

**BOARD OF DIRECTORS MEETING  
May 23, 2024  
MINUTES**

**CALL TO ORDER** – At the direction of Scott Hente, the meeting was called to order at 2:56 p.m.

**Attending** – Quorum was established.

President	Scott Hente	Present
Vice President	Tim McMahon	Present
Secretary	Barbara Rist	Present
Treasurer	Mark Holthouse	Present
Board Member	Steve Durham	Present
Board Member	Dan Chapman	Present

Also Present: Attorney David Firmin; Mindy Gutierrez, KCPOA Community Manager

**Introduction of Guest**

None present at this meeting.

**Review and approve minutes from April 25, 2024, Regularly Scheduled Meeting**

**A motion was made and seconded to approve the minutes from April 25, 2024 (Durham/Chapman). Motion carried 5-0 with 1 abstention due to non-attendance at the April 25 meeting.**

**Manager's Report – Mindy Gutierrez**

- The Management Report was reviewed; questions and comments were invited regarding the content.
- The gear box for the East gate is on order and is expected to arrive by May 28<sup>th</sup>.
- Discussion was held on the cost of utility locates; it was noted that all excavation requires a locate for utilities and an expense allocation is budgeted.
- CSU restoration for the damage to the street will begin tomorrow.
- The View Room will be booked for the Annual Meeting in August; August 22<sup>nd</sup> or August 29<sup>th</sup> are the preferred dates.

**Infrastructure Committee – Tim McMahon**

- The IC Update was reviewed.
- **A motion was made, seconded and passed to approve the probationary acceptance of Red Rocks 1 and the commencement of the two-year warranty period (Rist/Chapman) 6-0.** The bond reduction of 80% of the original amount secured by Toll Brothers is acceptable.
- The IC recommends that general warranty information be included in all contracts going forward. D. Firmin confirms this practice.
- Grand Market Point – Outside the East Gate: A review of the Easement Agreement (EA) showed that KCPOA has no ownership or maintenance

responsibilities for this road but is granted an easement for owners to gain entry into KCE via the East Gate. The board agreed that IC volunteers may continue to talk with the owners of this road regarding needed maintenance and repairs, with the note that KCPOA will not take on a project management role or any further expenses related to such work.

### **ARC (Barbara Rist)**

- The updated Project Status Report was presented.
- The updated Red Rocks and Preserve sales report was presented. Homes continue to be completed 2 – 3 months earlier than Toll projections.
- The comment period on the cover letter and Easement Agreement sent to the 31 owners along Mesa Road ends on June 7<sup>th</sup>. Barbara will present an updated Easement Agreement for Board review at the June meeting.
- Discussion was held on the status of the damaged Construction Gate. Steve asked David Firmin to send a letter to Toll Brothers stating they are in breach of the Development Agreement by not repairing the entry and exit side of the construction gate and not setting up a contract with Allied Security to man the gate as requested. The board directed David Firmin to write a pre-demand letter which will notice Toll Brothers that they have 72 hours to cure the problems.
- Barbara reported that realtors are harassing owners by providing inaccurate information on Accessory Dwelling Unit (ADU) legislation. The realtors are attempting to scare owners into selling their property. The board agreed to identify those realtors and file a complaint with the Board of Realtors. A weekend update will be written that states the facts, as we understand them, regarding this legislation.
- Two landscaped corners at Hill Circle and Glen Vista are owned and maintained by the Garden of the Gods Club. Owner complaints are being received about the appearance and lack of maintenance at these locations. The CALM committee has confirmed that this is not KCPOA property. Scott agreed to contact the GOG Club and ask that they address this issue.
- **A motion was made, seconded and passed to approve the replatt of 5020 Lyda Lane (Rist/Durham) 6-0.**

### **Finance Committee – (Mark Holthouse)**

- The FC recommends acceptance of the April 2024 Financial Statement. **A motion was made, seconded and passed to accept the April 2024 Financial Statements (Rist/Durham) 6-0.**
- A review of the 2024/25 budget prepared by the FC was reviewed. The proposed budget will keep the assessments for developed and undeveloped lots at the same rate as this fiscal year. There is an anticipated surplus for this fiscal year due to savings in security service, favorable variance for snow removal, and more income than budgeted from Toll development properties. Discussion was held on how to handle the surplus, it can be refunded to owners or transferred to reserves if approved by the membership. The budget for next year shows a small increase in operating costs and a 3% inflation rate for reserve expenses. The board will approve the budget at the June meeting. David Firmin confirms that once the Board adopts the budget, it must be sent to all owners and a budget ratification meeting must be set within 10 days.

### **CALM – (Dan Chapman)**

Dan reported that the request has been made to meter the non-potable water.

### **Covenant Committee**

- Inspections are scheduled for the week of June 17<sup>th</sup> and will be completed periodically.
- Review of parking policy: Overnight parking in driveways is permitted; on-street parking is prohibited.

### **Security Committee - Steve Durham**

- Steve stated there was not a lot of activity on the April Summation report which is positive.
- Security camera installation behind Almagre Heights is in process.

### **Appoint Nominating Committee**

- The Nominating Committee was appointed: Barbara Rist will act as Chair with Luke Travins and Lynn Kehler also serving on the committee.
- The next Weekly Update will include notification of and solicitation for Executive Board member candidates to fill 3 open seats.

### **Legal – (David Firmin)**

The final wording for the proposed Amendments to the CC&R's will be reviewed at the June Board meeting. The board agreed that the proposed amendments will be a key topic at the August Annual Meeting. David Firmin was thanked for his input on the Weekend Update that summarized the recent legislation that has passed.

**Next Executive Board Scheduled Meeting:** June 27, 2024 at 3:00 p.m.

The meeting was adjourned at 4:57 p.m.

Respectfully submitted: B. Rist, KCPOA EB Secretary