

**MOUNTAIN SIDE
CONDOMINIUM AND HOMEOWNERS ASSOCIATIONS MEETING
SATURDAY, SEPTEMBER 1, 2012**

MINUTES

1. Informational Meeting. Prior to the Annual Meeting, the Mayor of Frisco (Gary Wilkinson) and the Territory Manager from Waste Management (Jeanne Severson) both spoke to attendees.

- A. Mayor Wilkinson introduced himself and gave some personal history. He attended the Colorado School of Mines, worked at Climax, and then got into surveying. He has a great deal of development experience. He was elected to the Town Council in 2008 and was on the Ten Mile Planning Commission before that. He had a long term goal to become Mayor and was elected last year. Highlights of his talk included:

Jim Templeton was the original developer for Mountain Side. His plan was to develop a ski area in 1969-71. This fell through and Larry Feldman came in.

Frisco has seen a lot of changes since he moved here in 1966. These have been good changes including a hospital in the community. The community has a very good mix of people and excellent businesses.

The Town has been looking at what to do with the parcel of land behind Safeway for a number of years. The goal is to bring in a sustainable store that will provide employment opportunities. Whole Foods is interested in a Frisco location. They have met with the Planning Commission and hope to break ground this spring. This will draw more people to Frisco and the challenge will be to get them to Main Street.

The Town bought the old Summit County Bank at 4th and Granite. It was discovered that the roof needs repair and there was much discussion on whether or not to spend \$80,000 on repairs or put it on the market. It was ultimately put on the market and Larry Feldman made an offer and finally closed on the property. He plans a 23 unit development, 7 units will be deed restricted. Town Council has discussed this at length and will be continuing to look at how they want the project to look. Zoning has been approved and ground breaking should take place soon. The Mayor noted that it was nice to see developers staying in the area and reinvesting in Frisco.

Frisco events include October Fest on the peninsula, Fall Fest and many activities on Main Street. The Town is looking at doing a community survey to see what people are looking for. There are 4 main groups of people – residents, businesses, part time residents, and visitors. Input for future needs is important. Music on Main is a popular venue but it has become very expensive and does not do much for local businesses. It seems to be a lot of money for what has essentially turned into a big “beer party”. More events are being planned for shoulder seasons. There will be an End of Autumn Spectacular including fireworks.

In 1982, there were no sidewalks and no drainage on Main Street. Sidewalks have been added and sidewalks, asphalt, and curbs are getting to the point where they need repair. The goal is to fix the drainage issue. Sidewalks can be widened about a foot and some re-design done to lessen damage from snow plows. The plan is to do a couple of blocks at a time with minimal impact to businesses.

Questions were asked about a warning system in case of emergency. The Town participates in the Summit County Alert System. You can sign up on their website and put in your phone number, e-mail, etc. for how you would like to be contacted. There are no plans for installation of an emergency siren. If evacuation from the Town ever

became necessary, there are only 3 ways out. The Police and Sheriff's departments would direct traffic in the right direction.

Voting by 2nd homeowners was talked about. The issue does come up and owners can decide where they want to be registered to vote. An owner noted that it's a Colorado Statute when it comes to town votes. The Mayor stated he would look into this.

Wi-Fi for the Town did not come through. The developer did not have the money and didn't follow through. The Town could look at this again in the future.

The Peak One Development was brought up. This will be complete in another 3 or 4 years. It has been a clean construction site to date. Homes that have already been built are occupied.

The flower boxes were noted as a beautiful addition. Additional flower boxes are being built each winter.

There are currently no assisted living or nursing home facilities in the County. This is being looked at and discussed.

The Mayor stated that Mark Gage passed away last week and will be missed. It was noted that codes and ordinances were very important to him and it's important that residents attend meetings and get their voices heard.

- B. Waste Management – Jeanne Severson has been the Territory Manager for Waste Management for 5 years. Waste Management deals with commercial and residential units and works closely as a team. Jeanne noted that she has enjoyed working with Mountain Managers and appreciates the good communication.

When Jeanne joined Waste Management, she spent 2 weeks on a trash truck and was shocked at all the recycle materials that were being put into the landfill. With landfills everywhere growing and growing, recycling has become extremely important. Some landfills are in danger of being over filled and closing.

