

**Board of Directors Regular Monthly Meeting Minutes  
Fairway Pines Estates Owners Association  
Thursday, July 7, 2016 @ 3:00 PM (MDT)  
664 Marmot Drive  
Ridgway, CO 81432**

The meeting was called to order by President Chris Carr at 3:00 PM. The Board members present were Ann Blakely and Patricia Jennings. Jerry Farrington, Mike Forstner, and Sharon Kreutzen, advisors, were present. Tara Del Rossi, advisor, was excused. Recording secretary, Mary Ann Guilinger, was present.

**1. Review and approval of minutes of June 7, 2016, Meeting**

A motion was made by Ann Blakely and seconded by Pat Jennings to accept the minutes of the June 7, 2016, Board Meeting. The motion was approved unanimously by the Board.

**2. Member Comments (Limited to five (5) minutes per person)**

None.

**3. Reports**

**a. Compliance Violation Report**

Compliance Officer Report – Violations were reviewed. Specific actions will be taken in the form of courtesy or violation letters.

**b. President's Comments**

Chris Carr stated this meeting is his last official Board meeting. He stated that it has been an interesting five years as a member of the Board. He will be a part-time employee of the Association and an advisor to the Board. He thanked the Board and stated that it was wonderful working with the Board members.

Chris Carr gave Ann Blakely receipts for the beautification effort at Ponderosa Drive and Marmot Drive to be paid to Phyllis Ward. The Log Hill Village shared in the cost. The costs should be charged to Road Operations, Line 52, Improvement Projects.

Tony Litschewski, the realtor selling the eight Association-owned lots has a sample of the virtual tour of a home with a 3-D camera. It's at <http://loghillsample.weebly.com>. If Tony Litschewski would list a home, he would offer this service.

The community clean-up for fire mitigation for Fairway Pines will be held on Monday, October 3, 2016. The West Region Wildfire Council will again subsidize slash piles and are changing how they collect the slash piles. They will provide the contractors. The prices for slash piles will probably be the same as last year; \$55 per slash pile. Last year, Fairway Pines had 27-28 participants and hope of 25-30 participants this year.

The Association completed the striping on the road for the golf cart paths two weeks ago.

Wayne Landis is constructing small cover units for the meters for the water project in order that the meters blend in with the other units on the golf course.

**c. Treasurer's Monthly Report as of June 30, 2016**

Ann Blakely reviewed the June 30, 2016, monthly Treasurer's Report.

The ending balance as of June 30, 2016, for the Operations Account is \$48,052. The ending balance of the Road Operations Account is \$1,971.

The ending balance as of June 30, 2016, for the Reserve Fund is currently \$225,099.

**d. ARC Update**

The owner, Three Quails LLC, is attending the ARC meeting on July 11, 2016, for a spec home to be built on Lot 440, TBD South Badger Trail, for the Preliminary Plan Review and Final Plan Review.

Tara and Bob Del Rossi, owners of Lot 432, 145 South Badger Trail are planning to add a room addition (studio) to their home. Tara Del Rossi and her architect, Doug Macfarlane, are attending the ARC meeting for the Conceptual Plan Review, Preliminary Plan Review, and Final Plan Review at the ARC meeting on July 11, 2016.

Deborah Harrison and Randy Collins, owners of Lot 256, 38 Antler Place, are

attending the July 11<sup>th</sup> ARC meeting for the Final Plan Review for their home.

Mike Saville, owner (Joanna Saville, his wife owns the lot) and builder (Buckhorn Building and Consulting, LLC) on Lot 436, 112 South Badger Trail, is attending the ARC meeting for the Preliminary Plan Review and Final Review for their home.

**e. CRC Update**

See Item e. - Review of recommendation from CRC regarding amendments to Association Covenants, under Section 5. - New Business.

**4. Old Business**

None.

**5. New Business**

**a. Status of delinquent accounts**

There are five lots still in delinquent account status for HOA dues. Four lots are in litigation and will be discussed in executive session due to privileged and confidential matters protected by the attorney/client relationship. Another delinquent account is pending resolution in probate. The Association has placed a lien on the property and may get the property back since it had foreclosed on the previous owner of the lot before and sold it to the present, deceased owner.

**b. Update on CR1fix initiative and scheduled Public Hearing on July 12 at 4H Center and Board support**

Chris Carr stated that the public hearing by the Board of Ouray County Commissioners will be held on July 12<sup>th</sup> at 10 AM at the Ouray County 4H Event Center for the CR1fix initiative. The CR1fix committee collected 310 signatures and 291 signatures were accepted. The few signatures rejected were because voters signed more than one petition, and some signers were not registered Colorado voters.

Dick Kreutzen should be commended for being proactive in getting County Road 1 paved. Sharon Kreutzen stated that Chris Carr should be commended for

collecting over 90 of the signatures. If the ballot initiative is approved, then construction on County Road 1 would start next May.

**c. Review of RV Park initiative received from Ron Ringo**

Ron Ringo owner of Lot 104 where the old clubhouse is located has requested that an RV Park be approved for the location of the old clubhouse. Ron Ringo requested support from Fairway Pines for a special use permit for an RV park with motor homes on it.

