

Sunset West Homeowner's Association Meeting Minutes

Date: November 1, 2012

Meeting Time: 7:05 pm – 8:55 pm

Attendance:

Executive Board members: Curt Behm, Nick Young, Hillery Venturini, Carol Baxter, Anita Stenseth

ARC Committee members: Lyn Young

Attending Residents: Mike Guerra, Joann Guerra, Hazel Birtle, Patti MacLennan, Cindy Gordon, Marie Steigerwald, Jacob Steigerwald, Eloy Gonzales, Doreen Zapor, Lora Davis, Dave Barber, Mona Torres, Ron Forbis, Sam Gabriel, Paul Schultz, Bernadine Varley, Twana Dryer, Denise Powell, Chris Betts, Jack Odell, Randy Walrath, Nancy Walrath, Dan Stenseth, Karen Lest, Connie Kautz, Lyn Young, Vicki Tooley, Jona Alonzo, Christine Scripture.

1) Introduction and Initial Comments

- 1) Curt introduces the members of the board and the ARC committee – due to new people attending the meeting
- 2) Patti McLennan called a point of order on the agenda –Requested that review of policy and associated discussion be moved to the end of the meeting to accommodate those with comments

2) Review of Budget

- 1) New charges - \$54/year for P.O. box
- 2) No more bank charges since moving to Belco Credit Union
- 3) Higher then estimated costs for office supplies and room rental
- 4) Bottom line for budget - \$7,758 in HOA bank account
- 5) One lien release scheduled for Monday Nov. 5th for \$360

3) Message from Sheriff Kyle Covert

- 1) 4 car/garage burglaries have occurred in past month with Sunset West Development
 - a. All burglaries were either unlocked cars or garages that were left open
- 2) Sheriff liaison is requesting that cars be locked and garages be kept closed to avoid further instances.

4) Updates on ARC issues

- 1) Recent paint survey
 - a. Nick Young sent out requests to area realtor regarding what increase the values of neighborhood homes – realtors responded not having outdated home colors
 - i. Have to consider the resale values of a home when deciding on a new color

- b. There are 5 roof colors that were included with the proposed house paint colors which were taken around the neighborhood
 - c. Of the 70 neighborhood homes....
 - i. Yes = 49 residents, No = 2 residents, Undecided = 3 residents, Refused to sign = 1 resident, Unable to contact = 15 residents (tried to contact at least 4 times)
 - d. Overall colors were accepted/liked by residents
 - i. Current palette does not include the current colors
 - ii. Some residents thought palette would indicate the exact colors that would be approved.
 - 1. Nick indicated that there are too many variations in the colors for a single palette to be established and colors change over time.
 - 2. Anita commented that the color palette will only be used as a “guideline”.
 - e. Palettes associated with the original development colors could not be located.
 - i. KWAL indicated that original record of the Sunset West development was no longer on file since colors were no longer available.
 - ii. Nothing in the covenants specify what a ‘neutral color’ is
 - f. According to Nick, the goal of updating the colors is to increase the values of the neighborhood homes from \$300k to \$350k-\$360k.
 - i. Some residents disagreed regarding whether an updated color change would increase a home value vs. keeping the original “neutral” color – effects of colors was considered a personal opinion
 - ii. Overall residents do not have to paint their home based on the exact colors indicated on the palette.
 - 1. Intent of survey was to establish color palette guidelines and was voted on by the residents.
 - iii. Clarification on house colors – original home color can be used in addition to the choices from the updated color palette is desired.
- 2) 9121 West Lake Drive
- a. Resident has been served and will need to appear in court
 - i. Resident will have to cease and desist with the business and trucks will need to be removed.
- 3) Eloy Gonzales requested to be removed from the ARC form due to limited ability to help due to work commitments.
- a. Sunset West website appears to have 2 different ARC forms
 - i. Curt will look into this issue and delete wrong forms

5) Update on North drainage area

- 1) Connect with Urban Drainage has been established. Urban Drainage will ultimately be responsible for cleaning up the drainage area north of the sunset west development.
 - a. The Jefferson County Planning and Zoning Department needs to submit plans for the specified area to Urban drainage in order for the area to be added to the current maintenance schedule.
 - b. To date no answer has been received from Jeffco, but is still in the works.
 - c. Land does not belong to Sunset West and is not the development's responsibility to maintain – even though we do maintain it. Areas east and west of the north drainage area are currently maintained by Urban Drainage.
- 2) Other related cleanup issues - Mattress on the hill near the drainage area has been deteriorated for the past 2 years. Resident spoke with ARC suggesting that they remove the mattress; however the mattress has not been moved.
 - a. Until this area has been added to Urban Drainage's maintenance schedule any eye sores would have to be addressed by Sunset West on our own accord.
 - i. Nick Young indicated that he would help to remove the mattress.