Recycle bins have recently been installed at Mountain Side. There are two bins. One is located at the east end of the island at the clubhouse and the other is at the far end of I building. These are 6 yard containers with yellow lids. Recycling is single stream and items do not have to be sorted. Plastics (1 through 7), aluminum cans, paper, etc. all go in together. All containers should be washed out (peanut butter is the worst contaminant). This is especially important when bears are in the area. Plastic bags and bottle caps cannot be recycled. Plastic bags with the recycle symbol can be taken to Silverthorne. Jeanne stated that if you are unsure about an item, go ahead and recycle it. It will be sorted out at the plant and the worst that can happen is it goes to the landfill – it doesn't contaminate the entire load.

Bears have been sighted in the area. They are here early and owners should make sure their renters/guests realize the importance of re-latching the dumpster. It's difficult to slide and applying silicone can smooth this out. This is not an uncommon occurrence and silicone may need to be applied regularly. Bear stickers are extremely hard to come by but Jeanne continues to look for these.

For additional questions/comments, Jeanne can be reached at jseverso@wm.com or by phone, 970-904-6212.

ANNUAL MEETING MINUTES:

1. **Call to Order.** The meeting was called to order by President Jim Whiteley at 10:30 a.m. The Board and Mountain Managers introduced themselves to the homeowners.
2. **Attendance and Quorum.** CONDOS: There were 47 owners representing 42 units in attendance and 21 proxies were received. HOA (CLUBHOUSE): 25 owners representing 21 units were in attendance with 13 proxies received. The sign-in sheets and proxies will be filed with the minutes as a permanent record.

A quorum was established for both Associations.

In attendance from Mountain Managers were Phil Wells, Hadley McDonald, Susan Witkowski, and Atis Spuris (Resident Manager).

3. **Approval of Minutes from the 9/3/11 Annual Meeting:** A motion was made, seconded, and passed to approve the minutes as written.
4. **President's Report** – Jim Whiteley stated it had been a good year with several projects being addressed. These will be talked about later in the meeting. He asked Phil to introduce Mountain Managers' staff members and the Board introduced themselves.

At this time, Bill Meek announced the presentation of the Dick Malmgren Service Award. This was established when Dick retired from the Board after many years of service. Jim Whiteley will be stepping down from the Board this year and is the second recipient. Bill presented Jim with a gift certificate and clock and thanked him for all his efforts while on the Board. His name will be added to the plaque in the clubhouse and the membership gave him a round of applause. Jim thanked all the Board members for their support and turned the meeting over to E.J. for the Building and Grounds Report.

5. **Building and Grounds Report** – E.J. Gibson

The projects that are being done have been planned for a long time. I and J buildings were stained and A and E will be done next year. Other projects included asphalt seal coating, new walks and new steps (wood replaced with metal). The wood step surface was extremely slippery when wet or icy and this became a safety issue. This is the main reason the project was moved up and will be completed this year. There are still a few more to do over the next month or so. Temporary rails have been installed at D & E – these will be replaced with permanent rails. There was one emergency project – the stair tower at the west end of B building was found to be unsafe and had to be repaired right away. Garage lights will be addressed. These are not energy efficient and the lighting is not good. Options are being obtained and the plan is to do 2 garages per year over the next 5 years. In the meantime, if owners notice burned out bulbs, they should call Mountain Managers at 970-668-3174 and Atis will replace them. The racquetball court project was carried over from last year. It was difficult to find a contractor to do the job. The chairs in the Wi-Fi area will be taken care of. There were two freezes over the winter. The one in B building was caught in time and no serious damage occurred. The freeze in E building affected the whole building and the building was without water for one day.

Landscaping: The Peak One development has resulted in some additional landscaping requirements. Trees and a small fence will be going in. The fence should go in within the next week or so and will have 2 portals for access. It was noted that Mountain Side has been losing trees and some shrubs. There are 2 large Conifers at the clubhouse that will need to be removed. One is totally dead and the other can probably not be saved. If they are not removed this fall, it will be done in the spring. The Board will be working with a landscape architect on what and where to plant. E.J. stated he believes that only what grows here naturally should be planted. The goal is not just to maintain but to improve the landscaping by using budgeted MCR funds and avoiding assessments. There are a lot of issues and landscaping will be an on-going project each year.

