

OAK MEADOWS HOMEOWNERS ASSOCIATION

Web Address: [www.oak-meadows.us](http://www.oak-meadows.us)

Board of Directors Meeting – September 9, 2009

Minutes

Board Members in Attendance:

Ronny Ullrich  
Julie Fuller  
Nan Walther  
Bruce Stolbach  
Richard Scranton  
Greg Beightel  
Chris Adelman  
Martha Fredendall

Homeowners in Attendance:

David Pendleton  
Ginger Pendleton  
Betty Scranton  
John Fuller  
George Thatcher  
Betty Delaney  
Steve Kuhn

Heath Gertsner  
Randy Walther  
James Fosnaught  
Charles Hill  
Les Schaub  
Andrew Teitelman  
Charles Hill

Others in Attendance:

Diane Delaney

The OMHA Board of Directors meeting was called to order at 5:38 PM on Wednesday, September 9, 2009 in the conference room at U.S. Bank, 1901 Grand Avenue, Glenwood Springs, CO 81601.

**HOMEOWNER FORUM:**

A homeowner commented that they appreciated consistently receiving minutes and agendas.

**Homeowner Complaint**

A homeowner voiced complaint regarding neighbors who were renters and not eligible for over flow parking, having more vehicles than can be parked in their garage. He questioned if more parking areas could be found as it was unsightly. Several Board members noted that parking in driveways is legal and not a violation. The homeowner questioned if they could park in the guest parking areas. Nan Walther referenced the Parking Rule & Regulation which allows parking for guests only for a maximum of 24 hours and no parking during the winter as the areas are for snow storage. John Fuller stated that multiple problems have occurred in the past from parking in the snow dump areas during plow season and this was not a feasible solution. Julie Fuller noted that the Rule & Regulation states “parking is for guests only” and is not open for vehicles of residents. Discussion pursued regarding options.

**Homeowner Request to Cut Trees**

Andy Teitelman noted that he had marked 5 dead aspens on South Meadow View Ct. He requested permission of the Board to cut them down for the firewood. Ginger Pendleton stated that Jim Astrach was addressing this issue by seeking competitive bids from experienced and licensed tree removal companies. She noted one of the trees was close to a home. Julie Fuller stated that it would not be appropriate for the Board to approve Andy removing the trees as the Board would then assume the liability. Andy stated that

he carried personal liability insurance. James Fosnaught offered that if a statement of indemnity releasing the Association from any damage or harm and proof of insurance was provided the Board would be insulated from liability. Julie Fuller stated that she would require viewing both the indemnity statement and the insurance policy and would need to review the policy itself for appropriate coverage. All contractors hired by the Association are required to be insured for the work they perform in order to protect the Association. Greg Beightel motioned that, providing Andy Tietelman provides a proper letter of indemnification to include a hold harmless clause from any liability that may occur from his removal of the dead trees and proof of appropriate insurance that he be allowed to remove the trees that can be safely removed by him with cleanup done in a timely manner and retain the firewood for his personal use. Ronny Ullrich seconded the motion. Bruce Stolbach stated that an inquiry should be made to our insurance company regarding these issues prior to any decision. Martha Fredendall, Chris Adelman, Ronny Ullrich, Greg Beightel, and Richard Scranton voted yes. Julie Fuller, Nan Walther, and Bruce Stolbach voted no. Motion passed.

### **Homeowner Complaint**

James Fosnaught suggested that the Board should delegate its group authority for decisions to the President to allow for greater efficiency in getting things done. He felt that too much time was spent in discussion and research delaying action. As example he sighted the vote at the annual meeting to allocate \$50,000 for parks and recreation and the Board decision to send out a survey which offered the option of returning the monies to the general fund. He felt a vote had been secured to spend the money and the Board was now obligated to spend it without delay. He noted that the tennis courts were in disrepair and suggested that if authority was delegated to only the President he would have had them fixed by now. Additionally, ground had not been broken on a trail system. He stated that the Board was denying the homeowners and that they could not take the money and put it back in the general fund.

