



The Reserve at Mariana Butte Homeowner's Association

DRAFT ANNUAL MEETING MINUTES

January 22nd, 2025

The Group Real Estate Office (1401 W 29th St., Loveland)

President Michael Bogard called the Annual Meeting to order at 7:00 pm.

1. Recognition of Board Members

President Bogard initiated Board introductions, and Frank Lyman (VP/Treasurer) and Michelle Wind (Secretary) each introduced themselves.

2. President's comments on meeting conduct

President Bogard went through meeting conduct expectations and mentioned the meeting will be recorded—if no objections, primarily for assisting with meeting minutes and will only be shared with the Board unless requested.

3. Roll Call – Confirmation of attendance of voting members by Secretary

Secretary Wind asked attendees to sign in if they haven't already. She read through the attendees on the sign-in sheet and Zoom and asked attendees to raise their hand when called.

4. Establish quorum – 25% of members (23 or more: present & by proxy)

Secretary Wind established there is a quorum with 46 (51%) of properties represented (22 in person, 7 online by Zoom, and 17 by proxy).

5. Review & approval of January 2024 annual meeting minutes

President Bogard presented 2024 Annual Meeting minutes for approval (attached). The 2024 minutes were distributed to the members in February 2024 and again in December 2024 and January 2025, prior to the 2025 Annual Meeting.

- **Motion** made from floor by attending member to approve the 2024 Annual Meeting minutes. With no objections or changes to the minutes, President Bogard declared the minutes approved by unanimous consent.

6. Secretary Report

- Request for updates to member contact information

Secretary Wind thanked members for responses to the Board's 2024 request for updates to contact information and reminded members if contact information changes in the future they can contact the Secretary or any Board members. She also mentioned the new website (next agenda item) will be another way to provide updates.

- HOA website development

Secretary Wind stated the Board worked on developing a new website for the HOA in 2024. The goal was to start with a simple site – primarily with HOA contact information so that realtors and prospective/new homeowners could contact the HOA and find basic HOA information (e.g.,

location, dues, covenants, etc). The Board also identified future ‘nice-to-haves’, such as adding fillable forms for Architectural Review Committee (ARC) applications and document storage with separate permissions for the public, members and the Board/ARC.

The website address is <https://thereserveatmarianabutte.org>

During discussion of the website, members identified the following considerations for the website:

- Add 2021 Floodplain Map in relation to the HOA properties.
- Confirm Colorado Dept. of Regulatory Agency/Div. of Real Estate requirements for information HOA’s are required to make available.
- Member contact information should not be accessible on the website. If some members want to ‘opt in/opt out’ to have contact information for other members, then needs to be a process for confirming members want contact information posted and it should only be accessible with specific permissions/member access. The Board should have an applicable Privacy Policy approved by the membership.

7. Treasurer’s Report

- 2024 Financial Report

VP/Treasurer Lyman went through the HOA account balances, expenses and income.

- The final 2024 end of year balance was \$18,264.
 - He discussed some of the line-item variances between 2023 and 2024. For example, irrigation was higher due to warmer temperatures last year. A main variance was in the reserve budget, which included \$3,520 over budgeted, because the HOA didn’t spend any in 2023, and the Board proceeded with bringing irrigation to Tract D--between Rossum Dr. and Beaver Cove Ct. The project involved contracting to install a sprinkler irrigation system and developing a legal agreement to provide water from 703 Beaver Cove Ct to Tract D – the agreement provides for compensation of water use by Tract D to current and all future owners of 703 Beaver Cove Ct. This agreement is recorded against the title of 703 Beaver Cove Ct and exists in perpetuity; the agreement is conditional upon payment by the HOA for water use and maintenance of the irrigation system. Total cost of project was about \$5,100. The Board also contracted with Schra Tree Service for tree trimming in Out lot D (Dry Creek area northeast of Cedar Valley Dr) and Out lot A (end of Cedar Valley Dr) to address tree limbs hanging over 5585 Cedar Valley Dr (\$3,000), and \$1,000 donation to CSU Landscape & Horticulture Dept. to prepare xeriscape design plans for four common areas (Cedar Valley Dr roundabout, Fox Hollow Dr, Rossum Dr and Eagle Ridge Ct medians).
 - Legal expenses were under budget. The Board did not pursue attorney review and update to the HOA Covenants, Conditions, and Restrictions (CCRs) that was originally considered for 2024. Changes and updates to the Declaration is planned for 2025 contingent upon membership review and approval.
 - The largest non-discretionary 2024 budget items were 1) mowing (\$3,300 to GreenEarth Midwest) and 2) HOA general liability and Director and Officers insurance coverage (\$1,800).
 - VP/Treasurer Lyman identified the total amount over budget was \$2,500.
- 2025 Proposed Budget – approved by Board of Directors on 11/25/2024

