



Board of Directors Minutes

June 15, 2017

19255 Royal Troon Drive (King's Deer Golf Clubhouse) 5:30PM

Members Present: Dan Snelling (Asst. Treasurer), Dan Rivers (President), Patrick Staffieri (Common Area Maintenance), Lorrie Kresge (Director at Large), Steven Shurgot (VP), James Hazuka (Secretary)

Members Absent: Ken Harris (Common Areas)

Guests: Allen Alchian (consultant)

Hearings (Executive Session to discuss ongoing litigation and possible covenant violations) was brought to order at 5:31 PM

Regular meeting back in session at 6:10PM

- I. Officer Reports
 - A. President
 - 1. Rivers welcomed Lorrie Kresge to the board. She is taking the seat recently vacated by Joe Willis with a term expiring at the 2017 Annual Meeting.
 - 2. Rivers also asked that the minutes reflect the board's gratitude for Joe's service and leadership.
 - B. Secretary
 - 1. Approval of May minutes
Hazuka moved to approve May minutes. Motion seconded and approved unanimously.
 - 2. Change in Policy - Posting of HOA Board Minutes and Financial Documents
Alchian requested direction on where to post the minutes and financials on the Kings Deer website - the secured area (King's Deer residents only) or continue posting both in the public portion where it can be viewed by anyone. The reason why this has become an issue is because several realtors indicated prospective buyers were concerned about some things they saw in the minutes and backed out of the purchase of a home within our community. A follow-up on both situations proved that the prospective buyer misunderstood the content. Alchian indicated that there was no requirement by the State to post this information in a public place. If non-residents wish to see a copy, they can go to the HOA office to review. After discussion, the preference of the Board is to relocate these sensitive documents in the website secure area. Kresge volunteered to perform her own research on the legalities of what needs to be made public and provide her findings to the Board at a later date. Issue is tabled.

C. Treasurer

1. Approval of May financials

Snelling moved to approve May financials. Motion seconded and approved unanimously.

II. Director Reports

A. Common Areas

1. Landscapes Unlimited fixed the light pole at King's Deer Point/Kershaw Court and the sign on Roller Coaster.

2. Status of applying additional gravel on trails by Redstone Staffieri stated that Jay will begin the work within the next 2 weeks.

3. Monument on King's Deer and Furrow Entrance

This monument has no landscaping and a broken light pedestal. Weeds continue to proliferate in front and in back of the monument which at times, makes this area an eye sore. Hazuka asked the Board to fix the light, and have the area around the monument upgraded with metal edging, yard fabric, and rock. The Director of the HOA took the action to engage Landscapes Unlimited to address this problem.

4. An HOA resident on Breton Place emailed the office to inquire about mowing in front of their home. Staffieri stated the home owner is responsible. Staffieri added that the HOA common area maintenance is not responsible for cutting or cleaning out the ditch on Breton place. The culvert, however on Breton place just South West of the school needs a couple of inches of fill placed on the surface. Currently, the HDMP pipe has no fill on either end of the culvert. Staffieri has already spoken with Mark with Landscapes Unlimited and he will take care of it for us at no charge.

B. Architectural Control Committee

1. Request Board approval for Mark Lunsford (19165 Lochmere Court) as a committee member. Snelling moved to approve the addition of Lunsford as a member of the ACC. Motion seconded and approved unanimously.

2. Snelling read the letter the ACC mailed to the property owners at 19048 Harrogate Court who emailed the HOA office about new construction across from his property. The owner felt the house under construction was in violation of height requirements. The Board referred this matter to the ACC earlier. Height requirements for homes is an El Paso County requirement, not addressed in the HOA Covenants or Design Standards. The ACC did measure the home which was in compliance of the county height requirements.

C. CEOC

Alchian stated that there were 6 new violations reviewed, 1 item that came up was about a mailbox post that was damaged and not repaired. It was suggested that the HOA office contact property owner to fix and/or replace this mailbox. Kings Deer property owners are obligated to maintain their mail boxes. Alchian asked to Board for guidance with regard to damaged

mailboxes. The Board's position is that if homeowners ignore damaged mailboxes, the HOA may view this as a covenant violation.

D. NEPCO

Alchian gave a synopsis of the May 13 meeting with guest speaker Lenard Rioth who is an Attorney. NEPCO does have a Land Use Committee and they stated that the I-25/Northgate interstate project will start within the next 2 years. Highway 83 is projected to have the greatest growth in the Southeast quadrant of Colorado within the next several years. Additionally, there were no new laws passed this year that affect Colorado HOA's. Rioth therefore focused his discussions on a recent decision by the Colorado Court of Appeals regarding short term rentals. Specifically, a homeowner sued his HOA for fines associated with renting his home as short-term vacation rentals which was advertised on the VRBO website. The Appeals Court upheld a lower court ruling that supported the homeowner (Houston v. Wilson Mesa Ranch HOA attached). Alchian noted that the wording in the Wilson Mesa Ranch HOA covenants were similar to the wording in the Kings Deer covenants. An amendment to the covenants prohibiting short term rentals can be pursued to prohibit this activity in Kings Deer. No decision by the Board was made on this issue.

E. WRC

Rivers continues to engage Potter and Hawker on the Kings Deer water initiative. As of this writing nothing has been filed with the Water Court. This is a developer action. They continue to reassure the Board that they are moving forward on this issue. They estimate a 30 June filing date. If they file with the court by June 30, residents will likely not be able to purchase additional water rights until 2018.

III. Executive Director

1. Office closure – July 3 and 4, 2017

Other

1. 19712 Falcon Crest Court, Lot 9 Highlands filing 1 – parking

The Board recommended that since the property owners were in compliance the day of the Board meeting, there should be no fines levied to this homeowner. The Board agreed but that in the future, if any reoccurrences of this violation occur, there will be an immediate \$50.00 fine levied on these homeowners per day (per observation). Motion seconded and approved unanimously.

2. 19055 Archers Drive, Lot 17 Classic filing 6 – trail ROW & dog incident

There have been repeated incidents of the homeowner's dog being aggressive to people walking the trails in the front of the owner's home. Board members approved notifying the property owner via a letter that the HOA is aware of the most recent incident that was also reported to El Paso animal control. The Board will be monitoring the situation closely. The owner may be fined for any future incidents.

Next Board meeting is scheduled on July 20, 2017 at 5:30PM – King's Deer Golf Clubhouse

Snelling moved to adjourn at 7:05PM. Motion seconded and approved unanimously.

/ signed /

Daniel Rivers, President King's Deer HOA

/ signed /

James Hazuka, Secretary King's Deer HOA

Attach:

1. May financials
2. Copy of Court of Appeals opinion short term rentals