

**MILLER RANCH PROPERTY OWNERS' ASSOCIATION  
MEETING OF THE BOARD OF DIRECTORS  
JUNE 6, 2018**

**MINUTES**

**ATTENDANCE**

Board Members in attendance were as follows:

- Ashley Perrigaud
- Kori Beckman
- Kelly Malin
- Camille Thurston
- Ty Ryan

Other owners in attendance were as follows:

- Angela Dickenson
- Michael Dickenson

Other persons in attendance were as follows:

- Tori Franks, The Valley Home Store
- Patti Liermann, The Valley Home Store
- Steve Stafford, Slifer Management Company

**CALL TO ORDER**

Steve Stafford called the meeting to order at 6:00 p.m. The meeting was held in the Valley Home Store conference room.

**PAINTING REQUIREMENT FOR SINGLE FAMILY AND DUPLEX HOMES**

Steve Stafford said that one of the things that had been discussed at the last annual owners meeting was coming up with a rule that would require all single family and duplex homeowners to repaint their homes at least every 5 to 7 years. The number of years has not yet been decided on. The Valley Home Store has recently run into some problems with homes that have never been repainted. This has caused some problems between sellers and buyers prior to closings. Steve then turned the meeting over to Patti Liermann with the Valley Home Store. She explained that during the home inspections subsequent to signing of a contract, home inspectors are noting when homes have not been repainted for a long time. Buyers then raise the issue that they will incur a large expense for repainting after they complete the purchase. Sellers then sometimes take the position that they are selling the home "as is". This puts the Valley Home Store in a precarious position. They can and do talk to sellers prior to the signing of a listing agreement, about the need to have their properties in the best possible marketing condition, but once the property is listed for sale, they are in a position where they cannot advocate for either party because they are considered transaction brokers. If the Association had a formal policy that

requires homeowners to repaint every 5 to 7 years (yet to be determined), it would help the Valley Home Store hold the sellers accountable for either repainting prior to closing or giving the buyer a reasonable amount of credit at closing so that the buyer could do the repainting, in cases where the home has not been repainted for more than the required 5 to 7 years. They are also starting to see the ground floor condominium decks starting to settle and coming away from the units. There have also been some issues with the gutters on the condominiums. These are some of the issues that are starting to pop up on the inspection reports.

Patti then gave those present an update on what's happening in the neighborhood sales wise. Sales are moving along very nicely. There have been 8 closings recently. They've had 6 under contract and they just got a 7<sup>th</sup> under contract today. Three more people want to list this week. There's a lot of activity happening in Miller Ranch. The wait list right now is over 100 people. Some properties in the "middle" category are getting 10 plus offers. When a property is listed for sale, the listing is usually signed on a Monday, the open house is on a Wednesday and it's usually under contract by Friday. Any property that's under \$400,000 is flying off the market. Miller Ranch is still considered to be a very desirable place to own and live in.

Patti then said that they had received an email from the Vail Valley Partnership saying that Ride The Rockies is launching from Freedom Park on Sunday. Ty Ryan corrected that statement and said that they will be arriving at Freedom Park from Breckenridge on Sunday and then they will be leaving on Monday.

Kori Beckman posed the following question. If someone owns a condominium at the current time and they want to purchase a townhome, duplex or single family home, do they get priority on the waiting list because they already own in Miller Ranch? Patti said that priority on the waiting list has to do with whether a person has kids. There currently is not any priority for owning in Miller Ranch if you don't have any kids. Kelly Malin said that she's heard from buyers and sellers that this is not applied consistently. Patti said that they do big updates to the housing guidelines about every five years. They do smaller updates annually. In the past they have given preference to larger families for the larger homes. Larger families immediately went to the top of the list for larger homes. That provision was taken out of the guidelines during the recession, but they have considered bringing it back now that the economy is better and there's lots of demand for homes. Patti said that if you're a Miller Ranch owner already and you want to buy a larger Miller Ranch home, you have a built-in advantage because it's so fast and easy to sell your existing home. Other prospective buyers, who have to sell an existing home outside of Miller Ranch, have a much bigger and more difficult sales contingency, which puts them at a disadvantage. Kelly said that people who are already invested in the neighborhood but want a bigger home, should have access to that. Patti said that they would give that more consideration. Patti said that about 25% of the buyers in Miller Ranch were also sellers in Miller Ranch (i.e. they sold a smaller home in order to buy a bigger home).

