

ANNUAL MEETING MINUTES. JANUARY 28, 2023.

WALNUT ESTATES HOA. <https://walnutestateshoa.com>

WalnutEstatesHOA@GoogleGroups.com

P. O. Box 40931, Grand Junction, CO. 81504

Linda Edwards called the meeting to order at 9:30 a.m. and introduced the current Board Members: Claudene Diaz, Barb Kendrick, and Joyce Derby and herself. Jim Farrell was out of town.

Eighteen homeowners were present and 10 Proxies were in hand. There was a quorum of 26 homeowners. Linda thanked members who took time to attend the meeting and supported the Board.

Last year we asked for volunteers to help spread rock at the retention pond area. The Board met with Max Sneddon and asked for help. Max did all the work and provided the rock at no cost to the HOA.

We learned that the property to the East of our development, next to the Enclave neighborhood, east of our sidewalk to Brodick, belonged to our HOA. This was a dirt area about 30 feet wide from Brodick back to the walkway. The Enclave neighbor has planted trees in this area; we are not watering them. Our HOA paid \$1224. for rock and installation at this dirt area.

The HOA hired Bookcliff Lawncare last year to mow grass around retention pond, repair sprinklers, clean leaves off our walkway, etc. We were very pleased with his work and responsiveness. Some sprinkler repairs were made at the pond area. We have contracted with Bookcliff again for the coming year.

With regard to speeding on Brodick Road, we did a couple things. We talked with the School and asked them to talk with parents about speeders passing through our neighborhood. We got permission from Grand Valley Power and attached two "Slow Down" signs on their poles on Brodick.

We created an E-mail address for the HOA. It is WalnutEstatesHOA@GoogleGroups.Com. This email address sends messages to the board members. When Board members get an Architectural Request form at this address, it is forwarded to the Architectural Control Committee (ACC).

V-pans are located in backyards of homes on some streets (6 on E. Muirfield, 6 on W. Turnberry, 7 on E. Turnberry, 9 on E. Medhurst, and 7 on W. Strathearn, totaling 35 yards). Two years ago it was brought to our attention there was a broken v-pan in an owner yard which allowed water to overflow the pan and flow into the abutting neighbor's yard. This caused flooding in the neighbor's yard. The irrigation water was already turned on. The Board talked with the two homeowners. The Board determined the v-pans were part of the storm drain system as per HOA CC&R document, City and County Code, and Storm Water Management Document and that homeowners were responsible for maintenance of v-pans in their yards. A bid to repair the broken v-pan was about \$1,700. The homeowner called the city engineer to view the situation. The HOA Board was not invited to this meeting. The city engineer mentioned the v-pan was in an easement, and was concerned about water undermining the street and asked the Board to work out the situation with the two homeowners. The Board did not want to set a precedent by repairing this yard's v-pan

A week ago, the HOA received a letter from an attorney representing the homeowner with the broken v-pan. This letter asserts the HOA is responsible for repairing the v-pan. The attorney stated the drainage structure is the responsibility of the HOA unless it has been turned over and accepted by the city. The attorney also stated that Colorado law trumps HOA CC&R documents. We need a determination on this. This past week we contacted two law firms and were unable to get an appointment. The Board is working to get an appointment with a legal firm to get a determination of responsibility.

Some meeting attendees mentioned problems in their yards with v-pans, blockage, and water flow, etc. One owner had filled in seam cracks in their v-pan. One owner mentioned Strathearn Drive is about three feet higher and causes water flow problems. The Board mentioned you can be fined for blocking flow of water in the v-pan.

Some of the possible causes for this broken v-pan are: Century Link bored under the v-pan, excess watering of nearby yards with underground water flow. Over the last two years the Board has asked individuals and homeowners to cut back on watering.

Some options the HOA has are:

1. Get bids and do the v-pan repair work
2. Get attorney to determine responsibility; HOA or individual homeowner, and do repair work

A motion was made by Sherry Bahlman, seconded by Ginny Bajewicz, and approved by the HOA members present to proceed and get attorney determination and get bids to repair this particular broken v-pan.

(Two recusals, 16 yes vote, 6 no votes = 28 homeowners). Motion carried.

Homeowners are concerned about cost of attorney, cost of repair, and setting a precedent. They are also concerned about being charged a special assessment if required to repair v-pans in other yards. A question was raised about the neighborhood developer being responsible. A question was raised about the should the homeowner have contacted Century link who bored under the v-pan and probably compromised it.

Homeowners want to know the ongoing status of this continuing situation. On Monday the Board will hand deliver a letter to the homeowner's attorney stating we will get bids for repair work, hire an attorney to get a determination, and that we need access to the homeowner's yard for bidding. We will work with developer, Sneddon, to see what documentation he has on this subject. We will get estimate from attorney for cost for their services. The HOA has funds available to cover some costs (costs unknown at this time), since we ended the year with \$6,000 in checking and \$5,508. in reserve.

The proposed budget for 2023-24 with dues staying at \$200. was approved by attending homeowners.

The current Board members have served over two years and are retiring. We need new homeowners to volunteer to be on the Board. Current Board members will remain available for consulting and assisting in handoff to new Board. Up to date documents and procedures, per Colorado Dept. of Real Estate, are in place.

All expenses and checks require two signatures. The Board has met monthly. A Secretary, Treasurer, and President are required on the Board. Two additional Members at Large are also permitted on the Board.

If there are no Board officers, you cannot dissolve the HOA, per state law. If the HOA has no officers, the State of Colorado will appoint someone at \$200. per hour to manage the HOA and bill the homeowners. The HOA general and liability policies would be cancelled. This would affect homeowner property values in the event of resale. A Management Company can be hired by a Board to handle check writing, bids, contracts, etc. but a Board is still required even if a Management Company is hired. Bray Real Estate quoted something that would cost each homeowner \$100. per year for management.

Ginny Baikewicz volunteered to be Secretary. Barrie Nitcher volunteered to be Treasurer. Bear Mensching volunteered to be President, and Linda Mensching volunteered to be Vice-President. The homeowners voted to approve new board members.

A homeowner brought up the issue of parking his trailer on the street or in his yard. City code says trailers must be moved every 72 hours. HOA documents say to place trailers behind fences. It was noted the difficulty of unloading the trailer when it is behind the fence.

The meeting was adjourned at 11:00 a.m.

Barb Kendrick, Secretary

Linda Edwards, President