6) Discussions on Updated Draft Policies

- 1) Meeting Operation
 - a. Karen Lest – Resident and volunteer with Jefferson County Mediation and Facilitation
 - i. Karen volunteered to help watch who has questions in order to allow Curt to run the meeting effectively.
- 2) Open Discussions
 - a. Denise Powell began discussion on policies and related concerns
 - i. **Concern: Effective date – Will this be updated per today's date?**
Board Response: If the policies are voted upon the effective date will be changed according
 - ii. **Concern: Who is the hearing body? Should not be the board or the ARC committee in order to be fair and partial to all residents. Can resident pick who can be on the hearing board?**
Board Response: No. The ARC committee would be the one to hear the complaint. The hearing board can, but does not have to be, separate from the board.

Resident Response: In order to be fair and impartial, the hearing board should be separate. Clarification is needed in the policies regarding what is deemed "fair and impartial".

Board Response: Issue regarding family members holding positions on both the ARC and HOA board were addressed during the 8/23/12 meeting. Should an issue arise; involved members will excuse themselves from resolution discussions.

1. Hearing body will be the board, not the ARC committee. A resident can appeal an imposed fine.

iii. *Concern: The HOA has the option to foreclose on a residence according to current bylaws and proposed fine schedule. Proposed getting rid of the HOA.*

Board Response:

1. The current Covenants allow this step
2. The goal of the fine schedule is to outline the steps expected to resolve an issue with a residence. Open communication will be an accepted tool if a residence is making the effort to fix an issue and come into compliance.
3. Although the current Covenants indicate that foreclosure of a home is an option, the proposed fine schedule defines the milestones that would need to be reached in order for foreclosure to even be considered.
4. The issue voted on at the current meeting is not whether a home can or can not be foreclosed on, but rather the schedule and means of communication that will be used to address an issue associated with a residence out of compliance according to current Covenants

Resident Response (In support of):

1. *There has to be an ability to fine residents in order to maintain the property values*
2. *The purpose of having covenants and bylaws is to have a means to maintain control*
 - a. *The only reason why extreme measures would be taken would be if residents don't follow the original outlined rules.*
3. *If you move into a neighborhood that has an HOA and covenants to abide by, you make that decision to follow the rules. If you don't follow the rules you will be penalized*

Resident Response(s) (In opposition of):

1. *Current online statistic – 18% of foreclosed homes are done so by HOA foreclosures*
2. *Changing the policies could be a boiler plate for future issues*
3. *Proposed to have an HOA attorney write the policies to fit a neighborhood of 70 homes*
4. *According to Zillow.com several homes are valued higher than the homes in Sunset West – Specifically neighborhoods without HOAs*
 - a. *Resident Response: Values posted on Zillow.com should be used carefully as several variables can be*

changed on the site that increase/decrease the noted value of the home.

- b. The county website should be used to get accurate values of your home. Appraisers' site on Jeffco.com*

- ii. ***Concern: What constitutes 3 or more violations? Are these the same violations, different violations? What is considered a "violation"? Does an alleged violation count as one of these violations? Some clarification is requested.***

Resident Response:

- 1. An alleged violation should go through the entire review process before being considered one of the counted violations. Suggested adding the text "An alleged violation is not a violation in itself" for clarification and a list of potential violations.*
 - a. Example: Stapleton resident was fined \$100 for child using sidewalk chalk*

Board Response

- 2. The violations are considered different. An alleged violation is someone turning in a complaint on a residence. The complaint would then have to be reviewed.*
- 3. A violation is a violation until it is founded*
- 4. There is some difficulty in compiling a comprehensive list of potential violations and foreseeing all types of violations*

Resident Response:

- 1. A full list of requesting a full list of potential violation to be used as a guideline*

- iii. ***Concern: What is the purpose/background on the need to ratify the currently Policy?***

Board Response: Policy change is due to Colorado State Law SB100 enacted in 2006. Sunset West is creating the required policies to come into compliance with the law.

- iv. ***Concern: Proposed change to #13 on the currently proposed policy ratification regarding how items in the policies are changed once initially voted up on by the residents of sunset west – "This policy may be amended from time to time by a proposal from the board of directors which is ratified by a 2/3 majority vote of sunset west homeowners"***

Resident Response (In support of):

- 1. The board is elected by the residents to represent them.*
- 2. Residents and board members should be objective about what things need to be done and how they will get done.*

3. *Residents need to work together to help the board help the residents*
4. *Board makes proposals and the residents vote on them, but the board still leads*
5. *Previous boards have made amendments through minutes which is not a good procedure*

Resident Response (In opposition of):

1. *Homeowners should have more of a say on when and how things are changed.*

Board Response: Other segments of the policy will address how to change current policies in the future and how disputes are settled. These segments may satisfy current resident concerns. The board sent out a draft of the policy and asked for owner input. Only 4 responses were received.

v. ***Concern: Why can't all policy items be addressed at once?***

Board Response:

1. HOA board is working to get the policies considering high priority drafted and out to residents for review
2. Difficult to get all policies completed at once especially with a single HOA/Resident meeting devoted to only 1 policy section
3. HOA is completing the policies at a pace to get it right.
4. Residents agree that policies should be done right even if it takes time
5. Colorado Common Interest Act must still be followed during ratification process
 - a. Homeowner rights should still be abided to.

