

DMCA Board Meeting Minutes

4/9/18

Meeting called to order at 6:10

Attending: Vince, Gordon, John, Tom, Val, Gary

As Guests: Andrea Sokolowski + Grant Kleeves

Letters to the Board from Lysa Riggs, Caroline McAndrews and Andrea Sokolowski are attached.

1) John moved that the Minutes of the March 12 Board Meeting be approved. Val seconded. The minutes were unanimously approved.

2) Vince suggested that we start the meeting with Andrea and Grant. Andrea referenced an email that she had sent to everyone earlier in the day. The email included letters from Lysa Riggs, Caroline McAndrews and Andrea. Copies of each of those letters are attached to the end of these minutes.

Andrea read the letter that she had written. Vince asked for comments. Tom suggested that there are no bad dogs, only bad owners. John stated that he agrees with the positions Andrea has taken in her letter except that the Sheriff should be involved when personal injury is at stake.

Gary stated that it is not for us to enforce laws. He stated that the CC+R's are under the purview of the homeowners and it is their judgment call when to call the cops. It is then up to the cops to determine whether the matter is under their jurisdiction or not. John and Gary both noted that whether or not to involve the police should be on a case-by-case basis.

John stated that he had seen Andrea walking her dogs off the leash, but that the moment she called them, they heeled as they were told to. They were clearly under her voice control.

Vince made the following comments: 1) If we are under County jurisdiction, it is up to the Sheriff to enforce leash laws; 2) Many DMCA members at the Annual Meeting spoke up strongly in favor of the Board regulating leash laws; 3) Going forward, we will have renters in the neighborhood with dogs. What is our HOA's liability is a renter's dog injures someone? The HOA could be sued if we don't have regulations or if we don't enforce them. Gordon concurred that enforcement is the key issue. Vince noted that the CC+R's require that dogs be kept behind a fence, and that the Fish + Game Warden has said that dogs chasing wildlife will be shot. Pretty extreme, but that is the law. Gary observed that, as a Board, we can be more restrictive than the regulations but we can't be laxer.

3) Andrea noted that Lysa Riggs was particularly grateful that she, Andrea, was able to contact her regarding the recent wildfire that threatened our neighborhood. Andrea stated that she would have contacted other members, but that she did not have their contact information.

4) Andrea made one last comment about the issue of dogs. She noted that the Board has probably heard about the incident involving Gretchen Lindler, her dog, and Andrea's dogs. Andrea told us that she had her dogs outside her house, that she went inside just for a minute, and that in that minute, Gretchen walked by with her dogs and Andrea's dogs attacked them. She stated that she and Grant are considering installing an electric, or invisible, fence. Grant asked if the Board could just state that the Ouray County rules regarding dogs apply in DMCA. Vince responded that a copy of the ordinance had already been emailed to DMCA owners.

5) Andrea asked how long VRBO's have been allowed. Val stated since 2014. Andrea questioned why regulate dogs after 14 years when VRBO's have been allowed for only 3 years. Vince noted that, until 2017, there was only one member in DMCA doing nightly rentals. A second member had considered doing them but had decided not to after Ouray County began regulating them. Now clearly more members are considering doing nightly rentals.

6) Andrea stated that she and Grant are considering doing nightly rentals. She stated that they would notify their renters about DMCA's dog regulations.

7) John suggested that Andrea look into the 10' runs that Murdoch's sells. Gordon concurred and noted that even a smaller one might work well. Val suggested that, if Andrea does consider a fence, she should get in touch with the ACC.

8) John provided the Financial Report. He noted that, while quite a few members had sent in their annual dues, many had elected to only pay ½ at this time. He reviewed expenses paid in the past month to Larry Benasutti, Steve Scheu, San Miguel Power and Apex for water testing, leaving an ending balance of \$12,029.96 in our operating account. John noted that we may want to put some funds over into savings.

9) Val asked if anyone had looked into establishing a money market account or another higher return option for our funds in savings. There was a general discussion which concluded that we are prohibited from putting DMCA funds into higher yielding accounts or investments.

10) Tom moved to approve the Financial Report. Gary seconded. The Financial Report was approved unanimously.

11) Gordon provided a review of ongoing legal matters. He sends Lynn LaCourt a statement of her balance due for fines and penalties at the end of each month. He noted that there have been no new developments regarding the Valentine lawsuit.

12) Val provided a review of ARC business. He noted that there is a revised ARC Approval Form. There was a discussion about the form needing additional space as well as some comments about wording. Val agreed to address the questions and provide Tom with final documents to be posted on the website.

13) Gordon noted that he will be making the necessary arrangements to have the gate installed for access to our water tank.

14) Gordon made a motion to approve an expenditure of \$85 for San Juan Publishing to modify our web address to an "https" secure heading reflecting the fact that people have been having difficulty logging in. Val seconded. The motion was unanimously approved.

15) Val asked whether Sara Born and Michael Pennings had increased the height of their fence. He noted that there was no ARC application submitted. Val agreed to contact them.

16) Val noted that no ARC application was submitted for Caroline McAndrews' landscaping. Val noted that lawns are not to exceed 2,000 sq. ft. John observed that, if she is using ditch water for irrigation, she can have as large a lawn as she wants. Val agreed to contact Caroline.

17) John gave the water report. He noted that we have had a leak at the end of Dallas Court. He will ask Ralph Lowery to create a berm to protect the utilities when he repairs the leak.

18) John handed around a new Water Overage Invoice form which he will implement at the end this month.

19) Vince informed us that the Daniels lawsuit has been dropped. There ensued some discussion about how to handle members who fail to pay water usage bills. Gary observed that we need to be consistent in how we handle these types of situations. There was some discussion about our ability to disconnect someone's water for failure to pay usage charges. Vince noted that we need to give a formal notice. John mentioned the situation with the Bennetts last summer when a hose was inadvertently left on for roughly two days. This caused a significant water bill that was not due to a broken pipe. Rather, it was an error by the homeowner that resulted in a fee being billed. John noted that the treatment of this matter was consistent with our policy.

20) Vince stated that we need to update our contact list, and that members' personal information can only be distributed with the member's consent. It was agreed that Vince would send out contact information sheets that would be returned to Tom as Secretary.

21) Vince asked Tom if he had received any forms or documents for posting on the website. Tom said he had not. Gordon, John and Val will be sending current forms for posting.

22) There was some discussion about whether DMCA should consider hiring a management company. Vince noted that, for an apparently modest cost, we would probably get a significant amount of services as well as some comfort in knowing that we will stay current on regulatory changes as they occur. We agreed to get a couple of quotes.

23) There was some discussion about the monthly newsletter. It was suggested that columns could include ARC and water news as well as reminders about dog regulations and the like.

Vince moved to adjourn the meeting at 8:05 PM. Tom seconded. The meeting was adjourned.