Charles Hill stated that the Board was not responsible for the delay of the tennis court repair, he had taken the extra time in securing the bids which he was now ready to submit. Heath Gerstner complained that allocations had been made for repairs by previous boards but not done. Bruce Stolbach stated that the current Board was improving over prior Boards and that is the purpose of a Property Manager. They can perform the functions of securing bids, supervising work, etc. and projects can be completed much faster. He noted that regarding the survey, money had been allocated for a fund but not specifically designated and the Board pursued further inquiry. James Fosnaught stated that it was for a playground.

Julie Fuller stated that the vote actually designated a "Parks and Trails Fund". It was introduced by Mr. Fosnaught whose statement was "let's move the money over and we don't have to spend it all, just designate it and get something moving." She further stated that what the Board was being accused of was trying to do was what was appropriate for the majority of homeowners and give everyone the opportunity to voice their wants. Not everyone wants what he wants, there are a variety of people wanting a variety of things. This is over half of our general fund, and therefore an effort must be made to insure the

Board is handling the money appropriately. The survey is that effort to give all homeowners the opportunity to state what is wanted. The Board has then done its due diligence in all arenas and from the results we can move forward. Mr. Fosnaught claimed that the survey was not sent out by the Board but was a unilateral decision made by Julie Fuller. Julie responded that everyone was pushing very hard to move forward on the issue of what the money would be spent on. A few people came to meetings or sent letters, but the Board did not feel it had its direction to focus. Board members were saying "get the survey out". She currently carries most of the physical work on this Board spending hundreds of hours and has become so buried that it is becoming almost impossible to accomplish things in a timely manner. No one on the Board ever said "Give me something I can review." There wasn't one discussion by the Board of what should or shouldn't be on the survey. Board members simply said "Just get something out." What she did was compile all the comments from letters, comments made at meetings, comments made to other Board members and people calling her directly, and from those she created questions that she thought would cover every concern homeowners might have. She stated that she didn't care how the money was spent. She cared about a valid vote. There were many people in the subdivision who stated to her that what occurred at the annual meeting was not a proper vote because it was not on the agenda, it had not been discussed previously, there was no knowledge afforded people who were giving away their proxies that they would be used to vote on an issue with as much money as was involved. No one was offered an explanation of what the general fund is used for or why we appear to have such large reserves. She had to address that commentary as well as the playground, the trails and the picnic pavilion. She personally called several people in the subdivision to research a trail because she knew many people wanted trails and she had no personal time to pursue it. Not a single person responded. She stated her purpose was to give the opportunity to everyone to vote.

James Fosnaught stated that the vote had already occurred and the Board had to act on it. He charged Julie Fuller of acting on her own and not acting for the Board. Julie Fuller responded that she took the action she was told to take by the Board. James stated that he felt it was the Board's discretion on how to spend the money, but to not spend it for 5 months was inappropriate. Bruce Stolbach noted that the bid for the playground was for over half of the money and adding the pavilion was all of the money. That left out trails. Discussions occurred attempting to resolve this. The Board has been trying to act on it appropriately. Ronny Ullrich added that the money has been tied up in CD's and not available during this time. He noted that Marie of the playground committee had stated the suppliers would require the money before they set things up. He stated that in the meantime the Board did appoint Julie to do the survey and get it out. The survey was intended to tell us how to spend the money and get the opinions of everyone. John Fuller stated that the issue of an explanation of the general fund had to be addressed. At the annual meeting the statement was made "there is \$80,000 available for special projects" which is our entire general fund without explanation of what reserves are used for. She offered an explanation in the survey packet so that people could have an understanding of the fund. James Fosnaught withdrew his charges.

Chris Adleman questioned how the Board will proceed from the survey results. Ronny Ullrich stated the results will be reviewed by more than one person and the Board will base its decisions upon the results. John Fuller noted that Julie had opted to use their personal P.O. Box for both the surveys and RV Storage paperwork to eliminate time delays in transfers from the OMHA P.O. Box. Martha Fredendall motioned to have Ronny Ullrich, James Fosnaught, Betty Scranton and Julie Fuller tally the survey results. Ronny seconded the motion. The motion passed unanimously.

