

**The Meadows at Coal Creek Homeowners Association, Inc.**  
**Board of Directors Meeting**  
**September 18, 2001**

**Attendees:** Phil Barton, Marian Carr, Ron Cummings, Donna Vanderwerken, Rick Lien, and Dave Wilkinson

**Call to Order**

Phil Barton called the meeting to order at 6:31 pm.

**Approval of Prior Meeting Minutes**

The minutes from the August meeting were reviewed and approved by all Board members.

**Discussion of CC&R Variances**

The Board and the ACC had a detailed discussion of the CC&R variance process. Salient issues discussed were:

- Board had discussions with HOA legal counsel to clarify issues surrounding CC&R variances and the lack of an "appeals" process to ACC decisions. The MCC governing documents do not have any appeal processes defined for ACC or Board decisions. Legal council has informed the Board that the Board cannot put into place an official appeals process without modifying the CC&Rs. Resolutions cannot be used to address this issue.
- Legal council confirmed that according to the CC&Rs only the ACC, and not the Board of Directors, has the ability to grant a variance to the CC&Rs.
- There is no defined appeals process for ACC decisions and both the Board and the ACC agreed that the community should have such a process.
- The ACC determined and the Board agreed that there should a process and criteria defined to grant variances to the CC&Rs. Such a process should be developed immediately by the ACC and provided to homeowners. The ACC has agreed to develop such a process/procedures and report back to the Board by the next meeting. As it stands, the ACC may grant variances to the CC&Rs but there are no documented procedures for either the ACC or homeowners to follow. The ACC CC&R variance process will address both these concerns.
- The Board and ACC decided to wait until after the CC&R variance process is developed to address the lack of an appeals process. Until such an appeals process is addressed, the Board and the ACC agreed to an informal process that allowed an impacted homeowner to appeal to the Board for any ACC decision the homeowner felt was incorrect or not acceptable. During any such appeal, both the Board and the ACC would be present.

**Options for Fence Maintenance Review/Discussion**

Discussion was postponed until responses from HOA legal council are received.

**ACC Violations/Homeowner Complaints**

Neighborhood ACC issues were discussed. Various approvals were provided for HOA files.

The ACC informed the Board that there was a property in MCC that appeared to have landscaping improperly maintained in the "visibility triangle" on their property. The "visibility triangle" is defined in the PUD and/or the homeowner's documents; it is not part of the CC&Rs or ACC requirements. The

Board was informed of this matter but was not sure if the Board was officially responsible for notifying homeowners of this potential issue because the Board enforces the CC&Rs and the City of Louisville enforces the PUD. Legal council will be sought to ensure the Board takes the proper steps to address this issue but does not assume a responsibility that it does not possess.

### **Outlot A**

Confirmed that the letter was sent last month. The Board will provide the ACC the name and phone number of the Club Homes president to further evaluate the western property line.

### **Landscaping**

Ron Cummings will go forward with obtaining a bid for landscaping the triangle area. The mulch was finally completed on the front island.

### **Arbor Update**

As the arbor issue remains unresolved. The Board did receive a draft letter from the affected homeowner for the community to "vote" on the issue. The Board in discussion with the ACC has decided to withhold any action until the ACC completes development of the process for obtaining a variance from the CC&Rs from the ACC.

### **Yield Sign**

The "informational vote" at the community picnic for a yield sign was reviewed. Of the 26 homeowners that participated, 22 requested a yield sign, and 4 did not want such a sign. The Board will send a request to the City of Louisville for installation of a yield sign on Pear Court/Orchard Way/Orchard Drive and at the entry into the community.

### **Collection of Past Due Money to Association**

The HOA has initiated receivership actions to collect the outstanding money owed to the HOA.

### **Financial Statement**

The budget and actuals were reviewed. The checking account financial statements and returned checks for August were reviewed.

### **Approval of Invoices & Writing of Checks**

The following invoices were paid:

- Town & Country Trash
- Phil Barton - office supplies
- HOA Picnic supplies - Sam Pottinger, Ardith Faulkner, Lynn Willis, Kirk Raikes, Roseanne Allan
- State of Colorado (prepared previously for HOA fees to state)

### **Adjourn**

The next board meeting will be Monday October 15, 2001 at 6:30 p.m. With that the meeting was adjourned at approximately 8:15 p.m.