August 28<sup>th</sup>, 2010 at 3:00pm. Tracey said she'd be happy to host the meeting at her house. Nancy suggested that we provide some food/snacks/beverage. It was agreed that Tracey will take care of this and submit receipts for reimbursement. Nancy seconded the motion. Vote was made and it passed unanimously.

John indicated that he'd drafted a 6-1-2010 newsletter and asked if all Board members had reviewed it. Members of Board suggested a few changes to the document which John agreed to update. Tracey may work on a paragraph relating to building expansion and common area land to try and make this a little more clear to our membership. This will be added to the newsletter before it goes out if Tracey has time to produce it in the next few days. John made a motion that the Board approve the newsletter and that we send it out next week, once this additional section has been added. Tracey seconded the motion. The Board voted unanimously to do this.

**Rockwell Project**

The Board discussed the Rockwell Project. The general feeling is that to do this Rockwell would need to build over Association owned common area land. As we cannot, under our current governing documents, sell or transfer any land to him the best we could do is take this to a vote of the membership to see if 67% of the membership would be willing to grant him an easement to build on top of. Tracey is going to call him and get a read on if he wants to put in a such a request at this time. Tracey will let him know that if he wants to have the homeowners vote on his easement for common land then we'll send out such a request, though he must agree to pay for the cost of doing this (minimal though it might be).

**Set Next Board Meeting**

Scheduled for Sunday, June 13th, 2010 4:00pm at the home of Nancy Bigsby.

[ NOTE: late rescheduled to Sunday, June 20<sup>th</sup>, 2010 at 4:00PM at the home of Nancy Bigsby]

**Adjournment**

At 5:01pm Nancy motioned to adjourn the meeting, seconded by Tracey, and passed unanimously.