Patti said that there's an Eagle County grant that is being offered. She suggested that the Association might want to use the grant for updating of the replacement reserve studies. There is

some question as to whether the grant would be approved, but there are some funds that might be available. Steve Stafford said that the replacement reserve study was done in November, 2010. Kori Beckman said that an update would not be a significant amount and Steve agreed with that. There would be quite a bit of work involved in applying for the grant, while the update to the replacement reserve study would most likely only cost about \$1,500. Steve said that it actually might be even less for the update because Jamie Pappas, with Borne Engineering, lives in Miller Ranch and he donated all of his time when the Miller Ranch Townhome Association updated their replacement reserve study recently. Kori felt that if the Association was going to apply for a grant, they should use it for something like concrete repairs or some other large repair project. Kelly Malin asked what the maximum amount of the grant is and Tori said that she thought it was \$5,000. Ty Ryan said that the total annual budget for the grants is \$50,000. He said that the main idea for the grants is more for physical improvements for neighborhoods. An example would be playground improvements for a neighborhood. Several people asked if the grant could be used for tree replacements. Ty said that another example is a streetlight that was installed in a neighborhood that needed it. Ty said that the application form is pretty simple. Steve Stafford said that he'd prefer to see grant funds used for actual maintenance and repair projects. He said that the replacement reserve study calls for about \$44,000 in the fund at the end of 2017 and right now there's about \$74,000 in the fund so the Association is doing ok at the current time.

Steve Stafford said that one of the things that was talked about at the last Board Meeting was whether exterior painting was a depreciable asset. He said that he had talked to Patti Liermann about that and she had informed him that it is. Patti said that it's already included in the policy for homeowners. Exterior paint is part of the five year schedule of improvements.

Ty Ryan said that he's aware of some houses where the steps have settled, which has created trip hazards. Steve Stafford said that this has always been treated as an individual homeowner responsibility, since it's on private lots. Tori Franks handed out copies of the homeowner improvement / depreciation policies. Steve said that sometimes the steps and concrete slab have to be torn out and replaced, but he has had some good luck with a company that mud jacks concrete slabs to raise them back up.

#### 24 CHOKE CHERRY DRB APPLICATIONS

There was a discussion about several DRB applications that had been submitted by Michael and Angela Dickenson, the new owners of 24 Choke Cherry. One is for installing a smaller master bath window. The window faces west. Ty Ryan wondered if the smaller window would cause any painting problems and Mick and Angie said that they were going to completely paint the exterior of the house anyway. Those present then approved this DRB application.

Next, the Board discussed several additional DRB applications involving installation of a mud room door, installing a new deck and installing a garage. Mick and Angie explained the reasons for these improvements and a discussion ensued. There was a concern that all improvements must be within the property lines and the legal setbacks. The current fence is about 14" within the property line of 24 Choke Cherry instead of right on the property line. Steve Stafford said

that one of the standard conditions that he always includes on DRB approval letters is that all improvements must be completely within the property lines and all legal setbacks must be complied with. Ty Ryan pointed out that Eagle County owns the roads and the property from the edge of the roads to the inside edge of the sidewalks. Eagle County maintains the roads but the Association maintains the property adjacent to the roads. There is no precedent for the Association making homeowners move fences that were originally installed partially on Eagle County property. Those present approved the proposed deck with the understanding that it's installed completely within the property lines and the setbacks. The homeowner will not be required to move the existing fence.

