

*West Fork Village
HOA Board Meeting Minutes
July 26, 2012*

PRESENT: Board Members Present: Dylan Reed—President
Jamison Walsh—Vice President
Bryan Lee—Treasurer
Cathy Bohannon—Secretary
Steve Hooton—Voting Member

Travis Ryan—On-Site Manager

Others Present: See Sign-In Sheet

OPEN DISCUSSION / MEET AND GREET THE BOARD:

President, Dylan Reed opened the meeting at 6:00 pm with introductions of the Board and an invitation to those in attendance to introduce themselves and voice any concerns/issues they would like to see addressed.

Anita McAllister: Concerned about the possibility of our going to a management company and is supporting Travis as the On-Site Manager of West Fork Village.

Nan Lee: She reported that we could have up to seven people serving on our board if desired/necessary.

Travis responded that the previous Board had voted on a resolution to keep it to five.

Adam Lowrance; Supporting Travis with regard to his duties, salary and assistance. As outgoing president of the Board, he also addressed the previous Board's attempt to address issues based on the written bylaws and covenant rather than tradition. He asked how the new Board plans to proceed, by tradition or the covenant, particularly with regard to pet and rental approval.

Dylan: Our first priority is to meet with our HOA lawyer to determine where we are with regard to the legality of the Covenant and the bylaws as written and proceed accordingly. With regard to three-year terms for Board members, we will probably amend it to yearly elections with a maximum of three years. This amendment would need to pass by 67% of the owners.

Jamison: The HOA Board exists to make sure all is legal and transparent and we will do all we can to abide by the wishes of the owners.

Cathy Bunting: She has recently been asked to remove some baby gates from her patio for her dog to go outside—she is not physically able to walk her dog on a regular basis so now neither she nor her dog get the exercise they need. She would like the Board to reconsider this issue.

Dylan: Invited Cathy to return to a future meeting and the Board will address the issue with her and try to come to a compromise.

Jean Sherrod: She would like to continue to have a home in which we can all take pride—she is opposed to a management company and doesn't feel an off-site manager will be as vested as our current system with on-site management. She is also concerned with the difficulty of

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knowing what material can go into the recycle bins and wondered if the bins could be labeled separately. She believes there are non-residents using the bins and would like the Board to try to find a solution to this problem.

***Dylan:** We could post a sign indicating the bins are for “West Fork Village Homeowners Only”, understanding that this will not solve the problem, but if someone is caught, our reply is that it is clearly marked. The discussion of security cameras was addressed. It was noted that most outdoor security cameras are destroyed by those not wanting to get caught violating the rules, etc. This evolved into the subject of posting a lien on property in the case of unpaid HOA dues or fees assessed for various violations; i.e., picking up after pets, pets off leash, etc. **Judy Bodwell** indicated the need for the Board to stay on top of the issue if we were to go that route—as former managers, she and Dean chose to use a collection agency as opposed to posting a lien on the property of violators. Judy indicated she is opposed to the use of security cameras—she feels it is a violation of a person’s right to privacy.*

***Jamison:** In the name of trying to keep residents informed and updated, he asked Jean and others in attendance what form of correspondence they prefer, hard copy or e-mail. Most indicated they would prefer hard copy and indicated it is fine to provide copies of newsletters/information in the mailroom as well as on our web site.*

Pat Pope: She believes a good portion of the issue with regard to full recycle bins is a result of the high number of residents moving in and out of the complex.

***Travis:** It was noted that the schedule for recycle pick-up is every other week. He will check into the cost of the pick-up occurring more often. It was also noted that some residents find it difficult to lift their trash up into the trash bin. Travis indicated that he checks all trash bins daily and he would be happy to place the trash in the bin if trash was left next to the trash bin.*

Terri Van Osdol: She prefers hard copy on newsletters and echoes other opinions that the mailroom is a good means of distribution.

Wanda Anderson: She also expressed support for Travis and does not support the prospect of our hiring a management company in lieu of on-site management. She also asked about the issue regarding the owner to renter ratio.

***Jamison:** The owner to renter ratio is a high priority to be addressed by the Board.*

***Dylan:** This issue was brought up at last week’s meeting and realtors are asking FHA to remove this restriction. **Jan Massey** indicated she had just refinanced her unit and the issue was not a problem for her.*

Cheryl Smith: She rents from her parents and is also interested in the owner to renter ratio.

***Dylan:** Asked that a Board e-mail address be created to make it easier for everyone to contact us. Per our bylaws and covenant, we are required to deal with owners as opposed to renters. **Cheryl** then asked if her parents could do a proxy giving her their “voting rights”. **Dylan** indicated he thought that is possible, but it may be a one-time deal that would need to be renewed on a regular basis.*

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Sandra Adams: She indicated there have been some problems with strange items in the trash cans; i.e., chairs, carpeting, etc.

