

**Hill Pond on Spring Creek (Wallenberg Drive)**  
**Annual HOA Meeting Minutes**  
**Wednesday, February 5, 2020 at The Fort Collins Senior Center, Raintree Drive**  
**Chaired by Dave Dornan, Current HOA President**

**Quorum Established and Meeting Called to Order**

The meeting was called to order by President Dave Dornan. Twenty-eight households were represented including two proxies.

Board members present: Diane Crews, Dave Dornan, Tom Noel, and Dick Thomas

**Introductions and Acknowledgments**

Association members introduced themselves. President Dornan introduced Coleen Dunn who shared a special honor that her daughter Sheila received this past year. She was chosen to participate in the U. S. Department of State's Art in Embassies exchange program by traveling to Nepal to work with aspiring artists and to have some of her artwork hung in the U.S. Embassy in Nepal.

President Dornan also highlighted the recognition that Rick Price received from the City of Fort Collins this past August for his many contributions to the Fort Collins bike culture.

Colleen Hoffman announced that her husband Rick is receiving the Wayne Bailey Lifetime Achievement Award given by the National Wild Turkey Federation in Nashville this next week.

**Approval of Minutes**

Sarnen Steinbarth moved and Alan Lamborn seconded a motion to approve the minutes of the May 22, 2019, HOA annual meeting. The motion was approved.

**Thanks to Members Who Have Served the Association**

President Dornan conveyed the appreciation of the Association to Garry and Linda Auld for their past maintenance of the common area adjacent to the mailboxes, to Larry Paroz for conducting this year's audit of the Association accounts, and to Colleen Hoffman for keeping track of developments in the area surrounding the neighborhood and for keeping the Association apprised of these developments.

**Overview of Association Governance Structure**

President Dornan gave a presentation which included background on the Association governing documents, including the Bylaws and Responsible Governing Policies; the Colorado Common Interest Ownership Act; the Association plat map; and a timeline of the on-going process of revising the Covenants.

**Covenants Advisory Committee Report**

Marshall Frasier, a member of the Covenants Advisory Committee gave an overview of the Committee's work from inception to the present. He announced that packets with the latest proposed revisions will be handed out to each household after tonight's meeting, and emphasized that the Board has not yet had a chance to review and comment on the contents of these packets.

He highlighted the principles governing the Committee's recommendations: eliminate/modify defunct language; adhere to the expressed intent of the original declaration unless there is strong rational to adjust; encourage vigorous discussion of the proposed changes; provide clear guidance to the Board and membership that will stand the test of time; and improve the collective well-being of the members of the Association.

He provided a summary of proposed changes: the deletion of defunct "declarant" language; updating of language/definitions to reflect contemporary legal and social standards; editing for clarity in communicating intent; "substantive" changes, i.e., more specific language governing HOA expenditures and budget process; and provide the basis for Board-formulated Rules and Regulations to govern approval requests regarding vehicle parking, fences, and detached structures.

The final part of the presentation was an overview of material that is in the packets which includes a bullet-point list of general and specific changes within each article of the Covenants; the original Covenants document with deletions of text and highlighted text that is being proposed for change; and the proposed version of the amended Covenants document which includes additional language.

The Board of Directors will use this material to develop a formal proposal to be submitted to the Association members for their consideration.

#### **Report on Common Area Maintenance**

President Dornan reported that Lawn Ranger, the company that is now providing maintenance of the common area, mows the grass as needed for \$40/mow and shovels snow as needed for \$15.

President Dornan also reported on the need to do a reserve study to determine how much money would be needed to provide current and ongoing maintenance in the common area bordering the north side of Hill Pond. Mickey Hill with The Davey Tree Expert Company had walked the area with President Dornan and other members of the Association and it was noted that not all of the fences are in a line and that it is difficult to ascertain the exact boundary lines for the Association common area. Because the exact boundaries are not known, it is hard to know whether certain trees are on Association property or are on member lots. President Dornan had contacted a surveyor who gave an estimate of \$4,800 to complete a survey. It was also noted that there are five ash trees because of the presence of the emerald ash borer in Larimer County, it will be necessary to either treat these trees or remove them. For several of the ash trees it is hard to determine if they are on Association property or not. There was a discussion regarding removal vs. treatment and it was also noted that there are grants available from the City of Fort Collins for common area maintenance. This will continue to be an item for the Board of Directors to pursue.