The Board increased the 2025 budget by \$500 from 2024 to \$16,850 and includes some of the following considerations:

- Changed mowing/maintenance contractor from Green Earth to Gerrard to lower the cost. Gerrard works for The Ridge HOA, which is east of our HOA along Rossum.
 - Added \$400 for irrigation.
 - Ash Borer treatment is only done every other year so lowered that cost by \$200.
- 2025 Dues assessment

The Board is keeping annual assessments to \$170/property for 2025 (2025 assessments are currently about 80% paid)

- Discussion and vote for approval of 2025 Proposed Budget

During discussion an attending member asked if the Board requested a quote for insurance. VP/Treasurer Lyman responded that the HOA is in 3rd year with Cincinnati Insurance and no increase (~\$1700). Insurance is primarily for Board liability since the HOA doesn't have structures to insure, and we did increase Board liability in last couple years. Rist Ditch may have some liability. Homeowners are protected through their own insurance.

- **Motion:** Rich Giansiracusa motioned to approve the proposed 2025 budget, which was seconded by Lee Pallansch. The vote to approve the proposed 2025 budget was unanimously approved.

8. President's Report

- Review of common areas (Rist Ditch, Dry Ck, Tract D, Cedar Valley Dr xeriscape project)

President Bogard described Board work in 2024 related to the HOA common areas

- **Rist Ditch** – Behind Deer Meadow (Outlot B), during the original residential development, the ditch was modified and resulted in the HOA having responsibility to maintain the modified section of the ditch. The HOA voluntarily does maintenance, and Frank Lyman has led this in recent years. In 2024, the ditch never really dried out so we didn't clean out, but there is some silt, and we may need to contract in 2025 to clean out.
- **Dry Ck** – The creek flows behind Beaver Cove, Cedar Valley and Fox Hollow to golf course. HOA had annual clean out to clear debris and branches to minimize impact from any potential flooding event. This year the cleaning was around May 4 and a thank you to the volunteers who helped in the effort.
- **Tract D** – Common property between Rossum and Beaver Cove Ct. The HOA lost access to water a few years ago, and the property deteriorated into dry patches, weeds and mostly dormant grass. In 2022, the members approved xeriscaping Tract D, but difficult City of Loveland planning department xeriscape requirements and a lack of a water source delayed redevelopment of the property. After a water source was procured by agreement between the HOA and owners of 703 Beaver Cove Ct, the Board of Directors voted to reclaim Tract D as a turfed lawn due to a cost savings versus xeriscaping and delay due to City of Loveland approval process as a redeveloped xeriscape area. If anyone wishes to review the water agreement between the HOA and property owners of 703 Beaver Cove Ct., then contact Michael Bogard. The HOA got three bids to install

the irrigation, valves, and meter ranging from \$5k - \$11k. Selected Royal Turf, because they had done this type of work and lower cost, and the work was completed in the summer of 2024.