Travis: He has a garage designated for large items left for disposal. This also led to a discussion regarding some renovation projects creating a large amount of trash and how this may be addressed. It was suggested that those involved in major renovation projects be directed to obtain a dumpster designated for their project so our regular trash bins are not overflowing with the trash from the renovation. Bryan asked if contact information for such a service could be provided to those affected.

Kathy Rasmussen: The Board received information from Travis regarding Kathy having been threatened over a dog issue. This issue will be addressed in the regular portion of the meeting.

Jan Massey: She encouraged all to visit our web site—there is a lot of valuable information available there. She also addressed concern over the \$30 late fee—she feels this amount is outrageous.

Dylan: That amount is comparable to similar properties. The desired effect is to make it high enough that will be an appropriate incentive to pay dues on time. This fee needs to be legal and enforceable. Jamison asked if there might be a more convenient means of paying our dues. Steve suggested they could be paid automatically through your bank.

Judy Bodwell: Thank you to the new board members for being willing to serve. She's asking for honesty from the board and that we not just agree with whatever is suggested—if you don't agree, discuss the issue until a consensus is reached.

Dylan: If we continue with resolutions, the issue will be submitted to the community with a request for their input.

Rosann Holman: She would like to see us have a community BBQ.

The consensus was that we should have the BBQ. Dylan asked for volunteers not on the Board to plan the BBQ. Jan Massey will gather a committee and submit a budget request to the Board and we will go from there.

The Open Forum part of the meeting was closed at this point.

Following a brief recess, the regular meeting of the HOA Board continued.

REPORTS & OLD BUSINESS

A. OWNER/NON-OWNER RATIO: Currently 84/96.

1. **Jamison:** *This number may change soon.*
2. There is no law stating what it must be. However at the moment, that can affect those applying for an FHA loan. A statement was made by a realtor/owner at the July 19 meeting that realty companies have made a request to remove the stipulation of an owner/renter ratio in order to qualify for an FHA loan. **Jan Massey** stated that she had recently refinanced her unit and had no problem with the ratio being questioned.
3. The Board needs to strike a balance for those who need or want to rent their unit.
4. The Board needs to meet with our lawyer so we fully understand what we can legally do with regard to this issue before deciding what we want to do. **Dylan:** *We need to be sure we are in line with our covenant and that what our covenant outlines is legal. Senate Bill 100 was passed years ago. If we are not compliant with the stipulations in SB 100 we cannot charge late fees. We need to be sure landlords are compliant with the covenants. We can fine the owners who are not compliant with our covenants as long as they are legal. Any violation of a renter is assessed to the owner. It is up to the owner to deal with the renter. **Jamison:** *Leases need to be properly written and could include covenants. **Dylan:** *Renters must produce a copy of their lease and covenants prior to being fingerprinted for admission into clubhouse. However, the HOA is not allowed to keep copies of specific leases and leases are not required to contain specific information. **Rosann:** *A document already exists requiring a signature by the owner/renter indicating that he/she has read and understands the rules as delineated in the covenants. **Dylan:** *We need to be sure owners receive updates as it is their responsibility to provide them to their renters. **Jean Sherrod:** *Her daughter is assuming her loan for tax purposes.******

B. UNPAID CHARGE SUMMARY: Travis provided a chart of the Unpaid Charge Summary for the last two years with notes included on the current method set up to collect the charges. The amount as of February 21, 2011 was \$10,262 and the amount as of July 25, 2012 is \$4,799.50. (See attached for details.) **Travis:** *Dean and Judy Bodwell began the concerted effort to collect these charges and Travis has continued—Thank you Travis.*

Dylan: *Work with those who are assessed fees and set up a written agreement; if they do not honor the agreement made, the agreement will become null and void and more drastic steps will be taken at that time to collect the amount due.*

Travis: *He sends updates each month. PFC is the collection agency we use—their charge is 25 cents/dollar collected or 50 cents/dollar collected if they need to go to court. The minimum fee is \$300 before sending an owner to collections. **Dylan:** *Daily late fees may be an additional incentive—we may want to consider \$5 per day.**

C. MANAGEMENT DUTIES & SALARY—Rosann & Zulema: Travis provided an extensive list of duties required of the On-Site Manager. This list included duties performed by Eric, Rosann and Zulema in addition to Travis. Charts were also included describing duties attached to personnel performing them with costs associated to the duties. (See attached for details.)

