



Board of Directors Minutes
January 18, 2018 (King's Deer Golf Clubhouse 6PM)

Members Present: Dan Rivers (President), James Hazuka (Secretary), Lorrie Kresge (Water), Randy Wood (Common Areas), Ken Harris, Dan Snelling, Steve Shurgot (VP & Treasurer by Phone until 8PM)

Guests Present: April, Alec, Ashley, Avery & Karl Falk (2028 Stoneleigh Trail)
Gary Bonneau (20097 Royal Troon)
Andrew McWhorter (19175 Lochmere Court)
Terry Williams (19629 Royal Troon)
Mike Lottes (1434 Castlecombe Lane)
George Halaby (19772 Kershaw Court)
Wendy Jones (1311 Chapel Royal Court)

Executive session 6 – 6:45PM
Regular meeting brought to order at 6:45PM

I. President's Report

1. King's Deer Water Augmentation Study
As of January 2018, PDWC (water owners) have still not filed with the water court to sell water to Kings Deer residents. The main issue that has slowed the process is a viable solution to water augmentation. Several months ago, the Board initiated actions to identify its own solution to this problem. These efforts focus on identifying a long-term solution to water augmentation for the 93 and 94 water decrees, as well as an augmentation solution for future water purchases. There was a study conducted by a previous Board to look at alternative options. However, there are likely other solutions far less expensive that may require some research by a water consultant. Hazuka made a motion that the HOA hire a water consultant to address this specific need. The payment would be for 5 hours of work. This motion was seconded and passed unanimously.
2. Unsolicited Distribution in KD of Monument Tribune
Discussion by Board members indicated that the HOA has explored options to stop the paper from being delivered to homes within Kings Deer. All options have been exhausted without a viable solution. It is possible that the individual property owners may be able to contact the Gazette newspaper office.
3. Request by a Resident to use King's Deer Trails with Golf Cart
A local resident with health issues requested that he be able to use his personal golf cart on the HOA trail between the KDGC maintenance facility and the corner of Kershaw /Chapel Royal Courts. The Board members unanimously approved the request. This approval does not set a precedent for other residents as it was done to promote mobility of a resident with health-related issues. This resident may use this portion of the trails at his own risk.
4. 1311 Chapel Royal Court, Lot 52 Highlands Filing 1, Tree Blocking View
This issue has to do with tree plantings associated with a new build at 1336 Chapel Royal Court that may eventually obstruct the view of the mountains for Wendy Jones at subject residence. Initial discussion on this topic began during the December Board meeting where Kevin Milyard (builder and Kings Deer resident) spoke to the issue. During the December meeting Mr. Milyard stated that he engaged with the Jones family prior to planting the trees and they didn't object to the location at that time. Wendy Jones did not attend the December meeting but refuted Mr. Milyard's claims of prior consent during the Board's January meeting.

Paragraph 13E(15) found on page 11 of the Highland's covenants states "*Landscaping: No yard or house ornaments, fountains or similar objects shall be allowed upon any Lot without the prior written approval of the Committee. New plantings and growth will be controlled so as not to unreasonably obstruct views from adjoining Lots. The Committee is authorized, but not obligated, to enforce removal, thinning or topping of view obstructions and, in their sole discretion, to determine the validity of any complaints. The Committee may remedy any view obstruction by entry and removal of the offending item, as well as exercising any rights and remedies hereunder.*"

Normally the HOA does not get involved with view obstructions associated with landscaping but the Board had concerns that the arguments presented by Mr. Milyard and Wendy Jones regarding "prior consent" were significantly different. For this reason, Hazuka motioned that the builder or property owner remove and/or relocate 4 trees identified by Wendy Jones by the end of Spring 2018. The motion was seconded and approved by the Board. The Board left open the possibility that Mr. Milyard and Wendy Jones will, on their own, reach an alternative resolution to this matter that is amenable to both parties. The Board is also agreeable to hear this issue again with both parties present at the same meeting.

II. Vice President

1. Lighting Policy

Shurgot stated that the lighting subcommittee met in December. Discussion included possible determinations of nuisance lighting and if the HOA has the resources for enforcement. New construction through modifications to the HOA's designed standards was also discussed. There is no policy as of this writing. Much work lays ahead for this subcommittee.

Hazuka moved that the lighting subcommittee review and leverage any resident comments that may come as a result of the January 2018 newsletter article. Additionally, that the subcommittee coordinate their proposed policy with the CEOC and ACC prior to sending it to the Board for its review. The motion was seconded and passed unanimously.

It is the Boards intent that if a lighting policy results from this effort, all residents will have an opportunity to review and comment prior to a Board vote.

2. Mr. Falk asked to speak on this issue. Prior to his comments, Hazuka read the following statement that had unanimous approval by all Board members.

On 21 September, you (Karl Falk) attended an HOA board meeting where you personally violated the Kings Deer Meeting Policy, paragraphs C1a, C1b, and C1c. Specifically, the policy regarding member behavior at Board meetings is as follows.

1. Members have the right to attend Board and Membership meetings of the Association. Members shall: a. Speak only when acknowledged by the Chair. b. Refrain from interfering with the conduct and business of the meeting. c. Be respectful to others present and to the meeting process.

Following the 21 Sept Board meeting you sent out several emails that mischaracterized the conduct of the Board during the meeting. The Board disagrees with the assessment of the Boards behavior outlined in your correspondence on this matter.

