

DMCA Board Meeting Minutes

6/17/19

Meeting hosted at the Taylors and called to order at 6:05 PM.

Attending: Vince, Val, Rick, Gary, Tom.

Guest: Caroline McAndrews

- 1) Val noted that the minutes of the May board meeting did not include mention of the draft Short-Term Rental regulations ("STR regs") that he and Tom had drafted and circulated to the board for comments. Val suggested that the STR regs be reviewed by our attorney, once we finalize our selection, prior to the board voting on their adoption. Vince concurred. Val moved to approve the May minutes subject to Tom adding a paragraph about our discussion of STR regs in May. Rick seconded. The May minutes were unanimously approved subject the addition of the noted paragraph.
- 2) Rick provided the Financial Report. He noted that there is a discrepancy in the calculation of Lynne LaCorte's current outstanding of fines and past due fees. Gordon's worksheet shows \$4,100.76; Rick's calculation totals \$3,675. Tom suggested that we first find the missing \$425 then give Ms. LaCorte notice in the form of a demand letter. He suggested that we develop a policy regarding when we commence action to collect outstanding balances. Val suggested that we institute late fee, perhaps in the amount of \$45, on unpaid balances.

There was a discussion about outstanding dues which are due at the end of July. Vince agreed to send out a notice regarding the upcoming deadline.

Rick gave the water report. He noted that Judi Snelling's balance of \$42 has been forgiven since her water usage for June is roughly in line with her usage in June 2018 (as we agreed in our May board meeting).

Rick noted that the Lindlers' water meter could not be read remotely and that it has been broken for over a year. There was a brief discussion about members owning their meters and being responsible for keeping them in good working order.

Rick noted our bank balances. There was a general discussion about reconciling our bank account and tying the balances to the Alpine Bank statements each month.

Tom made a motion to approve the June Financial Report. Gary seconded. The report was unanimously approved.

- 3) Rick gave the Financial Report for April. He noted that the Romney Law Firm may have been paid twice for the same invoice. He agreed to check, and if so, call the firm for a refund.
- 4) In Gordon's absence, Vince updated the board on the status of the Valentine foreclosure. Attorney Pfeiffer reported that Garth's mother has now been served and that he has requested permission from the Court to serve Garth by publication.

There was a brief discussion about the cattle on Garth's property. Rick asked whom we would call if they wandered onto another member's property. Vince noted that Lot 21 is the only lot in DMCA that is approved for agricultural usage.

- 5) Val and Tom summarized the results of our attorney reviews so far. We noted that both Julie Huffman and Daniel Zemke appear to have the experience and ability to do a good job representing DMCA. Based primarily on cost and proximity, we recommended Julie Huffman. We also noted that she is more likely to be available to us for litigation requirements if necessary as Daniel Zemke does not personally do litigation work.

Val noted that, in interviewing Julie Huffman, she made a passing comment that there may be a question as to whether she can be effective in front of one particular Ouray County Judge who appears to not always work well with female attorneys. Tom and/or Val will report to the board by email after discussion with her.

The board agreed that, if we determine that she can be effective in court in Ouray County, we would engage her. Her initial tasks would be:

- a) Review our draft STR regs on conjunction with our CCR's;
- b) Review the ADU question as it relates to Link's ARC submission; and
- c) Review the LaCorte fines and fees and advise us as to enforcement action.

Rick made a motion to hold off on attorney selection pending Tom or Val's email, then have a vote by email whether or not to approve the selection of Julie Huffman.

- 6) Vince reported the results of the Title Search that we commissioned on Feierabend's property to track the history of the utility easement across his property.

The search showed the easement. It is marked "Road + Utility Easement". Vince noted that all roads in Dallas Meadows were deeded over to the County who now owns and maintains them. If this easement were a road, it would have been

deeded to the County as a public thoroughfare. This means that the easement is solely an access for utilities and not a road for general access. Further evidence that it is not a road can be seen in the cross-section of the plat which shows that the construction of the roadbed for the roads is markedly different from the utility easement.

Gary remarked that Andrea Sokolowski and Tom Bennett are making a case that the easement is a road. We now have two pieces of evidence that it is not a road, and the County is not showing it as a road.

After some discussion, Tom made a motion, and Val seconded, that there is no evidence that has been provided to the board that overcomes 40 years of history that it is solely a utility easement with no general access permitted. The motion was unanimously approved.

- 7) Rick noted that both the Cipov and the Parkison properties are either already on the market or will soon be coming on. Gary asked who owns the fence between Riversage and our common area. Vince agreed to ask Rick Weaver.
- 8) There was a brief discussion about our water system. In Gordon's absence, Vince was not sure if we had heard back from the engineers whom Gordon had met with.

Vince noted that he has received a formal notice of termination of the access agreement that we have had with Riversage for repairs to our tank when necessary. DMCA will no longer have access to our water tank from the Riversage side after October 11 of this year. Rick Weaver did offer to provide dirt if we choose to grade an access road from our side.

There was a discussion about whether we can access the tank from our side. It appears that access from the utility easement would be too steep. Vince agreed to ask John Young whether they might permit emergency access through their property. We also reiterated the importance of researching whether a high power pump would be a viable alternative.

Gary again recommended that we get the engineers to do a study about the long-term health of our aquifer. We all concurred.

- 9) Val gave the ARC Report. He advised us that Caroline McAndrews has joined the ARC and that Steve Chevalier has resigned.

Val informed us that he notified Matt Link of the board's position against ADU's based on the discussion at our May board meeting. Matt's reply was just to ask whether any ADU would be rejected. Val told him that it would.

There was a discussion about Ouray County rules relating to whether someone can live in an ADU while building a main house. There was also a brief discussion about the Taylors' ADU. Vince observed that just because the ARC

made an error with the Taylor's ADU application does not mean that they are permitted in DMCA. They are not.

Val commented that "the ball is now in Link's court" how to proceed with his ARC application.

There was some further general discussion about ADU's, STR's, and the regulations governing both. Gary questioned the reason for DMCA requiring a permit fee as currently incorporated in our draft STR regs. Vince noted that members doing STR's are supposed to notify the board. Gary thought that perhaps the fee could be allocated to paying for an HOA manager if we can identify one. Gary indicated that he would email Tom his comments on the draft STR regs.

Vince noted that the County is considering changing its rules regarding new construction which, if enacted, will effectively ban wood siding due to the risk of wildfires.

Rick moved to adjourn at 8:20. Tom seconded. The meeting was adjourned.