

Meadow Creek Homeowners Association

Annual Meeting

Minutes

Held Sept 7, 2019 at Summit County Community and Senior Center, Frisco, CO

Meeting Opened:

The meeting was called to order by the President, Kent Willis, at 9:00 a.m.

Officers present were:

Kent Willis, President, Chair of the meeting

Andrea Blankenship, Vice President

Daniel Clark, Secretary

Aleda Kresge, Treasurer, and Lyndsey Whittington, member-at-large, did not attend.

The Board counted approximately 25 attendees and received _nn_ proxies, fulfilling a quorum.

Approval of Minutes

The first item on the agenda was approval of the previous meeting's minutes, however copies were unavailable so the matter was deferred.

Board Activity

Mr. Willis reported that the Board had met a few times since the last annual meeting. It also reviewed some architectural items, and had no reported violations of architectural-committee rules.

A homeowner asked about the architectural committee review procedures for replacement windows. She was told that the traditional procedure was to email Ms. Kresge who would forward it to Mr. Willis. Mr. Willis noted that the architectural committee primarily reviews people repainting their units, and that the Association has color schemes and palettes owners should comply with. New windows and exterior alterations must be reviewed, but direct replacements of decks and the like need not be, though the architectural committee will appreciate notification.

Review of the treasurer's report.

Copies of the treasurer's report was distributed among members.

Mr. Willis noted that the Association's website had been attacked in the past year and was still being reconstructed with Association records.

Mr. Willis noted that the Association took in dues of approx. \$3,600. He noted that the Association had “accumulated a significant reserve” and that Board had met on the subject but had not resolved did what to do with the funds – stop collecting dues and run it down over time, refund the money, spend on social events, etc.

Mr. Willis invited further discussion of the subject. It was noted that the Association does not own any common property it must maintain and that the reserve has traditionally been earmarked for contingent legal expenses for enforcing covenants or defending owners’ collective interest.

A homeowner asked about the “insurance” line item in the financial report. Mr. Willis reported that it was for Directors and Officers insurance for the Association’s board members. Another homeowner asked if the “Meadow Creek” sign required insurance, because he had had a transaction delayed for lack of documentation thereof. Mr. Willis responded that the sign is not currently insured.

Mr. Willis recounted the easement arrangement for the sign – the Association does not own the land the sign sits on, but the Association has an easement. It is the intent of the Association to replace the sign.

A homeowner stated that he approves of the existing reserve, and wishes to see it and the dues collection remain the same. Another homeowner suggested a moratorium on the collection of dues (not their elimination) starting next year.

A homeowner confirmed with the chair that the meeting had a quorum and asked if the meeting could vote on the moratorium proposal. Mr. Willis replied that the current meeting could take a vote on a motion to direct the Board to pursue a suspension of dues, but because the dues’ dollar amount is written into the original Declarations of the Association, the law requires an affirmative vote by sixty-seven percent of the membership, estimated at 90 votes, more than the number of votes present.

A homeowner suggested that authority to change dues might already be vested in the Board by the CCIOA act. Mr. Willis responded that the Association’s rules predate the CCIOA act of 1997. A more contemporary set of Declarations would include different language for setting budgets and dues requirements.

Mr. Sixberry suggested voting for modifications to the Declarations could be setup online. Mr. Willis replied that he “likes the idea” but that “the law is a bit archaic” and continues to require voting in person or by written ballot. Mr. Willis will investigate further.

Mr Willis requested a motion of what to do with the reserve and the dues.

Mr. Sixberry asked how much reserve does the Association think it needs, noting that the current amount represents five years’ of normal expenses. How many years should be enough? Mr. Willis remarked that he liked having a reserve amount of \$10,000 for potential legal expenses.

A homeowner asked about the unusual expenses in the financial statement. What was the source of the loss? The biggest difference was meals and entertainment. Ms. Howland noted a difference between years in the “Internet expense” and “Meals and Entertainment” items from the report. The Board

pointed out that the internet expense was likely attributable to website restoration. The difference in food expense remained unexplained; the Board agreed to investigate and update members.