As we go forward with your comments today we ask that you follow the member behavior requirements outlined in the Kings Deer Meeting Policy. As a matter for record, this statement will be entered into the minutes of this board meeting.

Falk spoke to the Board members for 30 minutes about the HOA Covenants and his frustration with the lighting issue and how it is being handled in the subdivision. He has repeatedly asked for assistance by the HOA and feels he has been ignored. Mr. Falk has requested on several occasions that the Board and ACC members come to his home and see firsthand the extreme lighting affecting he and his families living conditions. Mr. Falk stated that he had felt physically threatened by Rivers during his 21 September presentation to the Board. The HOA Board refutes this assertion. Mr. Falk passed around some pictures of the Sullivan's light as seen from the interior of his home. He has spent money on mature trees to block the light and felt that they have completely changed the way his family lives and feels that is not right.

Mr. Falk stated that if the Covenants are subjective on what a nuisance is, he feels that he has run out of options. The following are what he feels are his only recourse; #1. Do an extreme modification to the house, #2. Move out of the subdivision and #3. Take legal action against the HOA. Mr. Falk feels what needs to happen to remedy the situation is to: #1. the exterior lighting at 2014 Stoneleigh Trail needs to be turned off until brought up to standard, #2. exterior lighting has to be corrected to adhere to the Design Standard, and #3 all new homes must have an approved lighting plan. Mr. Falk did not have a plan on how to enforce a lighting policy but suggested setting up a fund to take care of past lighting issues. Ms. Falk stated that there was a larger issue at play here, specifically that the floodlight is massive and must be fixed, she feels that the front porch light has over 400 watts and the floodlight should be motion censored and directed to their property only.

Hazuka commented that the January 2018 newsletter has an article about lighting. It asks for comment from residents on this important issue. Hazuka asked members present at the Board meeting to respond individually. Comments should be specific in nature, offering options on how to enforce a lighting policy.

Rivers moved to recess for 5 minutes. Meeting resumed at 8:00 PM (Shurgot is no longer available by phone). When the Board reconvened, Rivers stated that Board members in the past have gone over to the Stoneleigh cul de sac to see for themselves the lighting situation. However, this is a new Board thus, Rivers suggested each Board member drive out to the Stoneleigh properties at night to view for themselves the light situation and respond with their assessment via email to the rest of the Board. If we can achieve consensus on a way ahead, the Board may decide to take action prior to the February Board meeting.

III. Secretary's Report

1. Status of Website Login

Alchian stated that he is meeting with the software developers on their modified code on Saturday, 20 January. Hopefully their changes will result in enabling residents to log into the HOA website. Hazuka stated that Board members need to be aware that at some point, the HOA will need to contract with a company to update all of the website code and provide maintenance as needed.

2. December 2017 minutes were Board approved by email.

3. Suggested dates for HOA activities were proposed. Deadline dates for Mowing (June 30), garage sale (August 10, 11 & 12), annual meeting (November 6) & Water reporting (October), Board meeting (November 15), 2019 HOA assessment due January 4, 2019, and Board meeting

December 6, 2018. Snelling moved to approve all dates. Motion seconded and approved unanimously.

IV. Treasurer's Report

1. December 2017 financials approved by email.
2. Update was given on 2018 paid assessments
3. Unpaid 2018 HOA assessment late fees and interest

Snelling moved to approve late fees of \$50.00 per month as of 1 February and late fees and interest for unpaid assessment to start 1 March 2018. Motion seconded and approved unanimously.

V. Director's Report

A. Architectural Control Committee

B. Common Areas

1. Playground Equipment Status

Wood found a local source for playground parts and intends to order and fix the piece of equipment that is currently broken. He will continue with his assessment on a master plan for the playground.

2. Monuments Landscape Update

Work on the West monument was completed by Landscapes Unlimited. Hedstrom Property Enhancement has been working on the HOA entryways, pruning and cutting out dead shrubs/trees. Plan to add fresh mulch in the spring.

3. Lighting

All Monument lighting needs to be inspected & any new lighting will be in alignment with Lighting Committee recommendations.

4. El Paso County Work

Bent stop sign has been repaired at Kings Deer Point & Pagentry.

5. Annual Maintenance Contract

Requested bid from Mark @ KD Golf. Received bid from Redstone for Trail maintenance.

C. Water Resources Committee

D. Manager's Report

1. HOA office closed February 19 for President's Day

Executive Session

1. 19882 Kershaw Court, Lot 32 Highlands filing 4 – covenant violation, construction deadline
The Board moved to approve and accept ACC recommendations on 19882 Kershaw Court. Motion was seconded and approved. In doing so, the Board has agreed to follow the ACC recommendations and send to HOA attorney and proceed. Allen Alchian was appointed the official contact with the HOA attorney.
2. 19050 Archers Drive, Lot 17 Classic filing 6 – dog issue
Based upon Mrs. Sandberg's assurances, the Board decided not to take further action at this time.
3. Covenant Enforcement Discussions

Executive Session at 8:34PM

More discussion about the Lighting concern on Stoneleigh Trail

Hazuka moved to adjourn at 8:58PM. Motion seconded and approved unanimously.

Daniel Rivers, President King's Deer HOA

James Hazuka, Secretary King's Deer HOA

Attach:

1. Financials December and end of year
2. 19882 Kershaw Court summary of Construction Project