

Back Country Cabins Homeowner's Association, Inc.
Board Meeting – June 1, 2017

DRAFT Minutes of Meeting

A meeting of the Back Country Cabins Homeowner's Association, Inc. ("the HOA" or "BCC") Board of Directors took place on Thursday, June 1, 2017 at the First Bank located at 960 North Ten Mile Drive, Frisco, Colorado.

Attendees: Joel Pins – President, Back Country Cabins HOA
Pete Campbell – Vice President, Back Country Cabins HOA
Sean Serell* – Secretary/Treasurer, Back Country Cabins HOA
Kevin Lovett – President, Summit Resort Group
Bonnie Cole – President, United Professional Management
Consuelo Redhorse – Bookkeeper, United Professional Management
**Teleconferenced into meeting at 2:22pm*

TOPIC A. Roll Call – Meeting called to order at 2:12pm

TOPIC B. Quorum – Quorum met with 3 of 3 HOA officers in attendance

TOPIC C. Reading of Minutes from March 8, 2017

- (1) **Motion: Joel motioned to waive the reading of the March 8, 2017 BCC HOA board meeting minutes. Pete seconded. Approved unanimously.**
- (2) **Motion: Joel motioned to approve the March 8, 2017 BCC HOA board meeting minutes. Pete seconded. Approved unanimously.**

TOPIC D. Reports of Officers – No officer reports

TOPIC E. Reports of Committees – No committees, no reports

TOPIC F. Unfinished Business

- (1) Sundial Update
 - a. Paperwork
 - i. Joel signed the contract on behalf of the HOA and brought in a copy for HOA records
 - ii. Joel received the invoices for Wi-Fi and security camera installation and authorized UPM to submit payment on behalf of the HOA
 - b. Installation
 - i. Once Sundial receives payment, they will email Joel within ten days to set installation dates
 - ii. Wi-Fi will be installed first as all other services run off the Wi-Fi
 - iii. Once the installation date is set, Joel or Bonnie will communicate this information to owners, along with a reminder that owners should cancel their current internet service
 - iv. Sundial will need to access the interior of each unit
 - c. Innovative Energy will connect the Envoy solar panel monitor to the common area Wi-Fi
 - d. Additional services
 - i. Joel will get the exact costs for TV and keypad door locks offered by Sundial, then manager to email owners to see if they are interested in these extra services
 - ii. *Sean enters meeting at 2:22pm – Joel provides short summary of Sundial update*
 - iii. Group agrees that TV and Wi-Fi should be installed at the same time, if possible
 - iv. Billing owners for additional services would be done by HOA manager

Back Country Cabins Homeowner's Association, Inc.
Board Meeting – June 1, 2017

TOPIC F. Unfinished Business (continued)

(2) Renter Violations

- a. Bonnie referred to issues and questions posed at the last board meeting
- b. Bonnie emailed warning letter options and fee procedures to the board on March 14th (see attached)
- c. Board agreed on addressing future renter violations as follows:
 - i. Unit owner will contact the HOA manager
 - ii. HOA manager will email a warning letter to the owners and copy the rental manager, if applicable
 - iii. HOA manager may hand-deliver the warning letter to the occupants
 - iv. If violation is not corrected within 24 hours, there will be a fine per each offense
 - v. The fine structure will adhere to the HOA's Enforcement Policy
- d. **Motion: Joel motioned that the HOA issues a single warning letter for rule violations and that the HOA follow the fee structure per the Enforcement Policy. Sean seconded. Approved unanimously.**

(3) BCC Signage

- a. Group discussed the possible need for:
 - i. A unit layout diagram to be placed on Galena Street for visitors and renters, and
 - ii. A gate on the outside of the property to address trespassing and vandalism
- b. Reflective letters for units
 - i. Pete notes that reflective numbers are now required on new builds
 - ii. Reflective lettering is easy to see at night
 - iii. **Motion: Joel motioned to put reflective letters on each parking area on the alley side and in front of each unit to be determined by the HOA President and HOA manager. Pete seconded. Approved unanimously.**
 - iv. Bonnie will purchase the reflective letters