Fairway Pines appreciates the request by Ron Ringo, but the Ouray County Land Use Code, Section 11, has not allowed a new RV park since 1995. Ouray County will not issue a permit for a new RV Park because of the Land Use Code and the Board of Ouray County Commissioners will not support a special use permit for a RV park. The existing RV parks were grandfathered in because they existed before 1995.

**d. Review/restrictions for large scale removal on lots for purposes of fire mitigation and Board/ARC interaction**

Chris Carr stated that the West Region Wildfire Council held a public hearing where they stated that they will pay 80 %, of fire mitigation, and the owner will pay 20 %. The Forest Service prefers extensive lot mitigation which involves clearance of the property. Terry Thomas, ARC Chair, has requested that ARC not approve extensive lot mitigation because the ARC standards, Appendix 17, Variance Criteria for Tree Removal, only involves the removal of one or two trees. The covenants at Article V, Section 20, Preservation of the Natural Character of the Subdivision, Tree Removal outlines the application for a variance on tree removal.

The Association has some exposure risk but the risk is limited if the rules are clear and reasonable. The covenants and the ARC standards may need to be tweaked. The Forest Service's goals are different than the Association's goals. The Association does not want a clear-cut appearance for the Association. The Board will refer the issue to the CRC for review and clarification. ARC will review Appendix 17. In the past the Association has entered lots to do the mitigation for dead trees, and the owners were charged for removing the dead trees.

There is mixed emotions about the benefits for extensive fire mitigation for a lot because if the owner of the lot next door does not do mitigation, then that lot

becomes vulnerable. The responsibility for tree removal is under ARC but the Board can take over any issues. The Board took over covenant's enforcement in the recent past.

**e. Review of recommendation from CRC regarding amendments to Association Covenants**

Chris Carr stated that the Covenants and Rules Committee met this morning. Jerry Farrington stated that the Association has hired Tom Kennedy, an attorney from Telluride specializing in HOAs, to assist the Association in amending the covenants. The covenants should have been cleaned up 6-10 years ago. The Association is amending the covenants as a result of litigation. The way that the covenants are written now, they are not detailed enough. Tom Kennedy, Chris Carr, and Jerry Farrington made the recommended changes to the covenants. The CRC approved the amended covenants unanimously and passed the amended covenants onto the Board. The Board needs to recommend to the Association's membership that the covenants be approved by them. The amended covenants to be voted on by the members will be mailed out to the membership in August, and members will be given 20-30 days to respond with their votes.

Cluster lot units will be defined along with a related recital section and a list of various plat amendments which do not directly relate to the amendments. For the amended covenants to be approved, 51 % of available votes have to approve it. Jerry Farrington has discussed with Paul Stashick about the amended covenants, and provided him a redline version.

Included in the amended covenants will be additional documents; the Association's articles of incorporation, third amended by-laws, rules and procedures, and ARC standards. At the CRC meeting, the CRC members did not make any changes to the amended covenants. Chris Carr asked the Board members if there were any specific concerns about the amended covenants. There were no concerns. Chris Carr made a motion to accept the amendments to the covenants as submitted in the red-lined and green-lined document and Dick Kreutzen and Chris Carr will prepare the documents to send to the Association membership for a vote. Ann Blakely seconded the motion. The Board unanimously passed the motion.

**f. Water project update**

Chris Carr stated that for the Association to complete the infrastructure for the water project some issues have come up that unfortunately will have to be resolved

in Executive Session before information is provided for the Member Meeting on July 28. The grant application for the Colorado River District has a better chance of being awarded in 2017 due to a larger availability of funds than in previous years. Technically, the Association has met the match requirements for the grant.

**g. Suggestions for July Newsletter**

Chris Carr stated that the newsletter will include the voting forms for the amended covenants.

There will be an article about the Fun Run sponsored by the Fortuna Tierra Club in the Fairway Pines' roads on Saturday, September 17th.

**h. Review of format, location and agenda topics for Summer Member Meeting scheduled for July 28 at 6:30 PM**

Chris Carr stated that he is not sure that the summer member meeting on Thursday, July 28th at 6:30 PM can be held in the pro shop at the Divide Ranch and Club clubhouse with a barbeque and with the bar open. Chris Carr will have to get an answer about the location of the summer member meeting within the next few days or change the venue to the Log Hill Fire House.

The agenda items for the summer member meeting are:

- Treasurer's report
- Update on properties
- CR1 Fix
- Divide Ranch and Club update
- Water project update
- Member comments

**i. New items – Open discussion**

Chris Carr thanked Ann Blakely and Pat Jennings for their two-year service on the Board.

- 6. Executive Session** (Open only to members of the Board of Directors and Advisors as topics involve privileged and confidential matters protected by attorney/client relationship)

The meeting adjourned at 4:30 PM to go into executive session.

**7. Adjournment**

The meeting adjourned at 5:25 PM with a motion by Chris Carr, seconded by Ann Blakely and unanimously approved.

The next scheduled regular Board Meeting will be on Monday, August 15<sup>th</sup> at 3 PM at a location to be determined.

Respectfully submitted,

Mary Ann Guilinger  
Recording secretary  
August 8, 2016