

SOTHA Board Meeting 9/09/09 7:14 PM

Certification of Mailing of the Notice of this meeting.

All Board Members are present:

Michael Vernon, Hawley Smith, Marc Regan, Tom DiCecco, Eric Hansen, Joy Hartman, Kevin Michelson.

Association member Ron Pingatore was also present.

The Board unanimously resolved to waive the reading of the Minutes of prior meeting.

Strike the whole section in prior meeting Minutes regarding Hawley's Water efforts.

Treasurer's Report:

\$31,689.09 COH

Budget Review/Comparison with disbursements

Receivables

Harvey

Johnson

Meyers

Kevin pointed out that no matter what the outstanding balance may be, \$2 or \$2000, the monthly assessment of \$10.00 is automatically added.

The Board resolved to waive the \$30 underpayment by Meyers and instructed Kevin to write a letter reminding Myers of timely payment.

The Board resolved to waive outstanding dues on the Papenfus account.

Tom reported that there is a meeting pending with Connie when he will discuss her dues in arrearage.

The Board unanimously resolved to accept the Treasurer's report.

The Board reviewed the consents by the Members that the Board members as elected at the prior annual meeting were approved and elected.

Kevin will post the annual meeting minutes as he had received them. A notation will be made therein regarding the proxies obtained to elect the directors.

The Board agreed that the Covenants are in dire need of amendment. Tom agreed to review the Covenants, compare them to CCIOA, and report to the Board the areas that should be changed, particularly the areas that are contrary to law.

There was a discussion as to the amount of funds that should be held in reserve. Tom related that there is nothing within the Association Rules that authorizes the Board to open a reserve account. He pointed out that CCIOA requires that surplus funds be returned to the members. Kevin and Michael disagreed with Tom's position. Michael will work on the verbiage and present it to the Board.

Tom reported upon changes in CCIOA :

Notice all Board meeting to all Members;

Quorums - 20% for election of Board members;

Eric reported that there is more to be done. Uprooted the Chamomile; Whitetop has been sprayed but we will know how well the spray had done next year when the growing season again starts. Joy inquired about vacant lots where owners are not taking care of the weeds. Eric said that many lot owners have paid him to spray weeds. Everything that he sprayed is dead. SOT funds were used to spray along the roadways and NOT private lots. Eric believes that another 10 hours of spraying will take care of the Thistle and pulling the Chamomile too.

The Board resolved to amend the budget to add \$1,000 for noxious weed mitigation.

Eric reported that Old Pond Way has three small potholes and on larger one. Buddy sent an email relating that he believes the potholes are critically dangerous.

Washboards continue to be a problem on Shield-O Road. Eric will fill the Old Pond Way potholes.

A discussion ensued regarding bids for the coming winter's snow plowing. Kevin related that Hal Hartman suggested placing a snow fence along a portion of upper Shield-O Road. Joy will ask Hal to provide details regard his suggested snow fencing.

Eric met with the County representative who related she would send a check for their 50% rebate regarding wildfire fuel mitigation.

Kevin reported that there has been no progress with the Mesa regarding an agreement.

Kevin reported Fr Tom Bradtke is applying for approval of an activity envelope for development authority with the County. Kevin has communicated with the land planner indicating that they will be required to join SOTHA relative to use of the roadways.

Tom reported that he and Michael met with Garrett Brandt regarding the Johnson lien. All statutory liens were lost due to the statute of limitations. Our lawsuit against Johnson was placed on hold, and then dismissed because of no action. SOTHA essentially loses 100% of its old receivable from Johnson. Kevin will check for the assessment within six months of the foreclosure that is collectible.

Tom related that the Johnson lot Title is not encumbered thereon by SOT. If the sale to another SOT member does not occur whereby the lot is merged, SOT should file a statement of encumbrance on Johnson. Kevin will send a bill for the current year assessment.

The Board unanimously resolved that we advise the title company of the 6-months dues that are due plus the relevant late fees. Eric related that this should again be discussed at the next meeting to be sure that the matter is properly settled.

The next Board meeting will be on Wednesday, November 11, 2009; place to be determined.

Tom raised the issue that the Quast/Johnson lot line adjustment has created a new lot owner within Shield-O Terraces. The current owner of the **portion** of Johnson's lot that was subsequently titled to Quast, then Libby, is within Shield-O Terraces and is subject to its Rules and assessments. This is no different than a large lot owner who has the ability to subdivide thereby creating another owner that is subject to assessment. Michael will ask Garrett to reflect on this.

A motion for adjournment was unanimously resolved at 9:29 P.M.