

# Eagles Nest Property Homeowners Association

P.O. Box 23420  
Silverthorne, CO 80498

Board Meeting for Thursday, November 13, 2008  
**Meeting Minutes**

## **Board of Directors**

Vince Lanuza, President  
Dave Anderson, V. P. and Facilities  
George Resseguie, Treasurer  
Mollie Brunetti, Design and Review  
George Fugere, Environmental  
Jim Ernst, Environmental  
Len Shipman, Secretary/Communications

All Board members were present. Also in attendance was Stuart Richardson (Manager), John Ahlquist (Manager), Jack Hickey, Brian Edney, Jim Beltzer and Bob Kieber, president of The Ponds.

### I. Call to Order

The meeting was called to order by Vince Lanuza at 4:00 PM.

### II. Approval of Minutes

**Motion: *George Fugere moved and George Resseguie seconded approval of the Minutes for the Board's meeting on October 9, 2008. Approved***

### III. Current/New Business

a. Review of Meeting with Sub-association Presidents/Grant Proposals: Dave Anderson, who presided at the recent meeting with sub-association presidents, offered a report of the meeting. The meeting was well attended. This meeting gave the sub-association presidents an opportunity to request funding for their association projects. We received four requests for funds from the Ponds, two requests from the Aspens, and two other potential projects were announced at the meeting, to be followed up in writing by the next Board meeting. The Board will determine which projects to fund at the December meeting. The 2009 Budget includes \$3,000 for sub-association projects.

b. Feedback from October Newsletter: Feedback indicates that the Newsletter was well received. There was a discussion regarding the cost of the Newsletter. Approximately half of the membership receive the Newsletter via e-mail and half by mail. Administrative, postage, and copying costs come to about \$400/Newsletter, or about \$1200/year.

**Motion: *Dave Anderson moved and Mollie Brunetti seconded a motion that future Newsletters be sent only via e-mail and that the membership be encouraged to supply e-mail addresses to the Association in an effort to save money. Approved***

A notice of this change will be included with the Dues letter sent to all property owners in December. That notice will remind property owners that the Newsletter can be viewed on-line at [www.ENPHA.com](http://www.ENPHA.com).

c. Status of Parcel A, Fox Valley: Vince Lanuza reported that he has been in contact with Jeff Progar, developer for Fox Valley. Vince is in receipt of a one-page "Bargain and Sale" deed agreement prepared by Fox Valley's attorney offering to sell Parcel A to ENPHA for \$1,000.

Vince has asked Dave Helmer, ENPHA attorney, to review that document and an accompanying thirteen-page “Buy Sell Contract” document. Helmer will look into property records to determine if there are liens or any other encumbrances on the property. If those records are clear, the sale should proceed as it has been previously approved by the Board. *[Update: On the evening of Thursday, November 13, 2009, David Helmer advised Vince Lanuza that there are no liens or open deeds on Parcel A, Fox Valley, owned by FVR Investments, LLC. Helmer says that the Bargain and Sale Deed, drafted by the FVR Investments attorney, is sufficient to transfer the property to the ENPHA. Vince called Jeff Progar, president of FVR Investments, LLC, and is awaiting a return call. After we receive the signed Bargain and Sale Deed and deliver a check for \$1,000 to Mr. Progar, we will transfer ownership of the property by filing the deed with the Assessor’s office].*

d. IRS Resolution: Vince Lanuza reported that a minor tax form reporting issue with the IRS has been resolved. Forms were filed on time, but were misplaced by the IRS. Future filings with the IRS shall be made using Certified mail.

e. Annual Meeting Preparation and Assignments: The date for the Annual Meeting of the membership was tentatively set for Saturday, March 28, 2009. A notice of the meeting will accompany the dues letter to be sent in late December. Vince Lanuza has arranged with Hillary Little of the Raven to reserve the Clubhouse for the meeting.

#### IV. Board Motions Approved Via E-Mail/Other Communications

***Motion #08-07: On October 30, 2008, Vince Lanuza moved that the ENPHA Board authorize the expenditure of \$1,000 for the purchase of Fox Valley, Parcel A, for the purpose of preserving the property as Open Space in perpetuity. Approved.***

#### V. Manager’s Report

a. Compliance: John Ahlquist reported that there were two trailer issues since our last meeting. One issue has been resolved and, after an attempt to contact the property owner directly proved fruitless, a letter of enforcement will be sent. A skip loader has damaged ENPHA property at 1799 Falcon Dr. The property owner was contacted and agreed to repair the damage in the spring. John also reported that his research shows that most of the 10-foot boundary on the west side of Three Peaks is actually owned by Intrawest, according to tax records. There was a discussion regarding how we should proceed, including requesting that Intrawest deed the property over to ENPHA. George Resseguie agreed to further research this parcel and another parcel on the east side of Hunter’s Knob Road and will report back to the Board to determine our next step.

b. Maintenance/Reservations: Stuart Richardson reported that there are four reservations for the Community Center in November, two reservations for December, and already four reservations have been received for next year. Stuart has been working with Trevor Boersma at the Raven to arrange for untreated Raven water to be used at the South Golden Eagle entrance. It appears that this arrangement may be amenable to the Raven, though no final decision has yet been made. The contractor for the electrical project at the South Golden Eagle entrance had a contractual obligation to restore sod. If the sod fails to flourish in the spring, they will be back to re-sod. Lighting at the South entrance is in place and will be turned on December 1. It was decided that, for safety sake and considering the recklessness of some drivers in the Holiday season, we would not sponsor a tree lighting ceremony this year.