Jamison: *Off-site management is not what he prefers.*

The general consensus of those at the meeting is “no” to off-site management. We will continue to contact several management companies for bids as stated at the July 19 meeting to obtain a cost comparison—we need to be sure an “apples to apples” comparison is made and that everything Travis and those assisting him is contained in the request for bids. It was noted that residents cannot build a relationship with an off-site manager. The Board would maintain control. **Steve:** *He doesn't know how we would deal with our two rental units in the clubhouse with off-site management. **Jean:** *Would an off-site management company control who would take care of our lawns? **Dylan:** *The***

management company would obtain bids and make recommendations, but it would still be the Board's decision as to who would be selected. **Dylan:** Travis is doing well in his position. We should obtain bids from outside companies for lawn care each year to avoid complacency. **Travis:** He has continued to keep Alpine (our current lawn care providers) accountable for lawn care and any damage done to our property while doing their job. **Jamison:** We need to formalize Travis' job description. **Dylan:** His dad owns a management company and can share some information with us in the form of paperwork, etc. **Travis:** Can Rosann and Zulema continue doing what they are doing? **Steve:** Is Rosann's salary paid by Travis? **Travis:** Yes. **Dylan:** Continue as we are for now. As the Board becomes more familiar with how things go, we can deal with issues as they arise. **Jean:** Who is Vicki? **Travis:** She is our deep-cleaning lady who comes in and cleans the clubhouse twice a month. **Dylan:** If anyone complains to Travis, have them either come to a meeting or schedule a meeting with a couple of the Board members at a more convenient time to address their issue(s). **Jamison:** It might be nice to have the office covered more hours—in light of the potential cost of covering more hours, maybe the Board and/or owners could volunteer some time. This could be very beneficial for use (and/or abuse) of the clubhouse, particularly when the pool is open. **Travis:** He is going to post his schedule on the main door of the clubhouse. **Dylan:** Maybe Travis could add a note to the schedule, "or by appointment". **Jean:** Be sure to include a telephone number and the website address. **Dylan:** We could request bids from three different sign companies to do signs for the trash/recycling areas and the door. **Judy:** She supports Travis! She and Dean understand better than anyone the problems that have arisen regarding the pool. **Dylan:** If you (Travis) have problems, please talk with the Board. If someone volunteering in the office encounters a problem, call Travis. We should research the rules of other HOA's regarding the pool, etc. We will try to regulate and enforce more reasonable rules. **Jean:** Maybe a card ID. **Dylan:** That's easy to abuse—one cannot loan out their fingerprint to get into the clubhouse. Alcohol is not permitted in the clubhouse at all. **Judy:** If people violating the rules of the clubhouse are fingerprinted and in the system, you have signed proof that they should have been aware of and agreed to abide by the rules.

- D. ASSISTANT MANAGER POSITION: Travis has received four applications for the Assistant Manager position. Judy will ask Dean if he is interested and/or willing to participate in the hiring process and/or training since he is so familiar with West Fork Village and its maintenance history. **Dylan:** He is concerned about a resident working in a paid position for the HOA with regard to personnel issues, i.e., the issue with the dog. **Travis:** Eric leaves August 12. **Dylan:** Travis, maybe Dean and a couple of Board members can conduct the interview(s) for a replacement. **Jamison:** Could we have a decision as to who to interview by August 1? **Travis:** He will e-mail all the resume's for all the applicants to the Board for review tomorrow.
- E. A TENANT'S THREATS & HARASSMENTS: The Board received an e-mail prior to this meeting from Travis regarding the specifics of a lost dog and harassment by the renter in Unit 801 (a foreign national who goes by Chris). Kathy Rasmussen has come to address the issue. Requests have been made to the owner of the unit multiple times to evict the renter to no avail. Travis has been threatened and has a recording of that as evidence, but to date has not pressed charges against the resident. The dog was lost around Christmas and Chris started searching for the dog in February/March. **Dylan:** Encouraged Travis to press charges against Chris—unless Travis presses charges, the police cannot do anything about Chris. **Jamison:** Should a lawyer be contacted prior to Travis pressing charges? **Travis:** As an employee of the HOA, he is covered as we are also. He will contact our lawyer and will press charges. **Dylan:** After charges are pressed, we need to draft a letter to the owner with specific directions and dates upon which Chris must be evicted. Should the owner continue to ignore this request, he will be responsible for Chris' actions. **Steve:** What threats have been made to Kathy? **Kathy:** She has had some contact with a girl named Tracey (a

friend of Chris's). She was advised by police that the effort she and her daughter made was more than adequate legally and there is nothing more they can do to locate the dog as telephone numbers have changed and there is no way to determine that the dog Kathy found was indeed the one Chris lost. **Travis:** He spoke with the person who was dog sitting for Chris and told him the dog was long gone and there was no way now to determine if it was the same dog. The dog was not registered at WFV which is a violation of our covenants. **Jamison:** Our attorney needs to write a strong letter to the owners including a strict deadline for eviction. **Kathy:** Chris still walks/drives around looking for the dog asking people whose paths he crosses if they have seen the dog or know where it is. **Dylan:** If he doesn't leave when evicted, we will have to get a restraining order.

