

June 13 2020

## Puesta Del Sol Annual Meeting Minutes

Call to order at 10:10 AM at Camino Del Carnero cul-de-sac (Klaes driveway).

Members present: 13 lots represented. Ryan Jackman, Geoff and Teri Thomas, Keith Ferguson, Chad Nelson, Mike Kemp by proxy, Barb and Don Bellio, Brock Smith, Zach by proxy, Shea Walker, Musgraves by proxy, Doug and Jama Hartwell, Kody and Brianna Henderson, Jerry Klaes, Joyce Robertson.

Initial discussion about the CC&R's that state there are 138 votes in total including the developer's portion. The board will take an action to review the total votes available as stated in the CC&R's and further notify members.

Suggestion was made to separate the documents on the website by category (board minutes, annual meeting minutes, etc.). Jerry to work with web developer to make this change.

Jama asked for clarification about the legal expenses for 2019 and asked if following years would be similar. Dan discussed the updates to the Rules and Regulations and consolidation of documents that took place in 2019. The 2019 year was unique in that respect. The question about the quorum is another example of how important it is to keep the governing documents up to date.

Barb Bellio asked about the increase in dues to \$115. Board increased dues in the 2020 by 15% as allowed by governing documents.

Brock Smith asked why the dues were increased as we appear to have a substantial balance in checking. Jerry explained that some years ago we targeted a \$10,000 savings account to maintain detention pond if major work is ever needed.

Barb asked about whether Tract 5 is within the responsibility of the HOA. Dan explained that ultimate responsibility is of the developer; a formal agreement with the developer is needed. Eventually the 9 lots in the upper section will need a detention pond to be engineered. **Note of clarification: Dan Boyer did more research on this subject and it appears that the HOA is the owner of record of Tract 5 and therefore bears ultimate responsibility for maintenance.**

More discussion about flooding on Tract 5. Consensus among homeowners that the flooding needs to be resolved. A license to create and maintain a detention pond may be an option but this would lead down the path of permits and studies.

After more discussion, it was decided that the Board would work with Robertson Development to determine if the upper tract had engineered detention for runoff, and if it might be reasonable to develop the detention as prescribed in the engineering documents. Jerry volunteered to work with Joyce to review the documents.

Brianna asked how changes are made to governing documents. Dan explained that the documents explain the process in Article 10 of the CC&R's; a 51% member approval by vote is required for amendment to the CC&R's. **Note of clarification: Amendments to the Rules and Regulations are within**

**the sole discretion of the Board, but members may veto a current amendment to the Rules and Regulations by following the statutory process described at the meeting.**

New business: there are 4 items that the Board has considered for approval. After discussion today, the Board will discuss and vote on the 4 items in the Agenda. Item a was explained in that the roof slope requirement has been historically ignored. No comments. Item b was explained that a potential buyer requested 3 single car garage doors. Substantial discussion about the need for more garage storage. Consensus that 3 single car garage doors are fine.

Some additional discussion about an additional garage door on the rear of the house, not visible from the street.

Board was asked to consider wording which defines the requirement as garage doors but does not define the number of vehicles that would be stored in a garage. Also clarify that non-street facing doors may be approved upon architectural approval.

Item 6c is a \$20 late fee if owners fail to pay within 30 days of assessment. Question was asked if we could notify that a late fee is applicable and the date of the fee, when the original notice is sent?

Item 6d: change from \$500 to \$1500 annual fee for not initiating building within the prescribed period. Dan Boyer gave the background which includes the fact that this item was previously approved but notification documentation to members for disapproval was not found.

Construction start date is noted as the date of the building permit.

Brock brought up the hard surface % requirement. Requested that the board review this item.

Other discussion about fees. Brock and Ryan both brought up that there are classifications (homebuilding and landscaping) where the \$50 per day fee is probably not appropriate. Board is requested to review.

Shea Walker made a motion to revise the building period from 12 months to 18 months. Brock Smith second. All in favor. Ryan Jackman, Geoff Thomas, Keith Ferguson, Chad Nelson, Don Bellio, Brock Smith, Zack R, Shea Walker, Anne (for Musgraves), Joyce Robertson, Doug Hartwell, Kody Henderson, Jerry Klaes), Mike and Sophie Kent). **Note of clarification: further review by Dan Boyer clarifies that the governing documents do not give members the authority to initiate and pass changes to rules and regs; however, members can veto changes that the Board makes. Nevertheless, the Board will consider this vote as a recommendation from the members in our next Board Meeting.**

Ryan Jackman: Motion made to amend the fee schedule for late completion of construction and late completion of landscaping. Tiered structure is proposed. Suggested: 0 to 30 days: warning; up to 180 days: \$5 per day; beyond that: \$10 per day. Brock Smith second. All present agreed. Ryan Jackman, Geoff Thomas, Keith Ferguson, Chad Nelson, Mike Kemp, Barb Bellio, Brock Smith, Zach, Shea, Musgraves, Doug Hartwell, Kody Henderson, Jerry Klaes, Joyce Robertson. **Note of clarification: further review by Dan Boyer clarifies that the governing documents do not give members authority to initiate and pass changes to rules and regs; however, members can veto changes that the Board makes. Nevertheless, the Board will consider this vote as a recommendation from the members in our next Board Meeting.**

Motion made to waive the fee for Ryan Jackman for late construction in its entirety. Motion by Brock Smith. Second by Teri Thomas.

Motion made to make the vote anonymous (Brock Smith). Second by Chad Nelson. All in favor. Ryan Jackman, Geoff Thomas, Keith Ferguson, Chad Nelson, Don Bellio, Brock Smith, Zack R, Shea Walker, Anne (for Musgraves), Joyce Robertson, Doug Hartwell, Kody Henderson, Jerry Klaes, Mike and Sophie Kent)

Jerry Klaes noted that at some point other owners will serve on the board; waiving the fee in total will make it more difficult to enforce the amended fees at a later point.

Vote tally: majority did not vote to approve; motion did not pass. **Note of clarification: further review by Dan Boyer clarifies that the governing documents do not give members authority to handle enforcement of the governing documents. Enforcement matters are within the Board's discretion.**

Chad moves to approve 2019 annual member meeting minutes; Doug second. Unanimous approval.

Chad moves to adjourn; Shea second. Unanimous approval.

Meeting ended at approximately 1 PM.