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AGATE CREEK PRESERVE HOMEOWNERS ASSOCIATION

MEETING OF THE EXECUTIVE BOARD/FEBRUARY 26, 2020

A meeting of the Executive Board of the Agate Creek Preserve Homeowners Association (the “Association”) was duly called and held at 3:30 p.m. on February 26, 2020 at the offices of Alpine Bank, 1901 Pine Grove Road, Steamboat Springs, Colorado.

Directors present in person were Russ Atha, Rick Dowden, Anne Krieg and Sue Swain.

Rick Dowden acted as Chair of the meeting and Sue Swain served as Secretary.

The Chair noted that copies of the draft minutes of the Board meeting held on November 20, 2019, had been distributed to the members and asked whether there were any questions or suggested changes. Their being none, the minutes were approved as presented.

The Chair then requested that Treasurer Anne Krieg present a financial report. Anne presented the financial statements and noted that to her knowledge there were no out of line conditions, problems or concerns. After a brief financial discussion, the Treasurer’s report and the financials were accepted as presented.

The meeting then turned to a discussion of the road. It was noted that not much could be evaluated until after the snow has all melted and that further road considerations should be postponed until the following meeting. It was noted, however, that in the Spring attention needed to be paid not only to the road but also to the ditches and culverts along the road. Those concerns were duly noted.

The Chairman then introduced a discussion of the Luke construction situation and the fact that construction on that lot was already considerably beyond the maximum time permitted. Several members noted that in driving by the lot over the past few months there seemed no signs at all of any activity. The Chair reviewed that at the time of the Luke’s request for permission to begin construction there was discussion of the applicable completion time frame of 18 months, and that in response to Eric Luke’s request the Agate Creek Preserve Declaration was amended to extend that maximum time by 1/3, to a total of 24 months, which the Board members considered and still consider more than reasonable; a conclusion reinforced by the fact that the Romick home currently under construction is on track to be completed well before 24 months. Among the concerns shared by the Board members were that we have heard nothing at all from either the builder or the owner addressing the timing issue and, as noted, there has been no evidence of either progress or interest in progressing. It was further noted that the prime reason for a construction time limit was to avoid a situation where there was in fact an abandoned or derelict project within Agate Creek. It was the opinion of the Board members present that the Luke home is now in fact such an abandoned or derelict project.

It was unanimously decided that the next logical, reasonable and absolutely necessary step was the imposition of a significant default assessment on the property and, if unpaid within 30 pays then the placing of a lien on the property. After discussion the amount of five thousand dollars ($5,000) was agreed upon as appropriate. It was also decided that the matter would be reviewed at least at every upcoming Board meeting with consideration to additional and probably accelerating assessments. The Chair was authorized and directed to convey this decision to Eric Luke as well as the Board’s demand that the project be attended to and completed as soon as possible. At the same time it was agreed that a list of construction elements should be included and that Eric should be asked to indicate the time frame for the completion of each of those elements.

There being no further business to come before the Board, the meeting was duly adjourned.

Respectfully submitted,

Sue Swain

Secretary