

# CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

## **BOARD OF DIRECTORS MEETING**

**October 21, 2012**

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held at the home of Brendan McCarthy and via teleconference on October 21<sup>st</sup>, 2012 at 3:00pm MST. The following Board members participated in the meeting: Nancy Bigsby, Brendan McCarthy, Charles Reyner, Marshall Turley and John Uhley.

### **Commencement**

Nancy called the meeting to order at 3:04pm. With 5 Board members participating, a quorum was established. All participating confirmed that they had received proper notice of the meeting.

### **Old Business**

#### **Approval of Previous Board Meeting Minutes**

The meeting began with a review of the minutes of the 9/23/12 Board Meeting minutes. Charles made a motion to approve the minutes of the last meeting as presented, which was seconded by Brendan and passed unanimously.

### **Boulder Lighting**

Brendan mentioned that there is a street light somewhat hidden in the tree behind the entry Boulder. If the light were functioning it could provide good light on the entry Boulder, but the wiring seems to be disconnected. Brendan will contact the town regarding the light.

### **New Business**

#### **Annual Dues Still Not Received**

John stated that dues had yet to be received from 2 homeowner's as of October 20<sup>th</sup>. Those homeowner's are John McWilliams and Bill Russell. John McWilliams had indicated a payment check was forthcoming while Bill Russell had made no direct response to contact regarding unpaid dues. The Rules and Regulations regarding late fees will be followed.

### **Bill Russell**

Bill Russell has continued his demands of The Association. Nancy stated that there were 2 previous newsletters sent out, in Fall of '11 and Summer of '12 asking homeowner's for input and desires for the area. John pointed out that the annual

proposed budget had also been sent out. No response had been made to these requests for input from Bill prior to approval of the current years fiscal budget. There was lengthy discussion about the responsibility of the Association in this situation, historical precedent, and Association lawyers legal opinion. With the potential ramifications for the entire Association body regarding this type of matter and Bill's use of an attorney the Board will use the Association counsel to send a further response to Bill through his attorney. The Board remains opposed to reimbursing any homeowner for a project they took on without proper approval or even opportunity for the Association to make a determination about and does not believe that Bill's other project falls within either the budget or historically what the Association pays for.

### **Kimmelman Project Vote Status**

John presented that 20 advanced votes had been received so far on the project and that the voting deadline was coming up on 11/4/2012.

### **Rockwell Easement Request**

The Board reviewed Rockwell's request as well as his explanation of how this would assist the Association in helping to resolve parking issues. The general consensus was that the result of this project occurring would actually reduce the small amount of parking currently in the area, taking away a public space and turning it into a private enclosed space. Further, it was brought up that one reason that existing enclosed garage might not be functional may have less to do with car size and more to do with the fact that at one time it was being used as living space – not as a garage at all. Regardless, the garage size was known in advance of purchase of the home and given the information currently available the Board is not in favor of the proposed project. In addition to the above concerns, because the project would require granting the right to build on existing common area land it was pointed out that the Board also does not have authority to grant permission to do this without first receiving written authorization from at least 66% of the homeowners. Nancy will draft a letter with this response to the Rockwells.

### **Jerry Cross**

John stated that Jerry had asked that he bring up with the Board the question of why his permission was not requested for the Bigsby nor Uhley construction projects. The Board believes that neighbor approval has always only been technically required from common wall neighbors. It was pointed out that this appears to have also been the the case on Jerry's recent construction project as well as others around the Association.

### **Turley Irrigation Request**

Marshall requested of the Board permission to extend the irrigation near his home, at his own cost, to include a small section behind his home. John pointed out that as long as Marshall was paying for this (installation and any gardening) that the incremental water cost to the Association should be minimal given the area described. The Board

discussed allowing this but keeping an eye on the water bill next year to make sure that if there is a noticeable cost increase from the current year that we would then be determine if Marshall should incur any recurring charge (the general feeling being that this area is very small and will likely not result in a noticeable increase). Motion to approve Marshall's request with this one condition was made by John, seconded by Brendan and passed unanimously with Marshall in recusal.

#### **Next Board Meeting**

The next Board meeting is scheduled for 3pm Sunday, November 18, 2012 MST.

#### **Adjournment**

At 4:05pm Nancy motioned to adjourn the meeting, which was seconded by Charles, and passed unanimously.