#### **Treasurer's Report and Presentation of 2020 Budget**

Tom Trout presented the 2019 income and expenses information with a current (2/5/2020) balance in the Association account of \$7,005.02. Tom Noel, Board Treasurer announced that the annual dues will be raised to \$170 largely due to the increased costs in common area maintenance.

## **Report on Young's Pasture and Blue Ocean Developments**

Colleen Hoffman announced that the three-acre parcel known as Young's Pasture which is located at the north end of Wallenberg has been in various stages of development since January 2016 and she has a timeline which details the process since that time. \$4,200 in legal costs have been incurred during that time period and \$1,600 is still needed to reimburse Per Hogestad from the Sheely neighborhood for his payment of the original amount. Colleen emphasized that ongoing efforts have been focused on making sure that the various entities involved adhere to what's right in the community and for the neighborhood. She also announced that Blue Ocean has decided that they don't want to develop the 22-acre parcel to the west of Wallenberg and will be selling the property, but that the interested buyer has indicated that they want to work with the neighborhood on any proposal that is brought forward.

### **New Business**

President Dornan gave background information on the reasons for the proposed amendments to Bylaws 2.8 Quorum and 3.5 Vacancies.

The wording for 2.8 Quorum (with the proposed change highlighted) is: Except as otherwise provided in these Bylaws, the Declaration, or by law, at any meeting of the Members the presence in person or by proxy of Members entitled to cast at least ~~50%~~ **35%** of all votes entitled to be cast on the matter to be voted upon shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting. If a quorum exists at the beginning of any meeting, a quorum is deemed present throughout that meeting despite any subsequent departure of Members

Alan Lamborn made a motion to change the 35% to 40% and to change "one-half" in the second sentence to 30%. The motion was seconded by Marshall Frasier. Following a discussion of the motion, a vote to approve the amendment passed by a vote of 20 in favor and one opposed. The main motion, as amended, was approved without further discussion. The wording for 2.8 Quorum will now read:

Except as otherwise provided in these Bylaws, the Declaration, or by law, at any meeting of the Members the presence in person or by proxy of Members entitled to cast at least 40% of all votes entitled to be cast on the matter to be voted upon shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be 30%. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting. If a quorum exists at the beginning of any meeting, a quorum is deemed present throughout that meeting despite any subsequent departure of Members.

President Dornan presented the recommendation the Board to change Bylaw 3.5 Vacancies to read: Vacancies on the Board of Directors, caused by any reason other than the removal of a Director by a vote of the Members, shall be filled by a vote of the remaining Board Members. Each person so elected or appointed shall be a Director for the remainder of the term of the Director so replaced.

Any vacancy caused by removal of a Director by a vote of the Members shall be filled as provided in Article 3.6 below.

The change was approved by a vote of 16 in favor and four opposed.

#### **Nomination and Election of New Board Members**

President Dornan announced the three nominees, Garry Auld, Dan Ganster, and Larry Paroz, based on the rotation schedule for service on the Board. They had accepted their nominations prior to the meeting. No nominations were made from the floor. All three nominees were elected by a majority of the votes. The newly elected Board members will replace Diane Crews, Doug Hinerfeld, and Dick Thomas who are leaving the Board after serving for two years.

#### **Member Round-Table Discussion**

Christina LaCroix voiced appreciation for neighbors who are remembering to slow down as they go around the curve from Wallenberg to Whitcomb, and also expressed thanks for the neighborhood social gathering that was held earlier in the fall.

#### **Adjournment**

A motion was made by Christina LaCroix and seconded by Garry Auld to adjourn. The motion carried.