

# Columbine Lake Country Club, Inc.

## Board of Directors Meeting

Minutes of November 8th, 2008

### **I. Call to Order:**

-President Dick Lacouture called the regular monthly meeting of the Columbine Lake Country Club, Inc. Board of Directors to order at 8:00 AM. Other Board Members present were Scott Wilson, Jeff Buckley, John Amerman, Tony Lombard, Linda Willing, and DeWayne Stelljes. Board members absent were Jim DeMersseman and Kirstin Reimann.. Staff members present were Ken Lund and Terry Rotter.

### **II. Acceptance of Minutes:**

-The October minutes were reviewed and accepted with corrections.

### **III. Members' Forum:**

-Ron Cross owner of Block 10, Lot 8 thanked the staff and the Board for acting quickly to have the playhouse moved from the road and put on a permanent foundation that meets required set backs, and the removal of the extra propane tank located in Block 12, Lot 3.

### **IV. Financial Reports:**

- Treasurer Wilson noted we have only one new home start and we may have another one in the spring. We may come in under the forecast for new home starts. A mid-year analysis will be conducted to see where we stand, probably in January.
- The new heat exchanger and Grand Environmental Services cost will be reimbursed from Reserves as these costs are budgeted in this year's Reserve funds.
- The purchase journal was reviewed and it was noted that we pay separately for each office phone line including the fax machine line. There is a new pub table and chairs for the pool room purchased at a garage sale. Treasurer Wilson reviewed the cost for the removal of old tires for our owners, and feels this is a justified cost and helpful service provided to our owners.
- A motion was made and passed to accept the financial report as presented.

### **V. Manager's Report:**

-The CLCC attorney, Rich Newton contacted the Ellwood's attorney regarding their request for a fence on an unimproved lot at Lot 9, Block 18 as a result of a letter we received from their attorney last month. After a discussion with the Ellwood's attorney, Mr Newton requested that the General Manager look at the property to see if there was anything CLCC could suggest as a solution to the Ellwood's. Ken Lund was able to meet with the adjoining neighbors, Mr and Mrs Patterson located in Block 9, Lot 12 while at the lot, and looked at the view of the lake and mountains from their deck. It was determined that a shorter fence would delineate the property line between their lot and the Ellwood's without obscuring their view of the lake. A single rail, split rail fence no higher than 28 inches, which matches the existing fence would be acceptable to them. This information was conveyed to Rich Newton, who passed it along to the Ellwood's attorney. The attorney, on behalf of the Ellwood's submitted a letter amending their fence request to the specifications agreed upon by the Patterson's, and also requesting an exception to the Building Criteria in order to construct a fence on an unimproved lot.

**-A motion was made and passed to grant Ellwood's an exception to the Building Criteria based on the history of encroachment by contractor, and visitors to the adjoining lot, and based on the fact that over half of the proposed fence will be on an improved lot.**

-The staff worked with ATH Specialties to repair a culvert at the intersection of Kinnikinnick Rd. and Phlox which has been buried for some time. The high pressure truck from Three Lakes was able to find the bottom, but could not get the hose all the way through. The solution was to remove the PVC and small pipe and attach additional 18 inch culvert, moving the exit point down Phlox. The left side of the front wall of the clubhouse has been collapsing and needed the concrete extended to keep the dirt on the side in place.

-Danny Archer poured an extension to the wall which will keep the dirt in for many years. The concrete pad was also extended in front of the dumpster. This should make it easier to keep the entry to the dumpster ice free this winter. Total cost for the two projects should be around \$600.00.

-A.T.H. Specialties removed the remaining lodgepoles from behind the office. The remainder of the mature trees around the gazebo will be removed as soon as the ground freezes, in order to reduce damage to the area around the gazebo.

### **VII. Administrator's Report:**

-Rich Newton, our attorney has proceeded with foreclosure for four unpaid assessments.

-We have received most of the final payments for assessments. We still have some unpaid, but late fees will not be billed until December 1, 2008.

-There are nine properties that taxes remain unpaid. C.L.C.C. has bid on all nine properties and the bidding closes on Friday November 7<sup>th</sup>, 2008.

-Our annual review from Bondi and Company will be complete by the December meeting.

-Mr. Varga owner of Block 9, Lot 29 purchased the property with a garage. A letter was sent to Mr. Varga requesting legal fees for \$624.00, one half of our attorney's fees. The letter received from Mr. Varga stated he did not feel he should be responsible for all of the legal fees and sent us a check for \$110.00.