- F. COMMUNITY BBQ: Since there are some in attendance who may be here just to hear about our having a Community BBQ, Dylan moved this issue up in the agenda. Yes, we will have a BBQ. Try to schedule the end of August. **Dylan:** Is there anyone not on the Board who would be interested in planning/organizing the BBQ? Jan Massey with head up a committee; Kathy Rasmussen and Cheryl Smith will assist. The HOA can provide something and others can bring a covered dish. **Bryan:** The committee should ask for a budget from the association and we can determine what can be provided. We need to ask for an RSVP.
- G. POOL—MECHANICAL END DAMAGED: **Travis:** The mechanical end of the pool cover is damaged. He and Dean have repaired it and the repair is wearing away. The Board recessed briefly to check on the pool and the damage. **Travis** believes we should probably plan to purchase a new cover after the repairs are made. High Country Pools can do this work. It was suggested that we may want to include this with the bids for a regular concrete company to do—if we are going to purchase a new, different style cover, the repair may not need to be done by pool specialists who may charge more based upon their specialization.

With this issue, the third hot tub was brought up. Can it be opened or is it permanently out of order? **Travis:** Yes, it can be reopened. Due to its location, it has been regularly targeted by vandals and was closed and locked to prevent continued vandalism. We tried to sell it but could not get enough out of it to sell it. It will need a new cover. Also, some of the jets on the other two hot tubs need to be repaired/replaced. **Dylan:** It may be more cost effective to replace them rather than repair them. We should get them on a schedule for replacement so we are not blindsided needing to replace them all at once. **Jamison:** Could Travis make up a laundry list of all of the estimated costs relating to the pool and hot tubs so we can prioritize and budget appropriately? **Dylan:** Start with obtaining bids for the repair of the pool and the pool cover. We will open the third hot tub.

- H. CONCRETE & ASPHALT ESTIMATES: **Travis** has stages of the concrete/asphalt project budgeted over a number of years so this will be a process to complete it. He will forward the bids to the Board. He is interested in two of the bids.
- I. UNIT LEASE REQUEST—15.12.1: Clarify with the attorney what we can do legally first—Travis will check on this. **Dylan:** Are we compliant with all laws regarding HOA's in Colorado? If not, that is our first priority. **Travis:** Our attorney has addressed some of the issues relating to SB 100. **Dylan:** There are multiple items needing to be addressed. **Jamison:** What is our attorney costing? **Travis:** We pay \$185/hour. **Dylan:** Schedule a time to meet with her. We need to compile a list of questions to send to her ahead of time so she can research them as necessary. **Jamison:** Can she supply a copy of a blank lease with an application to rent a unit? **Dylan:** Leases are not regulated so there is not a standard lease. We cannot legally have copies of individual leases. **Jamison:** We need to meet face to face with the lawyer, we cannot do anything about this yet so this should be tabled until after we have met with her. **Dylan:** Submit any questions for the lawyer to Travis and

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we'll set up the meeting. Resolutions are sent out to owners and are voted on by the Board. Changes to the covenants must be voted on by owners.

OTHER

- A. **SCREEN DOOR:** *Dylan filled us in on a problem he has had with regard to his screen door. He and his wife requested information on the approved screen doors. The reply was slow in coming—by the time they received a reply, they had already purchased a screen door. The screen door does not fit the description or color of the doors originally approved for the complex. The previous Board decided they could paint the door to better match the approved doors. **Jamison:** He would like a more clear description of the doors. What is most important on specifics—color or style? It was suggested that the Board specify a choice of three doors—not by item or part numbers as those tend to change. Stained glass and screens should also be addressed. It may be cost effective to get a bid on a certain number of doors, which may be an incentive for that number of residents to purchase the specified door.*
- B. **QUESTIONS FOR LAWYER:** Submit your questions for the lawyer to Travis by Monday, July 30.
- C. **NEXT MEETING:** Consider changing the next meeting day to coincide with the picnic. Maybe we could meet from 9:00-11:00 am on Saturday, August 25, 2012, set up for the BBQ between 11:00 am-12:00 pm and follow with the BBQ at noon.
- D. **PLAYGROUND EQUIPMENT:** *Cheryl: She would like the Board to consider purchasing some playground equipment for kids with a basketball hoop and picnic table(s). We will look into the possibility and collect input from the community.*

MEETING ADJOURNED: The meeting adjourned at 9:15 pm.

Respectfully submitted,

Cathy Bohannon, Secretary