



# Kissing Camels Property Owners Association, Inc.

## BOARD OF DIRECTORS REGULAR MEETING January 27, 2022 MINUTES

**CALL TO ORDER** – At the direction of the President, the meeting was called to order at 3:00 PM.

**Attending** – Quorum was established:

Board President	Matt Coleman	Present
Vice President	Luke Travins	Present
Secretary	Marie Parkinson	Present
Treasurer	Bill Sanden	Present
Board Member	Scott Hente	Present
Board Member	Sandi Swinford	Present
Board Member	Mark Holthouse	Present

Diane Hampson, KCPOA Community Manager, and Teresa Lamothe, Assistant Manager were in attendance.

### **Announcement by President**

Management is recording this meeting for the purpose of verifying the minutes; the executive session will not be recorded. After management composes and the EB verifies the minutes this recording will be deleted. This announcement will become standard practice incorporated into minutes going forward. This is a procedural change to assist the EB and management office.

### **Introduction of Guests in person or via Zoom**

- a. Ben Klaus, Director of Maintenance & Construction & Jason Stephenson, Director of Community Management - Colorado Springs & Arthur Beisner, Director of Community Management – Denver, RowCal
- b. Peter Martz, KC5 LLC - attended remotely.
- c. Erik Isaacson, Senior Project Manager, Toll Brothers – attended remotely.
- d. Dick McCaskill, IC Chair – attended remotely.

### **Review and approve minutes from December 2, 2021, Regularly Scheduled Meeting**

A motion was made to approve the minutes from December 2, 2021, as amended. (Hente/Holthouse). Motion passed.

## **Infrastructure Committee (IC) Report – Mark Holthouse**

### a. RRP1 DA Amendment (aka “Preserve at Kissing Camels”)

1. The IC has approved the Amendment to the Development Agreement for Red Rock Point 1. Mark Holthouse provided a written summary prior to the meeting. As discussed at the last EB meeting, significant points of the Amendment are:
  - i. Defines a TOF by lot and re-specifies which are “walk-out” lots.
  - ii. Confirms that the GOGC will provide water for common area landscaping during the warranty period.  
The IC received the signature page from GOGC.
  - iii. Allows building a single “Featured Home” for use as a sales office.
  - iv. Allows starting construction of “Quick Move-In” (QMI) homes prior to purchase where exterior and landscaping must be completed within 15 months.
  - v. Provides for a \$500 ARC review fee for each lot and its landscaping, and a \$100 additional fee for “substantial changes to an approved application.”
  - vi. Strengthens the indemnification provided to KCPOA during construction and warranty to match that of the draft RRP4 Development Agreement.
2. The IC recommends the EB to approve the amendment to the Development Agreement for Red Rock Point 1.
3. A motion was made to approve the Amendment to the Development Agreement as presented. (Holthouse/Swinford). Motion passed.

### b. RRP4 DA (aka “Red Rocks at Kissing Camels”)

1. The IC recommends that the EB approve the Final Development Agreement for Red Rock Point 4, incorporating the Final Development Plan that has been approved and stamped by the city. The DA was included in last month’s Board package; the Development Plan is in the KCPOA management office.
2. Peter Martz, KC5, LLC added that in the city process Peter anticipates the final plan submittal will be approved mid-January and ready to record before the end of February. Other utility easements have been delivered to the IC for approval.
3. A motion was made to approve the Final Development Agreement subject to modification of the language as discussed so that the language of RR4 DA conforms to what the EB approved in the Amended RRP1 Agreement regarding “featured” and “QMI” homes (Holthouse/Hente). Motion passed.

### c. Appoint New Voting Member to the IC. The IC Chair recommended John Hurwitz to the EB for IC membership.

1. A motion was made to approve the following appointment: With authority of 7.1.r of the Bylaws of KCPOA, Mr. John Hurwitz is appointed and will be the seventh voting member to serve on the Infrastructure Committee effective this date. (Holthouse/Sanden). Motion passed.

d. Amendment to Resolution for the Formation of the IC

1. The President summarized that this is an Amendment to the Resolution for the IC to clarify that the IC is responsible for the development process through the end of the warranty period, including perimeter fencing. After final acceptance, the Security and Communications Committee becomes responsible for perimeter fencing.

