

BOARD OF DIRECTOR'S MEETING MINUTES
MARCH 28, 2023 4:00 P.M.
LOG HILL FIRE STATION / ZOOM

The meeting was called to order by President Randy Mathis at 4:07 p.m. President Randy Mathis, Vice President John Peters, Treasurer Mike Jones, Secretary Bob del Rossi, and Board Member Paul Stashick were all in attendance in person.

Evelyn Bailey (administrative assistant) hosted the Zoom portion of the meeting. There were 11 members on Zoom at the start of the meeting.

Randy started the meeting reminding everyone that the meeting is for Fairway Pines Estates Owners Association property owners only and not for the general public. Also, property owners who express their opinions in public should be mindful of disclosing that those opinions are their own and don't represent the opinions of the board members. He also indicated that any concern, notice of violation, etc., that a property owner intends to report should be done via email to the board via the FPEPOA email address and cite the specific paragraph of the covenants, policies or rule that they believe are being broken. The email should be addressed to the board and not to Evelyn Bailey as administrator.

1. Approval of Minutes

A motion was made by Randy to approve the Meeting Minutes from both the March 9th and March 15th Meetings. The motion was seconded by Bob del Rossi and the motion carried.

2. Comments regarding the adoption of the proposed ARC Standards

Randy indicated that they would take additional comments regarding the changes and adoption of the proposed ARC Standards. He spoke about the comments that had been received so far. The board acknowledged that they had also seen all the comments received. Randy made a motion to vote to approve the changes adopted so far in the previous March 15th meeting, and also indicated that further comments received during this meeting would be considered before a final vote. Mike Jones commented that a vote to approve wouldn't mean the standards were final, but he believed they needed to approve some version to have something in place for the ARC Standards. John Peters mentioned that he was concerned about using formulas in the standards in lieu of good design. Paul Stashick mentioned that he received several comments via email, including concern asking if any proposed changes might go against the settlement agreement with Kopper Creek. He also discussed the 16/40 rule that was proposed in the revisions, along with a discussion about the demographics of Fairway Pines vs. Mountain

Village in Telluride. He recommended that the board consider the demographics of the population of Fairway Pines (some fixed income retirees with fixed budgets), as it relates to the revisions and construction costs. Jerry Simon said that a well-designed house that is designed from scratch will take the new rules into account. John Peters said that he believes that that rule is forcing design through a formula and limits how you create good design. Mike Jones said that he believed the members spoke and did not want “a box” and it was the board’s job to represent the members. A discussion ensued regarding the 16’ rule. Randy asked Jerry Simon if he would feel comfortable with subjective analysis if the 40% rule was removed. Jerry said that the issue he had with that is that the ARC committees change over time which would mean a “lack of continuity” in design over time. Randy asked the architect Liana Schmidt, who was at the meeting to weigh in on the 40% rule. She said the rule of “16’ without a plane break” was an issue for her. She suggested looking at the house as a whole without a specific formula and she provided pictures of some of her designs/projects. Paul brought up that a homeowner should not have to be held up with a variance approval by having to wait to bring it up to a board meeting for vote. A discussion also ensued regarding the drawings in the ARC standards as to whether they accurately showed a proper comparison of what’s allowed. Chris Blumke said the standards are a guideline and if need be, designs will be looked at subjectively. Jerry argued for less subjectivity, more concrete rules. Bob del Rossi agreed that a guideline should be set versus subjectivity only. John Peters said that not everything should go to a variance and mentioned that the ARC standards were set through the years by different ARC committees and boards and those different standards are reflected in the variety of homes that were built. Jerry Simon said that a good portion of the membership did not like a certain style of home and that should be taken into consideration when revising the standards. Randy recognized Barry Zane in the meeting to comment on the steps for adopting the standards. Paul recommended that the architect’s pictures should be made a supplement posted on the website so prospective homeowners can see them as possible examples of what’s allowed. He also pointed out that many lots have been sold for lower prices (\$20K), and those lot owners might not be willing to put \$500K or more into building a home. The board and ARC agreed to remove the 40% rule for now until the board agrees on something that is more or less subjective. The board agreed that the roof and ridgeline rules would stay in place and would be in line with what they were trying to achieve. Randy pulled the motion to approve the existing changes and made a new motion to approve the language that Jerry Simon read about the roof and ridgeline and removing the 40% rule as it relates to walls. Comments were then taken from the members. Barry Zane had questions about the drawings on the ARC standards and felt they should be changed along with other specific comments about the standards. Paul spoke about the commercial heights and lighting and wording in the standards. Randy took comments from the Zoom audience. Tom Rudd commented that he was okay with the revised words but believes it should not be a purely subjective process. Mistalyn Kuzov felt that the standards were so complex it could deter people from even purchasing lots to build on. The architect weighed in

on the hand sketches in the standards. Randy asked her if she would be willing to share her renderings for prospective homeowners to see. John Peters advocated for removing the drawings and have the architect help by providing some sketches of her own. Randy reiterated that the drawings are not to scale but mentioned that they should keep the drawings for now until such time as the architect can do some better drawings that can be used as a supplement. Randy made a motion that the drawings be deleted from the last revision and a supplemental diagram will be provided at some point in the future. The motion carried. Randy made a second motion approving the two changes made during the meeting (deleting the drawings and reducing the 40%) and voting to adopt the changed revisions. The motion carried. Randy asked that the adopted revisions be sent to Evelyn to be forwarded to Geoff for posting to the website. Paul asked about adding wording regarding having an attending board member at the ARC meeting for variance procedures without the homeowner having to wait for the next board meeting. Randy said that this would be covered in policies and procedures. Randy made a motion for the board to authorize the attending board member at the ARC meeting to approve the variances, have this action captured on a variance request form and reported at the following board meeting. The motion carried. Paul also recommended that all third-party commercial projects should come before the board for ARC approval as there aren't currently any commercial guidelines in place with ARC. Paul made a motion that all third party commercial projects, prior to going through the Ouray County special use permit process must be approved by the Fairway Pines Estates Property Owners Board of Directors. The motion carried.

