

# CHATFIELD EAST PROPERTY OWNERS ASSOCIATION GENERAL BOARD MEETING MINUTES

8/16/23 at 6:00 PM

- 1) CALL TO ORDER at 6:08
- 2) ESTABLISH QUORUM
  - a) Board Members present (3 constitute a quorum):
    - i) Mary Gross
    - ii) Mark Hochstedler
    - iii) Katrina Swenson
    - iv) Teresa Spencer
  - b) Members present: Betsy Hayes, Ryan Patterson, Linda McMakin, Al Krusnik, Mike Greene (lot 22), John Tracey
- 3) CONSENT AGENDA
  - a) **MOTION** to approve minutes from previous Meeting(s) made by Mary, seconded by Mark, unanimously approved:
    - i) 5/17/23 General Board Meeting
    - ii) 6/21/2023 General Board Meeting
4. COMMITTEE REPORT - Ryan Patterson/ACC commented that there were 4 requests approved and 1 in process, no action needed by Board
5. ACKNOWLEDGMENT OF ACTIONS OUTSIDE OF MEETINGS

Email vote taken on 6/2/2023 to approve church water easement – approved  
Email vote taken on 6/2/2023 to approve filing a Liability Insurance Claim in regards to intervention in McMakin vs Hoffman lawsuit – approved
6. UNFINISHED BUSINESS
  - a) Treasurer's Report

YTD Income	\$74,446.16
YTD Expenses	\$82,392.27
Current Bank Bal	\$46,554.34

Legal expenses exceed budget due to church easement (reimbursed by church), water rights, HOA attorney for covenant restatement and Hoffman-McMakin intervention to protect covenants

**MOTION:** Extinguish well fund and transfer of \$6000/year to that fund and make all part of the general fund (when possible) proposed by Mark, seconded by Mary. Opened to member comment:

Ryan Patterson: Lot 80 has well parts strewn about whenever well is maintained. Can we cap and end that? There is 100' x 100' easement associated with the well on his property, should it end? Should Xcel remove equipment? Meter has not been pulled but no charge for service. Consider whether water rights could be sold and if well is needed. Add to future meeting agenda to discuss and decide.

Betsy: Need to budget water expenses and track all related expenses for accountability.

Motion unanimously approved.

b) Monies needed

- i) Expect at least \$5k/mo for next 6 months for Hoffman-McMakin lawsuit until 2024 assessments are accrued, possibly more for Covenant Restatement, so need additional funds before March 2024
- ii) Ways to raise money include special assessment or selling water rights
  - a) Sell water rights – not a good option until all water issues resolved including those that request being added to list of 22
  - b) Special assessment – Bylaws have allowed Board to assess members up to amount of annual assessment but current laws require this be allowed in covenants, until then any special assessment up to 3x annual amount requires 60% vote to approve
- iii) **MOTION** to move forward with \$504.85 special assessment per lot (\$52,000 total) to cover estimated legal expenses, collect votes by going door-to-door to members made by Mark, seconded by Katrina, opened to member comments:

Betsy: Need to present to members to describe problem, impact on community, details of expenses

Ryan: agree door-to-door discussion with members would be helpful, easier issues have not been approved easily, amount not the issue

Mike: impact of development made possible if roadways are allowed on CE lots is safety, members are historically cheap and any additional monies (if only \$250 approved initially) will be harder to get 2<sup>nd</sup> time around

Motion unanimously approved.