- **Cedar Valley Dr Roundabout – Xeriscape.** City development review was cumbersome (so did Tract D first), and in 2024 focused on getting design for the roundabout xeriscape project. The initial costs from designers were high and city indicated we may need landscape architect to meet city requirements. To mitigate design costs, Diana Bogard, ARC committee member suggested contacting CSU landscaping department to inquire if CSU students could design plans as a class project. The Board contacted Scott Curry, an Assistant Professor in Landscape Design and Contracting with the Colorado State University Department of Horticulture and Landscape Architecture. Scott was very receptive to the idea; he assigned landscape development of our common areas as a class project for his senior class students. So, the students looked at 4 common areas; Cedar Valley Dr roundabout, Fox Hollow Dr, Rossum Dr and Eagle Ridge Ct medians. The Board went to CSU and saw student final presentations and were able to ask questions about the design and maintenance considerations. President Bogard projected one design example the students provided to give members an idea of the level of detail and look of the designs. The Board asked the CSU professor to send some of the designs to the city to see if the landscape designs would be acceptable and approved by the city. The city reviewed three landscaping plans with planners and found them all to be strong submittals and provided a few suggestions when HOA decides to submit final application. Next steps will be to review plans and select one and then get bids.

Member Discussion, Questions, and Motion:

Jason Hawk asked why not do all 4 projects at one time? VP/Treasurer Lyman responded that the cost might be high enough to require special assessments, and we have available budget to do Cedar Valley roundabout in 2025. Several years ago, the membership voted “no” to xeriscaping several common areas all at the same time, but we could revisit a proposal to xeriscape the four common areas.

A member inquired about a cost benefit to getting bids to do all 4 at once and see if there is a cost savings (i.e., economies of scale)? Suggested also getting quotes to do the maintenance of these projects. Also, is there a time constraint from the city to complete the projects if submit/get approved?

Board Action Item: Ask the city if we can get all 4 projects done for \$400 application fee and what the time constraints may be for project(s) completion.

- Larry Roos applauded the Board on moving forward in doing the Cedar Valley project and added that the Board should make sure any design change should NOT create a line-of-sight obstruction for traffic around the roundabout. Also, if there are more xeric projects that go through the city in general (city-wide, not HOA) may be good to be early in process in case there is competition for contractors and materials in upcoming years.
- It was mentioned that The Ridge HOA got a grant from Northern Water but had heard the bookkeeping for the grant was very onerous. President Bogard said he

spoke with members of The Ridge at Mariana Butte HOA, and it took 2 yrs to complete their xeriscape project.

- Richard Giansiracusa stated that as VP/Treasurer in 2018 he had previously created a cost and break-even analysis of converting the 4 common areas to xeriscape, and that the Board should find and review that work.
- Heather Jackson asked for clarification on the goal of the project, e.g., are we doing this to just save water? Another member responded yes, and also to save on mowing costs.
- Michele Miller remembered from the last Annual Meeting, that there was discussion that we could just let yards go to native grasses, is that true? Can we do that in common areas? Lee Pallansch responded there are requirements for native grasses—you can't just let it go—can turn into weed patches. He also added that not all roundabouts are all owned by HOA, some are city owned so have to meet city requirements, but we have to maintain.
- VP/Treasurer Lyman said the HOA common areas were approved as components of the original development plan for our HOA and any redevelopment must conform with City of Loveland requirements; homeowners are primarily subject to HOA ARC requirements in conformance with State xeriscape laws.
- Randy Marsh also clarified the HOA has criteria for xeric areas and residents can't just let yard go.
- President Bogard said 2024 State legislation, applicable beginning in January of 2026, forbids the use of decorative grasses in newly developed or redevelopment projects.
- Heather Jackson asked to clarify the goal for the xeriscape project, and President Bogard asked if anyone has a motion for next step. Propose to review plans, select plan and get bids.
- **Motion:** Jason Hawk made a motion for the Board to move forward with this proposal by reviewing and identifying a preferred plan and get contractor bids. Include bid for CVD and all 4 areas. Lee **amended motion** to get bids for all 4 common areas. So would need preferred plans for all 4 areas and present bids to the membership.

Include CSU students as an option to do bid and construction.

J.D. Webb requested a goal statement for the project(s), and a cost benefit analysis should be provided to the membership for approval, e.g., what is the break-even time for any savings provided by converting to xeriscape. So **amend motion** to get cost/benefit analysis after bids to present to the membership.

Paul Eckman inquired if the HOA is done working with the city once the city approves the landscape designs.

