

CASOLAR DEL NORTE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

October 24th, 2010

A regular meeting of the Board of Directors of Casolar Del Norte Homeowners Association was duly held October 24th, 2010 at the home of Nancy Bigsby at 1180B Casolar Dr. The following Board members, constituting a quorum, participated in the meeting: Nancy Bigsby, Tracey Allan and John Uhley were present. Charles Reyner (via phone) and Brendan McCarthy (via phone). Nancy called the meeting to order at 3:06pm. With three Board members on site and two participating via phone, a quorum was established. All present confirmed that they had received proper notice of the meeting.

PRIOR MINUTES OF MEETINGS

Tracey moved to approve the minutes from both July and August 2010 Board Meetings. Nancy seconded. A vote was taken & all members voted to approve the minutes from these two meetings.

OLD BUSINESS

Rockwell Project

Nancy brought up the Rockwell project. His architect came to house about a week ago and reviewed the current plans with Nancy. The plans were dated and readable and Nancy approved them on behalf on the Board based on our prior okay of plans as long as they did not extend out of the existing envelope. Nancy indicated that only the roofline will extend a few inches, but not into the ground (just an overhang). Nancy indicated that she also did check the box on the Town of Vail form indicating that any changes requested of the Town must be approved by the Board as well.

Charles asked if the posts for the deck were going down the ground. Nancy said that what's on file accurately reflects what is physically there.

Lohrentz Project

Nancy then continued onto noting that the Bill Lorentz project has started. Windows arrived and some demolition was done, but rains came and its closed up again. According to Bill his builder was out of town most of last week. So we expect things to move forward on this project in the coming month.

Holcomb Tree Issue

Nancy reviewed the Holcomb tree request/issue. Despite her letter to the Board, Nancy indicated that it would set a dangerous precedent if the Board were to move forward with taking on such a project. Charles said the membership tends to like to keep it simple and we as the Board should follow this historic trend and not start trimming trees. Nancy pointed out that some (like Scotty and Todger) have done this as individual homeowners and maintained the trees in their area at their own expense. John pointed out again that for the last two years this has been the case as well (not an HOA paid for item). In addition if the HOA takes on tree trimming our dues would likely go up a lot per year (if we were to take on such a task – especially with 80+ trees in the neighborhood).

The wall around the tree was not in existence when the home was built according to Nancy. The general conclusion of the Board is that if Kellie doesn't like the tree, she needs to have someone trim the bottom branches. A-Cut-Above said the tree is not causing the timbers to spread. The general feeling is that the timbers are not a Board issue.

In further discussion the Board felt that this would be a good item to bring to the attention of the membership at large, to poll them and then, assuming the majority of homeowners concur, to make it clear that this is an official homeowner policy that the majority of the members agree with. The Board is unanimous in its feeling that we should not set a precedent, but we are willing to put it to a vote and see if the majority of the membership agrees with the Board.

Update on Status of Intermountain Engineering work on Easements/Legal Descriptions

Brendan updated us on the status of legal descriptions from Intermountain. The general status is that we have the majority of lots descriptions back from Intermountain. There are a few missing lots, but these may be ones that have either not been built on or that were already updated/filed with the county prior to us hiring Intermountain to do the work (and thus not part of the work they needed to do). Brendan will followup with them to confirm that we have everything from them that wasn't on file with the county already. The Board decided to hold off forwarding the check (cut some time ago) to Intermountain until Brendan gives us the thumbs up that he has everything from them.

Segway into--

Review of Beringhause & Pierce issues

Nancy brought up the unresolved issue that both the Beringhaus/Cross and Pierce projects resulted in those parties expanding their building envelopes without getting the proper vote of the membership to allow for this, in effect building on land they did not own and without the permissions required in our governing documents.

Nancy said that it was her understanding that Eric had, several years ago, asked Kathleen Eck for us to grant an easement because he'd built on common property. Then at a meeting with a prior Board (not including any of the current Board members), Nancy believed that Todger said that Eric would be willing to pay us for an easement for his property.

