

**Forrest Groves Estates Homeowners Association  
Board of Directors Meeting**

**Zoom link: <https://unco.zoom.us/j/2819947151>**

**MINUTES**

**Thursday, February 16, 2023 7:00 p.m.**

Call to Order: 7:03 pm

Board Attendance: Stan Dunlap, Dave Kasper, Beth Gordon

Guest Attendance: Susan Brown, Mary Dunlap, Dave Rahn, Steve Leisle, Bryce Hunt, David Bowen, Tracy Davis

- Motion to approve January 2023 Board Minutes
  - Motion -- Dave                      Second -- Beth                      Approved

**Finance Report: David Bowen / Beth Gordon**

January Financial Report: Beth Gordon

Dave Bowen (available at <https://forrestgrovesestates.communitysite.com/>)

**As of Jan 31, 2023**

Cash in the operating account was \$27,188 and \$10,003 in the reserve account for a combined total or **\$37,191**.

- Accounts receivable as of 1/31/23 were \$11,901. As of 2/9/23 this balance was paid down by \$1,267. All owners have been notified per the FGEHA collection policy.
  - Overall, excess of revenue over expenses for the seven months ended was \$19,253 and better than budget by \$5,243.

\$22 variance in insurance expense was due to increased premiums upon renewal.

\$475 variance in water testing expense was due to increases in lab service fees and required water testing.

\$229 variance in tractor fuel was due to increased usage due to snowfall.

\$138 variance in trash & recycling expense was due to increased service fees, year-to-date was over budget by \$100

**FUND BALANCE – RESERVE FUND**

- Overall, deficiency of revenue over expenses for the seven months ended was \$1,000 and better than budget by \$250 due to savings in the reserve study project.
  - The \$1,000 intercompany balance on the balance sheet will be transferred from the reserve bank account to the operating bank account to refund the operating fund for payment on reserve expenses.
- Reserve Fund – there will be a fund transfer of \$1,000 from reserve to Operating to pay for the Reserve Study from Resource Advisors (Robbie Pepper). Later in the year, when we are sure there will be sufficient funds available, the Board can authorize a transfer of \$5,000 from Operating to Reserve as an approved budget item.
- Preliminary look at Budget for 2023-24 – priorities  
Stan offered some insights about several line items in the current budget that, barring unforeseen circumstances, may end up over- or under-budget.
  - Over-budget: Legal fees, Water testing, and tractor fuel
  - Possibly under-budget: Sewer Parts and Maintenance, Tank cleaning, Water parts and maintenance, Repairs, Tree work/WAP/ chipper. If need be to accomplish other Association priorities, there could be some reduction in the budget's largest single line item – Roads \$20,000.
- As of now, there does not appear to be a need for any Special Assessment in the upcoming fiscal year (July 1, 2023-June 30,2023).

**Committee Reports**

- WAP Update – Chances of getting a competitive WAP chipper rebate are better if earlier.
- Spring clean-up --- Weekend of 3<sup>rd</sup> Saturday in May --- May 20-21, 2023. This will involve a chipper and dumpster on the tennis court.

### Water and Sewer Report: Dave Kasper

- Updates
  - Water tank – the agitator that floats on the top of the water malfunctioned, leading to an overflow of the tank and flow down the hill. Later, the top layer froze and the water level dropped. Thanks to Tim, Olin and Dave K for identifying and resolving the problem.
  - Dangerous hole below influent house – Fred discovered a fairly deep hole in the snow below the influent house toward the lift station. He marked the problem and place warning signs on the hole. Thanks, Fred.
  - Dave addressed an earlier question about the capability of the sewer system to accommodate additional usage, perhaps by increased access through ADUs or Short-Term Rental usage. Fred indicated that the system is currently using about 20-25 % of its capacity. our entire sewer system, is only at 20 to 25% capacity. That's per Cap Allen. Engineering report from 1999. So the sewer plant has a capacity to handle 144 people hydraulically, and 132 people organically. We have 52 houses on it, so it seems like it's over-built.
  - Tank inspection – FGEHA received an invitation to hire divers inspect the water tank. Deemed unnecessary at this time.
  - There was a question about the difference between the amount of water pumped from the wells and cleared through the effluent bldg. Fred suggested homes that use water but not sewer. The other possibility is a leak somewhere in the system. Will continue to monitor.