One owner noted that the D building handicap ramp is looking worn. It will be painted the next time D building is done. If there are safety issues, these will be addressed. Touch up painting can be done as needed. The ramp cannot be removed. It was originally paid for by an owner in that building who needs handicap access. (Subsequent to the meeting, the ramp was looked at and it will need more than a simple touch up. Bids are being obtained for re-painting the ramp.)

6. **Financial Report-HOA (Clubhouse)** – Herb Allen (treasurer and financial guide for both Associations) went through the July Financials and the year-to-date numbers.

A. Clubhouse: Revenue is ahead of budget year-to-date. On the expense side, chemical use has gone up. This has increased ever since the new tubs were installed. The new tubs are slightly larger but that should not have a substantial impact. The cost of chemicals has not gone up significantly. This has been looked into and the professionals believe the most logical answer is drought related. Delinquencies are much improved with only one owner in arrears.

The balance in the clubhouse operating checking account was \$64,257.74 which is more than is necessary. Herb suggested transferring approximately \$20,000 into reserves. By law, this must be approved by the owners. Once money is moved into reserves, it cannot be used for day-to-day operational expenses. It was noted that no transfers are made unless there are sufficient operational funds remaining in the operations account. It is recommended that 1 ½ times the usual monthly cash flow be retained. Owner approval of the transfer was deferred until the financial review was completed.

The MCR was reviewed. This is a list of anticipated capital expenses. For 2012, \$7,000 has been spent versus \$9,000 budgeted. Expenses were minimal compared to previous years and it appears the HOA will stay within budget this year. The main expense this year was the racquetball court. The balance in the reserve checking account was \$86,354.46. This is not excessive considering past history. Herb reviewed funding requirements and explained what was needed. It was noted that the MCR is reviewed and revised each year. Owners were advised not to get hung up on funding numbers since they will change. For example, the remodeling of the restrooms is not scheduled until 2021 but that is not feasible. This will have to be done much sooner. 100% funding of the MCR is not something most HOA's can do. 40% is considered good. It was noted that Mountain Side's financials are in good shape. The Board has done an excellent job of keeping an eye on expenses and keeping dues down and avoiding assessments. Building reserves helps to avoid assessments down the road. Many HOA's count on assessments to fund major capital projects. Mountain

Side prefers the “pay as you go” method whereby everyone contributes through dues payments and everyone enjoys the benefits.

The 2012 budget was included in the meeting packet. The 2013 budget will be reviewed at the November board meeting. No increase in dues is anticipated.

Herb was thanked for all his work on the financials.

There was a question on foreclosure. The HOA has the right to foreclose but has never had to do so. The HOA has a 6 month priority lien that is ahead of the 1st mortgage and can foreclose on this lien. Mountain Side has been doing very well with delinquencies and the collection policy is enforced.

Discussion returned to the transfer of funds to reserves. Interest rates remain low on the money market account and the CD's. A motion was made to transfer any excess funds from the operational account (probably around \$20,000) to reserves. The motion was seconded and carried unanimously.

7. **HOA (Clubhouse) Old Business** - None

8. **HOA (Clubhouse) New Business.**

- A. Questions were asked on the agreement between Mountain Side and United Water. The original agreement was never lost and has been recorded. There were some revisions made and that document is still being looked for. Bob Lembke was asked about the lake. He stated that the dam wall collapsed and was just rebuilt this summer. This was a \$165,000 project and was done at no cost to the HOA. Work should be wrapped up in the next week or so.
- B. There has been a lot of trash and debris in the stream that runs through Mountain Side. Some owners who live near the stream have voluntarily removed debris from the stream. Children often block the stream with rocks while playing. People are asked to clean out the stuff that is readily reachable and to pass on to renters/family/guests to keep the stream open and free flowing.
- C. Dave Chadsey had a couple of issues that he spoke about – the reality of owner votes at the annual meeting and the Board's lack of response to owners.

