

Centennial Trail HOA - Board meeting

Thursday, Nov 15, 2018

home of Andy and Sandy Edmondson (5215)

These minutes approved by the board by email Dec. 3, 2018..

Board present:

Ryan Lowe (President)

Michael Ting (Vice President)

Andy Edmondson (Vice President)

David Klamann (Treasurer)

Randy Doriese (Secretary; recording minutes)

Board absent:

none

Community:

Dick Smith (Documents Committee)

Lou Supino (Documents Committee)

Agenda:

- 1) Documents Committee: Berkey Law's review
- 2) discussion of next steps in Docs review
- 3) Architectural Control: proposed changes by Committee to Bylaws
- 4) home rentals:
 - a) definition of "single family"
 - b) should we consider allowing rentals of sections of homes?
- 5) snow removal: when to negotiate contract for next winter
- 6) landscaping and landscape contract
- 7) list of actions taken and expenditures approved by email since last board meeting
- 8) open floor

Ryan calls us to order at 7:07pm.

1) Documents Committee: Berkey Law's review

Dick leads us through a summary of Berkey Law's review so far, based on Dick's recent in-person meeting with Dan Berkey.

Plat: no changes are needed to the plat. Some lots were combined after the plat was drawn: Hauser (1,2), Nebel/Supino (3,4), Sparks (16,17), and Lull (20,21). Also, Outlot G was appended to lot 41 (Edmondson). Berkey recommends that the owners of these properties verify that their deeds reflect that the two lots have been merged into a single lot; otherwise, these owners would theoretically have two votes on HOA matters and be subjected to double dues payments.

Covenants: there is nothing crazy enough in our covenants to require a re-write. The covenants are difficult to amend.

CCIOA: Berkey recommends that we “opt in” to the full CCIOA. Because we are a “pre-1992” community, we can choose whether to follow some facets of CCIOA.

Berkey recommends a full re-write of our bylaws, which he would do based on our existing documents and any other input we give him. The new bylaws would incorporate the relevant content of the 2007 “Resolution of the ... Association...” document. The goal would be to have our entire modern document set be the plat, the articles of incorporation, the covenants, and the bylaws.

We do not have a rules-and-regulations document. Berkey agrees that we do not need one, given our small size and relative lack of amenities.

So far, Berkey has billed us \$1355 (5 hours). He is well within his original estimate of ~10 hours.

Questions still outstanding for Berkey:

- a) if we opt in to the full CCIOA, can we later opt back out? This is probably a hypothetical question, as we do not foresee any reason we would want to do this.
- b) our covenants, section 4.4(c), state that only an entire living unit may be leased, which the board interprets as prohibiting an owner-occupier from renting out individual rooms or, say, a basement suite. Is there any aspect of city or state law that over-rides this, and would thus allow rental of rooms or suites within a home?
- c) the same section 4.4(c) states that rentals must be only for “single family residential use.” Is there a legal definition of the term, “single family?” For instance, Boulder city or county law seems to allow up to three unrelated people to form a “household” for rental purposes. Is a three-unrelated-person household the same for these purposes as a single family? Is it up to the interpretation of the board whether to equate these terms?

2) discussion of next steps in Docs review

The first step of the review, going through the existing docs and understanding what they say and how they interact with relevant laws, is nearing completion. The next step is to decide, as a community,

what we *want* them to say. For instance, are there rules or restrictions that might be in place only because the developer wrote them that way 35 years ago, and we don't want or need them anymore? Is there anything that, while it passes legal muster, is undesirable and/or unenforceable given the way our community has grown to operate? Should anything be added?

The Board members will think about this for a couple of weeks, and then begin an email discussion after Dec. 1. Ideas that seem worth pursuing will be discussed at our next board meeting in late January. Surviving ideas will be presented to the community at our annual meeting in late February. Anything that should be incorporated into the new Bylaws would then be transmitted to Berkey for his re-write. Anything that requires a change to the Covenants would require a much more significant and difficult process – we are not aiming to change the Covenants, but we also don't want to be bound by a clause that nobody wants only because it's in the Covenants. We welcome input from the community by email and/or at the next board meeting.

3) Architectural Control: proposed changes by Committee to Bylaws

The ACC has requested additions to our documents regarding fences. These would specify what fence geometries and styles are permitted. These are guidelines the ACC already uses; the goal would be for these rules to be clearly written and incorporated into the bylaws. *N.B.:* after the meeting, Kent Zaitz (ACC) clarified that while some existing fences are out of compliance and thus would need to be of a different style or geometry when replaced, all fences that have gone through ACC review are in compliance with the proposed rules.

4) home rentals:

a) definition of "single family"

b) should we consider allowing rentals of sections of homes?

Doug Sparks asked via email for a clarification of rules surrounding home rentals. This item was discussed during the section of the meeting on the legal review (see #1 above). We will reach out to Berkey Law for advice on each.

5) snow removal: when to negotiate contract for next winter

6) landscaping and landscape contract

We are presently under contract for the 2018-2019 snow season with Prop Maintenance. Our landscape contract for 2019 is presently up for renewal; Torii, the company we have used for several years, has proposed a 10% increase over 2018 rates.

Discussion: should we attempt to combine these contracts with the same company in order to seek a discount and/or to streamline billing and communications down to a single company? When we solicit bids for 2019-2020 snow removal in July/August, 2019, we can solicit a snow bid from Torii, among others.

We vote 5-0 to approve Torii's landscaping proposal for 2019.

7) list of actions taken and expenditures approved by email since last board meeting

Our last board meeting was in March. Significant actions and all new expenditures approved by email since then:

- a) awarded snow contract to Prop Maintenance (see #5 above)
- b) paid Berkey law (see #1 above)

8) open floor

Andy requests: when a minutes document is distributed to the community via email, can the text of the document be copied into the body of the email? Sure!

Andy requests: can the secretary (presently Randy) be responsible for distribution of the hardcopy phone list at the HOA's annual mtg.? This is a task that Andy has undertaken for many years. Sure!

Andy notes that he's found a company that has sprayed for Japanese beetles that seemed to work; interested owners can contact him by email for more information.

Next board meeting: Tuesday, Jan. 29, 2019, at 7pm at the home of Michael and Laura Ting (5260).

Annual meeting: We propose Tuesday, Feb. 26, 2019 for the annual meeting. Please let us know if you are interested in hosting.

Adjourn: 9:17p.