

**BOARD OF DIRECTORS MEETING
June 27, 2024
MINUTES**

CALL TO ORDER – At the direction of Scott Hente, the meeting was called to order at 2:59 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 by zoom

Also Present: Attorney David Firmin; Homeowners Caryl and William Murchison; Mindy Gutierrez, KCPOA Community Manager

Introduction of Guests

Caryl and William Murchison were introduced along with attorney David Firmin.

Review and approve minutes from May 23, 2024, Regularly Scheduled Meeting
A motion was made and seconded to approve the minutes from May 23, 2024 (Holthouse/McMahon). Motion carried 6-0.

Murchison Hearing – Fencing Violation

Caryl Murchison read a synopsis statement detailing the variance requested for the fence installed at 1980 Sunnybrook. The fence was installed to block the lights from the neighbor at 1970 Sunnybrook. She stated that if her variance is denied, she believes it will be selective enforcement because other wood fences have been installed within Kissing Camels Estates. An ADA form for her husband was also provided. After completing her statement, she and her husband exited the meeting. Board members reviewed the Hearing Packet (all communications, photographs, and actions taken in the period leading up to today’s hearing) and found that the fence does not conform to the ARC Guidelines and, additionally, is in violation of city building codes because a permit was not issued. While wood fences are found in the community, they were permitted in the distant past and are “grandfathered” for that reason, allowing them to be repaired and replaced when necessary. All new fencing has been strictly regulated since 2012.

- **A motion was made, seconded and passed unanimously to have David Firmin draft a letter to Mr. And Mrs. Murchison denying their appeal for a variance and giving them 60 days to remove the prohibited fencing.**
- **Barbara Rist will draft a letter to the owners of 1970 Sunnybrook regarding their lights. The Board agreed that the lights do not conform to Kissing Camels standards and are in violation of the exterior and landscape lighting policies. This will be further investigated.**

Manager's Report – Mindy Gutierrez

The Management Report was reviewed, questions and comments were invited regarding the content. The Annual Meeting has been scheduled for August 29th, to be held in The View room above the Kissing Camels Grille.

Infrastructure Committee – Tim McMahon

The IC Update was reviewed.

- **A motion was made, seconded and passed to approve the RIRO Construction Gate probationary acceptance (McMahon/Rist).**
- Management was directed to bill Toll Brothers for the security coverage (provided by KCPOA security personnel) at the Construction gate. Toll Brothers has not set up their own contract with Allied Universal as requested and the bill continues to be paid by KCPOA. Toll Brothers agreed to reimburse KCPOA for this expense.

ARC (Barbara Rist)

- The updated Project Status Report was presented.
- The updated Red Rocks and Preserve Sales Report was presented.
- A fourth version of the Mesa Road Perimeter Fencing Easement Agreement was reviewed. Barbara stated that the intent of the fourth draft agreement is to establish the following: 1) the fencing/wall is a community element and KCPOA will maintain, repair, and replace it as needed, with the grant of access defined; 2) owners will be notified prior to any such work; 3) future modifications or replacement will be subject to specific conditions and must be an improvement; 4) clear right of access to a defined easement area; 5) consistency with agreements we currently hold.

The final easement agreement will include an exhibit showing the plat map for each property with an aerial photograph overlaid to show the specific location of the fencing/wall.

Discussion was held on the indemnification clause, why both the owner and KCPOA should be held harmless. Also discussed, the wording of the replacement clause and that some owners may not be willing to sign the easement agreement if they do not have approval rights for any modifications to the current design.

- **A motion was made, seconded and passed to modify the replacement clause to provide for written consent of the owners and send the final Easement and Maintenance Agreement with Exhibit to the affected 31 owners (McMahon/Holthouse).** The number of owners who sign the easement will direct the board on further action.

Finance Committee – (Mark Holthouse)

- The FC recommends acceptance of the May 2024 Financial Statement. **A motion was made, seconded and passed unanimously to accept the May 2024 Financial Statements (Holthouse/McMahon).**
- Mark presented the recommended budget for the next fiscal year, July 1, 2024 through June 30, 2025. Current Assessment rates, for developed and undeveloped lots, will remain the same for the upcoming fiscal year and will result in a balanced budget rather than the surplus we had in the past year. **A motion was made, seconded and passed unanimously to approve the 2025 fiscal year end budget as submitted (Holthouse/Rist).** The complete budget will be mailed to all property owners and ratified at the Annual Budget Meeting, which homeowners may attend.

- The FC expects a surplus of Operating Income at the end of this fiscal year. Any remaining surplus will be equally divided and credited owner accounts at the second quarter of the new fiscal year.

CALM – (Dan Chapman)

Dan reported that the committee will develop a ten-year Common Area Landscape study, to address our use non-functional turf grasses and decrease overall water consumption. Recent regulations at the state level will prohibit homeowner associations from installing new nonfunctional turf grass, artificial turf, and any invasive plant species, effective January 1, 2026. Landscape elements and artificial turf installed prior to the effective date are exempt.

Covenant Committee

The committee completed inspections of all KCPOA properties, forty-five of which were further reviewed for covenant violations. Twenty-five owners will be contacted with courtesy emails regarding the issues noted on their properties, per the CC process.

Security Committee - Steve Durham

Steve reported that Luke Travins continues to explore new technology for improvements for KCPOA. The camera install at Almagre is estimated to be complete next month.

ArrowsWest Apartment Project

Discussion was held on the proposed project and KCPOA's position on same. Basis for opposition is seen as traffic congestion and emergency evacuation.

A motion was made, seconded and passed to have the KCPOA Board of Directors verbally oppose the ArrowsWest Apartment project (Durham/McMahon), Scott and Mark abstained.

Nominating Committee – Barbara Rist

The application period is now closed for Board solicitations. Barbara reported that Scott Hente, Mark Holthouse, and Brad Harvey have agreed to be placed on the ballot for the three open Board positions. The candidates will be asked to provide a brief written bio to be distributed with the Annual Meeting packet. Nominations from the floor will also be accepted at the Annual Homeowners Meeting. The Nominating Committee thanks Scott and Mark for their willingness to serve another 3-year board term.

Amendment to CC&R's

David Firmin has drafted the amendments to the CC&R's. The first proposed amendment would allow the Association to collect assessments for an "accessory dwelling unit", if built on a property. The second amendment addresses the minimum length to time for unit leasing. Steve Durham agreed to oversee the process which requires the approval of the executive board, AND at least fifty-one percent of the total votes in the Association. The amendment will be a topic of discussion at the Annual Meeting.

Legal – (David Firmin)

A motion was made, seconded and passed to approve David Firmin to write an updated Collection Policy that will meet the new law. The cost will be \$235, (Rist/Durham). The new policy will be distributed with the 2025 Budget.

Next Executive Board Scheduled Meeting: July 25, 2024 at 3:00 p.m.

The meeting was adjourned at 4:35 p.m.

Respectfully submitted: B. Rist, KCPOA EB Secretary