Dave noted that the annual meeting gives the Board a chance to talk to owners and vice versa but he believes the meeting does not give owners control over election of Board members or votes on issues. The Board has more votes (their own plus proxies) than all owners in attendance. He wanted all owners to know they don't decide on elections or issues. He wanted this reflected in the minutes. He stated he brought this up at the 2010 meeting but it was “distorted” in the minutes and portrayed him as a “liar” which he found very insulting. (Subsequent to the meeting, the records were checked. The 2010 minutes stated, “subsequent to the 2009 annual meeting, ballots were separated with regards to votes cast in person versus proxies. It was found that proxy votes did not outnumber the votes cast by attendees at the meeting.” The summary was sent to Dave showing 27 condos were represented and voting at the meeting vs. 21 proxies. No one is disputing that proxies can outnumber persons voting in person but this was not the case at the 2009 meeting. The same was true at this meeting with 42 condos represented in person versus 21 proxies. The HOA side

had 21 units represented in person (including Board members) versus 13 proxies. While the Board sometimes has the capacity to sway elections, this is due to the fact that owners give their proxies to Board members rather than other owners which is completely within the rules.)

The next issue addressed was "Board responsiveness and human courtesy". Dave stated that his neighbor's home (822 Hunter Circle) had been owner occupied for many years but was now rented and changes tenants periodically. The tenants have demonstrated a distain for the governing documents and the Board has shown distain in enforcing the covenants when notified of violations. On 4/10/12, Dave sent a letter to the Board citing violations and the Board's lack of responsiveness to covenant violations over the past years. After almost 5 months with no response, the winter tenants moved out and the summer tenants moved in. Conditions were despicable. Another letter was sent to the Board on 7/10/12 and again there has been no response. Dave is very concerned with the Board's apparent lack of interest in covenant enforcement or owner communication.

Don stated that zero response is wrong and apologized. He also noted that the property in question is owned by a contentious owner who has caused untold issues for the HOA. The Board and attorneys, along with Mountain Managers, have spent a lot of time and money in trying to get compliance with covenants. Generally a letter is written to the unit owner when there are issues or the tenants are approached (often far more effective). Don noted there were good tenants in the unit now who will be doing maintenance and upkeep. Property improvement should be seen.

Dave understood but stated he spoke to Don in July and he apologized for the lack of response to the 1st letter. Now months later, he's apologizing again for failure to respond – same thing. In addition, the letter was not brought up at the Board's last meeting and nothing was reflected in the minutes. When owners take the time to write, the least the Board can do is discuss and respond. It's not necessary to agree, but comments should not be ignored. Don explained that Dave's letter came between Board meetings. Mountain Managers forwarded the correspondence to the Board and the Board discussed via e-mail. Greg spoke with the tenants but this was apparently not communicated to Dave. Dave requested that meeting minutes reflect things like this so owners will be aware of what is going on. (Subsequent to the meeting, records were checked. Mountain Managers sent Dave an e-mail on 7/12/12 stating his July letter had been sent to the Board. His April letter was referenced and he was notified that the owner had been sent a letter and a letter was posted for the tenants at the unit. We let him know that the property had been subsequently checked, had been cleaned up, and was vacant. He was also notified that following receipt of his July letter, the property was checked again and there were indeed issues that needed to be addressed. We told Dave that there were new tenants in the unit and that we were working with the tenant and/or property manager and expected the yard to be cleaned up. Dave was asked to let us know if the issues continued. NOTE: The property was checked on 10/2/12 and all was found to be in good order).

Dave stated that the money spent on the problem property was for the Board's issues, not his. The lawn has not been mowed (another owner finally mowed it), parking issues have been brought up, etc. He reiterated that owners should always receive a response. It was explained that when owners send letters to the Board though Mountain Managers, they are forwarded to the Board for discussion and it is usually

Mountain Managers who responds. Dave stated that his letters were addressed to the Board and not Mountain Managers. He verified that both letters had been forwarded to the Board and he expected the Board to reply.

There continue to be parking issues in the cul-de-sac. One owner has poured asphalt next to his house so he'd have a place to park. The tenants in question use this area when the owner is not in residence. These vehicles can be towed if parked on another owner's property. In Dave's second letter he asked the Board to look at the parking and make a determination on where parking for the tenants is permitted.

Lyn Pierce stated the Board is doing a great job but owner communication/respect needs some improvement.

A motion was made to continue further discussion at the HOA portion of the meeting. The motion was seconded and passed.

