

DOUGLASS RANCH PROPERTY OWNERS ASSOCIATION

Minutes of the Board of Directors

July 29, 2020

Call to Order: The Regular Meeting of the Board of Directors was called to order on Wednesday, July 29, 2020 at 6:02 pm, Aaron Reilly, President.

Location: Virtual Meeting via Zoom

Attendance

Board Members Present:

| | | | |
|----------------|-----------------|--------------|-------------------------------|
| Aaron Reilly | President | 512-769-6400 | drpoa.president@gmail.com |
| Veris Simms | Vice President | 720-220-5631 | drpoa.vicepresident@gmail.com |
| Andréa Swenson | Secretary | 612-201-0289 | drpoa.secretary2020@gmail.com |
| Randy Jensen | Treasurer | 303-8385117 | drpoa.treasurer2020@gmail.com |
| Mark Ferguson | Roads & Grounds | 720-403-3939 | drpoa.randg@gmail.com |

Others Present:

Advisory Committee Member: Tricia Jensen

Members at Large: Pam Senjem
Jay Genender
Dallas & AJ Ostrom
Mike & Cathy Rheinberger

Absent: None

- I. **Agenda** – The Continued process of reviewing and evaluating the Declaration of Protective Covenant, Conditions, and Restrictions for Douglass Ranch (CC&Rs)
 - **Additions to the Agenda** - None
- II. **Approval of Minutes from July 22, 2020** - Postponed for a later date.
- III. **Business from the Previous Meeting** – Continue review and evaluation of the CC&Rs starting at **Article V: Maintenance, Section 5.3 Improper Maintenance.**
 - **Note:** All determination and proposed suggestions for revision, annotated requests, rewrites, or updates will be submitted to the DRPOA Attorney Kim

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Porter for legal review. All references stating, “our attorney” or “attorney” from this point forward means DRPOA attorney, Kim A. Porter.

IV. The following Articles of the Covenant, Conditions, and Restrictions (CC&Rs) were Evaluated.

- **Article V: Maintenance, Section 5.3 Improper Maintenance.** – Mr. Jensen indicated that maintaining our Firewise designation is a high priority. Therefore, it becomes a significant problem when residents are non-compliant in their fire mitigation. The following amendments to this article were suggested:
 - i. **Maximize Leverage:** - Utilize this section to DRPOA’S advantage for maintaining our Firewise designation by imposing progressive fines.
 - ii. **Establish a Fire Mitigation Deadline** – Allow owners to implement progressive improvements over a reasonable period of time. Failure to comply within the deadline results in fines and can escalate to where the DRPOA will hire a contractor to ascertain costs and perform the fire mitigation at the owner’s expense.
 - iii. **Poll the Community** – Obtain a consensus and feedback from the DR Community whether the aforementioned sub-points i. **Maximize Leverage** and ii. **Establish a Fire Mitigation Deadline** are a reasonable and acceptable application of enforcement. Once the level of support of such actions is determined by the survey, the proposed actions, penalties, and fines will be submitted to the attorney for legal review and advice.
- **Design Review Board Name Change** – Change to Design Review Committee.
- **Article V: Maintenance, Section 5.5 Utility Easements and Private Access Drives.** – The term, “Private Access Drives” is often confused to mean the owner’s personal driveway. Therefore, it has been determined that the term “**Private Access Drives**” must be changed to “**Private Access Roads**,” in order to draw a clear distinction between Douglass Ranch private *roads* within the sub-division (Baldwin Ct., Meadowridge Ln., Gordon, Ct., May Long Ct., and Drake Ct.) and the owner’s *driveway*. (Douglass Ranch Dr. is a Jefferson County road). Request the attorney implement the change to, “Private Access Roads” and cross reference the term exactly in all our governing documents, to avoid confusion or ambiguity.
- **Article V: Maintenance, Section 5.6 Forest Management Program** – In the first sentence, “**The Association intends to implement a forest management program...**” The word “**intends**” is no longer accurate, since “intends” indicates an action not yet taken when the Association. In its current status, DRPOA has already implemented a program, in accordance with the DRPOA Official Development Program (ODP).

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- In the next sentence, the last half should point directly to the former, removing “...which may be imposed in connection with the implementation of this program.” (to see 5.6 in full, go to page 9, in the [CC&Rs](#)) Therefore, it was determined the attorney should do the following:
 - i. Modify a portion of the first sentence to state as follows: “The Association **has developed and implemented** a forest management program....”
 - ii. Modify last portion of the second sentence to state as follows: “...**which may be imposed in connection with this program.**”
- **Article VII: Design Review Board** – Change from “Board” to “Committee.”
- **Article VII: Design Review Board, Section 7.2 Creation** –
 - i. Again, change from “Board” to “Committee.”
 - ii. Modify terms of service to two (2) years to coincide with the Board of Directors’ terms of service, instead of the fiscal year of the Association.
 - iii. Require one (1) member position a re-appointment one year and two positions the next repeating this cycle for re-appointment.
- **Article VIII: Covenants, Conditions and Restrictions**
 - i. **Section 8.1 Use of Lots** - The word “Lots” in the middle of the section, second clause: Request the attorney add a new section, Section 8.10, which includes a stronger definition in what vehicles may be parked. Also include its associated restrictions, and cross-reference Section 8.10 directly with Section 8.1.
 - 1. **Survey the Association** - The Board of Directors will draw up an email survey to obtain feedback from the community on types of storage restrictions (visible, concealed, seasonal, or temporary usage, etc.). The survey will also include feedback on the categories of items and vehicle types subject to the defined restrictions.
 - 2. **“No gainful occupation...”** – Technological advancements allow residents to work remotely. Also, in light of the COVID-19 restrictions, many owners are working from home. Therefore, to safeguard against excessive traffic, the request is entered for the attorney to change this clause to read to the effect: **“No business or profession of any nature shall be conducted on any lot or in any residence constructed thereon provided, however, occupants of residences may conduct a business or profession from their residence so long as the operation of the business or profession does not visibly store multiple business vehicles, equipment, or materials or regularly require customers, invitees, or other persons to visit or stay at that residence creating an unacceptable increase in traffic or unreasonable disturbance or similar interferences with the adjacent lot owners' property, or the right of the**

