

FPEPOA WINTER MEMBER MEETING MINUTES  
FEBRUARY 29, 2024 5:00 P.M.  
LOG HILL FIRE STATION / ZOOM

The meeting was called to order by President Randy Mathis at 5:07 p.m. President Randy Mathis, Vice President John Peters, Treasurer Katherine Paison-Senn and Board Member Paul Stashick were all in attendance in person. Secretary Mike Jones attended via Zoom.

Evelyn Bailey (administrative assistant) hosted the Zoom portion of the meeting.

There were 14-15 homeowners in attendance via Zoom.

1. **Solicitation of Ballots and Proxies for**
  - a. **Vote on the question to increase the annual assessment**
  - b. **Vote on the question to accept the amendments to Bylaws and CCR&E's**

Randy started the meeting asking for any ballots from the floor. He also thanked the Nomination Committee for their assistance with collecting ballots and said we have collected over 300 votes and have reached a quorum.

The proxies were then asked to identify themselves to make sure they were in attendance.

He then went over the annual assessment vote (for or against raising the yearly assessment to \$545 from \$425 per year), as well as the second vote to decline or accept the amendments to the Bylaws and CCR&E's and went over the rules to achieve a quorum. The number of lots was determined to be 495 with 60% to achieve a quorum would be 297. The declarant had 149 votes. For the documents, a quorum would need to be 10% or 49. For the assessment to pass, a 2/3 vote was needed.

2. **Approval of Previous Board Meeting Minutes**

The previous board Meeting Minutes were unanimously approved with minor changes submitted by two board members.

3. **Quorum Determination**

Randy covered the quorum determination at the beginning of the meeting. He discussed the reason for having the Nomination Committee assist with collecting ballots and the reason Middleton Accounting's services were not used (the issues being voted on did not require secret ballots, and our policies and procedures allow the association to use a third party, or a committee fairly appointed by the BOD Chair to count votes. Therefore, the board elected to use a committee appointed by the Chair and thereby save the cost of the accounting fees. He also explained the role of our Secretary (Mike Jones) in verifying the proxies.

#### **4. Committee Updates**

##### **a. ARC**

Jerry Simon reported for the ARC Committee. He reported 29 total projects that ARC is managing. 6 projects have had COs issued. 5 inactive projects. 1 conceptual review and 1 preliminary review were approved. One variance approved for a roof ridge by ARC. Details have been posted on the website. Randy discussed the variance and why it was approved. 2 new conceptual reviews are scheduled for March. 2 new projects have been scheduled for Spring.

##### **b. Finance**

Katherine reported there has been only a minor amount of activity in the association accounting due to waiting for the assessment ballot results. The Operating Fund balance (between road and regular account) is around \$100K. The expenses have been minimal, some for the mailing and printing of ballots and snow removal (which has been lower than expected and may lead to a surplus in the account). On the reserve side (between the depository, money market account, CD and the Vanguard account) the balance is around \$109K. Once the budget is passed, invoices will go out and be due by 3/31. Katherine asked the board if they could do electronic billing only or should they require mailings as well. Katherine expressed her thoughts that the billing should be sent electronically only and then deal with individual invoices that might be rejected by sending paper invoices. Discussion ensued among the board members regarding the pros and cons of electronic billing with a question from Zoom as to whether there's an extra fee for bill.com. (There is a service fee on bill.com for the payer although the amount was not known). Katherine said the invoice would be sent electronically but the payment can be made electronically or via a paper check mailed in. Paul suggested that a 30 to 60 day time frame should be established to receive payment for the association to protect their lien rights as well as to make sure the invoice was received and not sent to spam. He suggested a paper invoice be sent to those that don't respond within that established timeframe. Mike Jones suggested adding to the invoice some language to inform the homeowner that the invoice was sent electronically and also to verify the email address if the bill was not paid from the electronic invoice.

A motion was made to go to all electronic billing as the primary way of invoicing, unless a request was made by a member for a paper bill, with payment being made either online or via mailed check and if payment is not received after 30 days, a mailed reminder will be sent. The motion was put up for discussion to the board and the audience in attendance. An audience member asked what the time frame was for paying the fees prior to incurring a penalty. Katherine amended the motion to say that if payment is not made after 20 days, there will be a mailed reminder sent. John Peters also amended it to provide notice on the website that the invoices will be moved to primarily electronic. The motion passed unanimously.

##### **c. Roads**

Randy had talked to Eric Loeb of the Road Committee, and he is getting a bid finalized for the paving of Lynx and Cougar this summer. Randy spoke about the challenges with Cougar due to the property lines at the roundabout being split with the declarant. Randy said the association would not be responsible for grading/paving the section that belongs to the declarant.

Randy asked if anyone had issues with the snow removal services. Ken House who lives on Lynx reported that it was mud season but did not seem as bad as last season.

A question was asked from a member about putting a substance like sand on top of the ice when it gets too slippery. John Peters commented that he didn't think that our current snow removal service would offer that service. The member said he considered it a safety issue as he had pulled peoples' cars out due to icy conditions. Randy said he would defer to the road committee to ask that question of the snow removal services as far as what would be required and the cost.

#### **d. Welcome**

Mike Jones reported for the Welcome Committee. They have put together 20 more baskets to welcome people. Most people are pleased to receive them.

