

DMCA Meeting Minutes

5/8/17

Board Meeting

6:20 PM meeting called to order.

Board Members Attending: Vince Snowbarger, John Young, Gordon Mull, Tom Seaman, Val Szwarc, Bill Lindler

1. Vince moved that the Minutes of the Board Meeting of April 10 be approved. Gordon Mull seconded. The Minutes of April 10 were unanimously approved.
2. John Young gave an update of DMCA's financial condition. He noted a number of recent payments. He also noted that the electric bill for April from San Miguel Power was the highest he has seen it. He speculated that the increase was the result of the well pump running more than usual due to water leaks that have subsequently been repaired. He expects the electric bills to normalize beginning in May. Gordon moved that the financial report as of May 31, 2017 be approved. Tom seconded. The report was approved.
3. Gordon provided an update of the status of our lawsuit with Garth Valentine. Per Attorney John Pfeiffer, no Proof of Service has yet been received for the first Demand Letter that he sent. To be on the safe side, he has sent a 2nd Demand Letter. Both of Garth's appeals have now been assigned to Judges. Otherwise, we are on hold for now. Ben Godbey has removed all items from the Storm King storage unit that DMCA was renting. The unit has been broom swept and the contract with Storm King has been cancelled.
4. Vince gave the Board a summary of the progress we have made in the past month regarding our web site. Vince has received proposals from Matt Scalf of iZooks and from Kathryn Burke of San Juan Publishing ("SJP"). Vince recommended, and the Board concurred, that we move forward with SJP primarily due to the fact that their proposal is less expensive. Vince suggested that he coordinate with Lysa Riggs who had previously been in charge of the DMCA web development project and that he, Lysa and Tom meet with Kathryn Burke as soon as possible to get SJP started with setting up a new web site. There was some discussion about other web sites for other HOA's in the Ridgway area. Vince recommended that our web site not be "realtor driven" and the Board concurred. Vince also recommended that our web site include a page for the Wood-Perry Ditch Company, and that the page include basic informative information. Further details will be hashed out in the coming weeks after further meetings with Kathryn Burke.
5. Vince provided an update on the Member Survey that we have been developing with regard to determining the consensus of the members regarding whether or not nightly rentals should be permitted within DMCA, and if they should be, what if any restrictions should be applied. Bill Lindler noted that "Accessory Structures" are not clearly defined in the CC+R's. Gordon concurred, observing that "Secondary Structures" need to be defined. Bill noted that the CC+R's

do define what “Accessory Structures” are, but they do not state whether “Accessory Structures” can be rented either for a short or a long term period. Bill observed that we need to clarify both whether “Accessory Structures” can be rented at all, and if so, whether those rentals can be short term, long term, or both. John Young observed that long term rental of an “Accessory Structure” violates the provision of one family residence per lot. Vince noted that “single family” is defined, not “primary residence”. John noted that his house has a guest room over the garage. It does not, however, have a kitchen. Therefore it is not considered a residence under Ouray County codes. Vince stated that we do not necessarily have to conduct a survey. Rather, we could propose modifications to the By-Laws for the membership to vote on. There was some further discussion about what makes an “Accessory Structure” a separate building. Tom asked whether a breezeway connection to a secondary structure would allow it to be considered part of the primary residence. Gordon thought it would. Vince noted that, if his workshop had a stove, it would be considered a “residence”. Val observed that we need to define “family”, i.e. – immediate family, in-laws, foster children, etc. Bill read an excerpt from the CC+R’s that discusses having up to 3 structures on a lot, only one to be a “primary residence”. Vince observed that it remains unclear where the membership is on the nightly rental issue. He stated that the original By-Laws were very clear that nightly rentals were prohibited. Gordon explained that the reason the previous Board amended the CC+R’s was to address existing nightly rentals by certain members. We ended the discussion with Vince agreeing to add one additional question to the Survey which will address “Accessory Structures”. Then Vince will post the Survey.

6. Bill gave us an update on ACC business. Caroline McAndrews intends to build a house on the lot next to Don Scholl. She asked Bill how to apply for DMCA approval. Bill and Val have updated the ACC Approval Form which Bill circulated to the Board for comments. Bill will add an acknowledgement and signature line. Gordon recommended that the form require the applicant to attach a complete set of building plans approved by Ouray County before the ACC should consider an application. Gordon further suggested that the ACC require detailed 3-D elevations. Some discussion ensued noting that not everyone uses an architect. However, the Board agreed that Gordon’s comments should be incorporated into the ACC Application. There was further discussion about the CC+R’s requiring all new structures to be compatible with existing structures. Gordon noted that this was not considered in the case of the Taylors’ new garage. He noted that it is important for the ACC to know what a new structure will look like before approving it. Bill agreed that the ACC should take “compatibility” into account. Bill noted that Ms. LaCourt’s new fence is not compatible with anything in the neighborhood, and that he and his wife do not approve of it. Gordon noted that Ms. LaCourt is now incurring fines for not having removed by now what was supposed to be a temporary fence, and that it is now time for a second letter to her. Vince asked Gordon to update us on how much Ms. LaCourt owes in penalties at this point. Vince summarized that, while DMCA’s water lines are roughly 5’ deep, Ms. LaCourt’s irrigation pipes are likely to be only about 6” below ground. Vince agreed to send Ms. LaCourt an email reminder that her temporary fence was supposed to have been removed at the end of the winter.

7. Bill explained that Ms. LaCourt had expected a full grant for her system to access river water. It turns out that the approved amount of the grant is roughly \$26,000, not the total cost of the system which is roughly \$90,000.
8. Vince asked whether a new water meter had been installed on Lot #1 in compliance with the remote-read requirements. John responded that it has not. Bill asked if he could contact the same contractor to see if an extension could be installed on his remote reader to allow it to be read from closer to the road. Bill will follow up with John.
9. John provided a summary of the recent water leak repairs which have now been completed. He expects to see a reduction in our monthly electric bill as a result of these repairs.
10. Val provided a summary review of DMCA's insurance. He noted that our Agent is recommending a) that contractors that we hire have their own insurance, and b) that we get Hold Harmless Agreements from those contractors to cover homeowners who get injured assisting the contractors. Val observed that homeowners who elect to hire uninsured contractors do so at their own risk, but as a Board, we need to consider protecting the homeowners from contractors that we may hire. Vince observed that it may possibly be a prohibitive cost for certain of our contractors like Larry Benasutti or Steve Scheu more to get riders. There was some discussion about what we pay Larry and Steve (Steve gets \$100 per month plus expenses to read water meters; Larry gets \$780 every two months to monitor water quality, oversee State Inspections, etc.) Gordon suggested that we ask Larry if he can provide a certificate of insurance. Vince agreed to ask him. John mentioned that we have not been giving Steve 1099's. It was the consensus of the board that we issue 1009's to Steve going forward.
11. John suggested that we ascertain whether or not Ms. LaCourt's water meter can be read remotely. Ideally she would run a wire to Cty Rd 24 so that Steve Scheu could read her meter without entering onto her property. John will follow up with Steve Scheu.
12. Bill noted that he will modify the new ACC Approval to form include specs as to which water meter is required within DMCA.
13. Due to various Board members' schedules in June, the next meeting is scheduled for June 19 at 6 PM at Gordon's house.

The meeting was adjourned at 8:25.