

## Whispering Pines Ranch HOA Board Meeting

Wednesday - August 12 2009 - 8:42am -

Alastair Stone's home 8:42am start

**Attendees:** Dave Hammer, Virginia Parks, Alastair Stone, Linda Shannon-Hills, - visitors, Walt Grande --- Kerri Rougemont was unable to attend.

This meeting is a work session of the WPR HOA Board to address the issues and proposals presented from the Summit County Road and Bridges regarding the road situation in Whispering Pines Ranch Road.

Before the discussion on the roads, the following items were discussed

### Weed spraying

- Alastair sent another note to Sheila Skaggs at Wildernest to encourage them to come out this week to spray the weeds. She sent in the request to Kurt last week. Kurt is a sub-contractor for Wildernest, so we still need to work with Wildernest to get this done. Alastair is going to contact Daniel/Travis to see if Kurt can come out this week.
- Dave Hammer, as a developer, asked the question that since he is paying for the dues on the lots on Telluride – the HOA should be paying to have the weeds sprayed in the common area around the Telluride area.
- Alastair stated that a woman from the county said that they would come around one more time to spray the weeds along the roads.
- Dave asked if we knew what the county is using for spray for weeds?
- Dave stated that there are a large amount of weeds in the common area behind the Walters on Snow Peak.

### Landscaping

- Tim sent out Jim to fix the water lines in the common space. They came out right away but we have continued to have problems with Tim being proactive rather than a very slow reactive contractor. Dave said this has been the worst year to get him to call you back and to engage in work needed.
- It is time for a new landscaping contractor for the development. It was discussed to create a RFP (request for proposal or a request for bid) from several landscape contractors.
- Linda Shannon-Hills will schedule a meeting next week with a Helga Stone and Phyllis Raynor to develop an outline of what we want a contractor to bid on. Included for landscapers, 2V's Landscaping; Neil Lundsford (maybe), and find two or three more. Maybe include Tim. Sheila asked us to consider Wildernest when going out to bid.
- Walt stated that Soda Creek has a limited amount of open space, so they don't have the same kind of challenges as WPR.
- Walt also stated we might be cautious about Wildernest as they are more of a response maintenance group rather than a plan the work they of group. They handled condo areas much differently that they do housing developments.

**Board of County Commissioners** – Alastair attended the BOCC meeting on Tuesday, August 11<sup>th</sup> and represented both sides of the OHV issue on Tenderfoot. The commissioners were appreciative of his comments. Bob Vesco told Walt that he thought some of the homeowners were a bit abusive to Alastair about his email and that they took a different position than Alastair. The county has the topic tabled until more data can be obtained.

### ROADS – general discussion

Dave Hammer submitted a hand written document (Linda will type up his notes electronically for distribution) about his estimates to bring the roads in Whispering Pines Ranch up to Development Code standards. Excluding the lower WPR Road and Forest Glen, the cost was about \$160,000 which is significantly less than the counties estimates.

Dave gave some history on how he came to take over the responsibility as Declarant of Whispering Pines Ranch. In June of 2004, he took on the role as successor declarant from Bill Gallipo, previous developer. Bill was about to go into bankruptcy. Dave Hammer was also the road contractor for Bill Gallipo during the early years. Dave and Karen Hammer were Declarants from June 2004 to October 2007 when they turned the development to the HOA.

Dave stated that lot sales trigger the official transfer of the declarant to the HOA but at the annual meeting in October 2007, it was announced to homeowners that he was turning over the development. It is a turnover to the HOA rather than an acceptance of the HOA from the declarant. The standing board members (declarant appointed) in 2007 (Walt Grande, Britt Dimmitt, Greg Schrammeck, Alastair Stone and Dave Hammer) were taken to a vote of the homeowners at the annual meeting, October 11, 2007. All were unanimously accepted.

Dave also stated that his best interest as a developer may not always be in sync with the best interest of the HOA Board. There are discussions of who is responsible

In 1998, Gallipo hired Dave Hammer's company to come into Whispering Pines Ranch to pave the first phases of the development. This included lower Whispering Pines Ranch Road to stop sign and Forest Glen and three side streets (Raundance Trail (9) , Legend Circle (10) , Brushwood Court (11) of the streets for probation at a commissioner's hearing . Bill requested from the county to snow plow these roads, which they did. Dave stated that he paved these roads the first week in December 1998. Montane, Canyon View and Habitat was paved in 1999. These roads were put into probation before the amendments to the Development Code. Note: Dave Hammer called Bill Gallipo at the end of our meeting to ask him if he remembered what happened with the roads and the county. Bill stated to Dave H – Bill requested at the Board of County Commissioners meeting (no date given) to have the county plow snow in 1999 -2000 and they did. In 2001 or 2002, the county came to him and said they would not continue plowing unless he formally put in writing to put the roads into probationary status. He did this and they made Bill do some repairs on Legend Circle before plowing. Walt and Bill both said that probation status at that time was for two years. If the county did not except into full maintenance status, then they would stop plowing the roads. The county has plowed all the roads in the development ever since this time without officially putting into full maintenance status.

