

MINUTES

SOPRIS VILLAGE HOMEOWNERS' ASSOCIATION BOARD OF DIRECTORS' MEETING

November 10, 2021

6:30 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/83284917938?pwd=ejBBSUh0ZG52VTlvVWFyOEQ5VGQwdz09>

Meeting ID: 832 8491 7938

Passcode: 839663

Board Members:

Mike Meiners | Michael Kendrick | Peter Guglielmo | Pete Rice | Rich Downing

Directors Present:	Mike Meiners Michael Kendrick Peter Guglielmo Pete Rice	President Vice President Board Director Board Director
Directors Absent:	Rich Downing	Board Director
Property Manager Present:	Megan Rodman	ARA, Property Manager
Owners Present:	Tom Satkunas Susan Wilson Dan Moschet	96 Hopi via Zoom via Zoom

1. CALL TO ORDER

Director Mike Meiners called the Hearings portion of the meeting to order at 6:30 p.m.

2. HEARINGS

- 96 Hopi – Maintenance of Property
 - The Board notified Mr. Satkunas, the owner of 96 Hopi, who was present at the hearing in person, that he will be fined \$100.00 per month, if the property is not cleaned up by December 10, 2021. This fine will start in the month of November 2021, and will occur every month there after following the deadline of 12.10.2021.

- Director Michael Kendrick moved, and Director Peter Guglielmo seconded this motion. Motion Passed.

Director Mike Meiners moved and Director Michael Kendrick seconded to adjourn the Hearings portion of the meeting and open the regular Board meeting at 6:45 p.m.

3. CALL TO ORDER

Director Mike Meiners called the Board meeting to order at 6:45 p.m.

4. OLD BUSINESS

- 96 Hopi – Non-Operative Vehicles in Driveway
 - Mr. Satkunas, who was present at the meeting, notified the Board that of the two remaining non-operative vehicles on his lot, he plans to keep one and get rid of the other. The Board made sure he was aware that so far, he owes \$400.00 in fines, per the Board decision back at their August 12, Board Meeting, and that as of this meeting, the cars are still inoperable, and monthly fines of \$100.00 will continue until they are either removed from the property or proved to be operable with current registration tags.

5. OCTOBER 14, 2021 MEETING MINUTES

The Board reviewed the October 14, 2021 draft meeting minutes.

Director Mike Meiners moved to approve the October 14, 2021 draft meeting minutes, seconded by Director Michael Kendrick. Motion Passed.

6. ITEMS NOT ON THE AGENDA

The Board opened up discussion for items not on the Agenda. A five-minute maximum was given per item. The below topics were discussed:

- Director Peter Guglielmo asked the status of the replacement sign at the corner of Hopi and Zuni. Management informed the Board that the new sign has been installed, with a missing side for Hopi. The Alpine Sign Shop is in the process of making a second side for Hopi, no estimated time for completion of the missing side.
- The Board also discussed moving future monthly board meetings to Wednesdays, as meeting rooms at the Eagle County Community Center are no longer available on Thursday nights. The Board asked Management to confirm if the 1st or 2nd Wednesday of the month would work best to hold meetings at the Eagle County Community Center in the Spruce Room. Management will follow-up.

7. RESTATED GOVERNING DOCUMENTS PROJECT

The Board discussed final changes to the draft Restated Governing Documents per Legal Counsel input.

Article II

DEFINITIONS

Section 2.11 Common Elements.

Any real property within the Community owned or leased by the Association, or which the Association has a right to use, occupy, maintain and operate, other than a Lot. The Common Elements shall include, but not be limited to, a park, 3 buildings located in the park and the water system which serves the Community until such time as the water system may dedicated or conveyed by the Association to a metropolitan district, special district or other quasi-municipal corporation. The water system shall include, but not be limited to, the wells, subsurface rights, water storage tanks, fire hydrants, main lines and service lines **up to the shut off valve that provides service to each Lot.**

- **BOARD DECISION:** Have legal counsel add the wording in red.

Article IV

THE COMMON ELEMENTS

Section 4.3 The Association's Rights

4.3.1 The right to improve the Common Elements, and to borrow money for such purposes and to mortgage the Common Elements as security for any such loan; provided, however, that the Association may not subject any portion of the Common Elements to a Mortgage unless such is approved by Members to whom at least sixty-seven percent (67%) of the votes in the Association are allocated.

- **BOARD DECISION:** Change it to 51%.