Lee Pallansch commented that city code has objective to reduce water use – is this our goal?

Lee Pallansch seconded a motion to approve the Board to proceed with development of common area xeriscaping plans and cost based upon the below stated Final Motion on this topic.

Final Motion: The Board of Directors will review CSU plans, determine preferred plan for each of 4 common areas, get bids to determine cost, develop goal statement and cost/benefit analysis and then present information to the membership for a vote of approval to proceed or not on xeriscaping either one common area (Cedar Valley Dr. roundabout) or xeriscape all four common areas at the same time.

Vote to approve the motion:

20 for (1 remote plus all proxies)

Opposed – none

Vote passed unanimously

- 2024 Walk Through

President Bogard summarized the walk through that identified sidewalks and trees as main issue – members were asked to cut back trees hanging less than 8’ above the sidewalk, and shrubs growing over sidewalk.

Regarding marked sidewalk trip hazards, the Board approached the city earlier in 2024, and had the city confirm that sidewalk trip hazards due to tree root growth from trees located in city Right-of-Way are the responsibility of the city to repair. The city has said the sidewalk plates 1” higher will be put to bid this year and will be repaired by summer.

Chris Coogan mentioned sunk sidewalk plates on Cedar Valley near bridge were repaired in 2024 – the city fixed those at no cost to HOA.

- 2024 Legislative changes affecting HOAs

President Bogard said 7 or 8 changes passed by the State of Colorado legislature in 2024 affect HOAs and some can invalidate covenants we have.

- Summary of 2024 legislative changes
- Listing of non-enforceable CCR provisions or special meeting to amend Bylaws & CCR’s

There are about 10 provisions, and the Board would like to provide membership information about these CCRs and suggested amendments to change in 2025. There is a process to do this – identify need for amendment, Board reviews current provisions and then drafts proposed changes. Board would then mail documents with current provision and reason for change and draft proposed changes.

Board Action Item: The Board will draft amendments, request feedback from membership and get feedback from attorney, then Board will send amendments to membership for vote approval/not approval. If no response it is assumed vote is Yes (approve). Need 2/3 membership to pass an amendment. Board will move forward with this process.

9. Nomination and Election for One Board of Directors Replacement (3-year term)

President Bogard stated that Frank Lyman, VP/Treasurer is retiring from Board and called for nomination to serve on Board.

Dave Kotary nominated Chris Coogan

Chris accepted nomination and said he'd lived here for 8 yrs and has finance background.

Many members thanked Chris for accepting nomination.

Michael closed nomination and membership voted by raised hands – none opposed.

Chris was unanimously voted in as new Board member.

Board Action Item: the Board will determine Board positions prior to February 22, 2025

10. Unfinished Business – open to any member

- Cleaning Dry Ck – President Bogard identified need for a continuing clean-up effort in 2025
- Lee Pallansch formally thanked Frank Lyman for all his work/service as VP/Treasurer

11. New Business – open to any member

- Is it easy to post the xeriscape design pdfs on website? Secretary Wind stated we can do that.
- How do we handle the revisions/amendments - could we put on website? Secretary Wind will check if we can do with permissions.
- Paul asked about new regulations for accessory dwelling units – over a garage, in-law suite, separate living structure – will they affect HOA? Yes. There was a request to just put link to new legislation on HOA web site.
- President Bogard identified that the City of Loveland Police Chief would like to do community outreach – we didn't have time here at annual meeting, but Police Chief, Tim Doran wants to share efforts in department for improvements and maybe data/info for our area. President Bogard suggested combining with other HOAs and spoke with St. Andrews and The Masters, which are both interested. Hasn't heard back from The Ridge.

Board Action Item: Members expressed interest in participating in meeting with Police Chief Doran. Board will contact Chief and express interest – they have a meeting room generally available after 5-5:30 and will try to schedule in February.

- A question earlier in the meeting asked if we can just cut mowing and watering to save costs and water, which we could consider including as part of the xeriscape economic analysis.
- Multiple members expressed appreciation for all the work completed last year by the Board of Directors.

President Bogard adjourned the meeting at 8:53 pm.