(4) Towing Signs

- a. Frisco BBQ
 - i. Joel will take care of putting up the cones and associated signage (status quo)
 - ii. Bonnie will remind #A about using parking tags during the BBQ
- b. Group agrees to take no further action with Ryan's Towing right now

(5) Trash Enclosure/Recycling

- a. The "No Glass Recycling" signs on the trash bins have disintegrated
- b. Board members have seen members of the public using the HOA's trash and recycling bins
- c. The group discussed the following options to curb unauthorized use of the trash and recycling bins:
 - i. Put the enclosure doors back on as discussed at the January 2017 board meeting
 - 1. Use a locking mechanism and/or move the trash enclosure to further restrict access
 - 2. Improve limited snow storage by removing the half of the enclosure that is closest to the buildings; Joel understands, from talking with the Town of Frisco, that the HOA can remove the trash enclosure
 - 3. Extra expenses associated with removing snow from inside the enclosure could be mitigated by building a roof over the enclosure
 - ii. Move the bins into the common area storage
 - 1. Unpleasant odor
 - 2. Increased foot traffic in the storage area
 - 3. Would require someone to roll the bins out every week
 - 4. Would burden owners who rent out their units on a short-term basis

Back Country Cabins Homeowner's Association, Inc.
Board Meeting – June 1, 2017

TOPIC F. Unfinished Business (continued)

- d. **Motion: Joel motioned to remove the back half of the trash enclosure, reinstall the enclosure doors, and add a roof and locking mechanism to the enclosure. Seconded by Pete. Approved unanimously.**
 - i. Pete will be responsible for making the improvements to the trash enclosure
 - ii. Someone will need to roll out the bins weekly

TOPIC G. New Business; and Executive Session

(1) New Owner Reserve Account Pay In

- a. When Units #E and #F were sold to the current owners, UPM misunderstood that the additional reserve funds had to be collected on the first transfer of ownership only, not upon each subsequent sale; as such, UPM did not collect additional funds for the reserve account
- b. Section 8.4 Reserves of the HOA Declaration reads, "The Association or Declarant shall require each buyer of a Unit to make a non-refundable payment to the Association in an amount not to exceed Three Months of the current cumulative Monthly Periodic Assessments for the Unit, which sum shall be held, without interest, by the Association and deposited to the Reserve Fund."
- c. The board must decide how many months of dues payments shall be collected when a unit is purchased
- d. **Motion: Joel motioned to keep the resale reserve contribution at three months of HOA dues at the time of closing. Pete seconded. Approved unanimously.**
- e. **Motion: Pete motioned that the resale reserve contributions shall be deposited into the Deck Reserve and regular Reserve bank accounts in the same proportion as the regular monthly dues. Sean seconded. Approved unanimously.**
- f. Bonnie will attempt to get this cleared up with the affected owners prior to the change in HOA managers

(2) Board Member Invoice

- a. Bonnie gave board members the option to discuss in executive session; Board members do not feel this is necessary
- b. The main purpose of this agenda item is to provide full transparency and document the amounts paid to Joel Pins (see attached), as he is an HOA board member
- c. The work that Joel performs for the HOA:
 - i. would have to be done by someone else if he did not do them, i.e. the HOA would have to pay for these services either way, and
 - ii. is charged at a substantially lower rate than an outside vendor
- d. Trash and recycling duties
 - i. Joel reports that Waste Management issues warning tags, with the support of the Town of Frisco, for recycling contamination; the fine is extensive (approximately one month's worth of service) and can be imposed repeatedly
 - ii. Glass is currently being taken to the Town's recycling center, it cannot be disposed of in the trash bins due to weight
 - iii. If recycling issues continue, Sean proposes discontinuing recycling services for the HOA
- e. **Motion: Pete motioned to approve amounts paid by the HOA to Joel Pins, BCC board member, for various maintenance tasks that benefit the HOA. Sean seconded. Joel abstained from the vote. Approved unanimously.**

Back Country Cabins Homeowner's Association, Inc.
Board Meeting – June 1, 2017

TOPIC G. New Business; and Executive Session (continued)

