

CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

June 21st, 2009

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held June 21st, 2009 at 5:00PM 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, Tracey Allan and Charles Reyner (by phone). Homeowner Bill Russell also called in by phone.

Nancy called the meeting to order at 5:10pm. With five Board members present quorum was established. All present confirmed that they had received proper notice of the meeting.

Tracey presented both the minutes of the Special Meeting and the last Board meeting of May 16th, 2009 and made a Motion that the minutes of both meeting be approved. Brendan seconded the Motion. All other Board members also approved the minutes. Motion passed and minutes were approved. John will post them to the web site in the next day or two.

Old business- Survey/Topo study

Tracey reviewed that the study is well under way. The contractor had some initial trouble getting certain documents pulled but has managed to obtain everything he needs. Tracey discussed that the more difficult part of the project is getting the building envelopes properly defined. As she communicated via email, one big issue that our contractor needs guidance on is how to handle the issue of driveways and the fact that some homeowners appear to have easements on file for driveways while others do not. He also needs to know if he should be producing a document which shows the “historical” envelopes that he may have found records for or just the “current” envelopes as his study accurately maps as of “now”. Tracey passed on that he suggested that property lines, which are apparently already on file with the county, be included in the work product.

John shared that from his reading of our governing documents that no one owns their own driveway but that everyone has, based on these docs, an easement granted to them to have a driveway which they must maintain at their own cost and expense. John suggested that once the final work product is produced that it should include each driveway as a “cut out” from the building envelop so that there is a “now current” map of where driveways are. Some discussion ensued and everyone agreed that once we have a final work product that, if necessary, we might want to create a “rubber stamp” easement re-iterating what is already in our governing documents granting any homeowner the right for an “automatic granting of easement” for the driveway as defined in the work product from the topo & building envelope study.

Charles shared that he thought that some houses were simply built by 10 or 15 degrees off from what is recorded, but to the same amount of square footage. Just not on the recorded envelope. The general feeling is that he didn't think anyone was trying to take advantage of the amount of land/building they had, just that many people are basically the victims of the builder not building on what was recorded (or vs vs).

Charles also suggested that whatever we do, we need to do everything necessary so that records are correct so that when people want mortgage, insurance, or want to buy/sell, that we don't have to have a special meeting to approve an easement for them and that they can just use the output of the work product being produced.

Bill shared that he wasn't aware that there has even been a holdup from this problem, but Tracey said that the real issue is that since in recent past sellers and buyers have mutually disclosed that the information on file really isn't accurate that many parties have just signed off with the mutual understanding of this good faith disclosure. However, it was pointed out that in past years things were pretty loose and that with the current economy in the post-subprime-mortgage meltdown that the details of having (or not having) correct documentation and title may become a real problem for buyers, sellers and insurance.

After further discussion John and Tracey agreed that one of them would contact the surveyor next week and make sure that he (1) provides us with either documentation of the "before" and "current" or at the very least (1b) his opinion that the differences were not in granting any individual homeowner more land/size than documented in the past – just where the structure actually lies. Everyone agreed that the final output should, if possible, simply define the "current as of summer 2009" locations and envelopes in order to make it readable and clear as a "going forward from now" document.

Old business- American Lawn Care / Lawn Care Update / Russell Scott

John reported that American Lawn Care has completing its initial cleanup of Casolar and has tested/started up the irrigation systems. John also followed up on his research as to where water meters and control boxes are throughout the association and has added this to the web site under [://www.casolarvail.com/irrigation](http://www.casolarvail.com/irrigation).

The system had been damaged on Sandstone Drive as a result of the Pierce project. John reported that he has been working with both our contractor and the Pierce's contractor to get damage repaired (this included cuts to an irrigation water feed as well as the control wires which make the valves work on the Prizler/King area). Work was completed to repair this system last week. This is less of a problem due to the heavy rains we've been having (no lawn is drying out as a result of heavy rain). John also reported that the zones that used to water in front of the Pierce's were not currently functional. Tracey said that we should contact the Pierces to discuss this. The Board discussed that currently Association water/irrigation was for the "visible from the road" portion of the common area and didn't directly include anything between units and behind (in the case of the Pierce's under) them.

Further discussion ensued and the Board felt that for the recent projects of the past and certainly for any future projects that we should look into an agreement to be executed between the

individual homeowners doing a project and the Association in which the homeowner making the improvement agrees that such improvement is theirs to maintain (and not the Associations). This is to address the bigger problem of well intentioned projects that a homeowner agrees to do, but which later may turn into a major cost/long term burden to the Association.

Nancy brought up that she would like to expand the sprinkler system slightly. John piped in that Mike Chojnowski had also asked if a few more heads could be added to the common area along the lower side of his home and down to his driveway area. Paul Bigsby also asked that heads be added from the Hampton driveway up towards the start of the Cross driveway and along the area where the fire hydrant is at the top of the street.