AT THIS TIME (NOON) THE MEETING SPLIT TO ALLOW THE HOA TO MEET SEPARATELY FROM THE CONDOS. THE MINUTES FROM THE HOA PART OF THE MEETING FOLLOW THE CONDO ASSOCIATION MINUTES.

CONDOMINIUM ASSOCIATION MEETING –convened at 12:05 p.m. (quorum established earlier)

1. **Financial Report - Condos.**

Dues payments are ahead of the budgeted amount due to prepayments. On the expense side, almost every category was under budget. Due to a mild winter, no roof snow removal was needed. Last year there were a number of insurance claims (\$5,000 deductible) and this was budgeted for in 2012 – this was not needed. Hopefully, the surplus will carry through to the end of the year. Delinquencies are not serious at this time. There is one owner (2 units) that is 60 days in arrears but this is not uncommon for this particular owner and it is expected that the past due amount will be paid. The balance in the operating checking account was \$122,497.78 which is probably about \$40,000 more than necessary. Owners were asked to approve transfer of excess funds to the reserve account. The exact amount will be coordinated with the accounting staff and the CPA. It was explained that the Board used to be able to transfer accounts on their own authority but that new revised laws now require owner approval. A motion was made, seconded, and passed to transfer excess funds from operating to reserves (exact amount to be determined at a later date).

There were some budgeted capital projects budgeted for that did not need to be done in 2012 (fire panel, lawn mowers). These will be left in place just in case they are needed. There is approximately \$518,000 in the reserve account which is not excessive when you look at projected expenses. The reserve study is reviewed and revised every year. Items can be moved forward or back depending on need. The reserves should be funded at around 40% to be in good shape. If the current reserve contribution is maintained, the funding percentage will slip to 18% down the road. The \$40,000 transfer from operations will help the financial picture and other options will be looked at to remedy the funding issue. If the operating budget continues to improve and more can be transferred to reserves, this will help. The budget will be reviewed at the November Board meeting. No dues increase is anticipated for 2013, but this may need to be looked at in the future. A dues increase is preferable to an assessment

and the Board will continue to closely watch expenses. A realtor noted that Mountain Side has the lowest dues for the amenities they have. This is specifically due to the Board and the management team.

It was explained that condo owners pay \$63.00 per month per unit towards the clubhouse (lots A, B, and C). There are two Boards but they operate as a combined Board. Condo and HOA dues cover both. There are 5 Condo members and 4 HOA (clubhouse) members. Condo Board members are also members of the HOA Board. There are two legal entities and each votes on their own issues. Both condo and HOA board members vote on clubhouse issues. One person (condo owner) is elected to serve as President for the combined Boards. Patio home owners reimburse the condos for use of the trash facilities. It was asked if an overview of how dues are structured and how the Board is structured could be drawn up. One owner felt an organizational chart would be helpful.

2. **Old Business.**

- A. Code violations were discussed. Why is this important to the HOA? Owners own from the paint in; the outside belongs to the HOA and they must deal with code violations. Once the HOA has been made aware of code issues and there is a mishap, insurance may refuse to pay if the HOA has taken no action on a known violation. This will leave all condo owners liable. Letters were sent to those units that were discovered to have code violations asking them to provide permit information. Town documents were provided for obtaining the proper permits after the fact. Violations included enclosing lofts and increasing the square footage of living space, addition of an extra bathroom, and installation of washers and dryers. I and J buildings are excluded on the washers/dryers since they were built to accommodate the additional appliances. Other buildings were not constructed to have the additional electrical/plumbing load. Enclosing lofts may not meet egress codes and can be a safety issue. It is understood that some owners bought their units with the improvements already in place. This is not a simple matter. At one time the Town of Frisco required a condo owner to remove an additional bathroom and it was later reinstalled. Resolution to the issues is still being worked on.

This has been a long process. The Board has been sent all the responses sent in by owners. The Board will be talking to code enforcement people and has also talked to the Mayor. Some time ago a letter was received from the Town stating that washers and dryers would not be permitted at Mountain Side unless an engineer's study was done. The Board has been working diligently on these issues and is still waiting on Town response. Owners should have been notified on the ongoing progress and the Board will work on a communication policy at their next meeting.