(3) New HOA Management Company

- a. Summit Resort Group ("SRG") will begin management services on July 1, 2017
- b. Joel was in communication with six other management companies
- c. Both management companies will work towards a smooth transition and feel that SRG will be highly effective in addressing short-term rentals within the HOA
- d. Bonnie has renewed her required licensing and insurance for HOA management so there is no urgency with the transition
- e. The board agrees that the HOA should continue to compensate UPM through the transition
- f. UPM, Joel, and Kevin Lovett (President of SRG) will meet to take care of the transition

(4) Outstanding BCC HOA Issues

- a. Picnic Table – Joel and Bonnie will get the picnic table from Lowes
- b. UPM updated the Rules and Regulations to include a section on linseed oil as discussed at the 2016 annual meeting
 - i. Timing of annual application
 1. At the annual meeting, the membership established that the deadline for applying the oil to the fences would be June 1st
 2. Jim Walsh with Great Exteriors will do this work in July
 3. **Motion: Joel motioned to extend the date for applying the oil to the fences to September 1st of each year. Pete seconded. Approved unanimously.**
 - ii. The HOA will bill back the owners for this maintenance
 - iii. Bonnie will email the owners a reminder about their planters and the updated Rules and Regulations
- c. The heat tape has been turned off
- d. Unit #F Roof
 - i. Bonnie will get the required paperwork from Javier, the contractor who is working on the exterior repairs
 - ii. Board agrees that the vendor should repair the flashing at the base of the chimney and inspect the other units for damage
 - iii. Interior repairs
 1. Bonnie to get vendor recommendations from Pete
 2. The HOA insurance covers repairs to the inside of the unit if the damage is from an exterior failure
 3. The group agrees that the damage is due to an exterior failure and that the repair costs will be paid by the HOA
 - iv. Bonnie will continue to be in communication with Sean
- e. Swale
 - i. Pete and Joel recently noticed that the swale in certain areas around the property had "broken down," putting the units at risk for water damage; they agree that the landscape needs to be assessed by a professional
 - ii. Bonnie and Joel will meet with a representative from Ceres Landcare in the next week

TOPIC H. Adjournment – Motion: Joel motioned to adjourn the meeting at 3:49pm. Pete seconded. Approved unanimously.



Consuelo Redhorse <consuelo.bcchoa@gmail.com>

Notice and Procedure

Bonnie Cole <bonnie.bcchoa@gmail.com>

Tue, Mar 14, 2017 at 1:34 PM

To: Sean Serell <saserell@nc-prof.com>, Joel Pins <jjpins@gmail.com>, Pete <petecampbellconstruction@comcast.net>

Cc: Consuelo Redhorse <consuelo.bcchoa@gmail.com>

Hello Board Members,

I have attached two different "Warning Notice" options.

Also, at the last Board Meeting, you asked me to write down the fee procedures discussed.

I have reread the BCC Enforcement Policy (attached), and I believe it is best to follow that procedure for charging fees.

There appears to be some latitude for the Board to "seek other remedies" (see **Enforcement Policy 1. Power**).

It may be a good idea to check with the new HOA Management company and/or an attorney before doing something different from the Enforcement Policy.

Thank you,

Bonnie Cole

President
United Professional Management, Inc.
Phone: (970) 668-8400
Cell: (970) 376-2490

2 attachments

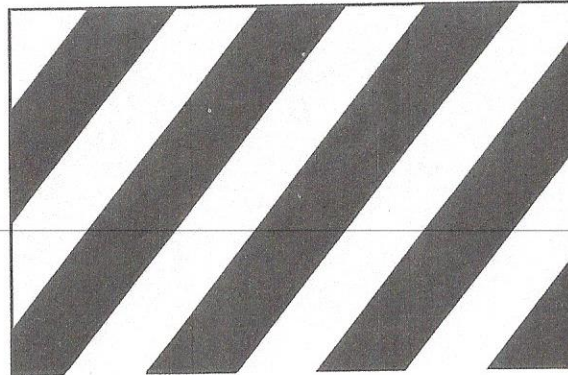


BCC Warning Notice 2.pdf
521K



BCC Enforcement Policy 2014.pdf
266K

WARNING NOTICE



DATE: _____
RESIDENT: _____
PHONE NO: _____
UNIT NO: _____ TIME: _____ AM ☐
PM ☐
LOCATION OF
OCCURRENCE: _____

NATURE OF COMPLAINT

- ☐ Destroying Property
- ☐ Loud Noise
- ☐ Unsightly Patio
- ☐ Unit Needs To Be Cleaned
- ☐ Violation of Rental Agreement
- ☐ Unauthorized Tenants in Unit
- ☐ Unauthorized Pets
- ☐ Other _____