Paul Bigsby had provided a quote from LeeAnn Henkes as to the cost of flowerbed maintenance. It appeared to be around \$3000 / year. The Board discussed this and decided that other bids should be obtained to make sure that this was in fact a reasonable number. This issue will be tabled until next meeting – Nancy agreed to look into alternatives.

It was also reviewed that the tree spraying by A Cut Above Forestry has been completed for the association to try and mitigate the “pine needle scale”. Various board members will check on the trees over the next few months to see how they’re doing (if less scale is visible).

Old Business – Followup on Pierce

Tracey updated us on her communications with the Pierces. Since her last communication with Mrs Pierce she has received a written letter confirming that the Pierces will address the concerns brought up by the Board. John shared that he had done several walks of the area over the last few weeks and that the landscaping is proceeding and that despite the letter saying that the Pierce’s and their contractors did not feel that they needed to address to pipe pointing downhill (and historically gushing out water) at the Reyner property that this pipe was now gone as part of the landscaping being done. In short, the project appears to be moving along at a fine pace. John made a motion that we table this issue until a future meeting when he expects that contact work will have addressed all of our current concerns. Tracey seconded the motion. Motion passed.

Some discussion of the general landscaping then occurred. John pointed out that his thought is that the Association maintains some basic landscaping that is visible from the road as people “drive past”, but anything between houses and not visible from the road is really the individual homeowners or should be non-irrigated natural flora. Some discussion of the “garden” area that Russell Scott built out from the main road out under Tracey’s home along the visible road section of Casolar as well as the few patches around a few rocks heading up Casolar then followed. These were paid for by Russell Scott, but he later said he wasn’t going to pay for maintaining these areas anymore – currently causing the board to have to expend association funds to maintain these areas.

Nancy proposed that whomever has done an improvement to the common area in the past as well as anyone doing anything in the future should sign a doc that says something along the lines of “I

did it (or plan on doing it), I will maintain it at my own cost, and if I ever sell the requirement to continue to maintain it will pass onto the future owners as a disclosed part of the sale”. It was discussed that it may be difficult to get a past improvement owner to agree to this, but that it ought not to be a problem with any future changes as current resident board members are keeping an eye on things going on in the neighborhood. Tracey and Brendan agreed to draft a template document along these lines and bring it to the next meeting.

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

Some discussion of the problems that the Board requested get fixed by Beringause/Cross occurred. Many were addressed by Jerry Cross’s letter to the Board, but he declined to fix the damaged drainage pan near the power transformer. His claim was that this was snowplow damage, not damage caused by his and Beringause’s project. John indicated that this damage was from the treads on the backhoe used to dig up the hill to put in new power lines for this project (he actually saw it happen at the time). Nancy also indicated that with respect to the trees that were cut one only had to look “up” and see the branches that had been chopped away (to make room for a machine that was digging out near the side of Jerry’s property). In addition, while Cross did get someone to seed grass along the side of Casolar extending up towards his home whomever did this did not seed around the hydrant at the top Casolar (now next to seeded grass area) which was entirely dug up as part of their construction project. Now it looks really bad (dirt on one side, new grass on the other).

Charles says send we need to send a letter back to Nedbo documenting these concerns and demanding that they respond. Tracey agreed to send a follow up letter with a demand. Bill Russell shared that she should include language along the lines of “This is actionable and you have 30 days to respond”

New Business – Bill Russell fence revisited, concerns over planter.

The issue of the fence near Bill Russell’s was brought up again and a planter box that is behind Brendan’s unit was raised.

Bill re-iterated that he feels that the Association should pay for the fence repairs and maintenance. The Board re-iterated that since this was apparently constructed by the person who sold their unit to Bill and was done without any approval of the association that we didn’t feel that we should have to take it over at all. Based on neither side agreeing the Board will spend some legal funds and get a legal opinion of the situation.

Bill also complained that an additional flowerbox had now been built into the hill behind the triplex. Brendan said this was his doing, but that he didn’t believe that it was out of character and that he’d paid for it and would maintain it at no expense to the association. He also said that this is not new – its been there for several years.

Old business- Review of Budget

John indicated that a few items, as expected, will push us over budget (landscaping and lawnmowing budget was short). However we're still thinking that the things we're under budget on will net us close to our annual budget. Discussion deferred until next meeting.

Old business- Insurance D&O issue

John confirmed that the additional coverage was now in place and was being billed quarterly.

Tax Item/ Valuations

Brendan reported that after talking to some folks at the county that he had determined that it would not be of benefit to contest the tax changes. They did this wide spread. Brendan could see no reason to appeal at this point in time. Tracey is concerned that we want to preserve the ability to argue that there is not more developable land, so the land value may be less (or more). They also said if you were successful they might rebalance it so total valuation is the same. Tracey wants to try and use this to lower our taxes. The land that it is on is not worth money. Shelf for future discussion / other meetings.