**Resolution for an Amendment to the Resolution for the Formation of the KCPOA Infrastructure Committee:**

The Kissing Camels Property Association (KCPOA) Executive Board (EB) by this amendment to resolution, based on Articles 5.1 and 5.2.9 of the Amended KCPOA CCRs, formally establishes the KCPOA Infrastructure Committee (IC), reporting to the EB, and delegated with the tasks of:

1. Implementing the KCPOA land development process for unplotted vacant land parcels, *which process shall conclude* upon final acceptance of the infrastructure improvements into KCPOA ownership.
2. Monitoring and maintenance/repair of common area roadways (including sidewalks, curbs, and gutters) and selected non-road physical assets (e.g. signage not related to safety and security, walls and posts, streetlights, street signs, new perimeter fencing through the warranty period, and underground cabling/wiring).
3. Monitoring and maintenance/repair of corporate KCPOA drainage facilities.
4. Providing capital and operating budget input to the EB in support of assigned tasks.

The IC shall consist of at least three and no more than seven standing members and one alternate member, including at least one member of the EB, all of whom shall be annually appointed or reappointed by the EB.

A motion was made to approve the revised Amendment to the Resolution for the Formation of the KCPOA Infrastructure Committee as presented. (Holthouse/Sanden). Motion passed.

e. A-1 Chip Seal Proposal

1. The IC has approved the bid from A-1 Chip Seal for \$21k for crack sealing for this calendar year. This amount is budgeted in the 2022 Reserve Budget. The IC recommends approval of this bid.
2. A motion was made to approve the A-1 Chip Seal contract as presented. (Holthouse/Swinford). Motion passed.

f. Terra Nova Drainage Study Contract

1. The EB approved the contract last month. The Manager sent a copy of the contract to the Owner, LuAnne Ducett for review. Manager received the amended contract prior to the meeting and sent the revisions to the IC and Ron Lehmann for approval.

g. Westgate Update

1. The Developers' Surety Bond (a \$113k Letter of Credit) expired on December 31, 2021, violating the terms of the Development Agreement.
2. The Manager warned the Developer on December 17, 2021, of the impending expiration, the Developer replied with a unilateral declaration that they believed they were in compliance, because KCPOA is holding a Street Degradation fee to fix their street cuts.
3. The IC negotiated a new \$50k Letter of Credit (LOC) considering partial completion of the infrastructure as verified by Mark Stritzel, KCPOA Construction Management Consultant. The EB approved this as an Amendment to the DA as of last Tuesday, and the IC received the new LOC and signed the Amendment this past Friday.
4. Unanimous consent for action was reached by the EB between formal meetings: The EB approved the Westgate Amended DA as presented above.
5. A motion was made to ratify this action (Holthouse/Sanden). Motion passed.

**Manager's Report**

- a. Website - The Manager stated the new website launch has been a success. More than two hundred residents registered to date. The Vice President asked the Manager what the turnaround time has been to approve resident registration. The Manager confirmed residents will receive registration approval within 24 hours, except for weekends.
- b. Call Log - The Vice President noted, after review of the call log mentioned RowCal wasted a considerable amount of the management office time regarding an erroneous statement mailed to owners on ACH last month.
- c. Action Item List - The President inquired about the open items on the Action Items List, unresolved accounts receivable phone calls on the Call Log, and discussed RowCal Care Team support and contract.
- d. Part-time Administrative Job Description - The Manager recommended hiring a part-time Administrative Assistant for additional support to the management office moving to full time in the summer. A copy of the job description was included in the EB packet.
  1. A motion was made to approve RowCal hiring an Administrative Assistant as defined in the job description and subject to a maximum wage of \$18/hour. (Hente/Sanden). Motion passed.
- e. The EB accepted the Manager's report which was provided in advance of the meeting. Specific discussion items followed.

## **Committee Reports**

Each Committee Chair and/or EB Liaison supplied a report in advance of the meeting. EB members reviewed the reports which are briefly summarized in the minutes.

