Approved

**AGATE CREEK PRESERVE HOMEOWNERS ASSOCIATION**

**MINUTES OF THE EXECUTIVE BOARD**

**September 4, 2013**

A meeting of the Board of Directors of Agate Creek Preserve HOA was held on Wednesday, September 4, 2013, 3:30 pm at the offices of Commercial Property Group. Present were board members Rick Dowden, president, Ted Swain, Russ Atha, and officers, Joe Robbins, treasurer, and Nancy Jarchow, secretary.  Board member Bill Keith was also present via conference phone. Rick served as chairman and Nancy, secretary.

Finance. Joe provided a current balance sheet and profit and loss statement. He reported there are no outstanding accounts receivable. We are over budget on snow plowing. All other expenses are in line with the budget. Water reserves are now at $30,000 at  $15,000 per year collected for the past two years of the 3-year projection to accumulate a
$45,000 water reserve.

Roads. Rick reported some new areas of Humble Road where the road is deteriorating, including an area at the base of Sweetwater Drive where it joins Humble Road. We will monitor over the winter and review next spring.  Russ has contacted the two companies we’ve used in the for crack sealing in the past and has received a bid from one of them, so far, Wayne Arbrogast who had completed an on-site assessment for us and has offered to do the crack sealing this fall for $3,265. We are still waiting to get a confirmation from Schreiner who had estimated his fee to be about the same as he charged us last time which was $1,800. Russ will contact him again and also ask for a breakout of costs for both crack sealing and patchwork at the bottom of Sweetwater Drive.  Bill Keith suggested another contractor who does a good job is Danny Weiss who has aggressive pricing and has done asphalt work for Bill’s driveway.

Architectural and Building Fees.  Ted suggested we review our architectural and building fees we’re charging to have an architect review construction plans and what we’re charging for road maintenance fees for heavy trucks/ equipment while under construction. Nancy provided a summary of fees at Catamount, Dakota Ridge, and Agate Creek. SEE BELOW.  Russ Atha explained the policy in Country Green is to charge the homeowner $5,000 for review and road maintenance costs, and there is also a fee for remodels based on square footage.

A lengthy discussion ensued which covered four areas of architectural and building fees: arch design review for both new construction and remodels, inspections, compliance and road damage. Joe said the fee system currently in place in Catamount works well. Changes our covenants must be voted on by the HOA. Here is a list of suggestions, so far:

1. Architectural Review
2. New Construction   $1,000.
3. Remodel                    $   300.

           (the above amounts to cover the cost to the HOA for Architectural Review of the            Homeowner Plans to ensure compliance with our covenants.)

1. Site Inspection
2. New Construction   $1,000
3. Remodel                    $\_\_\_\_\_

           (the above amounts to cover the HOA costs for site inspections by the HOA Architect to ensure that construction is done according to approved Architectural Plans.)

1. Compliance and Road Damage Fee (refundable)
2. New Construction  $10,000
3. Remodel                  $\_\_\_\_\_\_

(to be paid by the Homeowner to the HOA upon approval of Architectural Plans and held by the HOA in an interest bearing bank account, and refunded to the homeowner within 90 days after issuance of a Certificate of Compliance by the Agate Creek board less any costs incurred by the HOA (i) to complete unfinished improvements, (ii) to correct any non-compliance and (iii) for costs of repair of damage to the roads caused by trucks and other heavy equipment during construction. The Homeowner would be responsible for such costs exceeding $10,000.

1. Road Damage Fee (non-refundable)
2. New Construction  $5,000
3. Remodel                  $\_\_\_\_\_

(to cover general wear and tear of HOA roads in addition to costs of repair of road damage mentioned in No. 3, above.)

 Water. Nancy reported that she and Joe met with Bruce Thompson at the pump house. Bruce suggested we replace some pipe and fittings which have deteriorated due to age, materials not to exceed a few hundred dollars plus cost for the plumber. Bruce will order the parts and contact either Bud Baker or Jeannie Richardson, plumbers, to install the new parts. Joe commented the facility has been well maintained and things are in good shape. The board approved a motion to approve up to $1,000 for all associated costs.

Architectural and Building Fees.

Trees. Nancy was asked by a neighbor, Randy Rudasics in Dakota Ridge to look at the dead trees above his house, some of which are located on Ken Gold’s Lot 14, in Agate Creek. Nancy suggested they meet together with Rick. During the meeting, Randy offered to help pay for some of the costs for removal of the trees. Rick offered to bring it to the attention of our board at the next HOA meeting. During today’s meeting, it was generally agreed that the individual homeowner should be responsible for maintenance of their property. Nancy will send contact info to Ken and the neighbor to get in touch with each other. Rick will send a note to all homeowners with the names and contact information of several respected tree removal contractors should they elect to remove any dead trees on their property. Russ noted the Agate Creek common area is the responsibility of our HOA.  Nancy will get estimates of dead tree removal for the Common Area.