New WQCD contacts: Leah York - GW Compliance Specialist ([leah.york@state.co.us](mailto:leah.york@state.co.us))  
Bob Pohl - South Unit Manager ([robert.pohl@state.co.us](mailto:robert.pohl@state.co.us))

### Road & Trash/Recycling Report: Jen Redfern (with an assist by Stan)

- Roads – generally in good condition for the 112" of snow so far this season.
- Snow plow drivers update; appreciation to our volunteer drivers. Due to the increased snow, the tractor fuel expenses will likely exceed the budget.
- Trash (one twice each week, one once a week through April); there was confusion on the account regarding charges.
- Recycling – unable to collect due to weather twice -- Wed 2/8/23; next, 2/22
- Thanks to Jen's efforts, the invoice will be adjusted.
- Thankfully, no recent dumpster fires... fireplace users are reminded to place ashes in a metal container outside, not on a wooden deck or near wooden walls, for a week before placing in a dumpster. Will need to trim branches near dumpster on workday.

### Old Business

**Amended and Restated Covenants** – follow-up. While these Covenants will serve to set the ground rules for the Association into the future, the information in them will also provide a history of the subdivision. The balance of the meeting was spent working on the wording for the Covenants.

- **Recitals** – all OK except for the Condominium Allowance. Since these properties are no longer legally referred to as condos, there was a need for re-phrasing. Suggested wording ---
- Lot 6, Silver Spruce Subdivision -- Unique Property/Properties Allowance (previously referred to as the Condominium Allowance):  
Lot 6, Silver Spruce Subdivision pursuant to a previous amendment of these Amended and Restated Covenants recorded July 23, 1976 at Reception No. 401951 of the records of the Clerk and Recorder of La Plata County, Colorado, may be used for the purpose of maintaining a condominium consisting of two (2) dwelling units, each unit of which shall be used as one single-family dwelling. Except to the extent inconsistent with this specific provision or the laws governing condominiums, the Amended and Restated Covenants shall be applicable to Lot 6, Silver Spruce Subdivision in every other respect, including that the separate Owners shall pay Annual Assessments for each unit and shall each have one vote for each lot on Association matters. Based on a boundary adjustment in 2006, La Plata County identifies the two different Lots as 6A, Parcel # 5595-361-05-051 and Lot 6B as 5595-361-05-052, known as 40 and 32 Forrest Groves Lane respectively, on record as Plat 1059297. Each Parcel contains a section of the building, with the larger portion of the building situated in Parcel 6B (32 Forrest Groves Lane). Each

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parcel may be owned by separate Owners or the two parcels may be owned by one Owner. *Because of the unique characteristics and history of the property/properties, they are exempt from the restrictions in Section 2.9.*

*The last sentence will be referred to Doug Reynolds for legal opinion, along with several others.*

- Otherwise, Recitals were acceptable.
  
- **Article 1 - Definitions**
  - ADU was deleted. Otherwise, Definitions were acceptable.
  
- **Article 2 – Regulations and General Restrictions on All Properties**
  - Sections 1-8 were acceptable.
  - Status report -- DORA webinar to explain new rules on Rentals 2/24/23; in the meantime, consider accepting the proposed Section 2.9 and putting more specifics in the Policies and Rules.
  - Discussion focused on Rentals in Section 2.9 with the following wording proposed:
- Section 2.9 **Rentals – Long-Term and Short-Term:**
- Homes within the Association may be used for Long-Term and Short-Term Rentals. The Board is hereby empowered to adopt such Policies and Rules regulating **Short-Term** Rentals as they deem appropriate and necessary to protect the quiet enjoyment of the Subdivision for all other residents. **Short-Term** Rentals shall be required to follow and abide by all Policies and Rules of the Association in their regard. The Owners of any subject to these covenants shall be responsible for informing Tenants of these Amended and Restated Covenants, Association Bylaws, Policies and Rules and ensuring their enforcement. Owners are solely responsible for all Association assessments regardless of any rental agreements to the contrary. *Effective with the passage of these Amended and Restated Covenants, when any lot within the Subdivision is purchased by a new owner, the new owner needs to primarily reside at that lot for the first year after the closing before the lot can be proposed for use as a Long-Term or Short-Term Rental.*

*The last sentence will be referred to Doug Reynolds for legal opinion, along with several others.*
  
- **Article 3 – The Association**
  - After clarifying discussion on Section 3.4 **Indemnification**, Sections 1-5 were acceptable
  - Another draft of Section 3.6 was presented and discussed.

### Section 3.6 **Maintenance: Roads, Water Lines and Sewer lines:**

The Association shall maintain roads and main utility lines for distribution of potable water and elimination of sewage. The Association assumes responsibility for the main water and sewer lines, while the Owners are responsible for private utility lines that connect any Residence to the main utility lines. The Association retains a utilities easement along all main utility lines.

