

**The Seasons at Tiara Rado Homeowners' Association  
2019 Second Quarter Meeting Minutes  
Redlands United Methodist Church  
April 11, 2019**

**I. Call to Order**

The meeting was convened at approximately 5:05 pm.

**II. Establish Quorum of the Board**

A Board quorum was confirmed.

Board Members Present: Dan Buckstein, President; David MacAlpine, Vice President; John McCarney, Treasurer; Bruce Noble, Secretary; Rick Nelson, Director at Large.

**III. Consent Agenda**

The First Quarter 2019 Board Meeting Minutes were unanimously approved by the Board.

**IV. Information Agenda**

**A. Treasurer Report**

**1. Assessment Collection**

Treasurer John McCarney provided the report

The total value of the Special Assessment was \$30,096. The total collected is \$29,887. The full amount was not collected because one payment is past due. John is working on that. An illness in the family accounts for the one payment being past due. This matter will be resolved by the end of the month.

The Regular Assessment totaled \$56,402. \$50,123 has been collected. This amount was collected instead of \$56,402 because 20 residents made partial payments. The additional \$6,279 will be received in July, bringing us up to a total of \$56,402 received.

Bank balances: Operations approximately \$73,000, Reserves \$30,000, checking approximately \$2,700.

Budget for year is \$63,000.

Irrigation system will cost approximately \$31,000.

**B. Irrigation Update**

## **1. Pond Dredging Update**

The pond dredging is essentially done today, except for the bentonite sealant. This will require a few more days of work. The pond is due to be re-filled on April 18<sup>th</sup>.

## **2. Large and Small System Startup**

Bookcliff Gardens will start the irrigation system by April 23<sup>rd</sup>.

## **3. Design Review Committee**

Bob Whitehorne will replace Carolyn Brown on the DRC. Carolyn is moving out of the Seasons. It will be sad to see Carolyn go and we want to acknowledge everything she's done for the DRC. The design has been approved for 2055 Rim Shadow and the house is under construction. Remember to seek DRC approval for changes being made to your property. This would apply to any changes outside the four walls of your home.

## **V. Announcements**

### **A. Board Member Change & Recognition**

Rick Nelson will be replacing Ron Lease on the Board. Ron has served as the Treasurer for a little over three years. President Dan Buckstein remarked that we owe Ron a lot. Ron received a hearty round of applause for his work.

Bill Elliott will also join the Board and will replace Dan Buckstein when he steps down in a week. Dan will continue to help the Board as needed after he steps down. Ron Lease commented that we owe Dan a huge debt of gratitude. Dan also received a hearty round of applause.

## **VI. Members Comments**

Cathy Zippert: Do we know when Bookcliffs will be doing their spring cleaning?

Answer: Very soon.

Cathy Zippert: Did Hi-River do the rock work around the pond?

Answer: Yes.

Pam Elliott: Was the pond work done under a cost-plus contract?

Answer: No, it was a fixed-price contract. The Special Assessment was done to cover this cost.

Peggy Vaughn: Did Filing 4 pay a higher amount on the Special Assessment even though this filing doesn't receive irrigation?

Answer: Filing 4 is the highest. The 18 courtyard homes pay the highest assessment. Dan Buckstein will provide more information to Peggy later.

Cynthia Underwood: What's going on with three dead trees behind the Larsen's house?

Answer: The Board hasn't made a determination yet.

## **VII. Adjournment**

The meeting adjourned at 5:25 pm. Took a 6 minute break.

### Amended Declaration regarding Short-Term Rentals

**Reconvened** at 5:31 pm to discuss the "Amended Declaration of Covenants, Restrictions and Easements" regarding the Short-Term Rental issue.

A quorum was established through the proxies received on the Amended Declaration.

### Background:

The Board Contacted our Attorney, Mr. Teske, in August 2018 about Short-Term Rentals. In September 2018, Grand Junction passed restrictions on Short-Term Rentals. Based on the action by the City of Grand Junction, the Board asked Mr. Teske to draft an Amended Declaration.

On March 11, 2019, the Board sent out a draft of the proposed Amended Declaration for everyone to vote on. President Dan Buckstein read the language of the proposed Amended Declaration. The proposal was to not allow Short-Term Rentals in the Seasons of less than 30 days duration.

### Members Comments:

Bill Elliott: Santa Barbara, CA prohibited Short-Term Rentals because they couldn't collect the 12% occupancy tax.

Pam Elliott: She pointed out that their filing on High Tiara is in the County.

Cathy Zippert: She thanked the Board for taking initiative on this issue.

Cynthia Underwood: Santa Fe, NM prohibits Short-Term Rentals because the hotels don't want competition. She believes that Short-Term Rentals in the Seasons are not a problem. In her opinion, Long-Term Rentals do more damage. She doesn't feel that the

Home Owners' Association can enforce a regulation regarding Short-Term Rentals. She is against the Amended Declaration for that reason.

Jim Anker: He supports the Amended Declaration. He thanks the Board for their action on this topic.

Cynthia Underwood: She again questions the Board's ability to enforce the Amended Declaration. Why is this needed: What is the problem?

Answer: Vice President David MacAlpine said that the Board would contact the City of Grand Junction first to give them the opportunity to enforce the prohibition against Short-Term Rentals.

Cynthia Underwood: Lawsuits on this topic would bankrupt the HOA.

Answer: Vice President David MacAlpine said that the Board believed it was important to be proactive rather than reactive on this subject.

Board Member Rick Nelson: Their home had previously been used as a vacation rental.

Cynthia Underwood: She again made the point that she thought Long-Term Rentals cause more damage to rental properties.

Answer: Vice President David MacAlpine suggested that perhaps the Board needs to focus more on Long-Term Rentals as well.

Comments having been concluded, Secretary Bruce Noble read the following motion:

"I move that we delete in its entirety the existing wording in Section 17.02 (Leases) of our Amended Declarations, and replace it with the wording provided by our legal counsel and sent to the members in the March 11, 2019 memo from the Board of Directors."

Vice President David MacAlpine seconded the motion.

The Board voted unanimously to approve the Amended Declaration.

President Dan Buckstein asked if there were any votes from the floor for or against the Amended Declaration from people who had not already voted? There were none.

There were a total of 102 votes in favor of the Amended Declaration. We actually need 60% approval from the total number of voting members and that would have been 87 votes. 102 votes in favor meant that we received 71% of the needed votes, surpassing the 60% level that was required. The Amended Declaration is approved.

Jim Anker again thanked everyone on the Board for their work on the Short-Term Rental matter.

The meeting adjourned at 6 pm. There were 24 people in attendance.