### **Homeowner Request for Parking Variance**

Chris Adelman requested a variance be granted for his two unregistered snowmobiles in the Vehicle Storage Area as they were used solely on private land to access a cabin and registration is not required for use on private lands. Also, his trailer is extending beyond the allotted space, but is currently registered. Spaces are measured from the post forward. He requested an additional variance to move his snowmobiles up on the hill behind the post, allowing the trailer to be moved back. He would pay an additional amount for the extended space. Julie Fuller requested that Chris includes a written statement regarding the exceptions with the return of his agreement so that it can be referenced in the file for future use. He agreed. Charles Hill inquired if for additional monies anyone could extend their space. Julie Fuller stated that each person would have to bring their case before the Board for variance as stated within the Rule & Regulation. Martha Fredendall motioned to accept the variance requested. Ronny Ullrich seconded the motion. The motion passed unanimously with Chris Adleman recusing from vote. Martha Fredendall motioned to charge Chris an additional half fee of \$25 for the space. Julie Fuller seconded the motion. The motion passed with Chris Adleman recusing from the vote and Bruce Stolbach voting no.

### **Tennis Court Repair**

Charles Hill presented a second bid for the court repair of \$6,000. Martha Fredendall questioned warranties. Charles noted that all the companies are specific on their warranties that the courts will crack again. The bid from Signature of Grand Junction for \$2,540 is the only company who personally viewed the courts, the others were sent pictures. All firms state the courts must be maintained yearly, the Grand Junction firm estimates \$1500-1600 per year maintenance. Julie Fuller questioned supplying water to the site as required by the bid. Les Schaub stated that his house was the closest home. He had been approached regarding supplying the water and was amenable to it. Martha Fredendall motioned that the Board accept Signature to perform the work and that authority be given to Ronny Ullrich to negotiate the contract, have the work done before fall and that he further negotiate a 3 year contract with Signature for repair work in the Spring as soon as it can be done without further Board approval. Richard Scranton seconded the motion. The motion passed unanimously.

### **APPROVAL OF MINUTES**

The minutes were amended to include the number of signatures on the petition page 2, paragraph 4, a restatement of page 1, paragraph 2 to indicate several Board members stating county rules, deletion of the second sentence page 5, paragraph 1 and correction of spelling of Fredendall page 5, paragraph 2. Greg motioned to approve the minutes as

amended, Ronny Ullrich seconded the motion. Chris Adelman, Martha Fredendall and Nan Walther abstained from voting due to not being at the meeting. The minutes were approved.

### **Use of Proxies by Board Members**

Discussion pursued regarding the use of proxies by Board members for representation during Board meetings. Bylaws Article III, #5 states: “A majority of the number of Directors shall constitute a quorum at all meetings of the Board of Directors, and the act of a majority of the Directors present at the meeting at which a quorum is present shall be the act of the Board of Directors.” Greg Beightel motioned that Board members must be present at Board of Directors meetings in order to cast a vote. Ronny Ullrich seconded the motion. The motion passed unanimously.

### **FINANCIALS**

#### **Approval of Expenditures**

Expenditures were reviewed. Martha Fredendall motioned to approve the expenditures, seconded by Richard Scranton. Expenditures were unanimously approved.

#### **Liens – Follow up**

Chris Adelman stated that he had contacted David McConaughy of Garfield & Hecht to make corrections on liens filed by them. Mr. McConaughy will be contacting Nan Walther regarding the corrections.

#### **Treasurer Position**

Chris Adelman resigned as Treasurer. Discussion followed his replacement. Designation of a replacement was tabled to the next meeting.

#### **Cancellation of CD's**

Julie Fuller presented a report on the CD accounts currently held by the Association. During the downturn of the economy, much of our reserve account monies were placed in CD accounts in two separate banks in order to secure higher interest and provide protection under FDIC insurance, then at \$100,000 per bank. Currently FDIC insurance has been increased to \$250,000 and those limits have been extended through 2013. The interest received is approximately 1.5% greater than a money market, but that figure is reduced through taxes generated on the interest money earned. The CD may only be converted without penalty during the 10 day renewal period following maturity. Signatories on the account also may only be changed at that time. Board membership is in a regular process of change which can leave inappropriate signatories on reserve accounts as is the current case. The accounts have been set up for automatic renewal. New members may not realize the 10 day window and have difficulty accessing the monies when needed. Currently, the CD accounts will be maturing on 9/19, 9/23, and 10/11. She recommended canceling the CD holding \$80,000 of the general fund at Community Bank of Colorado and transferring the money to our regular money market account at Bank of Colorado. Current FDIC insurance levels were sufficient to provide protection. She also recommended converting the CDs at Alpine Bank to a money market account there that would allow access to signatory changes with Board

