

**THE SHORES AT THE HIGHLANDS  
ANNUAL HOMEOWNER ASSOCIATION MEETING  
December 28, 2020**

**I. CALL TO ORDER**

President Larry Abston called the Zoom video meeting to order at 10:08 a.m.

**II. ROLL CALL & PROXIES**

Board members participating were:

Larry Abston, Derek Guemmer and Wendy Tancheff

Owners participating were:

Michael Bauer	Debbie Campbell
Matt & Kaitlin Clark	Russell Epstein
Kyong Patc	Lyle Maul
Charles Miller	Andy & Maggie Sredojevic
Bret Taber	John VanderLaan
Joyce Gray	Kevin McCloskey
Dan McNerney	Walter Heimer
James Vanderhout	Bryan Teets
Carl Richell	Dana LePere
Susanne Nowicki	Charles King
Cristina Capoot	David Phillips
Donald Ford	Harry Lerner
Jolene Christensen	Rogers Brewbaker
Tamara & Geoff Youell	Todd Nelson
Larry Willhite	

Attorney Lindsay Smith was an invited guest to the meeting.

Gary Nicholds and Eric Nicholds participated representing Basic Property Management (BPM). Erika Krainz of Summit Management Resources was recording secretary.

With the participating owners and proxies received, a quorum was confirmed.

**III. VERIFICATION OF NOTICE**

Eric Nicholds verified that notice of the meeting was sent at least 30 days prior to the meeting.

**IV. APPROVAL OF 2019 ANNUAL MEETING MINUTES**

**Motion:** Lyle Maul moved to approve the December 30, 2019 Annual Meeting minutes as presented. Dana LePere seconded and the motion carried.

## **V. YTD FINANCIAL REPORT**

### *A. Review of 2020 Financials*

Larry Abston reported on the 2020 financial results and the HOA's year-end financial condition, including referring to the financial results and balance sheet included in the Annual Meeting pre-read package. He reported that the HOA is in a strong financial condition, with a cash balance of over \$156,000, including \$70,000 invested in CDs. He highlighted the non-recurring capital and other improvements to common areas during 2020, including establishing a defined trail along the southern portion of the river and performing crack sealing on Red Quill Lane. Larry reminded the attendees of the common areas that the HOA maintains and owns, including Red Quill Lane and the Trash and Recycling Building, and the purpose of building cash reserves.

### *B. Ratify 2021 Budget*

Larry Abston reviewed the primary components of the 2021 Budget, indicating the core services provided by the HOA would remain the same as in 2020. He indicated that after achieving completion of the remaining units in 2020 (for a total of 56 units), future increases in the cost of contracted services would be inflationary and that the 2021 increases reflected contractor efforts to maintain continuity of employees during the pandemic. He reported that the 2021 Budget is based on no change in the monthly HOA dues. While the 2021 Budget has an unspecified contingency, there are no major projects expected in 2021. Larry highlighted that the summer landscaping services were being expanded to provide routine weed eating of the native grass behind the houses on the southern portion of the river. **Motion:** Larry Abston moved for approval of the 2021 Budget. The motion was seconded and the 2021 Budget was approved.

## **VI. BASIC PROPERTY MANAGEMENT REPORT**

Eric Nicholds reviewed project highlights from the previous year:

1. Installed "private river trail" signage at various access points.
2. Replaced the leaking dumpster. The concrete stains will be cleaned in the spring.
3. Performed weekly visits, including cleaning up construction debris and trash as needed.

Eric reminded owners of the following:

1. Neils Lunceford needs garage access codes to activate/deactivate home irrigation systems. Owners are asked to send access instructions to [Kerry@basicproperty.com](mailto:Kerry@basicproperty.com).
2. Owners should send any updated contact information (email, mailing address and phone number) to [Kerry@basicproperty.com](mailto:Kerry@basicproperty.com).
3. Owners are encouraged to pay their monthly HOA dues by ACH (automatic drafts).
4. Owners should annually provide proof of insurance to BPM (\$1 million of general liability).

Discussion was held regarding the planned Phase II of the Welk Resort (south of existing property) and a proposed market-based and local housing project on the current Stanley Miller property that is under evaluation by the Town of Breckenridge (recent proposals have been rejected due to density and traffic concerns).