c) Communications

- i) Have 4 emails of members with no recorded contact information to confirm
- ii) Posted Utilities/Services List for all members on website, welcome to new members should include link(s)
- iii) Need to contact USPS/Douglas County about local CEPOA Mailbox (NOT to be at 6494 W Lakeside Ct well pump as that is lot 80 address), will require address change in all places, no progress – for now other Board members to help monitor current PO Box
- iv) Board shared work space and security – old Board has site, Katrina will discuss with Nina to share with current Board only

d) Governing Documents – Covenant Restatement

- i) Required to update water decree sections, to include Bylaws and Rules that are lot owner responsibilities, and to meet Colorado state statutes
- ii) Board members have commented on legal recommended version, issues still to be discussed at separate Board planning meeting include the following:
  - 1. Improvements definition – 3<sup>rd</sup> amendment vs legal recommendation
  - 2. approach to increasing dues and special assessments
  - 3. Voting rights/member in good standing dependent on payment of assessment
  - 4. Excess funds and distribution to members
  - 5. Can ACC members also be Board members
  - 6. Loans and contributions
  - 7. Excessive traffic
  - 8. Number of pets per DCZR? Limit roosters?
  - 9. Nuisance and views
  - 10. vacation rentals (ie Air BnB) and other rentals/spaces

iii) Expected schedule:

- a) Board comment and legal review complete                      late Aug Bd discussion

- b) Member comment period Late Aug to mid-Sept
  - c) Covenant Restatement sent to members decide at Sept or Oct Bd Mtg
  - d) Vote to approve at Nov Member Annual Mtg
- e) Denver Well Augmentation Plan Modification
- i) Water decree is final, link to decree and more information is posted on water page of website
  - ii) 22 Denver Well users listed in decree have 6 months from posting to apply for new permit with the Colorado Div of Water Resources
    - 1. Letters in US Mail 7/25/23
    - 2. Emails sent 7/26/23
  - iii) 5 members have contacted Board that they want to be added to the list
  - iv) Board to craft well report cover letter for 22 Denver to file irrigation/large animal report, 21 Arapahoe to provide 10/1 meter reading, all others to stop using their wells
    - a) Board to craft cover letter in Aug – Mary will draft
    - b) Cathy G will send member well reports/notice to all early Sept, due late Sept
    - c) Annual report to CO Div of Water Resources in Oct (due Nov 15)
- f) Covenant Violation Litigation
- i) CEPOA intervened in Hoffman vs McMakin case regarding proposed easement across lot 32 for access to 40 acre property. An access road across subdivision lot is against our covenants. Intervention in existing case was deemed to be the most efficient way to resolve.
  - ii) Intervention was filed May 5, 2023. McMakin filed counterclaim (suit) against the Association, CEPOA response was filed.
  - iii) We are now in discovery. There may be a summary judgement (court may decide issue without a trial) or it will go to trial. Initial trial date of Oct 3, 2023 has been vacated, new trial date to be set and will probably be in 2024.
- g) CEPOA Record Review
- i) Sorting and purging of old records in boxes ON HOLD while records are in attorney office
  - ii) To request information not included on the website, members should use “Contact Us” on the website
- h) Neighborhood activities
- i) Car cruise rescheduled, date still TBD
  - ii) Mowing – encourage all members to mow trails adjacent to their property and volunteer for other common spaces
    - a) Mark procuring estimates and looking into waiver for volunteers and payments
- i) Member Meeting
- i) Annual Meeting in early November
    - a) Set date and coordinate with church – try for week of Nov 6
    - b) Agenda
      - (a) Ratify 2024 Budget
      - (b) Notify members of governing document changes
      - (c) Covenant Restatement Vote (may need to extend beyond meeting if 60% not present)
      - (d) Communications updates
      - (e) Water Decree and well use reminders
      - (f) Open discussion (assessment increase, management company, etc)
      - (g) Election of new Board members – solicit now , suggest (2) 1 year and (3) 2 year terms
    - c) Member notice with proposed budget, covenant restatement and board member ballot to be sent at least 15 days in advance

## 7. NEW BUSINESS

- i) DCZR Amendment – Proposed by DCZR, Mary will send to ACC and post for members

8. EXECUTIVE SESSION ANNOUNCEMENT (if needed)

9. OPEN FORUM/COMMUNITY COMMENTS - None

10. ADJOURN –motion to adjourn made by Mary, seconded by Mark and unanimously approved at 8:06PM.