The Board then discussed the DRB application for installation of a garage. Mick presented garage plans that are the same as three other garages that have been installed in Miller Ranch in the last year. The garage will be 6' from the alley at the closest point. The house is in line with the alley but not with Wildcat Street. Kori Beckman pointed out that this particular garage plan is 4' bigger in two different dimensions than the original garages. When a larger garage was first approved, the reasoning was that larger vehicles can't actually be parked in the smaller, original garages, so it's probably better to allow a larger garage that will accommodate larger vehicles as that will help assure that vehicles will actually be parked in it. Steve Stafford asked if Mick had received approvals from his neighbors and Mick said that he had.

The Board then approved all of the DRB applications with the condition that all improvements have to be within the property lines and that all legal setbacks must be complied with.

#### REIMBURSEMENT FOR LANDSCAPING AT 24 CHOKE CHERRY

Angela Dickenson said that they had to remove some dead bushes on the property. They have installed some new bushes and planted some new flowers. They would like to be reimbursed by the Association. She replaced a big juniper because she didn't like it. She installed some rose bushes and perennial flowers which look great. She took out 4 giant dead bushes. She's asking for reimbursement of about 20 flowers even though she bought about 40. Mick Dickenson said that the gas company had given him a shut-off notice because one bush was so overgrown that the gas company couldn't get to the shut-off. Kori Beckman said that the gas company has no problem cutting bushes to get to their gas meters. Steve Stafford said that this is the first time in 14 years that the gas company has said a word about access to gas meters. Angie said that the total cost of just the dead bushes is \$30 per plant for a total of \$120. She said it would also be nice to get some reimbursement for the bush that had to be cut back for access to the gas meter, so something else could be planted there, something that wouldn't cause problems with the gas meter. Kelly Malin pointed out that there may be other dead bushes in the neighborhood that the Board doesn't yet know about. What the Board does for one owner, they need to be willing to do for all owners and the budget is very tight for landscape maintenance. One nice thing about this HOA is that homeowners can choose what they want to plant but the HOA will then maintain it. That's not typical for most homeowner associations. Many owners plant lots of extra flowers and plants in their flower beds. The Board then voted not to reimburse for the cost of any of the bushes or flowers.

## 24 CHOKE CHERRY – GARAGE

Angela Dickenson asked the Board if they knew whether the cost of a garage can be added to the original cost of the home so that the allowed maximum resale value goes up accordingly. Kelly Malin said that it's a capital improvement, not a depreciable asset. Mick Dickenson pointed out that Patti Liermann had just said earlier in the meeting that it's a depreciable asset. Kelly said that when she and her husband purchased their home, they were told that adding a garage or adding a basement were capital improvements rather than depreciable assets.

## REPAINTING POLICY

Those present had a discussion about the proposed repainting policy (i.e. rule). Steve Stafford had drafted a preliminary policy or rule and he had emailed it to the Board Members for review. Steve said that his intention was to get feedback from the Board Members and then he would send it to the Association's attorney for a final version. Steve said that he was concerned about the amount of the fines for non-compliance. He said that if someone ever challenged them, he wasn't sure that they would stand up in court because they're pretty large. He said that he's also concerned about how owners will perceive the new rule when it first comes out. Kori Beckman asked Steve to find out if the Association can have multiple fine structures based upon the case (i.e. one fine for a dog barking problem, a different fine for repainting non-compliance, etc.). She feels that the fine for repainting non-compliance needs to be significant. Steve reminded everyone that the feeling at the last Board Meeting was that if the fine for repainting non-compliance wasn't significant, some owners would simply pay the fine because it would be significantly cheaper to do that. Kelly Malin said that from her experience at Riverwalk, the method of fines assessment must be the same but the amounts of the fines can be different for different types of violations. Steve asked if the Board wanted to go with the fines that he had put in the first draft or see what the Association's attorney suggested. Those present seemed to be fine with the suggested fine amounts. Kori suggested that some language be added that basically says that at the 135 day mark, in addition to the fine and lien provisions, the Association would go ahead and repaint the house and bill the cost to the owner. Steve suggested that as soon as the Association's attorney comes up with the final draft of the rule, he would then send it to all owners and tell them that this new rule is being considered for approval by the Board of Directors, so if you haven't repainted your home in the last five years, you need to get started with the repainting process. Kori said that the Board needs to give owners at least 30 days prior notice of the rule adoption so that owners can give the Board comments. Kelly suggested that more business get transacted by email, outside of Board Meetings, in order to move Association business along faster. Kori asked Steve to find out from the Association's attorney if all owners get to comment on the new repainting rule or just duplex and single family owners.