 Next Meeting/ Annual Meeting. Next meeting is the Annual Meeting, November 13, 2013, at Wells Fargo Bank, downtown, at 3 pm. Rick will prepare the Notice, Joe will prepare the Treasurer’s report, Nancy will prepare a Water report, we’ll need a Road report, Rick will include an Agenda and letter from the President and ask if anyone is interested in serving on the board.

Motion was made and approved to adjourn the meeting.

Respectfully submitted,

Nancy Jarchow

Secretary

**NOTE:** Since our meeting, we looked into the question concerning HOA construction fees for Agate Creek, Catamount and Dakota Ridge.

**Dakota Ridge** - The information Stephanie originally gave me was incorrect. She just sent me an updated copy of the Dakota Ridge fees.

1. New Construction

(a)    Architectural Review Fee -   $   250

(b)   Road Damage Fee -               5,000

2. Remodeling\*

      (a) Architectural Review Fee -         100

      (b) Road Damage Fee –                      0

3.Demolition\*\*

      (a)Architectural Review Fee -          100

      (b) Road Damage Fee -                5,000

\*Remodeling means any structural change to a dwelling (including, without limitation changes to a garage or accessory building) that alters total square footage, or the addition or a pool, for which the Routt County Building Department requires a building permit.

\*\*Demolition means the partial or complete tearing down or razing of a dwelling or other structure. No Demolition project shall be approved by the Committee unless the plans therefor include the restoration and revegetation  of the site to its original condition, provided, however, in the event any portion of the foundation of the demolished structure is to be retained and used for a new structure, and the new structure is not commenced within ten(10) days after completion of the demolition of the structure, such foundation must be filled in or protected in some other manner acceptable to the Committee so as to provide a safe and aesthetic appearance until such time as construction of a new dwelling or structure is commenced…”

**Agate Creek Covenants**: Section 18.7:

“Expenses. The Association will have the right to charge a Building Fee and an Architectural Review Fee for each application submitted to it for review, in such amount which may be established by the Executive Board from time to time, and such fees will be collected by the ARC and remitted to the Association. The Building Fee shall be $2,000 (until changed by the Executive Board) which will be refunded should the ARC fail to approve the plans of if construction does not occur within on (1) year. The Architectural Review Fee shall be $300 (until changed by the Executive Board) and shall be non refundable regardless for ARC approval, denial or cancellation by Owner.

**Note:** I haven’t found any mention of what the $2,000 building fee is for, nor mention of using the funds for road damage.

Section 20.2.1 and 20.2.2 also refers to the same fees and charges.

**Catamount Covenants**: Article V. Construction Regulations – Revised 2007

c. Construction Compliance

“In order to ensure compliance with all construction regulations, a $20,000 Compliance Deposit shall be deposited by the Owner with the DRB (Design Review Board) prior

to initiating construction. Such deposit shall be made payable to the Catamount Residential Owners Association and submitted with an executed copy of the Compliance Agreement. If the DRB determines that any of the improvements contemplated in the Compliance Agreement are not constructed in compliance with the plans and specification by the date set forth therein or in compliance with the Guidelines, the DRB may withdraw from the deposit such funds as may be necessary to complete the unfinished improvements and correct any violations. In addition, the owner will be responsible for any and all costs incurred by the DRB to enforce the guidelines….(including attorneys fees, etc.)

**Note:** I don’t find mention of using the fund for road damage.

“Any remaining portion of the deposited amount, plus accrued interest, shall be returned to the owner within 90 days after issuance of the Certificate of Compliance by the DRB with the exception of the portion retained for Landscape compliance ($5,000) which shall be retained for 1 year after final landscape inspection.”

Design Review Fees are an additional $4,500.

**NOTE:** Concerning the landscaping question, I spoke with Jeannie Buck of Kinnickinnick Landscaping and understand they do weed but do not trim the shrubs. Much of the cost is for hauling and spreading mulch and there’s also a one hour charge for getting the irrigation system started. After review of the charges, Sue Swain and I agree the charges are fair and consistent with what Kinnick has done for us in the past. I’m personally glad that Jeannie is in charge of Agate’s account as I believe she’s very fair. Going forward, Sue has offered to be our homeowner representative with the landscapers.