Nancy would like to approach Beringhaus/Cross and/or Pierce and see if they want to try and resolve this issue with the HOA so that they would have clear title to where their homes are now built.

Various discussion ensued as to the restrictions on the Board itself (we cannot 'sell' land – at least not without the permission of a vote of the membership to do this).

Nancy said she thinks that both parties should offer to pay for an easement – one they never should have had in the first place based on the governing document requirements forbidding the Board from granting such easements or selling land. If they are interested in moving forward with such a concept then perhaps the Board and these homeowners could ask the rest of the homeowners to approve such a concept (modifying the current governing documents or doing this as a one-off to resolve the problem).

Charles said that he thought when the Pierces were finished with work that they were supposed to produce a new survey as the new footprint. He also pointed out that every homeowner gets a copy of the governing documents on closing, so the detail that anyone wanting to build over land owned by the HOA that would be transferred to the homeowner clearly requires a vote of the membership, not just something a single Board member might say is okay to do.

Tracey believed that its each homeowners responsibility to follow the rules, but feels that neither party followed the rules and thus they don't own the property they expanded over.

[Brendan had to jump off the phone at this point in the meeting]

Charles noted that a previous Board member did sign off on both projects. Tracey & Nancy said that neither of these really went to a prior Board, just an individual on the Board who wasn't authorized to grant an easement or transfer any land. Tracey said she feels badly for them, but they didn't do the right thing based on our governing documents.

Nancy said that she will move forward with touching base with Beringhaus/Cross and Pierce and then get back to the Board.

NEW BUSINESS

Next Steps with Cross-Easements for HOA:

John said he will work on putting Intermountain Engineerings work into the web site with the goal of each "Lot" being able to click through to the legal description/paperwork produced by Duke. This won't be tied into the visible site until a later date.

Once we have all of these in place then we need to get permission from the membership for the Board to sign on behalf of the membership for these easements (those where the HOA/Board is granting an easement over HOA land to a member; the member is entitled to sign on their behalf to grant any easement to the HOA that might be listed in the documents produced by Intermountain)

Nancy said she will talk to the lawyers and get a draft for a letter to send the membership.

TREASURERS REPORT

Still waiting on a few members who have all said “the checks in the mail”. The Board directed John to apply late fees if payment is not received this month. John noted that all other members have paid.

RESEALING THE ROAD

A-Peak gave us a quote to resealing the road (work couldn't happen until sometime next summer). The estimate for just Casolar Drive was \$3100, including crack sealing, seal coating and the like. Tracey said to be sure that there is no sand in the sealer as from her experience this can quickly become a problem. Tracey said that oil based sealer “seeps in” more and suggested that we make sure this is used. The Board decided to table this item until next spring. Tracey will talk to A-Peak before then and will expand quote to include Vail View.

BIGSBY RENOVATION (SLIGHT MODIFICATION)

Nancy asks the Board to re-approve the previously approved Bigsby Renovation. One minor addition was to pitch the common area to drain away from the home. Tracey said as long as Nancy and Paul sign the agreement to replace landscaping (if any) back to normal and the pitch will be to drain away from house and no other changes occur that this should be okay. Tracey moved to approve the request contingent on signing an agreement. Charles seconds. Vote occurred (with Nancy abstaining from the vote). Motion passed.

OLD REIMBURSEMENTS

Nancy asked for \$86.20 for mailing back to '09 (she had receipts). Tracey moves to reimburse with receipts to HOA. John seconds. Vote occurred (with Nancy abstaining). Motion passed.

BIGSBY/UHLEY driveway asphaltting:

John asked for permission to have a contractor replace the cracking concrete in front of the Uhley/Bigsby homes with asphalt. Tracey moves that it be done by December 1st as long as it matches the surrounding area. Charles Seconded the motion. A vote occurred with Nancy and John abstaining from the vote. Motion passed.

Next Meeting

The next Board meeting is tentatively scheduled for Sunday, November 21st at 2:00pm at the home of Nancy Bigsby.

Adjournment -

At 4:08pm Nancy motioned the meeting be adjourned which was seconded by Brendan and passed unanimously.