Questions were asked on the unit inspections. The Resident Manager went through every condo unit and took pictures of any violations. All owners were notified of the inspection. An attorney was consulted about unit entry and entry is authorized to check for something like code violations.

One owner purchased a unit that had a washer/dryer previously installed in the mid 80's. When he closed on his unit the Rules stated washers/dryers installed prior to 1993 were grandfathered. (NOTE: Rules and Regulations have stated since 2001 that washers/dryers installed prior to 1991 were grandfathered. Current Rules also state this.)

The main concern is liability for the Condo HOA and owner's exposure. Each case is individual. I & J buildings were constructed differently than the other buildings and can accommodate washers/dryers. In other buildings, there are 3 plumbing stacks and the addition of washers/dryers can cause major problems. In addition, after a certain number are added, all would be required to meet current code which would affect those already installed plus any new appliances. This is not a simple issue and involves zoning and the Town should handle this. Code enforcement has been very lax and

there are records/plans that cannot be found. Joelle Miller noted that she spent 2 weeks researching records and located plans for the plumbing stacks for D & E buildings. These need to be looked at as the Town has previously stated that they will not allow washers/dryers at Mountain Side without an engineer's study. If owners want to get together and pay for an engineering study (discussed at a previous HOA meeting) they are free to do so. At this point, the Board is waiting to hear from the Town of Frisco.

One owner who has been involved with HOA's for 20-30 years noted this is clearly a hot button issue but stated the effort is well organized and the Board is one of the most involved he's seen. He was very impressed.

3. **New Business**

The e-mail received from Steve Smith will be discussed at the next Board meeting.

4. **Election of Officers.** There were two vacancies on the Condo Board. The terms for Jim Whiteley and Sharon Schutz were expiring. Jim had previously announced his retirement from the Board and Sharon opted not to run for another term. Steve Smith and Pete Pfeiffle both were interested in serving on the Board. No further nominations were forthcoming. Steve and Pete spoke briefly about their background and interest in serving. A motion was made, seconded, and passed to elect Steve and Pete by acclamation.

4. **Adjournment.** There being no further business, the meeting was adjourned at 1:12 p.m.

Respectfully submitted:

Hadley McDonald, Recording Secretary

APPROVED:

Approved via e-mail

10/10/12

Bill Meek, President

Date

HOMEOWNERS (CLUBHOUSE) ASSOCIATION MEETING
(meeting convened at 12:05 p.m. - a quorum was previously established)

1. **HOA (Clubhouse) Elections.**

There were 2 vacancies on the HOA Board, both for 2 year terms. Terms for Scott Ponds and Don Cacace were expiring. Both have agreed to run for re-election. Nominations were

opened; none were forthcoming and nominations were closed. Dave Chadsey stated that owners need to realize that the Board's votes plus proxies decide who is elected, not the vote of the people. Owners noted that proxies do not have to be given to Board members. Owners who do designate a Board member to vote for them are doing so because they trust that person to vote for the absentee owner. Dave stated he understood this; he just wanted owners to be aware. A motion was made to elect Scott and Don by acclamation. A question was raised on whether or not a written ballot was required. There was some discussion and it was decided to vote by secret ballot. Owners were asked to complete the ballot included in the meeting packet. (NOTE: the Bylaws were subsequently checked. Section 3.12 states "Any contested position...shall be elected by the use of secret ballots..." CCIOA states the same thing in section 38-33.3-310. These were uncontested positions; no secret ballot required.) Scott and Don were elected to the Board.

The Board noted that they would be meeting at 1:00 p.m. today and would reiterate the need to respond to owners. The Board generally discusses issues via e-mail and asks Mountain Managers to respond to the owner. The Board again apologized to Dave for not following through and they will work on ways to ensure owners are responded to. They will also work on code enforcement.