membership changes. Following discussion by the Board, Julie Fuller motioned to cancel the CDs and move the funds into money market accounts as recommended. The motion was seconded by Richard Scranton. The motion passed unanimously.

### **Review of Fetzko Account**

Nan Walther stated that she had reviewed the Fetzko account for proper application of credits by Dalby Wendland and the account was correct.

### **OLD BUSINESS.**

#### **Property Manager**

The Board reviewed the changes to the Property Management Agreement with First Choice Properties as presented by David McConaughy of Garfield & Hecht. Nan Walther motioned to accept the Property Management Agreement as amended by Mr. McConaughy and to give Ronny Ullrich the authority to sign the contract and to accept minor non-substantive changes on behalf of the Board. Chris Adelman seconded the motion. The motion passed with Martha Fredendall voting no. The Board discussed various aspects of the transaction to the Property Management Firm.

#### **ACC Rule & Regulation**

Diane Delaney of Oak Meadows Development Corporation provided a history and explanation of the purpose, structure, and function of the Architectural Control Committee and the need to delegate specific functions to separate committees from the HOA. Randy Walther of the ACC presented a draft of Rule & Regulation No. 2009-001, Architectural Control Committee: Schedule of Fines for Board review. The draft had been originally developed when Diane was on the ACC Board and reviewed for changes by a prior Board but had not been submitted for the adoption process. Current limitations of the ACC to perform their duties and the need for the adoption of the Schedule of Fines were discussed. Board members reviewed in detail aspects of the regulation and made requests for changes, additions and clarifications. Discussion included the application of individual fines under extenuating circumstances and procedures for dispute resolutions with responses offered by Randy Walther, David Pendleton and Les Schaub, ACC Board members. A revised copy of the regulation with requested changes will be sent to the Board for further review. The process for adoption involves initial Board review and approval, followed by a mailing to homeowners allowing for a 30 day review and comment period, and then final approval and adoption by the Board as outlined in our Rules & Regulations.

#### **Water Outage**

EPC, our water system operator, determined the cause of the multiple water outages recently experienced by Filing 4 homeowners. A solenoid within the valve controlling water flows into the two 25,000 storage tanks was defective and would malfunction during electrical outages and power surges. This would cause the valve to close and the tanks to run dry. The solenoid had been previously tested and appeared to be functioning properly, but has now been replaced.

**NEW BUSINESS**

**Snowplowing Quotes**

Julie Fuller reported that Becvarik Brothers and Trulove Excavating have submitted bids. An e-mail requesting a bid of ILP Services has been sent out without response. The information requested for bidding includes the amount and types of equipment available, sanding capabilities and ability to break billing apart by area. Morning Construction, who had plowed for Filing III last year, also was interested but has not responded to requests for bids. Becvarik has bid at \$105 per hour, but multiple problems were noted from their work and billing last year. Trulove Excavating submitted a \$75 per hour bid for snow plowing, however his method is to do one run down the center with a plow truck, followed by a snow blower at \$125 per hour. You can not blow the townhome areas, Haystack or Old Midland as you simply fill everyone's driveways. Sanding is \$300 per load which is high. First Choice Property Management standard rate is \$95 per hour and they are willing to dedicate two trucks. They plow 7 days a week and have capabilities for sludge clean up, push backs, etc. More quotes will be collected with a final decision made at next meeting.

The meeting was adjourned at 10:12 PM.

Respectfully Submitted,

Julie Fuller  
Secretary  
Oak Meadows Homeowners Association

**The next Oak Meadows Homeowners Association Board of Directors Meeting is 5:30 PM, Wednesday, October 14, 2009, at US Bank conference room, 1901 Grand Ave., Glenwood Springs.**