## 47 SILVER – DRB APPLICATION

Steve Stafford said that this application is for a solar panel installation on the garage. He said that he has contacted the neighbors but he hasn't heard back from them yet. Technically, by Federal law, solar applications cannot be prohibited. Within reason, homeowner associations can require that they be in certain locations or be a certain size, but they cannot be very restrictive with those

requirements. The Board approved the DRB application with a condition that the homeowners must take reasonable actions to keep pigeons from roosting under the solar panels.

#### 22 MARBLE

Steve Stafford said that the owner of 22 Marble is requesting permission to remove two potentillas in front of the window well at the front window and half of the junipers and replace them with perennials and annuals to add more color to the front of the house. They will hire Pristine Landscapes to make any necessary changes to the irrigation. Those present were concerned that taking out bushes and replacing them with flowers will take considerably more maintenance. Even if the current owner opts to maintain the flower beds, a future owner might not. The Board approved this request. The Board also directed Steve to ask Pristine Landscapes for a list of 10 plants that would be considered plants that require an average amount of maintenance. Then when an owner makes a request like this, an approval would be conditional upon that owner agreeing to get the prospective buyer to sign something that says that they will maintain the flower beds themselves in the future or the owner could replant the flower beds with the "average maintenance" plants prior to the closing. Those present felt that this would be very complicated. After more discussion, those present decided that any similar approval would be conditional upon the owner taking over maintenance of the flower beds and they would also be required to notify any buyers that they would have to maintain the flower beds or return them to "average maintenance" plants.

#### 39 CROSS TIMBER

Steve Stafford said that the Miller Ranch Townhome Association had a meeting the prior night. At that meeting, those present said that the barking dog problem at 39 Cross Timber was better but improvement was still needed. The owner has taken the dog to a dog trainer. She has also neutered "Gus", the young dog. The owner has also updated Steve on a regular basis about progress. The owner thanked both Boards of Directors for waiving the fine. The MRTA Board is fine with continuing to waive the fine but the situation does still need to get better or the fine will come back.

#### APPROVAL OF MINUTES FROM MARCH 27, 2018 BOARD MEETING

Steve asked those present if they had any questions or comments on the Minutes from the March 27, 2018 Board Meeting. He asked those present to review the Minutes and to then get back to him with any comments by email.

#### REVIEW OF FINANCIAL STATEMENTS

Steve Stafford said that Heidi had emailed the financial statements to the Board Members a few days prior. Steve said that he didn't see anything of too much interest. He said that the amount of the replacement reserve fund was a few thousand dollars ahead of where the Association should be at the end of 2018, per the replacement reserve study. Steve said that the Association was pretty much on schedule for projects completed also. Steve said that he thought that Borne Engineering had based some of their assumptions on actual sidewalk replacement. The Association has been able to save money by doing more sidewalk grinding than sidewalk



replacement. Kori Beckman pointed out that irrigation repairs were already two-thirds of the total annual amount. Steve said that he was pretty sure that that amount included the big break in a main irrigation line on Stillwater Street, which was very expensive to fix. Pristine Landscapes had about 65 hours of labor in the repair project. On the Thursday evening prior to Memorial Day weekend, Steve got a call from an owner about a big water leak from the irrigation system. Pristine's irrigation guy came out that evening and turned the water off. Pristine then started digging on Friday. They hit something very solid about 3 feet down and they thought that they might have hit a gas line. That being the case, they called the Colorado utility locate service. Since it was Memorial Day weekend, it was believed that they might not be able to show up for a few days. Since the weather was hot and dry, Pristine came in on Memorial Day and started digging by hand. They found a slab of concrete 3' under the ground, which had broken up over time and severed the main irrigation line. Steve said that any time you have a break in the line, there's always lots of problems with dirt, rocks and debris getting into the irrigation lines, which then requires lots of work with the heads.