REPORT: _____

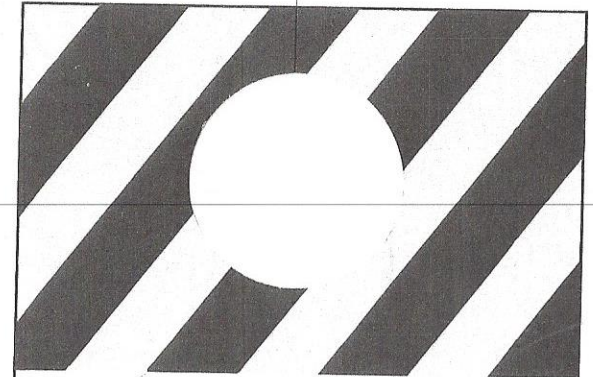
PERSON MAKING
REPORT: _____

FORM
WN-15DH

TO
REORDER
CALL:

BUSINESS FORMS OF AMERICA
TOLL FREE 1-800-231-0329
HOUSTON 713-790-1926

WARNING NOTICE



DATE: _____
RESIDENT: _____
PHONE NO: _____
UNIT NO: _____ TIME: _____ AM ☐
PM ☐
LOCATION OF
OCCURRENCE: _____

NATURE OF COMPLAINT

- ☐ Destroying Property
- ☐ Loud Noise
- ☐ Unsightly Patio
- ☐ Unit Needs To Be Cleaned
- ☐ Violation of Rental Agreement
- ☐ Unauthorized Tenants in Unit
- ☐ Unauthorized Pets
- ☐ Other _____

REPORT: _____

PERSON MAKING
REPORT: _____

FORM
WN-15DH

TO
REORDER
CALL:

BUSINESS FORMS OF AMERICA
TOLL FREE 1-800-231-0329
HOUSTON 713-790-1926

Back Country Cabins Owners Association

Warning Notice

Unit # _____ Unit Owner _____

Occupant Name(s) _____

For the Following Reason(s):

_____ Vehicle does not have a BCC Parking Permit, therefore violating the BCC Rules & Regulations

_____ Vehicle is parked in a Reserved Parking spot(s), therefore violating the BCC Rules and Regulations

_____ Occupant is smoking, violating the BCC Rules & Regulations

_____ Other: _____

Violation Date

Violation Time

Please contact Bonnie Cole (Property Manager) at (970) 376-2490 if you have any questions or concerns.

Property Manager

Date

Time

BACK COUNTRY CABINS HOMEOWNERS ASSOCIATION, INC.,
ENFORCEMENT POLICY

Adopted August 23, 2014

The following procedures have been adopted by Back Country Cabins Homeowners Association, Inc., ("Association") pursuant to C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policies and procedures for the enforcement of the Association's restrictive covenants and rules:

1. Power. The Board of Directors shall have the power and duty to hear and make decisions regarding violations and written complaints filed with the Board and impose fines or other sanctions, pursuant to this policy. The Board may determine enforcement action on a case by case basis, and take other actions as it may deem necessary and appropriate to assure compliance with the Townhome Condominium Declaration of Back Country Cabins ("Declaration"), the Association's Articles of Incorporation, Bylaws, and rules and regulations (collectively the "Documents") promulgated thereunder, and to create a safe and harmonious living environment.

These enforcement provisions may be in addition to other specific provisions outlined in the Documents, and the Association is not required to follow these enforcement provisions before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control, as it deems appropriate.

2. Complaint. A proceeding to determine if the Documents have been violated and any enforcement measures and remedies that may apply shall be initiated by the filing of a written complaint with or by the Association's Board. The complaint shall state the specific provision(s) of the Documents alleged to have been violated and as many specifics as are available as to time, date, location and persons involved.

