

**WILLOW CREEK PASS VILLAGE ASSOCIATION**  
**BOARD OF DIRECTORS MEETING**  
**North Routt Fire District**  
**April 23, 2009**

Representing the Board:

Lanny Mack, Pat Aiello, Susan Marshall, Tim Stone

Representing management: Sue Hochreiter, Hans Hochreiter

Minutes- **Motion:** Susan moved to accept the January minutes. Tim 2nd. All approve.

**Financials:** Board reviewed financial statements of March 31, 2009, as prepared by Double H Management. Board discussed delinquent accounts and directed Lanny and Double H Management to proceed with foreclosure on two unpaid accounts. Nine members still unpaid for 2008/2009 snow removal. Board directed Double H Management to contact each member with unpaid snow removal assessments to ascertain reasons for non-payment. Susan volunteered to contact three of the nine.

Association has one account where a construction deposit was collected and building plans submitted, but the lot was sold before construction and remains a Class A. Hans reported no estoppel at time of sale. Board directed Double H to return the deposit to the original owner, if possible, and to classify the lot as a Class B, and any future construction will need a new construction deposit.

Lower Beaver Canyon assessment- Lanny reported that the Association has assessed over 500 lots for road construction (pit run) over the years, and only one person has not fully paid. This work was assessed to each lot (\$892) in 2001. This owner was contacted in 2006 when no payments had been received, with agreement owner would make payments, and the association would not charge interest or take further collection actions. Payments were made, but became less frequent, then stopped. Currently owes \$292, and no payments for over one year. Board directed Double H to contact the owner and re-instate the 18% interest charge until full payment is made.

**ECC-** Board discussed the construction deposit (\$1000) policy. Currently, deposit returned 12 months after Certificate of Occupancy (CO) obtained, and all work completed to ECC satisfaction.

**Motion:** Tim moved to allow construction deposit refund immediately after CO is signed. Pat Aiello 2nd. All approve.

Board discussed the CC&R requirement that the construction of houses is required to be “substantially enclosed” within 12 months. Board concerned with houses under construction for many years, with a few in the community at more than a decade.

**Motion:** Tim moves to establish ECC policy that new construction must be completed within 3 years of application date. If not, a fine of \$100/month will be charged until project is completed. These charges will be deducted from the construction deposit. Susan 2nd. All approve. Board agrees to present at annual meeting for community input, prior to implementation of new policy.

Tim reported that Duane Buschow has submitted plans to build a 16x22 outbuilding on his property. Tim feels that outbuildings should require \$1,000 deposit to build, as it ensures he builds what is on his drawing and not on other property. Pat thinks 350 sq ft building should pay \$500 deposit and if building is smaller, lower deposit. Board agreed that all outbuilding construction will require a \$500 deposit.

**2009 Projects/Budget-** Budget: Current cash balance is \$148,000, with current liabilities at \$15,000 for snow removal and management fees. Board discussed 2009 budget, income and 2009 expenses.

Lanny said he received a letter from Cory Hamilton, homeowner on Myrtle Court requesting snow removal for his home and for the home on Frisco Place. Association has not plowed these in prior years due to owners opting out, as well as inadequate road construction. These roads have no road base. Board agrees to upgrade these roadways with road base this year, with any requirement for pit-run improvement to be assessed to owners along ROW. Board agrees to the following priority roadwork areas:

- 1) Maintenance on all improved roadways.
- 2) Survey of Venus Place and Longfellow
- 3) Widening of Venus place from Beaver Canyon to St. Louis Place intersection.
- 4) Road base on Myrtle Court, Frisco Place, and Olive Street as funds allow.
- 5) Culvert repairs and drainage

Additionally, Ron Davies will coordinate maintenance of entry signs.

**Motion:** Pat moves to have Lanny contract and coordinate roadwork for a not to exceed amount of \$95,000, including dust control. Susan 2nd. All approve.

**Clean up day-** Susan reported it would cost \$4,000 to have dumpsters placed at subdivision. Last weekend in May was decided for this and will run over one weekend. Susan will schedule delivery, and notices sent with next newsletter.

**Dead Trees-** Susan reported that the Forest Service matching funds (\$15,000) have been granted for the owners in Filing 1. Each of the owners will receive up to \$1500 matching funds for tree clearing expenses. Forest Service requested they pay WCPVA lump sum, and WCPVA distribute to homeowners. Susan will coordinate.

Forest Service project on adjacent lands east of filing 1 is now in public comment period. Board will post link on web site, and include notice in newsletter. Lanny felt the area in filing 2 near Jupiter needs to be budgeted for 2010, as WCPVA is responsible for the greenbelt parcel. Susan will get budgetary numbers.

**By-law revisions-** Lanny will draft and consult with attorney and have ready for adoption at next Board meeting, then proposed by-law changes will be mailed to all owners with annual meeting notice. Board discussed possible by-law revisions:

1) Quorum requirement: The original CC&Rs required only 100 votes and 10 owners in attendance. In 2001 it was changed to 250 votes and 50 owners present. Problem is that proxies do not count toward quorum, and the 50 owners present requirement is difficult, with

last year no quorum met. Board agrees to change by-laws so that 50 owners participating establishes quorum, either by proxy or in attendance.

2) By-laws require July or August for the annual meetings. Board agrees to change to allow flexibility, as this requirement poses a problem in case meeting needs to be re-scheduled.

3) Special Meeting of Membership- By-laws specify special meeting can only be called by President or the majority of the Board. Lanny said state statute specifies that a percentage of the membership (20%) can call a special meeting, unless otherwise specified by the by-laws. Board agrees to modify to allow membership a method to call for special meeting, consistent with state statute.

4) Board member terms: Lanny felt the current language for terms could be cleaned up and made more consistent, with some clarity of when terms end and what happens without a quorum in order to maintain staggered terms of Board members.

5) Recall election: Currently, a single individual can call for a recall of a Board member, with or without reason. Lanny felt this should be more in line with state statute, given that recalls are very divisive in the community, as well as they can be expensive with legal costs and special meetings. Statute requires a percentage (10%) of outstanding votes to call for a recall. Board agreed to by-law change to more clearly define recall procedure, and set standard to that of state statute.

#### **Other Business-**

Covenant enforcement: Board agreed to inventory (by mid-May) the community for violations, specifically trash, unfinished construction, fuel tanks, and homes in disrepair. Double H will send letters to anybody not in compliance with covenants as directed by the Board. Board would like this information by mid-May.

Snow removal- Lanny stated it was reported to him that two residents tried to assault the grader operators by climbing on the grader and trying to get in the cab. Both arguments were over berms in driveway, and both residents called the sheriff in an attempt to direct our contractor not to plow on their property. Ron Davies coordinated with each of them for the Board.

Next meeting is Saturday, June 20th, 10am at North Routt Fire District.

Meeting adjourned 7:45pm

Respectfully submitted,

Sue Hochreiter  
Business Mgr.