

Fall River Estates Homeowners Association Annual Meeting
July 30, 2016 – United Methodist Church

Agenda Items

- I. **Welcome** - Meeting was called to order by President Marcus Snyder at 10:30 am. There were 41 property owners present. He introduced the other Board members, Phil DuChateau, Vice-President, Dennis Stepaniak, Treasurer and Mary Jo Seifert, Secretary, along with Architectural Committee member, Terry Smith. He began by saying that the current FRE Board terms will be expiring in July 2017 and would like to see new faces to take over. He then reviewed the Agenda items to be covered, with the main item of business the amending of our Covenants from November 1978, and further clarification of why they are needed to be updated. He invited our attorney, Gregg Coffman, to be here to further explain the technicalities of the new Covenants. Marcus felt it was important for him to come and will pay his legal fee out of his own pocket.
- II. **Update Noxious Weeds (Outlets)** – Terry Smith – Our HOA again contracted with Brian Kolokowsky of Deep Root Care on herbicide treatments. Terry stated that the outlets have had their first treatment on many varieties of noxious weeds and will have another site visit around the end of August for an additional herbicide treatment on the others that emerge. Brian is pleased with the results and having another treatment next year in 2017 should control this problem. It was voted and agreed upon to go ahead and approve next year's treatment as well.
- III. **Treasurer's Report** – Dennis Stepaniak – We entered 2016 with a balance of \$8826.23. Updated copies of the Treasurer's Report were passed around. He noted that of the 69 lots in FRE, 61 are paid for this year. We now show a balance \$9652.27. He reviewed our disbursements and noted that we are still awaiting the invoice from our attorney on his legal fees. He feels that we should still maintain a reserve balance of at least \$5,000+ after expenses. A question was asked if we need to have a higher reserve to cover extra expenses. Answer, if other expenses would happen, it would be deemed necessary to bill for an assessment to cover costs after member approval. We are a non-profit organization and with our expenses annually around \$1600, maintaining a reserve of over and above \$5,000 is adequate at this time.
- IV. **Estes Valley Watershed Update** – Phil DuChateau – He and Marcus are still very active in attending the meetings which have been continuing throughout the year on the Fall River Corridor Master Plan. There are still no definite answers for letting the river water flow naturally in case of flooding in the future. Some talk has come forth in the removal of the Fall River Court bridge and direct incoming vehicle traffic thru the commercial properties of Aspen Winds and Riverstone which is not acceptable at all. Studies are continuing and know that our Subdivision will be well represented and covered by Phil and Marcus on the best for our area. Discussion of master plan goals for both short-term (1-2 years) and long-term (decades) is best viewed on www.evwatershed.org. He encouraged everyone to look on the web to be informed of progress.
- V. **HOA Covenants - Discussion and Review of Proposed Amendments** – The main item of business was the amending of our Covenants from November 1978. Phil noted that our outdated current Covenants are not enforceable or in compliance with Colorado

Laws. Our attorney, Gregg Coffman, who helped with the legal process in creating the new Declaration of Covenants for our HOA, proceeded to explain all the major statutes now effective in Colorado. Several individuals then voiced strong opposition to some of the points listed in "Section 2 – Property Use and Buildings". Many specific areas of concern were mentioned. It was felt that we haven't had any issues so far so why do we have to change now. It was also mentioned that our Subdivision is almost fully developed. It was then noted that there are still 10 vacant lots. Coffman also noted that the trend now is when ownership changes, the big concept is in "scrape and rebuild mode". He then was asked for clarification of the 14 pages in the newly proposed covenants on which sections are now required to bring our Covenants in compliance with Colorado. Coffman went through the items that are needed to be kept. He then pointed out that some items listed in "Section 2" could be modified to some extent to fit our specific HOA. The general consensus was then to proceed with counting the votes. The votes were tallied from the mail in ballots and those voting at the meeting. The Covenants passed with a vote of 35 in favor, 25 against, and 9 non-votes. The Amended Covenants will be filed and recorded with Larimer County and DORA (Department of Regulatory Agencies) for the State of Colorado. In an effort to accommodate those individuals against some specific items, a volunteer committee will be formed to review the objectionable items and modify them as long as the changes would not weaken the overall Covenants. All the changes will need to be approved by all members. Then an "Amended" Declaration of Covenants, Conditions and Restrictions" dated July 30, 2016 will be filed. The general format of the 14 pages cannot be changed as the items are required for the Covenants to be legally defensible, along with the six pages of the "Fall River Estates HOA Rules and Regulations".

In conclusion, a motion was made to let the HOA pay for Coffman's fee for attending. It was seconded to have the money come out of the Treasury, not for Marcus to have that expense.

Meeting adjourned 12:45 pm.