

# CHATFIELD EAST PROPERTY OWNERS ASSOCIATION GENERAL BOARD MEETING MINUTES

9/20/23 at 6:00 PM

- 1) CALL TO ORDER at 6:05
- 2) ESTABLISH QUORUM
  - a) Board Members present (3 constitute a quorum):
    - i) Kathy Kirchner
    - ii) Mary Gross
    - iii) Mark Hochstedler
    - iv) Katrina Swenson
    - v) Teresa Spencer
  - b) Members present: Ryan Patterson, Linda McMakin, Al Krusnik, Marci Allen, Richard Bell, Greg Hoffman, Teri Hochstedler, Dave Kremmel
- 3) CONSENT AGENDA
  - a) **MOTION** to approve minutes from previous Meeting(s) made by Mary, seconded by Kathy, approved by vote of 3 for and 1 abstain and 1 absent at time of the vote:
    - i) 8/16/23 General Board Meeting
4. COMMITTEE REPORT - NA
5. ACKNOWLEDGMENT OF ACTIONS OUTSIDE OF MEETINGS - NA
6. UNFINISHED BUSINESS
  - a) Treasurer's Report

YTD Income	\$74,446.89
YTD Expenses	\$86,625.89
Reserves	\$42,314.45

Legal expense breakdown is \$9716 for water, \$23710.5 for real estate (church easement and covenant violation), \$58918.5+1886 for HOA Attorney (covenant changes and violation) less \$11410.5 for church easement for total of \$82820.50.
  - b) Special Assessment Meeting prep
    - i) Notice of Special meeting was sent in US Mail 9/1/23, follow up emails to all members were sent 9/9/23 and 9/19/23
    - ii) Agenda review
    - iii) Things to bring: sign in list, extra ballots, ballot box, proxies received, member info forms, proxy forms, speaker
  - c) Communications
    - i) 4 people reported not receiving assessment information sent US Mail, 3 people do not have/asked not to be communicated with by email, 103 of 138 opened 9/9 email
    - ii) Geri Saye will update neighborhood communication map prior to annual meeting
    - iii) Propose using monthly email to distribute Board Meeting Agenda as short "newsletter" with status of top 2-5 issues Board is addressing
  - d) Governing Documents – Covenant Restatement
    - i) Board members have restatement of original Covenants in track mode that includes changes per Brittney's comments and some additions from the longer version

- ii) **MOTION** to use Google Form survey to describe change, reason for change and level of member support to get member feedback made by Mary, seconded by Kathy, and approved by vote of 4 for and 1 abstain
- iii) Schedule:
 

Board comment complete	Sept 22
Legal final review	during member review and comment
Member comment period	Sept 25 – Oct 15 (3 days before Oct Bd Mtg)
Covenant Restatement sent to members	with Member Annual Mtg Agenda ~Oct 20
Vote to approve by members	Nov Member Annual Mtg/by proxy
- e) Well Augmentation and Reporting
  - i) Well report letter to all members and well reports to 22 Denver and 21 Arapahoe well users sent via US Mail on Sept 13, 2023
  - ii) Denver well user reports **DUE Oct 1**, Arapahoe well user reports **DUE Oct 5**
  - iii) Annual well report to be submitted to Colo Div of Water Resources **Oct 15, 2023**
  - iv) Some members were not aware this was happening until they got the well report letter, at least 6 members are not on the list but would like to use their Denver well. Board is putting them on a list and will have to determine means, such as lottery, if some drop off the list of 22 (would require some modification of the water decree which is a legal document)
  - v) G3T Ditch augmentation applies May-Sept, CEPOA will need to lease water from Castle Rock for Oct-April to meet terms of new water decree
    - a) Jeffers confirmed lease amount for 22/103 users for 7/12 of year, should be about \$1000, needed by **Oct 15, 2023**
    - b) **MOTION** to add covenant amendment for member vote to have 22 Denver Well users split the cost of any leased augmentation water (estimate \$45-\$60 for those users) made by Mary, seconded by Mark, and approved by vote or 3 for, 1 against, and 1 abstain
- 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. We are now in discovery and attempting mediation. Trial, if needed, now scheduled for February 13-16, 2024.
- g) Neighborhood activities
  - i) Mowing
    - a) encourage all members to mow trails adjacent to their property and volunteer for other common spaces
    - b) per Mark, Board can reimburse volunteers for fuel and tractor wear and tear but need to determine how to do that; also working with legal for waiver of liability
    - c) Mark gathered estimates of \$800-\$1200 to hire a mower for the trails and entry
- h) Annual Member Meeting
  - i) Annual Meeting - confirmed November 9, 2023 at 6:00 at Valley View Church
  - ii) Agenda
    - a) Ratify 2024 Budget
    - b) Notify members of governing document changes since last annual meeting
    - c) Water well augmentation reporting and possible member vote for Denver well user cost share
    - d) Covenant Amendment or Restatement Vote
    - e) Communications updates
    - f) Open discussion (assessment increase, management company, other)

- g) Election of new Board members – solicit now, suggest (2) 1 year terms for existing Board members to continue and (3) 2 year terms for new Board members; also solicit for (1) ACC member?
  - iii) Member notice with the items on the agenda including the general nature of any proposed amendment to the covenants, any changes to the bylaws or rules, any budget changes, and any proposal to remove an officer or member of the executive board to be sent at least 15 days in advance, target Oct 20
    - a) Need draft 2024 budget sent for Board review 1 week prior to Oct Board meeting so Oct 11, 2023
    - b) **CALL** for new Board members
7. NEW BUSINESS
- a. For next Board meeting, address remediation of LFH well on Patterson property including removal of electrical, 1200-1400’ of well pipe, and 1979 and 2009 easements
8. EXECUTIVE SESSION ANNOUNCEMENT (if needed)
8. OPEN FORUM/COMMUNITY COMMENTS
- a. Will there be response to Linda’s email sent to some members about the lawsuit? No, Board will not comment or summarize or interpret attachments
10. ADJOURN –motion to adjourn made by Mary, seconded by Kathy and unanimously approved at 7:37PM.