#### **e. CRC**

Steve Williams reported for the CRC. They are now in discussion for enforcement of time frames for construction of homes and have worked with Jerry Simon of ARC. They are looking for volunteers to assist with enforcement of covenants. Randy has taken that position temporarily. He reported that the infractions that were reported in a previous letter to the community have been corrected. He also said that many things that the board and CRC committee initially wanted to put in the covenants they ended up rescinding, (dogs on leashes for example), and they ended up deferring to the county rules. However, the board is considering adding to the policies and procedures a fine if a dog is not under control and does engage with other animals or people and will check into the legality of this. He cited a recent example of a report of a group of 4 dogs that weren't on a leash and engaged with two dogs that were being walked by their owner and were leashed. He stressed that they are not trying to punish conscientious dog owners but want to avoid an issue like the one that was recently reported.

Randy also notified the members that they are working on additional policies and procedures, and revising some that are outdated. The policies have been separated into numbered policies and listed on the website, including three new policies and two revisions. They are proposing a new Policy 16 that will cover pets. Updates will be posted 7 days prior to the next meeting for member review.

Additionally, there is some language that will be separated out from the covenants and put into the ARC standards, per the advice of the ARC.

### **5. Voting Results**

The Nomination Committee released the results of the vote. Evelyn did a roll call to ensure that those members that submitted ballots were in attendance. Approximately 12 lot owners were not in attendance and had submitted ballots but were not counted. Randy collected the last ballots that were submitted at the meeting.

Total votes received were 330-340 and to meet quorum we needed 297 lots represented either by proxy or ballot. A question was asked about whether a lot owner needed to be in good standing to vote which was confirmed by Randy.

Raising the assessment to \$545 passed. Changes to the documents also passed. 294 votes were for the changes to bylaws, 21 against. 289 votes were for changes to CCR&E's, 26 against. Final numbers will be released in an email to the members.

Randy reiterated that they are looking into electronic voting for the future. He also described how they considered separating the documents into line items so members could vote on individual procedures vs. the entire document. However, because the major/controversial issues were removed, we did not establish a line item vote this time. However, the board could decide to in the future. He acknowledged that might not work well in an electronic vote type application.

Two board positions will open this summer.

Ed Pecis thanked the committees and the board for their assistance with all the work with updating the documents.

Brian Mueller said he was disappointed that the updates to the CCR&Es didn't mandate fire mitigation and referenced the county rules for new builds and mitigation. Randy answered that they intend to work with the county and the Western Region Wildfire Council, however, the board is limited in their authority to force a homeowner to mitigate a vacant lot.

Evelyn said she would reach out to the Western Region Wildfire Council to find out when they will come talk to the community. Paul talked about the issues with obtaining fire insurance from several insurance companies for the golf course.

A question was asked whether the declarant paid HOA dues on his lots. Randy explained what he knew of the history of the association and the declarant's agreements. Paul answered as to why the declarant would not be paying HOA dues (in other words, a declarant/developer will not pay dues on vacant/unsold lots.) The declarant controls the community/board initially until a certain amount of lots sell. Paul referred to the governing documents (original CCR's were written prior to the declarant's involvement), and the policies set out in those original documents that preceded the declarant's involvement and were not written by and/or amended by them.

Randy said the only issue that the declarant cannot vote on is any special assessments for capital improvements.

Paul said the developer/declarant has never voted against anything the board has wanted since he was involved in the past 17 years. He also pointed out that without the developer/declarant votes they would not have reached a quorum.

Paul made a motion that subject to the audit of the finance committee and if the successful voting count has been reached, the board approves the motions as set forth in the meeting. Randy changed it to the audit by the teller committee. He also verified that the higher assessment of \$545 per year had passed as well as the amendments to the bylaws and CCR's will go into effect. Randy ordered Mike Jones as secretary to finalize the document and record the amendments with the county of Ouray.

## **6. Old Business**

Katherine gave an update on the new signage including costs (under \$50 each). The Road Committee will order speed limit signage and will buy posts and install. The county road and bridge department said they will enforce it as long as the signs are installed. The board determined that they should have 12 signs.

Katherine made a motion to have the Road Committee purchase and place the signs at a cost of around \$50 per sign. Paul suggested we have signs on both sides of the road and not worry about the cost. He also suggested we get advice from the county and/or sheriff as to the size/type of sign just to verify correct signage to avoid issues with non-compliance. Paul believes the sheriff can enforce the speed limits inside the county as we do not own the roads, the county does. John Peters will do research on sign height, etc. and report back.

Katherine made a motion that the association donate \$500 to Log Hill Fire as suggested by member Gary Lawrence for allowing us to use their facilities for our meetings. The motion passed unanimously.

Evelyn updated the status of the new website. Domain name to be Fairway Pines HOA. The home page will reflect "Fairway Pines at Divide Ranch and Club". Obtaining domain name now. The website is almost ready for a live version. Paul mentioned the website should link to the San District's new website and documents.

Katherine spoke about the Finance Committee looking into obtaining a new accountant after the billing is finished for this year. Randy also said they need to investigate obtaining a new attorney and also insurance through CAI.

Mike Jones asked about additional mailboxes and asked Paul if he would be okay with expanding the mailboxes. Paul said they should look for a new location for the mailbox addition as the current site available now would be put up for sale. Paul said it could be another area that is owned by the golf course. It was agreed that the mailboxes should be on a future agenda.

**7. New Business**

No new business was discussed.

**8. Members Questions/Comments**

No additional questions were asked.

**9. Next Meeting Date**

Next meeting date was set for Thursday, March 21<sup>st</sup>, 2024.

The meeting was adjourned at 6:53 p.m.