

2016 HAMILTON CREEK ASSOCIATION ANNUAL MEETING
JUNE 25,2016
SILVERTHORNE LIBRARY

Meeting was called to order by Ruth Carroll, President, at 10:13 AM. There were 76 people present representing 44 properties plus 8 properties represented by proxies for a total of 52 total properties represented at the meeting.

Ruth Carroll introduced the board members: Luise Bruno, Hugo Rutherford, Mary Seidel, and Marc Schlesinger. Ruth introduced Cindy McCauley as our webmaster, Bob Bruno as Chairman of the Architectural Review and Covenant Compliance Committees.

Ruth Carroll introduced Merika Rutherford, Chair of the Welcoming Committee. Merika stated she had given out 4 new welcome baskets this year. New homeowners present at the meeting were: Laurie (Robert) Fisher, Mary and Steve Krablin, who have moved to a new house in the neighborhood, John and Ann Jones, and Bruce and Donna Schmeiser.

Minutes: Minutes of the 2015 Annual Meeting were approved.

President's Report: Ruth Carroll presented her report.

At the Annual Cleanup Day 40-50 people were present. The work was organized by Bob Pietryzk and Hugo Rutherford, both of whom did a lot of prep work so more could be done by the group. The Lake Dillon Fire District had come up and Bob and Luise Bruno asked the money usually given to Cleanup Day lunch hosts instead be used this year to buy plants for the main entrance redesign. Ruth recognized Sue Paluska and Carol Howard for their work on the front entrance landscaping in past. The Board and those working on the maintenance of the entrance decided that the front entrance needed redesign. John Longhill has been chosen to help with the redesign by the Board and it was in progress. The present front entrance has been like it is since 1996. The design will cost approximately \$900. Volunteers from the community will do the physical labor.

The County will again provide chipping this year. The dates for the chipping are the week of August 1 to 5 and September 15 to 23. The County asks that all brush and logs be out by the first day of each week. Piles should be no larger than 5 by 5 by 5 feet.

Lake Dillon Fire Protection District will come out to do site visits and give information as to how to protect your house and property from fires. Call 970-262-5209.

The Highway 9 reconstruction north of Silverthorne has been successful over the previous winter with a significant number of "critters" using the crossings. There had been a noted decrease in deer deaths over the prior winter and CDOT hoped with finishing of the work this coming summer the numbers will be even better the upcoming year.

Replanting of the peninsula opposite 321 Lakeview Circle with transplanted trees in 2014 has decreased the number of hunters parking their and trying to access the national forest thru Hamilton Creek common area. The transplanted trees are for the most part doing well.

Ruth pointed out that the Covenants state dogs should be leashed when in common areas and also again requests that you pick up after your dogs.

Ruth pointed out that there is no parking on Summit County roads and Hamilton Creek roads are designated as County Roads.

Short Term Rental discussion: Ruth Carroll brought up Short Term Rentals with in Hamilton Creek for discussion. The Covenant Compliance Committee has received complaints of renters acting improperly over the last couple years. Now with the growth of VRBO and AirBNB, etc. it is felt there may be more homes in the community up for short term rental, defined by the County as rental for less than 30 days.

The Colorado Court of Appeals addressed the issue in 2015 in its ruling in Houston v Mesa Ranch HOA. They stated the HOA has the right to address the issue by amending covenants or allowing the HOA Board to set rules, which can be more restrictive than the HOA Covenants.

The Hamilton Creek Association would like to get a feeling of how our residents feel in regards to this issue. Both the Ruby Ranch HOA and Sage Creek HOA are moving to list short term rentals. The restrictions from Ruby Ranch were discussed by Ruth Carroll.

Jim Abrams talked about their experience with with VRBO as have a rental unit in the Washington Park area of Denver. They have a lot of good experience with this. They have put into effect fairly strict stipulations in regards to approved renters. They have, also, occasionally rented their house in Hamilton Creek with stipulations via a property management company. Bob Gilson stated he is generally against more restrictions. He voiced idea that we may just want to monitor the use of short term rentals and problems with same for now. Ruth Carroll stated the situation we have had in Hamilton Creek is where the owners have not been responsive to the complaints and issues brought up to them. One house advertised it could sleep up to 12 people and that house has been "trashed" inside.

There was further discussion regarding possible approaches Hamilton Creek Association may want to take. Some of the problems have been with the property management company being used. Should we consider an exception for rentals between Hamilton Creek property owners. A straw poll of those attending was in favor of the Hamilton Creek Association Board of Directors look into the issue further. There were no dissenting votes into further evaluation of the issue by the Board this up coming year.

Treasurer's Report: Hugo Rutherford, Treasurer, presented the report. As of April 30, 2016, \$5350 dollars in dues for 2016 had been collected and since then another \$500 more were collected with 2 outstanding dues yet. There had been greater than \$100 in late fees collected for the year to date. Throughout the year \$66.09 was spent in excess of collections through April 30, 2016 due primarily to unexpected legal fees. The Profit and Loss Statement and Balance Sheet from May 1, 2015 to April 30, 2016 were available for review.