### **Common Area Landscape Maintenance Committee (CALM) Report – Sandi Swinford**

- a. Winter lights at all three entry points were a highlight for residents in the community, one comment received “Best Lights Ever.”
  1. Post windstorm repairs were done at no additional cost and electrical issues created outages at all gates at various times this season. CALM to investigate possible electrical improvements to avoid future outages.
  2. The Winter Light Policy of 2021 allows for entry lights to stay on until February 15<sup>th</sup>, and the holiday boughs and wreaths have been removed.
- b. Clean Up in the Common Areas after the windstorm estimated cost \$12-\$15k.
  1. Trees blown down in the KC Drive median fall under the responsibility of the Club to remove and replace per the Mesa Services Agreement.
- c. Structure / Treehouse identified in open space has been removed, with an ongoing effort to identify the perpetrators.
  1. CALM newsletter segment included a reminder that common native area is to be left as is, and not for private use to add structures.
- d. Main Gate original gas light fixtures damaged and not replaceable.
  1. CALM will investigate installation of electrical lamps at the main gate entry.
  2. Gas has been turned off as a safety measure.

### **Architectural Review Committee (ARC) Report – Sandi Swinford**

- a. A copy of Sandi’s report covering ARC meetings held on December 14, 2021 & January 11, 2022, was included in the EB packet.
- b. Summary of Toll Brothers Design Center visit on January 19, 2022
  1. Exterior color options for RR4 were presented.
  2. ARC approved selections to be offered to purchasers.
  3. Toll Brothers to provide a complete color book for ARC reference.
- c. Updated ARC Design Guidelines now available on Website
  1. Revisions include minor updates and clarifications.
- d. KCPOA Workroom near completion at Management office
  1. Old files are in storage, duplicate plans removed and new filing system in place.
  2. New submissions require only one set of paper plans with one electronic set.

### **Covenant Committee (CC) – Marie Parkinson**

- a. Adopt Final Policy for Display of Flags and Signs in the Community
  1. Further re-work of the draft Flags and Signs Policy were discussed. Marie will present at the February meeting.

2. Scott Hente will draft verbiage regarding signs for political campaigns and submit to Marie for review.
- b. Basketball Backstops – New Verbiage for Rule Revision
    1. Proper verbiage has not been determined; Marie will present at the February meeting.
    2. The President asked Marie to include the EB in future email correspondences with the CC on the matter.

### **Security & Communications Committee (SCC) Report – Luke Travins**

- a. Security Assessment Report Summary – Top Five Priorities
  1. The SCC has prioritized the following items as necessary to improve security inside the community. The Manager will obtain bids as needed.
    - Fencing – Augment or replace fence behind King Sooper privacy wall, and augment cattle fence on the North side.
    - Cameras – Add perimeter cams to high-risk areas by King Soopers, Mesa Road where fence is short, Patterson Prudential building looking at KCPOA fence.
    - Detailed Security Packet – Add in the New Resident Welcome & Orientation Packet. Packet will include how to register for alerts, general rules, guest protocols and FAQ's.
    - Landscape – Cut back areas around all gates and short fence areas to prevent hiding from cameras.
    - Install Removable Flex Bollards between resident and visitor lane at the main entry.
- b. Fencing Behind King Soopers Privacy Wall
  1. The SCC voted to repair and upgrade the existing chain link and add barbed wire out-rigger extension to match the chain link in other areas. Approximate cost of \$8k instead of \$30k to replace with ornamental iron. It was identified that these costs are already provided for in the Reserve Account.
  2. RFPs were sent to three vendors for adding six-foot iron fencing along the area behind King Soopers, extending to Fillmore, (649 lineal feet).
- c. Website Update
  1. The new KCPOA website is up and running. Resident feedback is positive and has already helped the SCC make revisions.
  2. We will add a section dedicated to the new developments, Toll Brothers. Email addresses of former officers/committee members were deactivated and archived.
- d. Appoint New Voting Member to the SCC. The SCC recommended Bekah Wisham to the EB for SCC membership.