#### DELINQUENCY REPORT

Steve said that there are three delinquent accounts and all of them are catching up with payment plans. The delinquent amounts are pretty small.

#### 52 FLAT TOP – PAINTING OF DOORS AND RAILINGS / RESIDENCY

Steve Stafford said the owner of 52 Flat Top has hired Excel Exteriors to repaint her doors and railings with an original color that the MRTA Board has approved. It's a color that has been used elsewhere in the townhomes. Steve said that the owner is now living in the townhome.

#### WEED SPRAYING OF THE TURF AREAS

There was a discussion about weed spraying of all grass areas in the neighborhood. Every time the grass areas get sprayed with 2,4-D, there are lots of complaints from owners who are afraid of health hazards. Unfortunately, without weed spraying, there will be dandelions and other weeds. WECMRD doesn't spray for dandelions anymore and there are dandelions everywhere. As soon as you get to the skate park, where Stevens Home Care sprays for weeds, there are no dandelions. That shows the difference that weed spraying does as it's very evident. Taylor Ryan asked if it would be better to spray earlier in the season to get a better result. Kori said that the weed spray also usually includes fertilizer, which when applied earlier in the season, creates a darker, prettier grass area. After further discussion, the Board decided not to spray for weeds this year because of previous complaints from owners when spraying has been done in past years.

#### REPLACEMENT OF TREES BROKEN AND REMOVED AFTER STORM THAT OCCURRED LAST FALL

Steve Stafford asked if the Board Members had a chance to look at the trees that were included on the tree replacement proposal from Pristine Landscapes. Kori Beckman had taken some pictures of some of the locations and emailed them to the other Board Members and to Steve. Steve said that he's in favor of doing the tree replacements out of the replacement reserve, but to get input from Pristine Landscapes and Old Growth Tree Service as to whether this is a good

year to do it, since this appears to be a drought year in which the Association could lose its irrigation water. It's not likely but it could happen. Those present decided to replace the trees with as large of trees as practically possible, but to do it in the fall. The Board directed Steve to ask Pristine for recommendations on replacing with larger trees in the fall.

#### SIDEWALK GRINDING

There was a discussion about the proposal from Precision Concrete Cutting for sidewalk grinding of trip hazards in certain areas of the neighborhood. The Board then approved the proposal to be paid for out of the replacement reserve.

#### ANNUAL COMMUNITY BARBEQUE

There was a discussion about the annual community barbeque. The Board decided to schedule it at 5:30 p.m. on Wednesday, June 20 if Moe's is available on that date. Ty Ryan said he would need to double check his schedule after the meeting and get back to Steve as to his availability. The barbeque is BYOB.

#### NEXT BOARD MEETING

Steve Stafford asked when those present would like to have the next Board Meeting. The Board decided to have future Board Meetings on the 3<sup>rd</sup> Wednesday of each month. That would make the next Board Meeting happen on July 18. Camille Thurston said that she would check her schedule and get back to Steve. Kelly suggested that future meetings should be speeded up to assure that they don't last longer than 2 hours.

#### RIDE THE ROCKIES

The Board directed Steve Stafford to send out an email to all owners letting them know about the Ride the Rockies event and how it would affect the neighborhood.

#### ADJOURNMENT

There being no additional business to transact, the meeting was adjourned.

Respectfully submitted,

  
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Steve Stafford, Community Manager