Vail Honey Wagon / Recycle

John reported that he'd contacted Vail Honey Wagon and found that we were not paying for recycling. However, its only \$2/month/unit that wants to participate and a number of units were apparently getting it "for free" as the guy who picks up the cans doesn't really have a map of who has paid or not. Based on a random check it appears to be about 5 units. John arranged for Vail Honey Wagon to just bill us for those 5 with the understanding that if more units wanted to do it that we'd increase the payment (so right now it's just an additional \$10/month to what we'll be paying). Pickup schedule is every other week and is posted on the [.vailhoneywagon.com](http://vailhoneywagon.com) web site.

New Business - Wallner/McWilliams Power Lines and expansion of retaining wall to mitigate code issue.

John brought up a new problem that arose relating to the power lines feeding the Wallner and McWilliams unit. John shared that many homeowners do not realize that their power lines which run from their unit to the green transformer box near the mailboxes are owned by them (not the utility company or the association). Further, under current code these have to be put in conduits (when our units were built they were often ground buried). The Wallner/McWilliams power went out and it turns out that while their power lines were in a conduit that the conduit had been broken open and the wires nicked so that they shorted out. This happened in a spot between the transformer block and the mailboxes in the hillside. The good news was that the

power company was able to come up and splice/repair the bad lines and get power back up. The bad news is that the pipe is only down a few inches and code requires it be down about 2 feet.

Generally speaking it would be the responsibility of the homeowners (Wallner/McWilliams) to pay to correct this issue (dig up ground, lower the pipe, etc). However, it is likely that the reason that this pipe is no longer buried as deeply as required is because the association expanded the road to put in the drainage pan and, as a result, effectively removed a lot of top soil in the process of our regarding. The folks from the power company suggested that as an alternative to trying to dig up and lower the pipe would be to expand the retaining wall to run from the mailboxes up to the existing retaining wall and then backfill some dirt behind it. John said he'd checked with the TOV and they were okay with this solution as well.

John said the materials cost and delivery to Casolar would be \$230. Based on emails to Board members about this before the meeting this was already approved. The only other cost will be labor to install and topsoil. Brendan suggested that we might be able to get some soil dumped by the construction folks at the bottom of the hill. John asked if Brendan could take this over as John is going to be out of town in the near future. Some future annual maintenance of any stones damaged in the winter may occur, but this should be minimal (blocks are under \$6 each). John made a motion that the Association pay to do this (as this would also add/expand to a common area element that we'd have to maintain long term). Tracey and Nancy seconded the motion. Vote occurred and passed.

New Business – Chojnowski Garage Repair

John said that he'd spoken to Mike Chojnowski who gave John a heads up that he was planning to have some repair work done to fix a leak into his garage. Apparently the entrance way to his unit is a deck and the garage roof (or at least the first part of it) is under that deck and has a leak. His contractor will be ripping out that deck, patching/repairing the roof, and reinstalling the deck. John is still waiting for a letter from Mike on this but asked, on Mike's behalf, for the board to note its understanding that this would be okay. The Board agreed to approve this "maintenance" issue as long as it didn't change the size of the deck (as long as its just a repair issue), but still wants an email from Mike as a papertrail when he actually lines up a contractor to do this work.

New Business – Curtis Landry request for landscaping/painting of transformer.

Curtis had emailed John asking if it would be possible to landscape around and hide the transformer box and/or paint it. John talked to the power company and we really cannot landscape around it to hide it (against their rules). We can paint it with paying them a small fee, but it has to be a solid color that is visible. The general feeling is that this isn't worth the fee (which doesn't include them painting it, just a fee for them to repaint it in the future back to green if we don't maintain it).

Budget ideas for 2009-2010

This was tabled until the next meeting, other than a general request that Board members start thinking about budgeting.

New Business – Next meeting

Tracey suggested that we hold the next Board meeting at 4:00pm on Sunday, August 2nd 2009 at 4pm at her house again. All Board members agreed to this date and time, pending any schedule conflicts that come up.

Motion made by Tracey to adjourn meeting. John seconded the Motion. Meeting adjourned at 6:45pm.

FOLLOWUP NOTE: - DUE TO SCHEDULE CONFLICTS THAT OCCURRED AFTER THE MEETING THE NEXT BOARD MEETING ENDED UP BEING RESCHEDULED FOR SUNDAY, AUGUST 9th, 2009 AT 4PM AT THE HOME OF NANCY BIGSBY. MOST BOARD MEMBERS WILL STILL BE OUT OF TOWN BUT WILL CALL IN VIA CONFERENCE CALL. THIS INFORMATION WAS UPDATED ON THE WEB SITE AS THIS DATE/TIME FIRMED UP AND ALL HOMEOWNERS THAT HAD EXPRESSED A DESIRE TO CALL IN WERE EMAILED.