vi. ***Concern: Recent negativity towards the HOA board***

1. The HOA board has transitioned from a hands off approach to wanting to get something done
2. Some residents feel like neighborhood residents are being dictated to
3. Service contractors don't work by the HOA schedule – 15 days before a fine is issued to come into compliance is not long enough
 - a. Item was addressed in the August 2012 board meeting – communication with the HOA board would stop the fine clock. And, it's not 15 days – it's 30 days.

vii. ***Concern: Changes need to be made to #11 and #13 of proposed policy ratification***

Resident Response:

1. *By the book is the most effective way to approach neighborhood issues*
2. *Homeowners should have a voice rather than feeling dictated to*
 - a. *60% of the community is not interested in being involved*
 - b. *20% of the community wants the HOA to do the work*
 - c. *20% of the community wants to be involved all of whom should be heard by the HOA board)*
3. *2 votes per household is concerning and residents are unsure that they would be heard fairly.*
 - a. *This issue was addressed in the August 2012 board meeting (all meeting are open for residents to attend)*
 - 1) *Open communication is key between the board and the residents*
 - 2) *There have been previous issues trying to get residents interested in being on the HOA board*
 1. *Electronic and hard copies of the position openings would be useful*
 2. *Website will be utilized for posting future information*

viii. ***Concern: Operation of current board position selection***

1. Officers elected into available board positions have the authority according to the current Sunset West bylaws to appoint individuals for open positions
 - a. Positions can not be filled by a signed neighborhood petition
 - b. Hillery Venturini and Carol Baxter were elected to the board in April 2012
 - c. Anita Stenseth volunteered for any open position prior to moving to the neighborhood and was appointed to the board
2. The 'Board of Directors' is the HOA Board
 - a. Resident in disagreement that the two are one in the same
3. ARC members can also hold a board position
 - a. Board appoints ARC committee (minimum of 3, maximum of 5)
4. The ARC is separate from the board and works under the board
 - a. The Board is the governing body

- 1) Although a motion to elect a meeting attendant was made the motion can not be addressed because the HOA board is responsible for appointing members of the ARC committee
 5. Need for volunteers for the board and the ARC committee has been a consistent item on past letters to the residents with not response.
 6. 4.13.10 of the Covenants state that homeowners are to appoint members of the ARC committee – may need to be verified.
 7. If a member leaves a board position, the ‘member at large’ would take over the position with an ‘interim’ title until the position is filled
- b. Residents are not currently ready to vote on the proposed policy ratification. Residents are not in agreement with wording within the policy items
- i. Items in the current policy ratification needs more definition, in particular what a “violation”
 - ii. Schedule of fines is not “set in stone”
 1. Addition under #5 not included in the draft that was sent out to residents – The board will make every effort to work with violator to remediate the violation
 2. Actual fine is not imposed until 30 days although second letter (fine threat notice) is issued after 15 days
 - a. Hearing is available to resident at every step of the fine schedule
 - b. Resident concern: Might feel threatened however it may be the wording
 - iii. Would the residents have their concerns addressed if the policies were changed based on meeting discussions and recent to residents for review?
 1. Board members request that the residents email requests regarding changes to policy
 - a. Board will take submitted suggestions and make final decision regarding which are applied in subsequent draft
 2. New draft will be sent out to residents
 - iv. Jack O’Dell motioned that the current proposed policy draft be tabled until issues and concerns from the residents have been addressed.
 1. Sam Gabriel/Cindy Gordon seconded the motion to table the current draft policy
 2. All meeting attendants in favor of tabling the current draft policy

3. Although the board technically does not need residents to vote on the proposed policy ratification, the board sent material out to residents for feedback and is requesting a vote by the residents to implement policy updates.
- v. *Resident Comment: Who will review the new policy before it is finalized*
 1. *Verified that an attorney is still available who represents the neighborhood*
 2. *Resident disappointed that parts of the current policy were written by an attorney*
 3. *Attorney should have the last word on the policy*
- c. General comments
 - i. First draft of policy was sent out prior to August 2012 board meeting. Only a few residents responded with comments
 - ii. The benefit of holding the current meeting was to have resident comments heard and valuable discussions.
 - iii. Resident comment: Today is tomorrow's past. When the current board changes residents may be left with the residual affect of how the policies are written. Policies should be done bite to bite to fix it.

4) Other Issues

- a. Resident requested that the holiday schedule for Eagle Waste Management be posted on the Sunset West website
 - i. Schedule is currently posted on the Eagle Waste website – referred residents to this website for future use.
 - ii. Trash will be collected the day after the holiday
- b. According to current law member meeting announcements, agenda, etc should be posted electronically and a sign should be used to make announcements in neighborhood.

New Action Item:

- 1) Work will continue on drafting the remaining 8 policies
 - a. Drafts will be send to residents for review and comments
- 2) Hillery will continue to contact Tammy Bunn regarding ongoing issue of North drainage area in order to obtain remediation information.

Incomplete Action Items from Last Meeting (8/23/2012):

- 1) None

Nick Young motioned to close the meeting, motion was seconded.

Meeting was adjourned at 8:55 pm