

# **Enclave at Sun Canyon & Enclave at Cedar Draw HOA April 2, 2019 Meeting Minutes**

## **I. Call to Order 10:07am**

## **II. Establish a Quorum**

### Sun Canyon Board Members in Attendance:

Ty Measom, David Wiener, Meghan Gelston, Greg Douglass

### Cedar Draw Board Members in Attendance:

Markus Nordlin, Soren Urry, Tom Richardson (via phone)

### ASRL staff in Attendance:

Jim Simmons, Gina Covino, Mike Howe, Jason Harris, Carissa Nosack

### Owners in Attendance:

Steve & Paula Child, David Steiner (via phone)

Attorney Melyssa Davidson of Wrona and DuBois, PLLC in Attendance

## **III. Approval of Meeting Minutes**

Motion to Approve Jan 28<sup>th</sup> Meeting Minutes by Meghan Gelston, 2<sup>nd</sup> by David Wiener, all in favor. Motion carries.

## **IV. Additions to Agenda**

None

## **V. Management Update**

- New Kimball Jct. HOA Manager – Jim Simmons introduced Carissa Nosack as a new member of ASRL and will be the lead HOA contact for the Board Members. \*Mike Williams could not attend, but is the Maintenance Manager for the association.

## **VI. Governance**

- Duties & Relationship: Sun Canyon & Cedar Draw – They are 2 separate Entities/Associations with different Governing documents, likely because of the different types of units (Townhomes in SC/Stand Alone Homes in Cedar Draw)  
Melyssa received and reviewed Governing Docs for Cedar Draw, which do not have a 3-day limitation. Sun Canyon does have this Nightly Rental Limitation in their Rules & Regs that were recorded in the 2<sup>nd</sup> Amendment. An Amendment can be made to address this which requires a super majority to approve.

She mentioned there could be some benefits to joining the 2 associations. (insurance, management fees, etc.). She cautioned to use care in keeping the 2 entities separate with separate meeting minutes and records. Discussion ensued. \*This topic is postponed to the next Agenda.

- **Modify Nightly Rentals Requirements:** Note: Summit County requires licensing for owners to be able to rent which requires an inspection. Current Owner is causing regular concern and complaint (noise, nuisance, quiet hours). This has caused the HOA to consider modifying CCR's and/or Rules & Regs. and consider the need to implement fines. HOA needs legal advice from Melyssa Davidson. Any changes must be in a recorded document and approved by a super majority of owners (2/3). Discussion on how many days the rental period should be, anywhere from 7-30 days (county has 28-day rule). Discussion on rentals to friends/family, associates or partial owners. Discussion on one rental per year were also brought up. Rental Restrictions need to be added as well as restrictions on behaviors in Rules & Regs and Fine Schedule (i.e. parking, noise, garbage, maximum occupancy). Fine schedule is the key to enforcement for the HOA and does NOT require a vote of owners. Sun Canyon Docs state: The Board determines whether something is a violation.

*Greg made a motion of 14 days for both Associations, having Melyssa draft the documents for community vote. Unanimous approval from both HOA boards.*

\*When new Amendment goes out for vote, notice will also include all info regarding the Summit County Requirements.

- SC needs to be careful in making sure the new rules do not go against the recorded Rules and Regs and make them more robust in definition and language. Fine Schedule does not need to be approved by vote. Quiet hours stated in SC Rules & Regs. Need quiet hours for Cedar Draw and keep them similar. \*ASRL will send out warnings/reminders by Board request for minor issues/complaints on trash bins (include in Newsletter).

\*Parking: once we have additional spots planned, we will revisit the topic. Attorney recommended Against towing.

*Motion by Greg to continue to he 10pm-7am quiet for both communities and fine schedule regarding trash (stronger more robust language) 2<sup>nd</sup> by Meghan, all in favor.*

WARNING FIRST per statute

(Garbage/Quiet hours) Noise & Nuisance Fines: \$1000, \$2500, \$5000, doubles every time during the calendar year.

Fine for rental violation would start at \$5000, and double.

- Resolution to Retain Wrona DuBois, PLLC – Unanimously approved by Sun Canyon Board. Melyssa will prepare recommendations to the Board.

\*Sun Canyon has some invalid provisions: Re-Investment fee is recommended for HOA to implement and a separate notice needs to be made and recorded.

Cedar Draw will need to enter into a separate Resolution to Retain Agreement.

Duties & Relationship: Sun Canyon & Cedar Draw:

Areas of shared maintenance and shared cost (i.e. shared areas and expenses). Sun Canyon is responsible for everything in their plat. Cedar Draw is responsible for everything on their plat.

They are 2 separate Entities/Associations with different Governing documents, likely because of the different types of units (Townhomes in SC/Stand Alone Homes in Cedar Draw)

Cedar Draw can have their own HOA meetings. Melyssa was asked to evaluate the possible benefits of joining the association.

- Interior Improvements: Not addressed in SC CCR's. Homeowner request/notification by Child's was discussed. The Board appreciates the courtesy. They can move forward with the project.

\*In newsletter, the Board would like to request homeowners notify the Board prior to any interior construction work as a "Best Practice" courtesy.

\*In the future SC may need to address an amendment to the CCR's in the future regarding interior remodels/construction.

## **VII. Financial Update**

- 2019 Proposed Budget

Operating Budget was previously Approved.

2019 Capital Reserve Budget needs to be reviewed, based off of Reserve Study. Discussion on the components and recommendations.

Minimum of 10% of your Revenue is required to be allocated to Reserves.

\*Currently SC will be on a very tight Capital Budget margin.

