

# Independence Valley HOA Filing #2

## PO BOX 1493 Grand Junction, CO 81502

### 2023 Annual Meeting Minutes

The annual business meeting was held at 6:00 pm at the Western Colorado Contractors Association conference room on February 27, 2023. President Curt Rahm called the meeting to order at 6:02, and introductions were made by those in attendance. There were twelve households represented and an additional ten proxies to give us a quorum to continue.

Also in attendance were Mark Shoberg from Bray and Company, a member of their HOA management team, and J.R. Davis and Trevor Rene from the Davis Law Group. Mark acted as a facilitator for the meeting. The legal review of the covenants was performed in 2021 by the Davis Law Group, and J.R. and Trevor were in attendance to answer any potential questions regarding that review or its conclusions.

Curt Rahm reviewed the 2022 annual meeting minutes, which were approved.

The next item on the agenda was the 2022 financial report and the proposed 2023 annual budget. Brian Amann provided the review. There was discussion on the increased mowing and maintenance costs, including the frequency of services (weekly vs. as needed or bi-weekly). It was concluded that the Board will discuss the frequency of services with the mowing and maintenance vendors along with the Board from Independence Valley HOA Filing #1, with whom we split such costs.

Also discussed was the need for a budget for legal expenses and procedures regarding violation notices. Curt explained that attorneys need to be retained if residents retain attorneys to respond to violation notices, which was confirmed by Mark.

John Hildebrandt motioned to approve the budget, and the related dues increase to \$800 per lot, seconded by Dave Benakis. No residents opposed, and the budget and dues increase passed.

Angela Hildebrandt motioned to establish a reserve assessment of 10% of gross dues, or \$80 per lot for 2023, to fund a restricted cash account for emergency irrigation system repairs. The reserve assessment is to continue in future years until the restricted reserve account reaches \$30,000. The motion was seconded by Cindy Amann. No residents opposed, and the motion was passed.

Dues notifications, including the reserve assessment, were mailed on March 2, 2023 via U.S. Postal Service.

There was an in-depth discussion regarding the covenants and covenant enforcement, including the progression of violation notices. Curt Rahm stated that courtesy letters were sent for all current violations, followed up with a violation letter if the courtesy letters were not responded to. The discussion moved on to the “petition” approach to gain approval to amend the covenants. Although Mark confirmed the validity of the petition approach as long as 67% of residents approved, which was the case, Curt agreed to negate the approval of amendments due to resident's dissatisfaction with the method.

Two new resolutions became available to the members via web site the week prior to the annual meeting. These resolutions pertained to revised covenant enforcement policies and dues collection policies. After much discussion, those two resolutions were also rescinded.

David Hartmann proposed that a committee be formed to review and propose amendments to the covenants, the findings of which should be presented at the 2024 annual meeting and voted on. The proposal was agreed to by the Board, and the Board will solicit and select volunteers for that committee.

There was a discussion regarding a “statute of limitations” concept to covenant violations, meaning that the Board loses the right to pursue a covenant violation if it existed for a long time. Mark confirmed that the Board is elected to enforce covenants and can do so even if a violation has existed for decades.

The election of directors was next on the agenda and the following board directors were approved- David Hartmann, Tom Lee, and Brian Amann. Per corporation bylaws, the officers (President, Vice president, Secretary/Treasurer) will be elected at the first Board of Directors meeting.

Other historic committees were briefly discussed. Any member interested in volunteering for the Architectural Control, Irrigation, or Weed Control Committees should contact a board member. Volunteer requests were also taken on the write-in ballots.

Curt Rahm declined further discussion on new business due to the detailed prior discussions during the meeting. There was a motion to adjourn, and the meeting was adjourned at 8:12.

Submitted by Brian Amann – Secretary/Treasurer