3. Geoff Rainville's presentation of proposed new website

Geoff presented a slide show, which was shared on Zoom, of Geoff's ideas for an updated website. Geoff recommended WordPress for the website at a nominal cost (approx. \$300 per year) and discussed the process going forward. Randy made a motion to authorize Geoff to start building a two-sided website with a member's only side and a public side. The motion carried. Paul suggested that the public side of the website might want to feature renderings of proposed future development including commercial to attract potential buyers and show them the future vision of our community.

4. Road Committee update

Chris Blumke gave the report as Eric Loeb was unable to attend. She said he is still waiting for the paving bid from United Paving. She also mentioned that driveways that are not paved, with no apron, have gravel that is being carried onto the roadways, causing damage. There was a suggestion to put a notice at the mailboxes to ask homeowners to sweep the rocks off the roads near their driveways. Randy mentioned that he'd received comments from some of the members who objected to paving the roads with reserve funds as they believe those funds are for road

maintenance and not paving. He also said the members who are objecting want the issue to go to a member vote. Bob del Rossi said that he heard from Jim Couto that a board vote on the paving issue was taken and was approved by the board at that time. Paul mentioned that the discussion had come up on numerous occasions and that the paving should have been done by the previous developer. He also mentioned that a study was done around 2013 and the HOA board then had pledged to pave the roads. He also mentioned that it wasn't fair that some people had built their homes and had been without paved roads for some time. He also believes that if the board would consider forming a metro district, it might be a way of funding for the paving. Mike Jones asked about a possible timeframe for forming a metro district if they elected to do that. Paul said the San District would have to take the first steps and Barry Zane as the board president of the Sanitation District would have to answer to that. Barry said it would require a vote of the membership to see if they want to be part of the metro district, however, he felt that the money that has been in the road fund for several years was earmarked for paving and as dues paying members those homeowners on unpaved roads should have the benefit of paved roads. Randy said that the updated bid that they're seeking from United Paving for Pronghorn, Bobcat, Bear cub and Lynx roads is for chip seal (as they use on CR 1) and not actual paving which should be less expensive. Randy said that the metro district discussion should be brought up in a future meeting.

5. Website domain name / DBA

Paul said the DBA for Divide Ranch and Club HOA was never done. Geoff said the timeframe for launching the new website would probably be around 2 months. Paul said the logos for Divide Ranch and Club are protected property and should not be used except for the golf club and course. He also said that he's working on the golf course's accounts receivables and getting them straightened out. Geoff said in his opinion, the domain name of the website was not as important as the content. Randy said that for now it would be left as Divide Ranch and Club HOA and also suggested that Paul talk to Marti and someone assist him with the licensing issue so they can proceed. Barry Zane said legally the board should remain as Fairway Pines.

6. Old Business

a) Status of old Clubhouse investigation/reconstruction

Randy referenced the article published in the Plaindealer regarding the old Clubhouse fire investigation. He spoke with the OC Sheriff investigator, and they have closed out three investigations, including one conducted by the Co Bureau of Investigation and the insurance company's investigation. Arson has been ruled out and they have determined that the cause of the fire was due to the swimming pool boiler. Randy said the four months start time for the

reconstruction of the clubhouse can begin. The county is conducting asbestos and other chemical testing and the demolition will be engineered. Randy said an official contact needs to be made with the owner to ascertain the plan and timeline for reconstruction.

b) Results of Kopper Creek settlement

Randy said he wanted the membership to know the settlement details regarding Kopper Creek. The \$40K settlement was agreed to by the board with the advice of the attorneys as the cost of going to court could be significantly more expensive and could drag out timewise. Additionally, the board agreed to not enact another moratorium on modular builds for at least three years. Also, the board can't just ban modular construction as that would violate the settlement agreement. A statement was provided to Kopper Creek by the board which Randy read in the meeting acknowledging the terms of the settlement and saying that the existing modulars delivered by Kopper Creek will meet all the ARC standards and the board and ARC will continue to allow modular type construction. Randy said that the copy of the settlement will be posted when there is an appropriate place on the website to do so.

Paul mentioned towards the end of the meeting that he was planning on discussing the golf course season and having a welcome meeting for the new golfers and would hold it around the same time as the next HOA meeting.

The next board meeting was scheduled for Tuesday, April 11, 2023. Place to be determined.

Randy reminded the board members that they had received recommendations for updating the CCR&E's along with Policies and Procedures that they should review. CCR&Es and bylaws require a membership vote. Policies and Procedures would be a board vote. Paul reminded the board to be mindful of CCIOA's regulations as they may supersede our documents and suggested the board might want to think about eventually hiring a CCIOA attorney to assist.

Steve Williams said they should be able to go through our P and P's section by section and it shouldn't take too long. Randy said he wanted to address each issue one at a time.

There was no new business and no comments/questions at the end of the meeting.

The meeting was adjourned at 6:56 p.m.