\*Cedar Draw may need their own capital Budget OR the Shared Budget may need to be pulled out so that the funds for the Bridge are not used for SC maintenance items. Adjustments made to the Capital Budget – SEE BUDGET  
*The full \$91K from the developer will go to the Bridge and Shared portion.*  
*Banking: Motion to move funds from Grand Valley to Zions, unanimous approval.*

- Waterfall Feature - postponed
  - Monthly Assessments are required by CCR's. Owners must be allowed to make monthly payments. Owners are not prohibited from pre-paying the amount in advance in quarterly payments. (Yearly total approx. 10K for SC)
- \*HOA Newsletter should contain details on all of the items that the

Assessments cover (exterior maintenance, insurance, snow removal, landscaping – Assessments include a LOT of home maintenance – this cost is higher in a Mountain Community)

- Insurance Policy (now includes a D&O Policy)

## **VII. Maintenance Updates**

### **Completed**

- Daily routine maintenance
- Excessive Snow Removed from Roofs
- Lot 34 exterior light fixture
- Lot 16 chair ordered

### **Spring 2019**

- Phase I Front Door Repairs – Discussion. Exterior surfaces are HOA Maintained per CCR's (normal wear and maintenance). These doors are an exception. 5 doors are in need of maintenance related to wear and tear & the Board is going to ask the homeowners to pay this cost. Group Pricing was obtained for door in Phase I (\$750-\$1100) \*this repair work will be at the homeowner's discretion to take advantage of this year. Future repairs will be taken care of by the HOA.
- Landscape:  
Rock edge is missing by Enclave Lane and Enclave Way and everything below the rock wall has died and is washing out and the trees have died  
\*ASRL will evaluate and appropriate trees/plants should be planted. The homeowners are expecting this landscaping with the raise in dues.  
\*Wildflowers will be placed behind Phase II, damaged trees will be pruned or removed  
What is the cost to make Phase III potentially grass and flower mix and re-vegetate to a more natural state where there is no water currently to this area?  
Board would like to know what mix is being used and where it is being purchased. \*ASRL will relay that information to the Board.
- Pedestrian Bridge Repair (cannot be evaluated until late spring) it is worn, but not in bad shape. \*ASRL will make any small repairs
- Visitor Parking: There are some areas where 4 spaces can be put in easily at the top of Enclave Way and Lane. There are other locations where parallel parking with the road would be a good option. It will need to be of natural grass pavers to keep with natural aesthetics and conservancy agreement and guidelines.  
\*ASRL to prepare a plan for 4+ additional parking spaces for the Board to evaluate (carve out places along the road).
- Concern was brought up about the drop off at the end of Enclave Lane and the liability of someone falling off.  
\*ASRL to get bid about Rock or Boulders to block create a natural barrier.  
Area by trailer is left open for county access on Bear Hollow.
- Exterior Deck maintenance. There is currently no schedule but they begin in the

Capital Budget in 2020. Likely Phase I and then Phase II.

\*ASRL to watch the decks and come up with a schedule to implement.

- Capstones on Bridge will be replaced as soon as they are able.
  - Asphalt Repair Proposals: \*ASRL to find out the lead time Miller needs for scheduling and revisit this discussion in three months at the next meeting. \*All the roads are Not Shared and there needs to be come clarification. Bridge 1,250 ft<sup>2</sup>: Option 1 is Complete Replacement of Concrete Decking. Option 2 is a partial repair milling down to remove damage, neutralize, and then install concrete with an epoxy surface. Board is leaning towards Option 2 on repair. \*More research needs to be done with Miller Paving on longevity and options. This project should wait until the construction on new homes is complete (potentially late fall).
  - \*ASRL can see if the heater for the bridge can be sold to recoup some funds
  - Main Entrance 1,720 ft<sup>2</sup>: This project will cut out and replace asphalt. \*This project is best to wait until construction traffic has ended (which may be at least another year). \*ASRL to find out when this could be scheduled with Miller late summer/fall if the Board decides to proceed.
  - Crack Fill & Seal: 21,310 ft<sup>2</sup> & 15,000 ft<sup>2</sup>: This is a good option to proceed with to prevent more damage to the roads. *\*This should be done this summer when it can be scheduled.* (Money is allocated for this in 2020 but does not take into account the tough conditions on mountain roads). \*ASRL to clarify the area and sqft of the “remaining areas” in the bid and remove Enclave Court and the utility collars. Approx. \$14K
  - Cedar Draw Lower Rd – Enclave Court (asphalt remove/replace 2,656 ft<sup>2</sup>; overlay 9,400 ft<sup>2</sup>; curb & gutter 610 ln. ft.) \*This is an item for Cedar Draw Board to decide as is part of their plat.
- Electrical Repairs: \*GTC will be getting us a price to make the repairs for the lights on the Bridge and the lights on the Christmas trees.
  - Entry Lighting – being run off of homeowner electric (breaker on bridge-house has been turned on and electric outlets are operational)
  - Cedar Draw Road Lighting
  - Heat Tape Repair – Metal Roofs on angles need metal clips and heat tape.

#### **Exterior Homeowner Repairs:**

- Lot 15 Heat Cable/Snow Break on Eave of Steel Roof \*ASRL to evaluate and obtain bids in preparation for next winter.
- Lot 15 Painting of Siding
- Lot 16 Deck Trim \*Jason will work with homeowner to make repair or have Ash and Dust make repairs when weather permits.
- Lot 17 Green Roof Spray System Replacement - \*ASRL will get bids from landscaper
- Lot 22 Patio Heat Melt – discussion postponed
- Lot 23 Request for Trail behind lot – will be discussed with homeowner and bids will be evaluated and plan will be proposed to Board at next HOA Meeting.
- Lot 34 Roof Sprinkler & Green Roof Replacement

- Phase II Green Roofs assessed in Spring

**X. Next Meeting**

- Qt. Board Meeting
- Annual Board Meeting

**XI. Adjournment 1:36pm**