

**MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING
OTTER POND HOMEOWNERS ASSOCIATION, INC.**

August 14, 2019

[revision 3]

Present: Lois Sailors, Charli Oswald, Tim Heavers, & Roy Anderson.

Guests: Andrew Beard

Meeting called to order at 3:03 pm.

Minutes: Minutes from the June 12th, 2019 OPHOA Board Meetings were approved.

Hearing: A brief hearing was held to discuss a tree Andrew planted within the ditch easement (near the Silt Retention Pond), approved by the ALRB. Tim pointed out that the HOA has an obligation to maintain the UVWUA easement clear of obstructions (which historically it failed to do). Tim asked to go on record as saying *"The water in the pond is no more valuable than the quality and maintenance of the ditches that deliver the water. The easements exist for that purpose and must be kept open and maintained."* The Board is opposed to setting a precedent moving forward allowing it to be compromised. Andrew said he would move the tree if the Board asked him to. The Board decided to ask Andrew to move the tree out of the easement. The plat "easement text" is attached on the next page.

The Board decided to request the ALRB members to attend the next Board Meeting, September 11th.

Committee Reports:

Open Space – no report (however, Lois noted it is looking great).

ARB – 2 ALRB forms were submitted for the past month.

Other Committees – no reports.

Unfinished Business:

Ditch Maintenance – the ditch is currently running well.

Landscape – weeds appear under control – neighborhood looks good; Thanks Everyone!

Tennis Court – last month's RFP came back over \$20,000! Even a minimal job was bid at \$11,000. The Board decided to raise this subject at the Annual Meeting, since the costs are so high. No action will be taken at this time.

Boat House – painting is complete and invoice has been paid.

Midges – report postponed due to Mark's absence.

New Business:

Paula Holman HOA Easement Discussion – Not discussed; resolved by homeowners.

Financial Reports – All dues are paid; all bills are paid; balances healthy; P&L is good; budget on track. Reserve fund balance is at projected value for this date.

Boathouse Applications – Primary Applications must be submitted this year. Lois has received several; they should be sent to Steve Berger. Address email to Steve's attention at otterpondhoa@gmail.com or postal mail at 1826 Otter Pond Cir, Montrose 81401.

Non Compliance Issues – three new letters will be sent this month. Last month's issues have all been resolved. Charli showed the new *Violation Form* she created. Tim made a motion to approve the form; Lois seconded; passed unanimously – Roy will put it on the web.

Other New Business/Concerns – Tim discussed the issue of volunteer liability/insurance. He will get an insurance estimate. Roy mentioned a simple liability waiver might be sufficient. Further discussion next month.

Next Meeting – Next month's regular Board meeting will be Wednesday, September 11th at **3:00 pm**, at *Timberline Bank*. Meeting adjourned at 4:53 pm.

MISCELLANEOUS PLAT NOTES AND PLAT CONDITIONS

1. DRAINAGE EASEMENTS

The drainage easement(s) shown hereon shall be maintained by the owners of the lots encumbered by the easement in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements. Upon failure to properly maintain the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

2. ZONING

The zoning of this property is R-2, as shown on the City's Official Zoning Map, and as defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change. Subdivision is subject to over-flights and the effects thereof, which may include but is not limited to noise, vibration, fumes, and dust.