

**WOODEN CANOE  
BOARD OF DIRECTORS MEETING**

**OCTOBER 6, 2015**

**MINUTES**

1. **Call to Order.** The meeting was called to order at 4:04 p.m.
2. **Affirmation of Attendance and Quorum.** Board members in attendance were Jim Hafemeister, Charles Williams, Betsy Burton, Paul Lewis, and Tod Hunt. A quorum was established.

Representing Mountain Managers were Phil Wells and Judy Freese and Katie Kuhn with Hammersmith Management – new owners of Mountain Managers.

3. **Owner Forum.** No owners except the Board members were in attendance.
4. **Approval of Minutes from the 7/9/15 Board meeting.** A motion was made, seconded, and passed to approve the minutes as written.

5. **Repair and Maintenance Report** covered the period of 06/15 through 8/15. Completed items included landscaping of the islands, reimbursement to Pat Wallace for pond supplies, seal coat and crack filling, fence painting, and mowing/irrigation repairs and pruning. It was noted that two different landscaping companies were used, Sunkissed Lawn and Garden and Rocky Mountain Landscape. Mountain Managers was asked to check on this and find out why a second company was used. Jim stated he had received some complaints that the crack fill/seal coat was a little sloppy this year with some of the material ending up on rocks. There were also some comments about the company doing a good job. If there are any serious issues, owners should contact Mountain Managers. According to the Repair and Maintenance report, two separate pest control companies were used. Mountain Managers was asked to find out if this was for two different infestations or if there is another reason two separate companies were used.

6. **Financial Report.**

August financials were reviewed. Total income was ahead of budget by \$6,826.00. It was noted that \$4,680 in reserve contributions had been collected year-to-date on the sale/purchase of homes. There is some pending litigation that will address the legality of an HOA collecting these funds. They may continue to do so until legislation is passed to the contrary. On the expense side, the HOA was \$3,732 over budget year to date and showed a positive net of \$3,094 through August.

The balance in the checking account was \$13,321.49 and the money market account balance was \$124,459.62.

7. **Old Business.**

- A. Jim spoke about the information/questions he received from the owner of 545WC. The owner was concerned about possible encroachment onto his property. He stated there is a ten foot easement for his lot and the one to the south. The previous owner of the lot to the south planted trees throughout the easement at up to the property line. Betsy located the original correspondence to that owner notifying him he had planted in the easement. The owner of 545WC was also concerned that the HOA path might be encroaching onto his easement. Easements

are clearly marked on the plat and the encroachment issue will be checked. If the HOA path is encroaching, moving it back will be looked into. The easement in this area will be marked and a string line run. Jim suggested having the landscaping committee mark all the easements in the spring. The unit owner also requested "No Trespassing" and "Private Property" signs like others the HOA has provided. The Board agreed with this request and Katie will follow up with Pat Wallace in the spring. Pat is the head of the Pond and Landscape Committee (PLC). There was also an issue with the snow plow moving boulders and failing to put them back in place. The owner has no problem with the lot being used for snow storage but wants the boulders moved back in the spring. Jim will email the owner that this will be done.

The snow plow contractor needs to be informed of this and also needs to watch where snow is piled up. The corner of Night Chant and Water Dance was piled dangerously high with snow last year. This needs to be kept to a manageable level. Early in the season, snow needs to be pushed further back in snow storage areas so more space is available later in the season. Katie will follow up with the contractor on these issues.

- B. Elimination of short term rentals has been discussed in the past. A proposed amendment to the Declaration to eliminate short term rentals failed in 2011. Kim Cancelosi recently recommended an attorney that deals in this type of HOA issue. The attorney was contacted and thought that based on the Declaration this could be possible. However, she believed there was pending legislation that might prevent this action. She had not yet read through the full court documents and has not yet gotten back to Mountain Managers.