#### VI. Financial

a. Treasurer’s Report: George Resseguie reported on the status of our 2008 Budget to date. We will likely end the year with more funds than previously expected. He has worked with Budget

Committee members to prepare a rough draft of the Budget for 2009. Most expenditures for 2009 should remain about the same, but some expenditures, particularly those for tree spraying and tree removal on ENPHA property, will rise. Revenue from dues would need to increase unless we made other adjustments and, in particular, reduced the amount of money in the Legal Reserve. If we did that, George felt that the dues could remain at \$130. Dues have remained at \$130 for some time and it was felt that we should try to hold it at that level for now. Perhaps next year, if the need presents itself, we could raise dues to a level that would serve our needs for several years. The budget also calls for an increase in the price of tickets for next year's Annual BBQ and Picnic, as the Association had to absorb nearly \$3,000 of additional cost.

**Motion: *Dave Anderson moved and Jim Ernst seconded a motion to accept the Budget proposal as presented with dues will remain at \$130 and minor changes, including an increase of funds for Line 5400 (Tree Removal ENPHA) to \$25,000 and a lowering of the Legal Reserve to \$15,000. Approved***

b. Tax Abatement: Four of the five properties have been resolved and a tax rebate of \$788 is due ENPHA. The fifth property, Tract N, needs to be re-plated as Open Space (at some expense to ENPHA) and filed with the Assessor's Office. Another possibility is that we just continue to pay the tax each year of approximately \$22 or, a third possibility, see if the Town would like to take over the property and possibly exchange a Town-owned property for it. George Resseguie will continue to evaluate these options.

c. Status of Unpaid Accounts for Tree Spraying: George Fugere presented a list of sixteen property owners who have yet to refund to the Association money for tree spraying. Santa was not happy! However, exhibiting a well-founded passion, the equanimity of a heroic soldier in the line of fire, and the confidence of a man who knows what is right and does it, George asked that the list of names be delivered over to our attorney for collection.

**Motion: *George Fugere moved and Jim Ernst seconded a motion to have Peggy Long refer the list of those property owners who have yet to pay for tree spraying to our attorney, Madeline Duncan. Approved***

## VII. Environmental

a. Jim Ernst's Letter to Town Regarding Tree Removal/Slash: Jim Ernst has written a letter to the Town Council asking them to prepare now for the tree removal work that will commence next spring. The Town has renewed its ordinance requiring that property owners remove dead and infected trees. However, as Jim emphasized in his letter, the ordinance needs further action and support from the Town. The Town needs to establish a slash site and work with other agencies, loggers, and truckers to facilitate the removal of the trees. This work should begin now, as efforts to contract for the removal of trees is on-going and it is hard to estimate costs until these issues are settled.

b. MPB Spray Policy for 2009: George Fugere reviewed the work of the committee charged with looking into any changes in our spraying policy for 2009. The committee has met with three contractors so far and will meet with our current spray contractor, Tom Estes, this coming Saturday. The committee will present its report at the next meeting of the Board in December.

c. Slash Pile Burn Readiness: Jim Ernst announced that we are ready to burn as soon as there are at least six inches of snow on the ground and we have been given final approval from fire officials. We did ask our local fire department if they would prefer to monitor the slash burn piles, but they countered by saying that they don't "baby sit fires". We will notify property owners by placing a notice in the Daily News and setting up signs at the entrances to Eagles Nest.

d. Town of Frisco Dead Tree Removal Ordinance: The Town of Frisco has a tree removal ordinance and Vince Lanuza is monitoring the implementation and effectiveness of their ordinance on behalf of the Town of Silverthorne.

#### VIII. DRC Report

a. Current Activity: There are 26 homes currently before the DRC in one stage of development. Activity has recently declined.

b. Silver Trout Estates: Vince Lanuza and Bob Kieber excused themselves at this point as this development is still in the planning/approval stage before the Town. Mollie Brunetti said that the proposal came before the DRC last week. We shared our concerns and sent our comments to Michael Johnson, reserving our right to comment further in the future. At this point it appears that the developer is operating within our Decs and the Town Code. Former ENPHA president, John Taylor, has previously written a letter expressing some of his concerns about the development and apparently those itemized concerns are being addressed.

#### IX. Open Issues/Comments

a. Jim Beltzer, ENPHA Weed Tsar, appeared before the Board to request that we excuse a disputed charge for weed spraying. The property owner, who recently assisted the Association by making his/her property available for dead tree removal, claims that the weeds were properly sprayed in a timely fashion.

***Motion: George Resseguie moved and George Fugere seconded a motion to excuse the disputed charge of \$63. Approved***

b. George Fugere announced to the distress of all present that he will likely step down from the Board in the near future. George is irreplaceable, not only for the service he provides to the Association but for his humor, his insight, and for the strength of character which has served as an example for all who know him.

#### X. Executive Session

There was no need for executive session.

#### XI. Adjournment

***Motion: George Resseguie moved and Len Shipman seconded that the Board adjourn its meeting a 6:00 PM. Approved***

Submitted by Len Shipman

Next Meeting: Thursday, December 11, at 4:00 PM