

High Pines Owners Association (HPOA) Ad Hoc Board Meeting

December 11, 2024

5:50 PM Meeting at Rich Hansen's home

Members present:

Barbara Preslier, secretary

Jeremy McIntire, treasurer

Rich Hansen, president

Jim Sittner, vice president

Joe Todd, ex officio

Absent—Bob Linza, member at large

Resigned—Dion Kearney resigned effective November 19, 2024

Guests in attendance:

Steve Ingersol

Sara Kershaw

Meeting:

Rich made a motion to begin meeting. Jim seconded it.

1. STR's (Short-Term Rentals)—the reason for this emergency meeting

Jeremy—we need formal rules in our bylaws about STRs. We, the HPOA board, can draft whatever we want regarding this issue.

Jim—his oldest son is a patent attorney. He's on his HOA board and may have helpful advice.

We may want to adopt a fee or fine schedule. According to state law, we cannot deny STRs.

Jeremy recommends having a committee to put together a plan.

Barb recommends changing our bylaws to include this subject and fire hazards from fire pits as well. Fire pits have been a source of homeowner complaints.

Rich—how about business being run from the home?

Ex: A yoga business would fall under this category.

Steve Ingersol and Sara Kershaw live on Melanie Ann Ct where the main STR problem is.

Jeremy and Steve will chair the subcommittee for changing the bylaws. Steve noted that Rich Hansen had requested that Steve send a copy of the legal memorandum from his attorney regarding the HPOA governing documents (see summarized addendum) and asked if the BOD

had received via their email. Several BOD members acknowledged they had received the memorandum.

All in favor. Passed.

Steve handed out a paper copy of his thoughts on the STRs (See addendum). Some key points:

- Lack of accountability from homeowners.
- Degrades sense of community,
- Nighttime nuisance.
- Security Risks.

We may need an amendment to our declarations if we want to ban STR's.

Rich—Our last legal review of our docs was over 10 years ago.

The WIA (Woodmoor Improvement Association) can provide security for us, especially with Buc-ees potential being built.

Final note: Our documents *must* be updated.

Steve Ingersol will speak at our annual meeting regarding the security issue. Barb will put this on the annual meeting agenda. The cost per home is approximately \$162-165. The WIA president is Brian Bush.

Steve uses an attorney named Karen Reutzel. Estimated cost to use her is \$10,000. We have to remove the 2/3 of lenders. It will cost more to go before the court. He quoted Brian Bush, "HOA is legislated by states. They'll legislate HOA's and eventually get rid of them."

(Aside: The Colorado Common Interest Ownership Act (CCIOA) governs HOAs in Colorado.)

Steve stated that there was an issue with strangers entering the neighboring house thinking they were going to the STR. This has really heightened concern for families' safety.

Board Positions.

- Jim—will move to President
- Joe—will move off board
- Rich—will move to Ex Officio
- Steve Ingersol—is on ballot for Vice President
- Barbara—will move off board as secretary
- Phyllis Sittner—is on ballot for secretary
- Michele Hagopian—is on ballot for member at large
- Sara Kershaw—is on ballot for member at large

We will continue to take nominations for all positions except President up until voting at annual meeting.

Background on Sara: Recently retired from the military. She flew C-130's. Her husband is still flying with the reserves. She is a civilian contractor and is teaching at a middle school

Sara Kershaw and Steve Ingersol left the meeting.

HPOA Board Meeting continued.

1. Jim thinks getting 2/3 of the homeowners to change things won't be a problem. He thinks we need to evaluate the 2/3 lenders problem.

The declaration of covenants section includes a nuisance law. We should evaluate the "Resolution at Cross Creek" as an example.

Joe—if we already have a nuisance rule defined, let's get our fee structure for it defined. Then we can at least begin fining the owner of the STR. ***We need a defined fee structure.***

Jeremy—agrees and states we should have that done very quickly.

Jim feels we should bring up the WIA security—not joining the WIA, just using the security they offer.

2. Annual Meeting on January 21st discussion.

Rich—how long will this take to set up? Everyone will help.
As for the computer, Jerry Peevyhouse will do this. Rich offered Steve's help with this.

Jim advised us his phone number has changed. He provided new phone numbers for Phyllis and himself.

Food—pizza and drinks

Door prizes—there will be three—2 from Wesley Owens and 1 from Serrano's.

3. Rich went line by line on our website. He feels we need an annual review of our insurance. We only have one carrier.

Jeremy feels it will be an easy review. We also need a reserve study. The last one was done by Chris Taylor 3 years ago. Jeremy agreed to look into it.

What is our liability? Does the state require it to be done? If something happens and we lack the funds, the HOA can be served with court papers.

We mow, take care of the retention pond, etc... But do we have liability insurance?

Joe stated that from the reserve study, we need to increase the fees to \$175 per year. We can always reduce this in the future if we decide.

Jim says we need to make sure all homeowners understand that we *have* to get our documents in order.

We can ask Steve to give us Karen Reutzel, the attorney's, phone number, but she is very expensive. It would come to about \$800/home. Jeremy knows someone else who may be more reasonable, and he will ask her. She's a real estate attorney.

4. Buc-ees. We know questions regarding this issue will come up at the annual meeting. How should we handle this? We can only have discussion on this—no decisions have been made yet. We should discuss this issue as a security/safety issue.

So, we will discuss Buc-ees as a security issue, and the dues increase (Jeremy will have already sent out the dues increase notice with the bills to all homeowners).

Rich will run the annual meeting.

Barb will give receipts to Jeremy for reimbursement for food, drinks, and door prizes.

Rich made a motion to adjourn. All agree.

Meeting Adjourned.

Addenda (not included in these minutes, but briefly summarized on the next page). Copies available to HPOA members upon request to HPOA Secretary at secretary@myhpoa.co):

- Addendum 1: Legal Memorandum regarding Analysis of Governing Documents for HPOA that was given to BOD and accepted at this meeting.
- Addendum 2: Short Term Rental Discussion Outline that Steve Ingersol handed out to BOD listing neighbor concerns.

Minutes prepared by Barbara Preslier, Secretary

Addendum 1: Brief Summary of Legal Memorandum regarding Analysis of Governing Documents

Karen Reutzel, Steve's attorney, did a brief analysis of HPOA governing documents and found that some of our governing documents are fine and meet state requirements, while others do not. She listed areas that need updating to align with changing Colorado requirements.

Addendum 2: Brief summary of Short-Term Rental Discussion Outline that Steve Ingersol handed out to BOD listing neighbor concerns

Steve's thoughts on STRs. Key points included: Lack of accountability from homeowners, degrades sense of community, nighttime nuisance, property values, security risks, etc. We may need an amendment to our declarations if we want to ban or limit STRs.