

# Heritage Park Owners Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Wednesday, June 7, 2006

Place: Christian Heritage School

Time: 7:00 P.M.

Present: Robyn Eisele, Laura Hetrick, Michael & Viola Turner, David Gower, Eric Smith, Chris Wilson, Lee Pierson, and Shane Sills

- Presentation of parcels D & E development options
- Athletic field development update
- Financial review and disbursements
- Road & weed maintenance
- Compliance of Senate Bill 05-100
- Status of web-site
- Executive session
- Scheduling of next meeting to be 7:00 P.M. Wednesday, August 02, 2006, at Christian Heritage School



Shane Sills  
Secretary

# Heritage Park Owners Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Thursday, March 2, 2006

Place: Christian Heritage School

Time: 7:00 P.M.

Present: Lee Pierson & Shane Sills

- Acceptance of minutes for February 7, 2006
- Financial review and disbursements
  - Tax return to be filed by 03/05/06
- Discussion of disclosure requirements
  - Presently working to develop pro forma with annual & financial disclosures
  - Deadline for 2006 is March 31, 2007
- Compliance of Senate Bill 05-100
  - Being accomplished via web-site construction and annual disclosures
- Executive session
- Scheduling of next meeting to be 7:00 P.M. Wednesday, April 05, 2006, at Christian Heritage School



Shane Sills  
Secretary

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Thursday, February 7, 2006

Place: Christian Heritage School

Time: 7:00 P.M.

Present: David Freseman, Lee Pierson, & Shane Sills

- Acceptance of minutes for January 11, 2006
- Verbal financial report accepted
- Discussion of Lot #4 closing and estoppel letter
- Compliance of Senate Bill 05-100
- Review of web-site start-up
- Discussion of communications regarding covenant issues
- 2:1 Executive Vote approving Francis Abate's request
- Scheduling of next meeting to be 7:00 P.M. Thursday, March 02, 2006, at Christian Heritage School



Shane Sills  
Secretary

*Heritage Park Owners Association  
P.O. Box 883233  
Steamboat Springs, CO 80488*

February 7, 2006

Mr. and Mrs. Francis Abate  
PO Box 880283  
Steamboat Springs, CO 80488

Dear Francis and Ruth,

On behalf of the Heritage Park Owners Association Board of Directors, I am responding to your email requesting the board's position on the proposed ice cream business you are hoping to start, which would require the use of an ice cream truck that would be parked seasonally in your driveway. We appreciate your prior information and concern about doing the right thing in regard to the Heritage Park covenants.

After quite a bit of discussion, the Board of Directors voted at the February 7, 2006 meeting to approve your request as outlined. There has historically been a great deal of debate about the precise interpretation of some of the covenant statement. Without going into great detail about that, I will simply state that the vote was 2 to 1 on the three member board. However, that constitutes a majority vote, and is the official action taken in regard to your request.

I hope that this communication will resolve any concerns you may have had about honoring the covenants. Thank you again for your efforts to cooperate with the Owner's Association of Heritage Park.

Sincerely yours,

David R. Freseman  
President, Heritage Park Board of Directors

Lee Pierson

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**From:** Lee Pierson [leepierson@zirkel.us]  
**Sent:** Tuesday, February 07, 2006 11:56 PM  
**To:** 'Francis E Abate'  
**Cc:** 'zombiewolf@springsips.com'; 'Ruth Abate'; 'kate@icea.org'; David Freseman (dfreseman@yahoo.com); Shane Sills (shanesills@hotmail.com)  
**Subject:** RE: HOA question

Francis,

I am writing separately to advise that the current Board members are David Freseman (President), Shane Sills (Secretary) and I and to provide my interpretation of the covenants. We had a Board meeting tonight and discussed the request at length. David is going to advise you that he and Shane approved the request by a 2 to 1 vote while I dissented. I feel that my reasons need to be explained since the bigger issue of consistency and enforcement of the covenants was not resolved at the meeting.