### **III. Unfinished Business:**

-The Board requested a letter be sent to Mr. Spies owner of Block 5, Lot 11 regarding a variance that is required based on the survey conducted during his home project. The letter will also be forwarded to the neighbor requesting a determination on which property requires the variance. The letter will be filed in both owners records for future reference.

### **IX. New Business:**

-Four Directors will schedule a meeting to review the Building Criteria, Covenants and fees for possible future changes. The Director's are Scott Wilson, John Amerman, Tony Lombard and Jim Demersseman.

- In preparation for the hearings to be conducted later in the day, Dick Lacouture asked Ken Lund to review the Tree Removal Program to date. Ken reviewed the program including key documents, dates, and timelines. The specific events which resulted in the need for hearings to be conducted were reviewed, including the notification of owners who requested a hearing, and those who submitted documentation summarizing their position on the matter. Ken presented four cases where the re-inspection by Grand Environmental Services confirmed the material submitted by the owners and determined that they were in compliance on September 15<sup>th</sup>, 2008. Procedures for the conduct of the hearings were then reviewed by the Board members, and general guidance given by Dick Lacouture.

## **X. Adjournment:**

-The regular meeting was adjourned temporarily at 9:35 AM for Hearings, related to alleged violations of the CLCC Tree Rule & Regulations.

## **XI. New Business (continued):**

-The Board reconvened at 10:30 to review the findings made by the Hearing Panel concerning the imposition of fines resulting from violations of the CLCC Tree Rule and Regulation (the "Tree Rule"). President Dick Lacouture reviewed the procedures for imposing fines and the relevant schedule of fines. Following discussion, **A motion was made and passed stating that all fines imposed by the Board of Directors are to be paid within 60 days following the effective date of the fine.**

- Upon review of the Hearing Panel's findings, the Board separated those property owners who were found not to be in compliance into four categories: (1) Not in compliance on September 15<sup>th</sup>, 2008, but in full compliance upon re-inspection on November 6<sup>th</sup>, 2008. (2) Not in compliance on September 15<sup>th</sup>, 2008, but with some apparent and meaningful work accomplished, and personal assurances by the owner that work would be progressed to achieve compliance within a reasonable period. (3) Not in compliance on September 15<sup>th</sup>, 2008, but the property had been recently purchased by a new owner who claimed lack of notice of tree removal requirements applicable to the property. (4) Not in compliance on September 15<sup>th</sup>, 2007, and not in compliance upon re-inspection on November 8<sup>th</sup>, and with no evidence of any work done to come into compliance.
- After discussion and a review of the relevant information and taking into account that this was the first year of fine enforcement under the Tree Rule, the following motions were made and adopted:

**-That the four owners in category (1) be fined \$100 (effective Nov. 8, 2008).**

**-That the three owners (four properties) in category (2) be fined \$250 per lot, effective Nov. 8, 2008, for non-compliance with the Tree Rule, and be fined an additional \$100 per lot, effective December 31, 2008, if verifiable evidence of full compliance is not provided by the property owner to CLCC management on or before that date. Each of these property owners would also be fined \$100, effective May 1<sup>st</sup>, 2009, if verifiable evidence of full compliance has not been provided to CLCC management by the property owner on or before that date, and additionally would be fined \$100 effective on the first day of each following month unless such evidence is so provided on or before that day.**

**-That the new owners in category (3) will not be fined, based on their respective claims that they did not have actual notice of the compliance requirement applicable to their respective lots, and also based on the fact that, by the date of the hearing, two of the three have already come into compliance and the third had submitted a plan for tree removal to bring his property into compliance.** With respect to these new owners, the Board expressly noted that this decision was largely based also on the fact that this was the first year of Tree Rule enforcement and that it should not be considered a precedent for future new owners of property in CLCC given an expected duty to inquire as to the status of a property under the Tree Rule (a copy of which is publicly available on the CLCC website).

**-That the two owners in category (4) be fined \$750 per lot, effective Nov. 8, 2008, for non-compliance with the Tree Rule, and be fined an additional \$100 per lot, effective December 31, 2008, if verifiable evidence of full compliance is not provided by the property owner to CLCC management on or before that date. Each of these property owners would also be fined \$100, effective May 1<sup>st</sup>, 2009, if verifiable evidence of full compliance has not been provided to CLCC management by the property owner on or before that date, and additionally would be fined \$100 effective on the first day of each following month unless such evidence is so provided on or before that day.**

All owners will be notified in writing of the Hearing Panel's findings and the Board's decisions in this matter, in accordance with the Hearing Policy and Procedures. There being no further business to discuss, the Board adjourned at 4:10 PM.

Respectfully submitted,

Terry Rotter, Administrator

Columbine Lake Country Club, Inc.