- Road Maintenance: The Association is responsible for the regular, ongoing road care and repair, including snowplowing. Two or more Owners who share a common driveway that connects to a road maintained by the Association may submit a written request to the Board that the Association assume responsibility for that portion of the common driveway.
- Association's Main Utility Lines: In the event it becomes necessary for the Association to make emergency repairs or conduct improvements to its utility systems within the utility easements on a lot, it shall first notify the Owner as to how the construction will affect their lot and improvements. After notification, the Association shall have the right to enter the lot to do the construction and will restore the area(s) disturbed to the same level as existed prior to the repairs being made.
- Private Utility Lines: The section of water or sewer line that serves only one lot is the Private Utility Line and the Owner of that lot is responsible for maintenance or repair. In the event that emergency repairs are necessary to an Owner's Private Utility Lines, the Association shall notify the Owner the emergency repairs are necessary. Once notified, if the Owner has not performed the emergency repairs in a reasonable timeframe determined by the Board or if after reasonable attempts to notify the Member have failed, the Association shall have the right to enter the lot, perform the necessary repairs and restore the disturbed area(s) to the same level as existed prior to them being made. All expenses associated with repair of Private Utility Lines are the responsibility of the Owner, even if the repairs were contracted by the Association, and shall become part of the Assessment against the property.

Section 3.6 still needs work. Suggestions were solicited.

### • **Article 4 – The Regulation of Common Areas**

After brief discussion, Sections 1 & 2 were acceptable.

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- **Article 5 – Architectural Review**

Section 5.1 **Restriction** was acceptable to the group.

Section 5.2 **Non-Liability** prompted discussion and another line for referral for legal opinion.

*Every Owner or other person who submits plans to the Board for approval agrees by submission of such plans and specifications that he will not bring any action or suit against the Board or the Association to recover any such damages.*

Sections 5.3 & 5.4 were acceptable to the group.

- **Article 6 – Assessments**

After brief discussion, Section 1-4 were acceptable to the group.

Sections 6.5 and 6.6 – after discussion, it was decided to remove the word **emergency** from the titles and the text.

Sections 6.7 and 6.8 were acceptable to the group.

- **Article 7 – Miscellaneous Provisions**

Section 7.1 was acceptable.

Section 7.2 – the words **masculine and feminine** were deleted.

Sections 7.3-5 were acceptable to the group.

Section 7.6 – This section was provided by legal counsel.

Section 7.6 **Colorado Common Interest Ownership Act:**

Except to the extent otherwise provided by C.R.S. § 38-33.3-117, the Owners disclaim any applicability of the Colorado Common interest Ownership Act, C.R.S. § 38-33.3-101 *et seq* to the Association or to the Property.

There was considerable discussion about whether or not the Association should accept all the provisions of CCIOA (nicknamed *kiowa*), the Colorado Common Interest Ownership Act. DORA (Colorado Department of Regulatory Affairs) strongly recommends that HOAs voluntarily submit to all the regulations. Last year, when the Board was working on the Policies and Rules, the decision was made to NOT request inclusion. CCIOA has 9 Policies that it requires all HOAs to adopt. This was accomplished in Policy #1 (basically a policy on policies) and the next nine policies.

There was extensive discussion about the best way to present the legalese to the Members to ensure understanding of the document and its importance for the future of the Association. Suggestions:

- present the document in sections;

- develop PowerPoint presentations on the sections that Members could access from the FGEHA website;

- set “office hours” where Board Members would be available to answer questions from Members.

Timeline TBD –

- Finalize for Board vote at the March Board mtg – 3/16/23

- Send Ballot with Invoices, newsletter and return envelope last week of March/early April

- Update on the Reserve Study process – Stan

- Preliminary draft for review (sent with this agenda). Stan is still working with Robbie Pepper from Facilities Advisors and plans to have a final presentation for the March Board Meeting. Having a relevant, appropriate and timely reserve will help prevent surprise special assessments in the future.

- Update on FGEHA insurance

- Surety bond (“honesty” bond) required
- Directors & Officers Liability – Travelers Insurance raised the rates on this policy since FGEHA allows Short-Term Rentals.
- Commercial policy – to be updated in conjunction with the Reserve Study

- Other ?

## New Business

- Meet N Greet – is there a preference between Saturday, June 3, 2023 OR Sunday June 4 ??? Treasure Island (details TBD)
- Annual Meeting – tentatively Saturday July 8, 2023 1:00 Treasure Island
- Since Stan is retiring from the Board, there will be an Opening for next fiscal year. Need someone to step up.
- Comments?

**Motion to Adjourn:** Dave                      Second: Beth                      Adjourned 8:33pm

**Next Board Meeting:** Thursday, March 16<sup>th</sup> – 7:00 pm - Zoom