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occupants of such property to the quiet enjoyment thereof." The new clause is pending attorney review.

3. Remove Declarant.

- ii. **Section 8.3 Architectural Control** – Remove the word, **“maintained.”** The word imposes a cumbersome restriction to the property owner. Instead, let the owner do regular maintenance as needed without the need for prior approval, and reserve prior approval from the Design Review for anything that would alter the outward appearance of the home or property.

V. Open Forum – Questions, Comments, or Suggestion from the members at large.

- **Mike and Cathy Rheinberger – Parking:** The language has too many loopholes associated with the parking of vehicles and trailers. Especially, “seen” or “concealed,” and would rather see language that communicates more definitively and clearly what a trailer is, or an RV is and list. Whatever the case, a trailer or RV is not to be seen at all.
- **Dallas and A.J. Ostrom –**
 - i. **Trailer/RV:** If residents at large own any type of trailer or RV, both should be disallowed.
 - ii. **Firewise:** Recommends when it comes time to survey, make Firewise a separate subject entirely. Include what can be enforced and write clear language as to what the Fire Management Program is in relation to Firewise. As it stands, the current language is too vague. Clearly define what mandates we are adopting i.e., Jefferson County, the state of Colorado, its rules and means of enforcement, etc.
 - iii. **Private Access Drives:** Recalled that a decision had already been made to change from “Private Access Drives” to “Private Access Roads”
 - 1. **Board’s Response:** The Board thanks Mr. Ostrom for the reminder. A note was inserted to make change to “Private Access Roads.” (See **Article V: Maintenance, Section 5.5 Utility Easements and Private Access Drives.**)
 - iv. **Parking:** Suggests we define parking as any vehicle for personal use including vehicles which may seem commercial but are, in fact, used strictly for the purpose of maintaining the property.
- **Jay Genender –**
 - i. **Firewise:** We need clarification on what the standards are and what the timeline is to complete fire mitigation and costs. All will help us understand what kinds of enforcements are needed.
 - ii. **Article V: Maintenance, Section 5.6 Forest Management Program –** Who adopts the Fire Management Plan the Board of Directors or the Membership? If it is the Board of Directors, then it gives the Board too much power. Suggest clarifying language indicate the adoption of a Fire Management Plan is by vote of the Membership.
 - 1. **Board of Directors’ Responses:** Agreed. Mr. Genender makes a valid point and will seek to ensure the appropriate language is used and implemented correctly.

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- iii. **Article VII: Design Review Board, Section 7.2 Creation** - Suggests there be less restrictions on the number of individuals serving. Also
- iv. **Section 8.1 Use of Lots** – Mr. Genender suggests inserting a provision for those owners who do not have the ability to conceal their trailer or RV due to the topography. Suggests finding a solution to the rule of concealment that will work for the community as a whole.
- v. **Maintenance and Licensing of Vehicles** – Mr. Genender suggest adding language that prevents non-road worthy vehicles (wrecks or restoration projects) from being stored on the owner's property. That all vehicle types must be properly maintained, be of normal road worthy use, and properly licensed.

- **Pam and Brian Senjem – Section 8.1 Use of Lots** – Conducting business out of the house where clients frequently come and go facilitates more traffic and goes to an unreasonable disturbance.
 - 1. **Board's Response** – Agreed to insert “unacceptable increase in traffic...” in part 2 of “**No Gainful Occupation.**” However, it will need to be clearly defined what “unacceptable” is. Rather, we must decide whether we want to allow owners to run a business here or not. It is agreed we don't want more traffic. Therefore, we will rely on our attorney to provide more clarity on the subject.

VI. Future Action Steps –

- Randy Jensen will create the email survey on parking restrictions, storage, vehicle types, and so forth. The Survey will be presented to the Board of Directors for review then distributed to the community for feedback.

VII. Meeting Adjourned at 8:13pm.

- **Move to Adjourn:** Mr. Reilly
- **Motion Second:** Mr. Simms
- **Motion to Adjourn Passed:** Unanimously
- **Next Meeting** - Wednesday, August 5, 2020.

VIII. Board Action without a Meeting - Minutes for July 29, 2020 was approved unanimously March 15, 2021 (see voting record attached)

Respectfully Submitted by Andréa Swenson, DRPOA Secretary