4.3.2 As approved by the Board and subsequently proposed to the Members, to convey or dedicate all or any part of the Common Elements to any public agency, metropolitan district, special district, quasi-municipal corporation, authority, or utility, subject to a vote to approve this proposed conveyance or dedication by the Members to whom at least sixty-seven (67%) of the votes in the Association are allocated. The granting of permits, licenses and easements for public utilities or for other purposes consistent with the intended use of such Common Elements shall not be deemed a conveyance or dedication within the meaning of this clause.

Legal Counsel: There is a provision in CCIOA that requires approval by owners who hold at least 67% of the votes in the Association to convey Common Elements. That is why Section 4.3.2 was originally drafted with a 67% approval requirement. However, that particular provision of CCIOA doesn't apply to pre-CCIOA communities which is why we can reduce that to 51%.

- **BOARD DECISION:** Change it to 51%.

Article IIIV

ASSESSMENT AND COLLECTION OF COMMON EXPENSES

8.3 Budget.

Within ninety (90) days after adoption of any proposed budget for the Community, the Board shall mail, by ordinary first-class mail, or otherwise deliver a summary of the budget to all the Owners and shall set a date for a meeting of the Owners to consider the budget. Such meeting shall occur within a reasonable time after mailing or other delivery of the summary, or as allowed for in the Bylaws. The Board shall give notice to the Owners of the meeting as provided for in the Bylaws. The budget proposed by the Board does not require approval from the Owners and it will be deemed approved by the Owners in the absence of a veto at the noticed meeting by Owners to which sixty-seven percent (67%) of the votes in the Association are allocated, whether or not a quorum is present. In the event that the proposed budget is vetoed, the periodic budget last proposed by the Board and not vetoed by the Owners must be continued until a subsequent budget proposed by the Board is not 12 vetoed by the Owners.

Legal Counsel: The budget ratification provision of CCIOA requires at a minimum that 51% of all owners must vote to reject a proposed budget for it not to be automatically approved. However, that provision of CCIOA also allows the Declaration to require a larger percentage of all owners to vote to reject a budget. As a result, most of my clients have gone with 67% - but the standard 51% threshold is fine too.

- **BOARD DECISION:** Change it to 51%.

With these final changes, Management will send them to Legal Counsel for them to edit in the draft Restated Governing Documents. Legal Counsel will then send Management the final draft and a letter to homeowners noting the changes being made to the governing documents for homeowners to review.

8. PROPERTY MANAGERS REPORT

Financials

The Board reviewed the SV HOA Financial Reports as of October 31, 2021, as presented by Aspen Resort Accommodations (ARA).

- A/R Aging Summary – Management followed up on the 13 accounts sent Notice of Delinquency letters, deadline to cure delinquent balance is December 3, 2021.
- Check Detail Report – Board would like to see what Tony from Mountain Maintenance is invoicing. Management will follow-up.
- Budget v Actual – no comments.

Director Mike Meiners moved to approve the Financial Reports as of October 31, 2021, Director Pete Rice seconded. Motion Passed.

2022 Preliminary Budget discussion:

- The following line items from the 2021 Budget will be removed or changed for drafting the 2022 Preliminary Budget:
 - Keep line item for Garage Sale - \$100
 - Taxes – increase to \$2,000

- Financial Review/Audit – confirm actual cost for 2020
- Landscaping – actual cost increase to \$11,520.00
- Park Equipment – increase to \$1,500
- Move EPC under Water System Management
- Water Tank Maintenance & Repairs – increase to \$2,000
- Water Improvement – make sure reflects remaining balance spent of original budgeted amount of \$90,000 for 2021.

Annual Meeting Discussion

- Director Mike Meiners will have the Presidents Report done by early next week
- Management will prepare the Annual Meeting packet for homeowners and draft an email template to use as notice to homeowners of the upcoming meeting.
- The Annual Meeting will be in person, Zoom will be available.

Water Update

- Director Mike Meiners notified the rest of the Board that SGM cannot go out for bid for costs of the water project until Sopris Village is one hundred percent ready to begin the project.
- As such, SGM will create preliminary budgets with contingencies for the Board to review.

99 Kiowa

- The Board asked Management for an update on getting 99 Kiowa to cure their violation. Management informed the Board that per the Enforcement Policy, the Owner has been sent a Notice of Delinquency for fines incurred due to the violation, with instructions on how to cure the delinquency. Failure to cure the delinquency by December 3, 2021, will result in further action.

9. ADJOURNMENT

Director Mike Meiners moved, and Director Michael Kendrick seconded to adjourn the Board Meeting at 8:08 p.m.