

Burland Homeowners' Association, Inc.
Special Members Meeting October 3, 2023. 7:00pm

Meeting Minutes

Start time: 7:00 pm

Call to Order

Review of protocol

Introductions

Attendees:

Board:

Beth Fisher, President
Debra Stephen, Vice President
Nick Miller, Treasurer
Sherrie, Urban

Members:

Bill Bruner, Ella Jeffers, Carrie Marsh, Don Actor, Linda Murillo, Heather Wilt, Mike Fisher

Non-Member Residents:

David Sitko

Guests:

Lindsay Smith - Lawyer for the Burland Homeowners' Association

Purpose:

Discussion of Member concerns and the nature of the Burland Homeowners' Association

The following meeting minutes were transcribed from an audio recording and addresses general topics as opposed to every word or side conversation. The audio recording in its entirety can be provided upon request.

Note: I do not have a list of who specifically was in attendance but can update the meeting minutes when a list, if available, is received. The list of attendees was pulled from the audio recording.

Lawyer (Lindsay Smith) – Discussed Ultra Veres and 501(c)(4) tax exempt we do the work for the park which raises some concerns. Lindsey also mentioned that we are governed by our bylaws due to the nature of the Association since we don't have mandatory membership or payment obligations. BOD governs what the board does on behalf of the corporation or the members of the HOA. BOD fiduciary duty acts in the best interest of the community. BOD acts on behalf of the best interest of the corporation. The Board will have meetings, be available, and provide transparency. The Board will also exercise their duty by paying bills and filing taxes. Also, as a non-profit with assets we need to protect the assets.

Lawyer (Lindsay Smith) - Business Judgement rule – A court ruling where a HOA isn't held liable for investment decisions.

Bill Bruner – Directed toward the board – Financial disclosure. Unilaterally, closed the park. Claims he is a tax accountant. Did not file taxes.

Lawyer (Lindsay Smith) – Would have recommended closing the park to the public. A discussion between Lindsay and Bill Bruner ensued.

Beth Fisher – Found documentation from 2014 that the BOD Executive community meeting that took the park public.

Ella Jeffers - Reported that she was not responsible for filing taxes. She claims that it was the Treasurer's job.

Don Actor – Why is the HOA not taking responsibility for the taxes.

Beth Fisher – We will address Ella next meeting.

Carrie Marsh – Spoke about people brandishing firearms, being followed home, bids for fence work, Insurance information for her to put as rider for her insurance during her get together.

Beth Fisher – Commented on the accusation of brandishing weapons at the Park. Sheriff McGraw did address this – April 20, 2022

Multiple people were asking about 501(c)(4) corporation.

Nick Miller- \$479K in the investment fund

Lawyer (Lindsay Smith) – the money is for the park and tower.

Beth Fisher – Mentions how the Park is to be used by the community. It was not meant to be public. It was donated by the families.

One lady mentions that she has not seen any change. This happened to her husband as to be accosted by someone.

Lawyer (Lindsay Smith) – Mentions that some associations require wrist bands to know that you are permitted to be there.

Linda Murillo– Dogs barking in the neighborhood. What is the appropriate way to deal with that?

Lawyer (Lindsay Smith) and Beth – This is a county issue. You can call 911. No activity may be done if it becomes a nuisance to the neighborhood. Colorado loosened up the rules for small claims.

Beth Fisher - Mentioned that we will not be commenting on social media like Nextdoor. If you want to address things in the neighborhood, come to the meetings so that they can be in the official record.

Heather Wilt – There has been a change in land ownership laws. Places have been closed because it makes the landowner liable.

Lawyer (Lindsay Smith) – Premises liability laws

Once a claim is made, then the underwriting is done.

Beth Fisher – Even the Sheriff said that we should close the park to the public. It is considered trespassing after dark. The park is closed from sunset to sunrise.

Heather Wilt - mentioned the property on High View Ln. The Lego block project. This is a safety issue. A neighbors' gas line is exposed due to poor drainage.

Lawyer (Lindsay Smith) – Some lots are subject to covenants. This area is not subject to architectural law. Go to Park County to determine what can be done legally.

Beth Fisher – Repeats that there can be no activity of a noxious nature. The person at High View Ln is creating a safety hazard with the block.

Unknown person - New since April mentions that he doesn't have a dog in this fight but mentions that the park would have to go into an inter-governmental agreement with the county to open it to the public. If someone gets hurt, then the Association can be sued, and it affects all of us.

David Sitko – How do we enforce the park being private and not have people following people home?