The discussion involved the interpretation of Section 12 under "Trash and Screening of Items". Specifically, sentence four of the paragraph states.. "No campers, camper shells, snowmobiles, boats, boat trailers, trailers, commercial vehicles, automobiles, equipment or machinery shall be parked or stored outside of any Dwelling or Outbuilding on a Lot for more than 7 consecutive days unless totally screened from public view and screened from view from all other Lots". Taken literally, this could mean that there are numerous violations for automobiles parked in driveways and that anyone that moves an item listed above once every 7 days could leave those items unscreened on the property.

Section 17 addresses parking and requires adequate off-street parking sufficient for all occupants of the Dwelling. This requirement would not be in the covenants if there wasn't some intent for parking of an occupant's automobile in the driveway or paved parking areas of their single family residence. Therefore, I feel that the word "automobiles" in section 12 should not be taken out of context in light of the other sections and it should be interpreted to mean inoperative, idle or unlicensed vehicles parked or stored beyond seven days.

I feel that the "7 consecutive days" wording was intended to allow an owner a reasonable period to have items on the property. The previous Board has allowed these items to be present prior to or after trip departures and in reasonable circumstances. We have, however, issued "Covenant Violation Notices" and held hearings with those owners that have repeatedly exceeded this limit by attempting to park or store commercial and other business vehicles or equipment for seasonal or extended periods of time.

The majority of owners present at annual meetings that have expressed their displeasure with commercial vehicles and trailers in the subdivision are my mandate to continue to represent the collective opinion and preferences. Thus, I do not support the parking of a commercial vehicle at your property, nor at any others. Making an official exception for one commercial vehicle makes it impossible to enforce the section 12 intent. This is in spite of a desire to be supportive of opportunities for owners to succeed in a resort town and a feeling that you and Ruth would operate your business in a professional and conscientious manner.

Until the Board develops and publishes a specific rule or regulation or the covenants are amended, the literal interpretation of section 12 outside of the context of other sections will provide challenges. I will continue to represent what I believe to be the majority will of the owners. Since the Board will be revisiting this issue, I invite you to attend the next Board meeting on Thursday, March 2, at Christian Heritage School and be placed on the agenda to discuss your proposal in greater detail so we all understand the design specifications of the ice cream truck, your operating plan, the impact on adjacent property owners, and any ideas and suggestions for consistent enforcement of the covenants by the Board for us to consider. I would also like to understand if any options exist for off-site storage during the business season.

You indicated that a precedent exists for commercial vehicles and I'd like your feedback as to whose vehicles this applies to.

Please be aware that as of January 1, 2006, we are now required to post a copy of the agenda in a public place (the mailbox kiosk) and allow public comment under Colorado state law. As we get our HPOA website populated with timely documents, we can provide notice of the meetings and discussions.

Lee Pierson  
846-7270

*CONFIDENTIALITY NOTICE: This communication is CONFIDENTIAL and contains privileged work product and/or attorney-client communications. If you are not the intended recipient, please notify me by return e-mail, and destroy this communication.*

-----Original Message-----

**From:** Francis E. Abate [mailto:francis@femareps.com]  
**Sent:** Monday, February 06, 2006 3:20 PM  
**To:** leepierson@zirkel.us; kate@icea.org

3/2/2006

**Cc:** zombiewolf@springsips.com; Ruth Abate  
**Subject:** HOA question

Hi all;

I have a question - Ruth & I are thinking of starting an Ice Cream Truck business and as such must ask if the truck could be parked in our driveway during the summer while in use. The truck will be a modified van and too high to fit in our garage. Rather than assume and invite any trouble, I need you to tell me your interpretation of our covenants.

My understanding and opinion is that, based on the precedent set with commercial and sitting passenger vehicles in our neighborhood now, this should be allowable. We can certainly offer to have the vehicle under a suitable cover while parked, and as I mentioned above, we anticipate summer use only - possibly May through September outside of which we would like to store the vehicle off property.