Architectural Committee and Covenant Compliance Committee: Bob Bruno, chairman, presented the report. He introduced the members of the committee: Tim Schultz, Nada Harris, and Kevin Rose (who was not present). At the time of the meeting the only project currently in process was the Schmeiser's home. Proposed projects were that at 908 Hamilton Creek Road with preliminary investigation in to possibility of building which would not occur till 2017. Under Covenant Compliance there had been a few recurring complaints. These included dogs running uncontrolled in the neighborhood. There were some complaints regarding exterior light, primarily spot lights, being too bright. It is important to be sure that exterior lights are pointing down.

He closed his report by reminding those attending the meeting that the annual Oktoberfest at their home will be September 18, 2016.

Election of Board Members: Three board members terms were up as of the annual meeting, Marc Schlesinger, Hugo Rutherford, and Mary Seidel. Jim Abrams moved for the nomination of all three persons for reelection to the board. Eddie O'Brien seconded the motion. No other nominations were made and the three members were reelected to two year terms by unanimous consent.

Metro District Board Report: Bob Bruno, Metro District President gave the report. He introduced the rest of the Board members: Bill Ferris, Chuck Harris, Ruth Carroll, and Bob Hinman. The 2015 financials for the Metro District were being audited by a new audit firm. Loan payments for the water treatment plant were proceeding and should be all paid back by November 2018. He stated the plant was operating well. There was some work being done on a minor retrofit due to new Colorado Public Health requirements. He discussed ongoing road maintenance noting patching of some especially bad areas were ongoing. Crack filling of the roads will be done this summer. After the water plant loans are paid off the Metro District Board would address the redoing of roads in the neighborhood.

Tom Hand gave a report on the status of the case against Robert Polich, prior Metro District administrator. The trial scheduled for the week prior to the annual meeting had been changed due to motions heard at a June 6, 2016 motions hearing. An motion was brought by the defense asserting the case against Mr. Polich in regards to his embezzlement of funds from the Enclave and of Hamilton Creek Metro District should have been combined and not handled separately. Judge Thompson has scheduled a hearing on the motion for August 16, 2016. Tom encouraged as many as possible to attend the hearing.

The Metro District has engaged a law firm on a contingency basis in January 2016 to pursue a civil law suit against the previous audit firms. The Metro District is paying expenses estimated to be about \$35000. There are two prior audit firms being sued. A certificate for reasonable certainty of negligence was being prepared in order to proceed. In the last week there had been a conference call with the attorneys and they will issue a demand for settlement with the Hamilton Creek Metro District. The Metro District has appointed a committee/task force to monitor and continue to pursue the case. The committee members are: Norman Wright, Chuck Harris, Dan O'Brien, Tom Hand, Bill Ferris, and Ann Beauprez. Also, Jim Abrams, while not on the committee, will help as a legal adviser.

Hamilton Creek Scholarship Proposal: Lowell Graves made a presentation and proposal for Hamilton Creek to sponsor a scholarship at Colorado Mountain College. At present the tuition cost for students is \$62/credit hour. The annual tuition is about \$1850 dollars for full time students. He is discussed an endowment versus an annual donation to maintain the scholarship onwards. He was proposing an annual donation for now. Donations would go through CMC in order that the donations would be tax deductible. There is going to be an informational meeting in regards to this at the Graves' house on June 29, 2016 at 6:30 PM and all are invited. A handout in regards to the proposal was available.

Real Estate Update: Eddie O'Brien gave an update on the Real Estate situation and Silverthorne town developments over the prior year. Summit Sky Ranch (previously Maryland Creek) has sold out its first phase offering already. The new condominiums across from the Silverthorne Recreation Center are as of the meeting 90% sold out. Silverthorne is now outselling Keystone.

The Silverthorne Town development— There is Main Street Investment and planning going on. The Town is helping with the new LDTC building and Performing Arts Center. There is a new brewing company going in on Adams Street. There is a new Italian Restaurant opening in the Pavillon area. A new comprehensive plan for Silverthorne is now in place. The old Sears store has now sold to an Art Gallery which will go in that complex. Also, Habitat for Humanity is moving its store there as well.

In Dillon there are plans to improve the amphitheater. The Dillon Marina improvement project is ongoing.

There has been a letter from the South Forty HOA regarding the Town allowing drying up of the old beaver pond which was advantageous to the developer. The Town said it was a natural event, but South Forty feels otherwise. The Town allowed the destruction of wetlands and the South Forty's Ely Roberts is asking the Town to investigate. The South Forty is asking us to support them in asking the Town of Silverthorne to proceed with the investigation. (no decision was made)

Finally, Bob Gilson announced the Hamilton Creek Annual Ice Cream Social at their house will be July 17.

No other business was brought before the meeting and the meeting was adjourned at 12:25 PM.