Cement Creek Condominium Association, Inc.
Board of Managers

Minutes of Meeting
December 29, 2015

The Board of Managers meeting was opened by Craig Brandon at 10:00 AM. Craig Brandon asked for a roll call of managers present and a verification of quorum:

In Attendance:

Craig Brandon
Charlie Zeiter
Bob Baker
Chris Ward
David Wynn (by phone)

Five managers are present and thus a quorum established.

1. Proof of Notice of Meeting.

   Charlie stated that the Notice and Agenda for this meeting was posted on the association's designated posting wall (in the offices of Cement Creek Condominiums Association) and put on the association's web-site.

2. Approval of meeting minutes from the meeting on August 10, 2015.

   Chris Ward made a motion to approve the minutes as presented.
   Bob Baker seconded this motion.

   Motion was unanimously approved

3. 2016 Budget.

   Charlie Zeiter presented a draft of the 2016 budget. He pointed out that each unit's monthly water and sewer charge increased by $14.00 per month, due to the metro district increasing fees for maintenance of the roads. Charlie also explained that we had a large increase in the amount of building maintenance. East River 3 will need some repairs due to the leaks from the deck and the buildings are more expensive to maintain. Garbage expense will increase and yard maintenance decreases due to the fact that we now have fewer yards to maintain. Charlie

presented individual unit budgets showing the monthly payment corresponding to the new 2016 budget.

Charlie explained that the budget process now requires an opportunity for the general membership to "veto" the budget, once approved by the Board of Directors. The exact CCIOA language is:

> a general membership meeting must be held "to consider the budget"
>
> "the budget is deemed approved in the absence of a veto by a majority of all the unit owners"

Thus, it will take 13 owners to veto the budget. If no quorum is reached, than the budget is deemed approved.

Discussion occurred about the amount of yard maintenance being enough and the repairs required at East River 3.

> Chris Ward made a motion to approve the budget as presented.
> Bob Baker seconded the motion
>
> **Motion was unanimously approved**

A "phone" general membership meeting will be scheduled for Monday, January 18, 2016 at 10:00AM, MST. The notice for this meeting will be sent out via US Mail, Email, put on the web-site, and put on the CCCA notice board. The notice will contain the budget that has been approved by the Board of Directors and a description of the process that will occur at the meeting, along with call in instructions for the meeting.

4. Schumacher & O'Loughlin Legal Expenses.

Charlie Zeiter presented the Schumacher & O'Loughlin invoice for legal services for the easement with the bank across lots 15 & 16. Charlie explained that the current outstanding balance is $2,340.00. The association does not have enough budgeted funds to cover this expense and thus we need to approve paying the bill from our Reserve Fund.

> Chris Ward made a motion to pay the invoice from the Reserve Fund.
> Bob Baker seconded the motion.
>
> **Motion was unanimously approved**

5. Discussion and Review of Easement Negotiations with LSC across Lots 15 & 16.

Discussion occurred regarding the current status of the negotiations with LSC to obtain an easement across lots 15 & 16, to access the Italian Creek Building.

Charlie gave a quick summary of the negotiations to date and explained that we are at a point where we need to offer the bank some money to try to purchase an easement.

Chris Ward made motion that we have Mike O'Loughlin present an offer to LSC, that CCCA is willing to pay $5,000.00 to obtain an easement across lots 15 & 16 to access the Italian Creek Building.
Bob Baker seconded the motion.

Discussion then occurred with David Wynn asking about specifics regarding the easement we have across the "the triangle piece". Chris Ward suggested that we have Mike O'Loughlin study the easement and review case law to determine how sufficient our easement is across the triangle piece, AFTER the bank accepts our offer to sell CCCA an easement (assuming they accept our offer). This assessment by legal counsel would be reviewed by the Board of Directors prior to CCCA buying the easement.

Chris Ward made motion to amend his motion to include:

That if LSC accepts our offer to purchase an easement across 15 & 16, then before we purchase said easement, legal counsel will study the easement across the triangle piece and the CCCA Board of Directors will review said study, prior to purchasing said easement.

Bob Baker seconded the motion and the amendment to the motion.

Motion was unanimously approved

Charlie Zeiter will contact Mike O'Loughlin to have him present the $5,000.00 to purchase an easement across lots 15 & 16.

6. Easement and Restriction Release Bob Baker owned lots 12 & 11.

Bob Baker presented an offer to give CCCA:

1. An easement across lot 12 to access the Italian Creek Building.
2. The use of the parking spaces on lot 12.
3. The use of the game area on lots 11 & 12.
4. A place the store the dumpster.

In Return For:

1. A release from the restrictive covenant on lots 11 & 12 requiring lots 11 & 12 to join CCCA once residences are constructed on these lots.
2. An easement through CCCA from Teocalli Road to access lots 11 & 12.

Discussion occurred with David Wynn inquiring about Bob's intentions with the lots. Bob explained that he primarily purchased the lots to protect the "game area" and save the amenity it provided to CCCA. He explained that he did not have any immediate plans to build units but if and when he or a future owner did build, they would not want to be forced to join CCCA and thus the reason for giving CCCA the easement and game area in exchange. Bob also explained how he thought the lots could be built on, the restrictions, ie.. the number of units that could be built, and the driveway access to said units.

David Wynn asked if once the restriction was taken off, could CCCA come back and require the future owner/builder to join CCCA? The answer was no, CCCA could never require the future owner/builder to join CCCA once this restrictive covenant was released.

David Wynn asked about the kind of buildings that could be built on the property. Ie.. could someone bring in a trailer and set it there? Charlie Zeiter explained that any future project would be subject to the CBSPOA architectural control guidelines and thus CCCA and any of its members would be allowed to make comments and express any concerns at those approval meetings.

Craig Brandon asked about section 2.3 of the documents Bob Baker presented, specifically if the use of the game area, parking and dumpster was exclusive to CCCA and if it is OK to build additional parking spaces? Craig also wanted to verify that the easement going across lot 12 could be used by others CCCA may assign to.

Bob explained that he was Ok with making the use of the game area exclusive, making the easement across lot 12 assignable and allowing the parking area to be enlarged by CCCA.

Charlie Zeiter brought up that a surveyed plat may be a good idea. Chris Ward thought that was something CCCA could pay for as long as it was not too expensive ($200.00 to $300.00).

Craig Brandon made a motion that we have CCCA legal counsel review the documents presented, make the changes to state exclusive use of the game area, allow additional parking to be constructed by CCCA, and the easement across lot 12 be assignable, and let legal counsel assess the need for a plat. Once the documents are reviewed by legal counsel with changes and comments, the CCCA

Board of Directors will meet again and decide on the acceptance of these documents.
David Wynn seconded the motion.

Motion was unanimously approved by Charles Zeiter, Craig Brandon & David Wynn.

NOTE, Bob Baker and Chris Ward abstained from this vote due to conflicts interest.

7. New Business.

Chris Ward presented that he and Paul Davis purchased lots 9 & 10. They are interested in CCCA being allowed to use the lots. They would like to know if CCCA is willing to lease these lots for $100.00 per month triple net, one year lease with an option for 2 more years. It is estimated that the expenses associated with owning the lots is close to $3,000.00 per year.

Discussion occurred and Chris Ward will have a draft lease agreement prepared to present to the CCCA board at its next meeting.

With no further business being presented to the board,
David Wynn made motion to close the meeting.
Chris Ward seconded the motion.

Motion to close the meeting was unanimously approved.

Said meeting was closed by Craig at 12:15 PM.