

## **The Preserve at Deerfield HOA Meeting**

**February 27<sup>th</sup>, 2020 – 7:00 PM**

**Franktown Fire Station**

### **Meeting Minutes**

Fourteen lots were represented in person, and one lot was represented by proxy. (Sign in sheet attached)

The board started the meeting with discussions regarding the budget. Review of the 2019 actual cost vs the proposed budget.

Member questions about the budget numbers revolved around the legal expenses incurred in 2019.

Bryan Willis explained that there is an ongoing court case between the HOA and the Utkins. Bryan stated that on the advice of counsel, the board was limited to discussing only publicly available information.

The summary is that there was a trial which spanned two days. The first trial date was 30 July 2019 and the second date was 6 November 2019.

At the conclusion of the trial on 6 November, the judge stated that a phone conference would be set up to render his judgement. That phone call occurred on 17 December at 3pm.

During that call, the judge ruled in favor of the HOA and awarded fines and reasonable attorney fees be paid by the Utkins to the HOA.

The Utkins have elected to appeal the decision. Bryan explained in general terms how the appeals process will work. It generally consists of the lawyers exchanging documents with the appeals court. It could take well into the summer before we have a resolution on the appeal.

This led to a discussion regarding the dissemination of information regarding the case. The board's position is that only publicly available information can be discussed and since the case has not been resolved, the board will not put the case in any sort of jeopardy by discussing specifics of the case.

The case number was provided to the members present. Jamie Neill mentioned the website [docketbird.com](http://docketbird.com) to track court cases.

After the discussion of the proposed budget for 2020 - \$650.00 per lot, discussion regarding the road fund and the continuance of the fund took place. The board will get a budget for actual cost to chip seal as well as a 2" overlay so that we can target future cost.

Bryan offered to look at changing banks in order to get a better interest rate for the money that we have in the accounts. This will take place in the next quarter or so.

Once the discussion of the budget was complete, the board discussed the need for a special assessment to cover the cost incurred over the last year. (special assessment attached)

Specific items on the special assessment that were included – fix dip on Sandy Hollow Trail and have the signs inspected, reinstalled if loose, new sign denoting N and S Big Meadow Drive. It was requested that if a sign needs to be reinstalled, that it be a minimum distance of 6' from edge of asphalt to offer ease of mowing operations. Estimates for the work at the dip will be received and work will be scheduled at appropriate time regarding temperatures and weather.

Jerry Bisgard questioned why the road repair could not be taken from the existing road fund. Bryan said it was possible to do that if the members made that decision, but the original purpose was to build up a fund of approximately \$200,000 to resurface the road in approximately 10 years.

It was pointed out that the \$200,000 estimate was several years old. George offered to get the current price the county pays for resurfacing roads.

Discussion regarding the special assessment ended without further changes. The board decided to set the special assessment amount to \$2,750.00 dollars per lot.

By voice vote the members present approved the 2020 member dues in the amount of \$650.00 per lot without any objections.

By voice vote the members present approved the 2020 road fund in the amount of \$500.00 per lot without any objections.

By voice vote the members present approved the proposed special assessment in the amount of \$2,750.00 per lot without any objections.

After a brief discussion, it was proposed that the dues and road fund could continue on the same quarterly payment schedule as 2019.

The quarterly payment schedule for the annual dues and road fund will be as follows.

First payment of \$287.50 due by	31 March 2020.
Second payment of \$287.50 due by	30 June 2020.
Third payment of \$287.50 due by	30 September 2020.
Fourth payment of \$287.50 due by	20 December 2020.

The time frame for collecting the special assessment was discussed and it was decided that the money from the special assessment should be collected as quickly as possible.

The payment schedule for the special assessment is as follows.

First payment of \$1,375.00 due by 30 April 2020.

Second payment of \$1,375.00 due by 15 July 2020.

The concern of the trash service is another issue that will be handled. The current trash service Haulaway has been purchased (asset) by HBS. A proposal is expected soon from HBS for trash service. There are several other trash services that we will request proposals from to determine the best path forward for the HOA.

The last item on the agenda was to elect a new board. Cathy Thomas proposed not changing the board members until the current legal case is concluded. The members present decided this was a reasonable choice. The current board members were asked if they would be willing to continue on the board for one more year. They each agreed to remain on the board.

Ballots were distributed, completed, and returned. Of the 15 lots present by member and proxy, 14 voted to retain the existing board for one more year. One lot abstained.

Rob Thomas was asked and agreed to remain as treasurer.

Cathy Thomas, Mike Budnack, and Rich Weimer were asked and agreed to continue as members of the ARC.

The meeting was concluded around 8:45 pm.