Dave stated that in his 2nd letter to the Board he had suggested that the Board or their representative look at the parking issues and give the Board's position on what is acceptable and not acceptable for parking at 822 Hunter Circle. This would take the confrontation out of neighbor to neighbor issues. This led to a discussion on easements and private roads. The Cul-de-sac is a private road with easements. Tenants/owners can park on the sections owned by the owner. Dave stated the plat needs to be looked at. 772 Hunter Circle has asphalt poured adjacent to his garage that is not part of the easement. The easement at 822 Hunter Circle runs all the way up to the garage but the asphalt does not. Tenants have been parking in the grass area along side the garage. The Board has historically said that the easement cannot be used for parking. The Board does not disagree with this but does disagree with Dave's statement that the Board should take confrontation issues away from homeowners. There is a process in place for enforcement and Board members do not plan to go to units and tell them what they can and cannot do. The Board does not have enforcement capabilities except through the governing documents and legal means (dues collection follows the collection policy). Bob noted that this section of Mountain Side was poorly planned. There's a common easement from the public road to the lake. The Board's position of no parking on an access easement has been addressed before. With the privately owned cul-de-sac, the legal documents would need to be looked at. As far as 772 Hunter Circle is concerned, this is private property. The asphalt area can be posted and vehicles towed if they park there. The Johnson's (not Mountain Side owners) are also affected by access.

More lengthy discussion ensued. Tenants have been spoken with as has the property manager for 822 Hunter Circle. Nothing has been effective. Neither the Board nor Mountain Managers can "tell" tenants what they can and cannot do. The Town will not get involved in HOA disputes. Mountain Managers represents the HOA and operates at the Board's behest. Mountain Managers has no authority over renters. There is no enforcement mechanism in the governing documents for any HOA managed by Mountain Managers that covers renters. The only recourse is through the owner. When you have an owner who totally ignores letters, complaints, violations, etc. everyone is put in a difficult position. Over the past several years Mountain Managers has spent a considerable amount of time trying to resolve one issue or another with this property. It's extremely frustrating but everything that can legally be done is being done. Dave stated that you "are not looking at avenues available to you from a human

perspective.” His 1st letter also dealt with trash and cigarette butts on the property as well as the lawn not being mowed, parking on the lawn, etc. The trash has been taken care of but he felt Mountain Managers had not spent enough time on other issues and talking to tenants. It was reiterated that the tenants have been spoken with and notified of the Rules. Mountain Managers cannot have someone on the property all the time. When they see a vehicle illegally parked, it's ticketed with an intent to tow notice. The vehicle is then moved and often returns at a later date.

It was also suggested that Frisco's rules regarding the number of non related tenants allowed in a single family home be looked into. This could then be a Town issue. Homes at Mountain Side cannot be run as anything but single family residences. There is no way of knowing how many people actually live in the unit. Mountain Managers has made an exception in this case. Normally, they do not deal with owner's renters. That is not what they do and it's not part of the contract. They deal with homeowners only. In most instances when an owner is notified of an issue there is a positive response. The majority of owners do not want renters who are causing problems for other owners. Mountain Managers feels they have gone above and beyond in dealing with this issue.

Mountain Managers was asked if dandelions at the condos could be dealt with more effectively in the future. When they are allowed to go to seed, the seeds spread to the homes. It was noted that the transition between property managers came at the worst possible time of the season. Dandelions were worked on and for the future, Mountain Managers is trying to find a company to do “blanket spraying” at several HOA's versus spot spraying which is all the property managers can do. Owners noted that if the dandelions are at least cut down sooner and more often, this will prevent them from going to seed. Mountain Managers will try and be much more proactive next spring.

There is a heavy build up of pine needles along the edges of the tennis court. Mountain Managers will see that these are removed and will let Atis know that this needs to be addressed on a regular basis.

Questions were asked on the protocol of walking around the lake. If you are coming from the direction of 753 Hunter Circle, you should use the easement and turn to the right. You'll see green bollards and a small fence post making the way to the lake. When this dead ends, turn left and you can walk across the dam. You cannot walk all the way around the lake. Signs asking people to please stay on the trail are posted and all owners are asked to be respectful of other people's property. People do walk through yards and most owners do not mind, however, respecting the property of others is a common courtesy.

The lake construction was finished a couple of weeks ago and the dam should be there for the next 100 years. The State will not allow the Willows that used to be there to be replaced. The best scenario may be to put in grass seed. The area is large enough to have a nice picnic area.

3. **Adjournment.** There being no further business, the meeting was adjourned at 1:05 p.m.

Respectfully submitted:

Judy Freese, Recording Secretary (Minutes prepared from a tape recording of the meeting).