3. Notice of Complaint and Warning Letter. Upon receipt of a complaint, if the Board determines that the allegations in the complaint are sufficient to constitute a violation of the Documents and that action is warranted, the Board shall send a warning letter ("Warning Letter") to the person(s) (the "Respondent") alleged to have violated the Documents, by prepaid, first class United States mail addressed to the mailing address of the Respondent appearing on the records of the Association. The Warning Letter shall advise the Respondent of the following: (1) the details of the complaint, or include a copy of the complaint; (2) that the Board has reason to believe that the Respondent has violated the covenants or rules of the Association; and (3) directing that the Respondent cease the violating activity or that the Respondent will have fourteen (14) days from the date of the Warning Letter to come into compliance, or that further enforcement action will be taken for enforcement of the covenants and rules of the Association, including the imposition of fines.

4. Continued Violation After Warning Letter and Right to Hearing. If, following the Warning Letter having been sent to the Respondent, the Association receives further complaint of the same or similar violations by the same Respondent or that the Respondent has not corrected the violation within the time permitted, the Association shall send a second notice to the Respondent, by prepaid, first class United States mail addressed to the mailing address of the Respondent appearing on the records of the Association. The notice shall advise the Respondent of the following: (1) the details of the complaint, or include a copy of the complaint; (2) the action that may be taken; (3) his or her right to be heard, either orally or in writing, by a committee appointed by the Board at a meeting of the Board which is at least fifteen (15) days after the date of the notice; (4) the date on which the hearing will be scheduled; and (5) the Board's right to proceed with or without a hearing, at its discretion, to make its determination of the allegations contained in the Complaint based on all relevant facts and circumstances, if the Respondent fails to appear at the specified date and time or otherwise respond to the Complaint.

5. Hearing. Each hearing shall be held at the scheduled time, place and date, unless the Respondent has failed to respond or appear at the hearing. The Board may grant continuances for good cause. Each hearing shall be held by a Hearing Committee. The Hearing Committee shall consist of a person or persons appointed by the Board, which may be the Board itself, who do not have any direct personal or financial interest in the outcome of the hearing. A person is deemed not to have a direct personal or financial interest if he/she will not receive any greater benefit or detriment from the outcome than will the general membership of the Association. The Hearing Committee may: (a) exercise its discretion as to the specific manner in which a hearing shall be conducted; (b) question witnesses and review evidence; and (c) act as it may deem appropriate or desirable to permit it to reach a just decision. Neither the Complainant nor the Respondent must be in attendance at the hearing, but both are encouraged to attend. Any party may elect not to present evidence at the hearing. Any decision by the Hearing Committee shall be fair and reasonable taking into consideration all of the relevant facts and circumstances. Each hearing shall be open to attendance by all Members of the Association.

6. Decision. If the Respondent does not appear but a written response is filed, the Hearing Committee shall render its decision based on the information contained in the Complaint and the written response, considering all of the relevant facts and circumstances. If neither an appearance nor a written response is made, the Hearing Committee need not conduct a hearing or make any further findings except that it may determine that the Respondent's failure to appear or respond constitutes a waiver of the right to a hearing, and a no contest plea to the Complaint, and impose the sanctions provided for herein. If an appearance is made, after all testimony and other evidence has been presented to the Hearing Committee at a hearing, the Hearing Committee shall render its decision(s), taking into consideration all of the relevant facts and circumstances. Except as provided herein, the Hearing Committee's decision shall have an effective date no sooner than five (5) days after the hearing. If the Hearing Committee does not inform the Respondent of its decision at the time of the hearing, or if no hearing is held, the Hearing Committee will provide a written notice of the decision to the Respondent's address of record via regular U.S. mail within five (5) days after the decision is made.

7. Enforcement. The provisions of this policy shall not limit, or be a condition precedent to, the Association's right to enforce the Documents by any means available to the

Association, including, but not limited to, commencement of a lawsuit to force compliance or seeking injunctive relief or damages. The Association shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred by the Association in connection with any enforcement action, including any proceeding under this policy. Without limiting the Association's remedies under the Documents, the Hearing Committee may assess fines, suspend membership privileges, and impose other sanctions in accordance with this policy. If the violation involves damage to Association property, the violator shall also pay the costs of repair or replacement. The Hearing Committee may revoke or suspend the violator's privileges for a period of time equal to the duration of the violation and for up to sixty (60) days thereafter, unless such violation is a continuing violation, in which case such suspension may continue for so long as such violation continues and for up to sixty (60) days thereafter.