If you could respond within the next two weeks that would help us with our planning. Please let me know your thoughts, and please do keep this information as confidential as possible for now.

Thanks

Francis E Abate  
FEMA, Inc  
Computers & Electronics for Military Applications  
web site at: <http://www.femareps.com>  
970-871-0319 cell 240-401-4624

3/2/2006

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

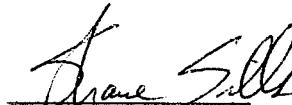
Date: Wednesday, January 11, 2006

Place: Christian Heritage School

Time: 7:00 P.M.

Present: David Freseman, Lee Pierson, & Shane Sills

- Verbal financial report accepted
- Acceptance of minutes for December 17, 2006
- Discussion of Lot #4 closing and estoppel letter
- Compliance of Senate Bill 05-100
- Review of web-site start-up
- Discussion of communications regarding covenant issues
- Scheduling of next meeting to be 7:00 P.M. Wednesday, February 01, 2006, at Christian Heritage School



Shane Sills  
Secretary

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Wednesday, December 7, 2005

Place: Christian Heritage School

Time: 8:00 P.M.

Present: David Freseman, Lee Pierson, & Shane Sills

- Review of minutes for November 17, 2005
- Overview of covenant violations
- Discussion of communication regarding weed maintenance (see Action Issues)
- Compliance of Senate Bill 05-100
- Discussion of web-site selection criteria and corresponding time deadline
- Scheduling of next meeting to be 7:00 P.M. Wednesday, January 04, 2006, at Christian Heritage School



Shane Sills  
Secretary

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Thursday, November 17, 2005

Place: TIC Conference Room

Time: 7:30 P.M.

Present: David Freseman, Lee Pierson, & Shane Sills

- Review of minutes for October 26, 2005 and November 2, 2005
- Discussion of communication regarding weed maintenance (see Action Issues)
- Compliance of Senate Bill 05-100 and subsequent web-site selection & time deadline
- Delegation of officer's duties
- Scheduling of next meeting to be 7:00 P.M. Wednesday, December 07, 2005, at Christian Heritage School



Shane Sills  
Secretary

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

**Date:** Wednesday, November 2, 2005

**Place:** Christian Heritage School

**Time:** 7:00 P.M. - 8:00 P.M.

**Present:** David Freseman, Lee Pierson, & Shane Sills

- Annual disclosure mailings including the following:
  - 1) Annual due invoices
  - 2) Minutes from the annual Heritage Park HOA meeting held Tuesday, September 27, 2005, at Christian Heritage School
  - 3) Net income statement & proposed budget for 2006
- Discussion of communication regarding weed maintenance (see correspondence log)
- Review of officer's duties
- Compliance of Senate Bill 05-100 and time deadlines, specifically regarding web-site design
- Scheduling of next meeting to be 7:00 P.M. Thursday, November 17, 2005, at Christian Heritage School



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Shane Sills  
Secretary

# Heritage Park Home Owner Association

P.O. Box 883233 Steamboat Springs, CO 80488

## MINUTES:

Date: Wednesday, October 26, 2005

Place: TIC Conference Room

Time: 7:00 P.M. - 9:30 P.M.

Present: Tom Simmins, Lee Pierson, Kate Nowak, David Freseman, & Shane Sills

- Presentation & acceptance of minutes for the annual meeting of the Heritage Park HOA members at Christian Heritage School during Tuesday, September 27, 2005
- Presentation & approval of Native Excavating, Inc. contract for snow plowing during the winter season 2005-2006
- Review of Senate Bill 05-100 and its impacts on home owner associations and, specifically, with the Heritage Park HOA
- Transfer of officer positions & duties:

President: David Freseman replaces Tom Simmins

Treasurer: Lee Pierson

Secretary: Shane Sills replaces Kate Nowak

- Scheduling of next meeting to be 7:00 P.M. Wednesday, November 2, 2005, at Christian Heritage School



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Shane Sills

Secretary