Lawyer (Lindsay Smith) – Signs or wrist bands would be one way to know who can be at the park.

Multiple people discussing the investments.

Lawyer (Lindsay Smith) – Says that they recommend low yield investments.

Beth Fisher – Mentioned how some money was spent.

Multiple people discussing how money was lost, spent, or misused.

Lawyer (Lindsay Smith) – Because you are not a community that can maintain facilities that people mentioned like a recreation building.

More discussion on financial discussions.

Suggestion to put the money in a savings account to hopefully not lose the amount of money.

Lawyer (Lindsay Smith) – Notice goes out to membership for any bylaw changes. The board can work with an investment committee. Ask the board about where the money went and get an explanation at the next meeting. Monday

Lawyer (Lindsay Smith) – Not a Kiowa association. We do provide financial documentation though.

Lawyer (Lindsay Smith) – records can be requested and then responded to. 10 days for a Friend.

Just the 2021 taxes have been filed and it was suggested that the reason for this is that the Board is hiding something.

Unknown Lady - Why are people unhappy with the park.

Don Actor - It was suggested that it is because people want more amenities and there is a question as to where money went or is being spent on.

Beth Fisher - Asks if people want to know about the tower.

Lawyer (Lindsay Smith) – Discussed the tower and it is at end of life. Verizon is difficult to deal with. The investment account is supposed to be used for things like that.

Beth Fisher – Mentions that the tower is overloaded and we are working towards a solution for the tower. The tower is a major expense.

Beth Fisher - Mentions that she has founded non-profits and has run non-profits.

Mike Fisher – Mentioned that the following carriers, AT&T, Verizon, T-Mobile are on the tower. It is line of sight service in the area.

Multiple people - There was a discussion meeting attendance and lack of people showing up to hear what is being discussed and voted on.

Mike Fisher– The tower needs to be replaced but Verizon is the hang up on moving forward.

Beth Fisher – The tower is overloaded by 200%. We own the tower and the land.

Unknown person - Discussion on changing the bylaws, so as to get the tower replaced.

Beth Fisher - A new tower would cost \$1.4 million to replace. Verizon is the company that is holding up going forward with a new tower.

Don Actor – Continues to ask about where the money is going and what it is spent on.

Beth Fisher – We had to pay for a wind study. There are costs for lawyers. Money was lost due to market and not to payouts that have not been recorded.

Unknown person – Discussion on Firewise ensued and it was mentioned that Jack did a great job, but it doesn't seem to be going the way it used to.

Beth Fisher – Explains how busy Bill Beggs is. What is happening with Firewise? People are not volunteering for Firewise.

Bill Bruner – Said that he is unable to participate but said it wasn't something that would limit his ability to lead it.

Beth Fisher – Firewise is in the bylaws – to promote fire mitigation on properties. Saws & Slaws is not required. Each homeowner is obligated to mitigate their own property and can receive up to \$75 in reimbursement. We don't have to do the reimbursement, but we do.

Unknown person – We need to start meetings demanding decorum.

Bill Bruner - Asks for us to reach out to Park County about helping with the tower and communications.

Nick Miller – There are Infrastructure grants are for 501(c)(3) and not 501(c)(4).

Beth Fisher - Mentions that Bill will have a report on Firewise at the next meeting.

Beth Fisher – Explains further about social media and why we don't engage with it. It takes too much time to respond and deal with it. The BHOA does not have the time to deal with it. We don't know what the solution is for this.

David Sitko - Mentioned that maybe we could put out a newsletter, but Beth mentioned that it just gets torn to shreds on social media.

Multiple people - We could put out the sandwich boards announcing the meetings. We need people to put the sandwich boards.

Debra Stevens – Explains about how the mitigation that has been done at the park – 100 hours of dead Aspen removal and chipping.

Beth Fisher – Talks about the Pickleball court.

Unknown person - One question about the tower. Is the tower overloaded because the old equipment hasn't been removed?

Mike Fisher- Responded that it is one part of the problem, but the tower was built to B code and now we are G code. It is just at end of life and needs to be replaced. It cannot be repaired.

Beth Fisher - Announced that the next BHOA meeting will be at 7 pm on Monday.

Lawyer (Lindsay Smith) - Thanked everyone in attendance and hopes this will be a way for the community to talk to each other.

Beth Fisher – In closing, Beth mentions that Nick joined because of an Easter egg stuffing gathering so that his kid could go and that this is the type of activity the community should be more involved with.

Adjournment

Executive Session:

No Executive Session