Motion to maintain Dues:

Mr. Jim Whitman (55 Hawn Drive) made a formal motion to keep the dues routine the same. The motion was seconded and discussed. The proposer of the moratorium suggested he might withdraw his proposal given the difficulty of effecting it (“more trouble than it’s worth”).

Mr. Willis remarked that he would like to amend the Declaration to allow the Board to change the dues, and that it was worth the effort. He also noted that amending the covenants was on the meeting’s agenda and that amendment language was written and ready to be mailed to members.

Mr. Willis called for a vote on the motion to keep dues as is. Someone asked if a vote was needed to continue the status quo. Mr. Willis favored taking the vote as advisory to the Board.

A member suggested allowing electronic communication as part of Association notices to reduce expense. Mr. Willis noted that electronic communication is already permitted, but that communication (as in notice of meetings, etc.) is not the same as written voting on changes to the Declaration.

A voice vote and show of hands was called on the motion to continue the status quo. Fourteen votes were recorded “yes”, and nine recorded “no”. Mr. Willis declared the motion passed.

Motion to amend Declaration:

Ms. Howland (35 Hawn) made the motion that the Board be given authority to set the budget and dues each year by amending the Declaration. The motion was seconded.

A homeowner expressed concern that the authority to set dues might be too open-ended, compared to the current fixed amount, and could include the authority to make special assessments or pursue legal suits without further approval. Mr. Willis replied that he would prefer the Board follow the process specified by CCIOA that permits a Board to propose a budget and set dues and then requires their submission to homeowners for approval.

A homeowner remarked that an annual approval process requiring a formal vote could prove cumbersome if participation was low. Ms. Howland remarked a Board can set and vote on a routine working budget and desired reserve level separately from any special assessments it may require. Mr. Willis concurred.

It was clarified that a vote for a change to the Declaration is not a vote for a specific financial reserve amount. Mr. Willis concurred, but noted that CCIOA rules charges a Board with setting such an amount.

Mr. Willis called a vote on the motion to amend the Declaration. Two votes were counted against the motion, with the remainder for. The motion was passed.

Ms. Howland pointed out that two motions had passed containing contradictory instructions.

Fire Mitigation

Mr. Clark was called on to report the results of his inquiries into disaster preparation as a possible use of surplus financial reserves.

Mr. Clark reported that pursuant to his interest in a possible collective investment in fire mitigation, he contacted several emergency authorities in the county, including the fire department and sheriff's office, and they were ready to talk to the Board and membership about fire mitigation any time they wanted to make an appointment. Mr. Clark expressed his interest in learning what the emergency authorities had learned from other recent disasters, especially those involving extending power outages or fire. He suggested there may be some utility to having some community assets in such circumstances, such as a chain saw, water pump, or generator.

A member remarked that the membership would need to know much more about the tools required for such preparation, such as the scale of the resources involved - is the Association proposing small items like chainsaws, or large items like multi-house generators.

It was noted that the local fire services offered on-site mitigation advice on request. It was noted that slash collection was underway in the neighborhood. Trucks will chip slash on-site. Ms. Blankenship read the chipping program rules from a website.

A homeowner asked if the HOA had rules for cutting trees, e.g., if the fire department suggested removing one. Mr. Willis remarked that there are. Members noted that some rules were overridden during beetle-kill clearing. Another homeowner remarked that the HOA would likely not stand in the way if fire authorities recommended removing a particular tree, and Mr. Willis concurred.

A homeowner remarked that there are public funds available to HOAs for fire mitigation, but that Meadow Creek would probably not qualify as it owns no property of its own. Mr. Willis agreed the Board will come back with more details about fire prevention.

Library Box:

Mr. Willis brought up the desirability of a neighborhood lending-library box and where to locate it. Mr. Willis said the Sherb's volunteered some space on their property.