1. A motion was made to approve the following appointment: With authority of 7.1.r of the Bylaws of KCPOA, Ms. Bekah Wisham is appointed and will be a voting member to serve on the Security & Communication Committee effective this date. (Hente/Swinford). Motion passed.

e. Two-way Permanent Digital Speed Sign

1. The SCC voted to recommend installing a two-way permanent digital speed sign near the intersection of Hill Circle and Edgecliff Court at an approximate cost \$6k.
2. A motion was made to approve the purchase and installation of a two-way digital sign as presented. (Travins/Hente). Motion passed.

RFPs were sent to three vendors for adding six-foot iron fencing along the area behind King Soopers, extending to Fillmore, (649 lineal feet).

**Finance Committee (FC) Report – Bill Sanden**

a. Monthly Financial Report

1. The committee reviewed the financials for the fiscal year, six months ending December 2021, noting cash of \$846k, reserve cash of \$2,087k and current liabilities of \$329k.
2. YTD operating income was over budget by \$22,176.
3. YTD expenses were over budget by \$39,086 with a YTD net loss of \$16,910 for the six months. The YTD loss continues to be driven by legal expenses.
4. There were no CDs maturing in December 2021.
5. A motion was made to accept the December 2021 financials as presented. (Sanden/Hente). Motion passed.

b. Securitas Rate Increase

1. The FC reviewed the Securitas contract adjustment of 6% overall for 2022.
2. The FC recommends the EB approve the new contract, noting the lower wage scale had the largest percentage increases.
3. A motion was made to approve the Securitas contract that incorporates an aggregate 6% increase. (Sanden/Hente). Motion passed.

c. KCPOA Financial Account Management Move

1. Greg Garcia (our account manager) moved to Stifels Financial Services; Greg was previously with Merrill Lynch.
2. The FC recommends moving the KCPOA financial account management services from Merrill Lynch to Steeples Financial Services.
3. The EB discussed that Mr. Garcia is a resident, evaluated potential conflict of interest issues, and is requesting compensation disclosure for the file.
4. A motion was made to approve the move KCPOA account from Merrill Lynch to Stifels Financial Services, maintaining the broker relationship with Greg Garcia. (Sanden/Hente). Motion passed.

## **Covenant Change Task Force Report – Sandi Swinford & Scott Hente**

- a. Scott and Sandi presented a summary of the Amendment to the Covenants process. The EB has retained Altitude Law to manage the election process over the next few months.
  1. A motion was made to approve the final language of the proposed Amendment to the Covenants change, and present to the membership for a vote, the timing to be determined. (Hente/Travins). Motion passed.

### **New Business**

- a. Sale of 6-8 South Parcel
  1. The President discussed KC5, LLC has agreed to sell the property known as 6-8-South to Garden of the Gods Collection (GOGC) ownership. GOGC has advertised no plans for the land but accepted assignment of the requirements imposed by our Master Agreement. A motion was made to ratify the assignment of the Master Agreement to the Garden of the Gods Club ownership group for the purchase of 6-8 South parcel assigned. (Hente/Sanden). Motion passed.
- b. Approve KCTH Task Force Charter
  1. The President discussed the Kissing Camels Townhomes Task Force (KCTF) Resolution.
  2. The EB further appoints as member of the KCTF: George Garro/Chair, Bill Sanden/Member, and Sandi Swinford/Member.
  3. The KCTF is authorized to spend up to \$1k as may be needed to conduct its work; these funds are intended for hiring selected consultants, legal review, and document production.
  4. The KCTF is asked to provide a recommendation to the EB as to its findings no later than the EB meeting scheduled for March 24, 2022, and earlier if possible. The KCTF will sunset effective April 1, 2022.
  5. A motion was made to approve the Kissing Camels Townhomes Task Force resolution as presented. (Hente/Travins). Motion passed.

Next regular board meeting is February 24, 2022.

**Adjournment** – Meeting adjourned at 5:25 PM.

Submitted by Teresa Lamothe

### **Enclosures:**

1. December 2, 2021, approved as submitted regular scheduled EB meeting minutes.