Habitat was paved in 2003.

Walt is convinced that all this was reported in the newspaper as well as in the BOCC minutes. Alastair plans to go to county to get copies of meeting notes of the BOCC.

Walt Grande thought that Bill Gallipo hired Hillco to do the plowing on Montane court in 2002 paid by Bill Gallipo but county plowed the following year.

Bill Gallipo was talking with Dave Hammer in Las Vegas in 2003 that the county was never going to accept the roads in the development.

2003 was the year the code was revised, so that might be why these dates are in Ric Pocius report. He states that the various roads were put in probation in 2003, rather than the dates listed above.

The county did \$100,000 maintenance (later was stated by JP that it was \$55,000 – need to get accurate amount) work on the lower WPR Blvd in 2008 without contacting the developer or the HOA. This was after a large sink hole developed across both lanes of the road. The repairs were for a much larger area than what had sunk.

Dave Hammer is convinced that the county shot from the hip with the costs of doing the roads.

Linda Shannon-Hills made a point that one option that the HOA needs to consider is to have all the roads brought up to a standard that meets the Development Code in the next year and submit them for full maintenance with the county, including Whispering Pines Ranch road. The cost of future maintenance and snow plowing (estimated to be \$20-30K per year) will significantly increase the costs to the homeowners in our annual budget.

Dave Hammer stated that he would bid the roads for snow plowing for an average cost per year to be about \$20,000. He also stated that the county would kickback to the HOA about \$8K per year based on the statement of \$3-4K per mile. This would offset our costs for snowplowing. (This was later found to be inaccurate)

There was a discussion about increasing the fee charged when a house sells in WPR. The \$500 fee on a sale of house came from Soda Creek, and was then added to the Whispering Pines Ranch sales.

## General statements:

If we were to look for responsibility, there was a lapse that occurred from all three parties in this situation.

1. County put roads into probation with a two year limit but has been plowing the roads in WPR HOA for the last six to nine years while on probation. They also did \$100K repair on Whispering Pines Ranch road while it was on probation. – (One could assume that they had taken on responsibility for these roads)
2. The developer (s) did not submit the roads for full maintenance in 2003 or in 2005 when the several roads were repaved. (Note: it is not clear that the Development codes ever required that as it does in the codes today)
3. The HOA Board did not determine the status of the roads with the county. (One could state that the board was unaware of the requirements or just assumed it was done)

Lots of discussion around the county requiring WPR to bring the roads up to a higher standard than what is in the development code.

The county has been collecting property tax from Raindance , Legend, Brushwood for the last 11 years without making any maintenance of those roads.

Dave Hammer was going to talk to Dave Beard from County R&B, about the scoring system

Dave thinks the county is being sneaky in their approach. Overstated the costs of repairs and wants to get out of the snowplowing.

Dave was going to talk to Ric Pocius (although he may not be back from his surgery yet) about the discussion Dave Hammer and Ric had in 2005 when Dave paved Raindance, Legend, Brushwood, Gray's Peak and acceptance at that time.

Walt feels the county is ducking out of their responsibility after doing maintenance of snowplowing and road maintenance.

Walt feels that the HOA is smart to get the roads to a quality standard, not just minor repairs. There is and will be an impact to the development on the quality of these roads.

Walt does not feel the county is always honest. They state constantly that they reserve the right to change their mind.

He also knows that the Probationary status was to be converted to permanent FULL status without effort within two years unless a problem was uncovered.

General - Existing Development code states that someone has to proactively contact the county to move into Full Maintenance status.

The Development Code – Chapter Five was revised on August 11, 2003.

Probationary compliance was only for two years and they would stop plowing. So, why did the county continue?

Dave Hammer called Thad Noll and asked to get copies of the Development Code prior to 2003 revisions and also prior to 2007 revisions. We would like to review before our meeting next week with the county. Prior to our meeting, we need to get the Chapter five of the Development code revised 8/11/03.

We also need to find the February 1999 – minutes of the BOCC meeting which would give us a record of what was approved for WPR roads.

Last year, Walt, Alastair and Dave Hammer attended a BOCC meeting (sometime between August 5 and October 11, 2008) regarding the repair of roads in Whispering Pines Ranch. They requested that Steve Letofsky attend with the three of them (who was Bill Gallipo's lawyer in the early days). Dave asked Steve if he had done any work with the county. See the WPR HOA Board meeting of August 5 BOD minutes regarding this discussion.

Dave will contact Steve Letofsky to see if he has codes from prior years and any documents from Bill Gallipo

The next meeting with the County Road and Bridges with WPR HOA Board will be on **Wednesday - August 19<sup>th</sup> at 1:30pm** at the Summit County Commons building in Frisco. **The WPR Board will hold a meeting prior to this meeting at 12:30 pm at the same location**