A homeowner suggested placing it near the "Meadow Creek" sign [when repaired]. Other suggestions included placing it under a streetlight, away from snowplow damage, or locating it near a transformer, or near Ms. Blankenship's unit. Mr. Willis agreed to pursue a location.

Sign:

The issue of the "Meadow Creek" sign was raised. The Board had no new developments to report, but the Board wishes to pursue restoring the sign. The question was asked if Mr. Yuen still objected to the sign's location on his property. Mr. Yuen probably does, but that the Association has an enforceable easement. The Board will continue its effort to restore the sign.

Amending the Declaration:

Mr. Willis returned to the issue of amending the Declaration. He noted that a committee had developed various changes for the Declaration in the past. He remarked that he anticipated presenting two sets of amendments to the membership, one involving updating and clarifying language and administrative details, the other containing substantive matters such as changes to the architectural rules and procedures.

Ms. Blankenship recommended combining large and small items into one ballot. Mr. Willis recommended submitting major and minor changes separately. Mr. Sixberry recommended consolidating proposals and submitting initial drafts for member review and discussion by electronic mail, then submitting final drafts for written voting. Mr. Willis concurred.

New Business]

A homeowner (120C Hawn) expressed concern about speeding on the stretch of Hawn Drive between the entrance to The Reserve and Meadow Drive. Mr. Willis talked also about speeding through the four-way stop at Meadow Way and Hawn Drive. He advised individual members talk to the Town of Frisco Town Manager – Nancy Kerry (nancyk@townoffrisco.com) Mr. Willis also remarked that the Board would send a letter to the Town on its own behalf. A homeowner also suggested the association could petition the Town for remedies.

A member noted that The Reserve effectively had “speed dips” in their road and asked if the Association could get something similar. Mr. Willis noted that the Reserve dips are designed for drainage.

Mr. Willis noted that some wetlands remediation was being done just north of the neighborhood, repairing damage done by an unauthorized (private) drainage channel cut into the land. The remediation is almost finished. Mr. Willis pointed out that the project was a result of individual owners seeking action from the Town. Mr. Willis and others remarked that some drainage issues in the area are related to beaver activity, and beavers are protected.

Homeless Issue

Mr. Willis brought up the issue of homeless people living in Meadow Creek Park. Basecamp residents have complained and met with town officials. Mr. Willis remarked that it is not illegal to be homeless, and someone cannot be arrested for being homeless alone. Similarly, a person cannot be moved from public property by the police, only private. A homeowner advised that the police chief told her to “call 911” directly and without apology if she needed them.

A homeowner asked if the Park closing hours can be enforced. Mr. Willis remarked that the police’s approach is to become more visible around the park, as homeless people don’t like being contacted by them. Ms. Blankenship remarked that homelessness was an issue of prevention.

A homeowner remarked that more moose have been seen in the neighborhood several times. Others remarked on the presence of a bear.

Re-election of Board

A member moved to nominate all members for their current positions. Mr. Willis noted that the Treasurer, Ms. Kresge, was resigning from the Board and could not be nominated. Mr. Willis remarked that he desires to retire from the Board, but agreed to serve for another term. Mr. Willis remarked on the need to replace Ms. Kresge. The motion was submitted to reelect everyone except the Treasurer. The motion was seconded and carried.

Mr. Willis asked for volunteers for Treasurer. No one volunteered.

A member asked who was on the architectural committee and how they got assigned. A member mentioned that Catherine Genereaux (107 Hawn Drive) had expressed interest in serving on the Architectural Committee. Mr. Willis enthusiastically agreed to contact her.

The meeting expressed its appreciation for Ms. Kresge's work putting the meeting together.

Adjournment

Mr. Willis made a motion to adjourn the meeting. The meeting was adjourned at approximately 11:05 am.

Minutes submitted by

Daniel Clark, Secretary