8. Fines. Fines may be levied by the Hearing Committee for violations of the Documents as follows:

<u>Number of Violations in 12 Month Period</u>	<u>Fine Amount</u>
First violation	\$50
Second violation	\$75
Third violation	\$100

9. Habitual Offenders and Continuing Violations. A Member who accumulates more than three (3) violations within a twelve (12) month period will be deemed to be a habitual offender. For habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, the Hearing Committee may impose such additional fines as are deemed reasonable by the Hearing Committee without regard to the schedule set forth above.

10. Willful and Wanton Violations. In the event of a determination by the Hearing Committee of a willful, wanton or flagrant disregard for the provisions of the Documents, or based on the severity of the violation, the Hearing Committee may impose such additional fines as are deemed reasonable by the Hearing Committee without regard to the schedule set forth above.

11. Responsibility for Actions of Tenant or Guest. Members shall at all times be responsible for the actions of their tenants and guests. In the event that a Member's tenant or guest violates the Documents and a fine is imposed, the fine shall be assessed against that Member.

12. Violations or Offenses that Constitute a Present Danger. If, in its sole discretion, the Board deems that any alleged violation is or may be an immediate or substantial threat to the health, safety or welfare of the community or an individual, the Board may take the appropriate action necessary to abate the threat to health, safety or welfare of the community or individual.

13. Miscellaneous.

13.1 Failure by the Association to enforce any provision of this policy shall in

no event be deemed to be a waiver of the right to do so thereafter.

13.2 Fines imposed pursuant to this policy shall become an Assessment imposed against the record Owner's real estate and enforceable as provided in the Declaration.

13.3 The provisions of this policy shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

13.4 The provisions of this policy shall replace and supercede any other rules or regulations of the Association addressing the enforcement of the Association's Documents.

Back Country Cabins Homeowners
Association, Inc.

By: 

President

This Enforcement Policy was adopted by the Board of Directors on the 23rd day of August, 2014, effective the 26th day of September, 2014, and is attested to by the Secretary of Back Country Cabins Homeowners Association, Inc.,



Secretary



Consuelo Redhorse <consuelo.bcchoa@gmail.com>

Linseed Oil added to Rules and Regs

Bonnie Cole <bonnie.bcchoa@gmail.com>
To: Consuelo Redhorse <consuelo.bcchoa@gmail.com>

Thu, Jun 1, 2017 at 12:00 PM

I forgot to "cc" you,

Bonnie Cole

President
United Professional Management, Inc.
Phone: (970) 668-8400
Cell: (970) 376-2490

----- Forwarded message -----

From: **Bonnie Cole** <bonnie.bcchoa@gmail.com>
Date: Thu, Jun 1, 2017 at 12:00 PM
Subject: Fwd: Linseed Oil added to Rules and Regs
To: Joel Pins <jjpins@gmail.com>, Sean Serell <sserell@nc-prof.com>, Pete <petecampbellconstruction@comcast.net>

Hello All,

There are some additional items for the meeting this afternoon (I will bring copies in case you don't receive this in time).

1) Linseed Oil on Fences: I have attached the "red line" (so you can see the changes) of the Rules and Regs. This was decided at the 2016 Annual Meeting

2) Here are the amounts Joel has been paid for work done since 2014:

2014: Total = \$875 (\$480 for snow shoveling, \$282.50 summer work (weeds and yard maintenance)

2015: Total = \$543 (\$337.50 for snow shoveling, \$202.50 summer work (weeds and yard maintenance)

2016: Total = \$2,141.25 (\$866.25 for snow shoveling, \$881.25 for summer work (weeds and yard maintenance), \$56.25 for tech meeting (not time), \$337.50 for trash and recycling

2017: Total (to date) = \$944.00 (\$539.06 for snow shoveling, \$244.69 summer work (in April and May only), \$160.25 trash and recycling

Thank you,

Bonnie Cole

President
United Professional Management, Inc.
Phone: (970) 668-8400
Cell: (970) 376-2490

----- Forwarded message -----

From: **Consuelo Redhorse** <consuelo.bcchoa@gmail.com>
Date: Thu, May 25, 2017 at 2:01 PM