## **VII. BOARD REPORTS**

Larry Abston referred to the December 2020 Newsletter as a good source for information. He reviewed the following highlights:

1. Development completed – Construction completed and closed on the last of the remaining new units in September, allowing the official transfer of the common areas to the HOA.
2. River trail improvement – Defined trail created along southern portion of the river with further leveling of the trail and placement of larger boulders to prevent river bank erosion. “Private river trail” signage installed in various access points.
3. Dog waste station – Installed centrally on Shores Lane. Please pick up after your pet.
4. Swallow mitigation – Board has evaluated and approved use of spike strips (low cost) and eave netting (expensive) that blends in with house colors. Proposed mitigation projects require Board pre-approval.
5. Exterior modifications – Board pre-approval is required for any exterior modifications, including installation of swallow mitigation, solar panels, and land- or hardscape barriers.
6. House painting – Due to our intense sun, homes should be stained about every five years.
7. Trash and recycling – We continue to have issues with contamination of the recycling bins. Bagged recycling, glass, plastic bags and plastic wrapping, and stained paper/pizza boxes should not be placed in the recycling bins. Glass can be recycled at County locations (including at Airport and Coyne Roads). Trash pickups are increased during peak periods. Please keep the trash building clean.
8. Drainage ditches – Ditches in front of homes cannot be filled in per Town Engineer. Ditches are part of an official drainage plan specific to our community.
9. Asphalt bump on interior curve of Shores Lane – To be addressed with the Town Streets.
10. Owner directory – Continued desire to create a password protected owner directory.

Owner comments and questions addressed the following:

1. Trash Dumpster – Owners should contact BPM if they notice the dumpster is overflowing. There was a suggestion to require renters to use garbage cans placed in their garage specifically for disposal by the rental management company (without using our dumpster).
2. Short Term Rentals – Owners have the right to rent their properties but there can be rules in place to address problems. Lindsay Smith recommended that owners provide BPM the contact information for their rental management company. Discussion was held regarding compliance with the governmental rules and hotline reporting established to address issues with short term rentals. Owners should report renter rule violations via the Summit County Hotline. Larry Abston suggested drafting a list of guidelines for renters that can be included in rental agreements and posted in units.
3. COVID-19 Rental Restrictions – There was a concern of noncompliance by some property management companies with the government imposed requirement for a 24 hour hold before a property is cleaned after rental and a 72 hour hold between rental reservations. Lindsay Smith was not sure if these restrictions were still in effect. Enforcement would be the responsibility of the local Health Department with an emphasis on compliance by the rental management company.

## **VIII. OLD BUSINESS**

There was no Old Business.

## **IX. NEW BUSINESS**

There was no New Business.

**X. ELECTION OF DIRECTOR**

Wendy Tancheff's term expired and she did not run for re-election. Larry Abston recognized Wendy for her years of service on the Board, including leading the effort to install US Postal Service pedestals in the neighborhood.

Three nominations were submitted to fill the open Board position: Lyle Maul, Harry Lerner and Michael Bauer. The candidates introduced themselves and provided background information. Voting by owners was conducted via Zoom polling. The polling votes and proxies were tallied by BPM after the meeting, including verifying the voting owners. BPM subsequently sent an email announcing that Michael Bauer had been elected to the Board.

**XI. DISCUSSION OF KEY CHANGES TO THE SECOND AMENDED AND RESTATED DECLARATIONS**

Larry Abston introduced the topic explaining the reason to update the current Amended and Restated Declarations filed in January 2015. Larry reported that the Second Amended and Restated Declarations (the "Declarations"; draft dated November 30, 2020) primarily reflects a change to make owners responsible to maintain and repair the driveway easements that they use to access their home to the point that it connects with the road. In addition, corresponding with the developer recently completing construction and closing on the sale of its last new build home, the Declarations reflect removal of unnecessary references to certain rights and protections of the developer (the "Declarant") or incorporation by reference to the Amended and Restated Declarations. Larry indicated the Declarant is requesting certain rights and protections remain in place for fourteen years.

Larry introduced Lindsay Smith as an attorney engaged by the HOA to support the effort of updating our Declarations and other governing documents. Lindsay indicated that she has been working with Board members Derek Guemmer and Larry Abston as well as the Declarant in recent months. The Declarant thus far agrees with the amendments to the Declarations document. Lindsay indicated that she will ensure the legal descriptions in Exhibit A are updated to include all units. She reported that the Declarations made no changes to the Use Restrictions.

Lindsay then described the process to seek owner and Declarant approval for document filing. Lindsay indicated that after incorporating any comments received from owners and the Declarant, the final Declarant approved version of the Declarations and a formal ballot would be mailed to all owners in mid-January requesting their ballot be submitted within 60 days. Once 67% of the owners of units (representing 39 units) submit an affirmative ballot, the Declarations will be recorded and filed. Larry Abston indicated that after the Declarations are filed, the Board would continue to work with Lindsay to update the HOA Bylaws and HOA policies.

Lindsay responded to a question raised about the possibility of amending the Declarations to prohibit short term rentals. She acknowledged that this is a challenging and contentious issue, particularly given the various investment strategies deployed by owners. She recommended that this would best be addressed in the future if desired by the owners. Discussion was held that prohibiting short term rentals would be detrimental to property values.

**XII. SET NEXT MEETING DATE**

The next Annual Meeting was set for Wednesday, December 29, 2021 at 10:00 a.m. There was a request to provide a remote participation option if an in-person the meeting is held.

**XIII. ADJOURNMENT**

**Motion:** Larry Abston moved to adjourn at 11:17 a.m.

Approved By: \_\_\_\_\_

Board Member Signature  
Larry Abston, President

Date: \_\_\_\_\_