If short term rentals cannot be totally eliminated, it was suggested that the number of occupants per unit or the number of vehicles per unit might be limited. There is currently no limit on vehicles but the governing documents specify that all vehicles must be parked in the garage or on the paved driveway. With no parking permitted overnight on the street, this should effectively limit the number of vehicles if the rules are enforced. The DRC has had one request under review for widening a driveway to accommodate 3 vehicles across. The request has been denied but the owner intends to appeal the decision to the Board.

In reviewing the Declaration, it states that owners may "lease" their units. The term "rent" is not used. Leases are generally not nightly rentals but of longer duration. At the September meeting, John Hammersmith and Meghan Bahnsen stated Hammersmith Management would look into the issue. Eliminating short term rentals would solve all the problems. Questions were asked on why the attorney who prepared the original Declaration amendment did not apparently notice the wording in the Decs and maybe another attorney's opinion should be solicited. Katie will follow up with John and Meghan on the issue and forward suggestions/options to the Board.

With regard to limiting the number of renters permitted in units, it was noted that some towns do have rules regarding this. There is one unit at Wooden Canoe that can sleep 20 or more and has been rented to large groups (28 or more) and used to run an elite running camp during the summer. Should the Town of Frisco ever adopt such a rule, enforcement could still be problematic.

- C. Renter pets have also been an issue. If owners see a unit advertised on VRBO stating “pet friendly” please notify Mountain Managers. This is a violation of the Rules and letters can be sent to the owners.
- D. Illegal parking (overnight on the cul-de-sacs) continues to be an issue. If there are signs posted with “no parking – towing enforced” cars can be towed without notice. It should be possible for the HOA to enter into an agreement with a towing company to either tow when called by a Board member or designated representative or to do random drive throughs and tow vehicles that are parked on the cul-de-sac streets between the hours of midnight and 6 a.m. The tow company generally provides signs with their name and phone number. Once this has been decided and a tow company selected, owners would be notified that as of a specified date, towing will be enforced in accordance with the Rules.

8. **New Business**

- A. The dumpster enclosure overhead doors are still not working. Mountain Managers has been working with Cain Electric and is obtaining bids for repair. Information will be forwarded to the Board once it is received.
- B. Irrigation water for one of the islands is obtained from a Water Dance Townhome. Questions were asked if both islands are part of the master association and therefore a shared expense. The plat will be checked.

It would be good for Wooden Canoe to have its own water source in order to water the berm, etc. The cost of an additional water tap has been estimated in the past at \$10,000 and will not be pursued at this time.

- C. DRC issues were discussed. There is still one home that has not complied with painting requirements. 518WD will be sent a letter stating that a painting contract must be submitted no later than May 1<sup>st</sup>. Failure to comply will result in the HOA making arrangements to have the home painted with the cost being billed back to the owner. The owner will be reminded that any change in color requires DRC approval.  
  
530 NC has installed a new, white metal garage door. A letter will be sent to the owner asking when they plan to paint the door a color compatible with the home. If the intent is to paint the same color as the previous door, no approval is needed. If the owner intends to change the color, they will need to submit their color choice to the DRC for approval.
- D. Insurance review is in progress and a comprehensive comparison of rates should be available in the near future. The Board will be notified if there is any change in either the HOA policy or the D & O policy.
- E. New management agreements and/or amendments are in progress. The current Mountain Managers agreement will remain in place until these are completed.
- F. Mountain Managers was asked to find out what was found on the light check (street lights).

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9. **Schedule Next Board Meeting:** The next Board meeting will be on Thursday, December 10, 2015, 10:00 a.m. at Mountain Managers. The Annual HOA was previously scheduled for 12/29/15. Jim noted that his term would be expiring and he would run for re-election but would prefer not to serve as President again.
10. **Adjournment.** A motion was made and seconded to adjourn the meeting at 6:00 p.m.

Respectfully submitted: Judy Freese, Recording Secretary

**APPROVED:**

Approved via email

10/19/15

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Jim Hafemeister, President

Date