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# RECORD OF PROCEEDINGS

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Chatfield Corners Metropolitan District July 21, 2020, Meeting Minutes

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## Minutes of the Special Meeting of the Board of Directors Chatfield Corners Metropolitan District July 21, 2020

The Special meeting of the Board of Directors of the Chatfield Corners Metropolitan District, Eagle County, Colorado, was held Tuesday, July 21, 2020, at 5:30 p.m. via electronic Zoom meeting <https://us02web.zoom.us/j/85139811550>, Phone Only US 1 253 215 8782, Meeting ID: 851 3981 1550 on Tuesday, July 21, 2020 in accordance with State regulations.

**Attendance** The following Directors were present and acting:

- David Barton
- Grant Murphy
- Mike Woods
- Patrick Johnson
- Joe Schwan

Also in attendance were:

- Alan Pogue, Icenogle, Seaver Pogue, District Counsel
- Beth Johnston, Marchetti & Weaver, LLC, Secretary for the Meeting
- Mike Clay, owner 815 Grundel Way
- Ryan Thousand, tenant 815 Grundel Way

**Call to Order** The Special Meeting of the Board of Directors of Chatfield Corners Metropolitan District was called to order at 5:36 by Ms. Johnston noting a quorum was present.

### **Conflict of Interest**

Board members were asked to disclose any potential conflicts of interest in accordance with State Statute. There were no potential conflicts disclosed by any of the Board members.

### **Changes to Agenda**

There were no changes to the agenda.

### **Executive Session**

Ms. Johnston explained that the first item on the agenda was an Executive Session and explained how the executive session would work with the remote meeting. By motion duly made and seconded it was unanimously

**RESOLVED** to enter into executive session at 5:40 p.m. pursuant to C.R.S. §24-6-402(4)(b), for the purpose of receiving legal advice on specific legal questions relating to covenant enforcement hearing proceedings.

The board adjourned from executive session at 5:48 p.m.

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## **Covenant Enforcement Hearing**

Ms. Johnston confirmed that all physical evidence was emailed out to all meeting participants. The Board appointed Director Murphy, Board President, as presiding officer for the hearing. Director Murphy introduced the hearing and opened the floor to Mr. Clay and Mr. Thousand. Mr. Clay introduced himself and his son-in-law Mr. Thousand, explaining that Mr. and Mrs. Thousand lived in the home at 815 Grundel Way and were in the process of purchasing it from Mr. and Mrs. Clay. Mr. Clay then reviewed the covenant enforcement letters that he received for his property at 815 Grundel Way and said that he felt that there was selective enforcement of the Rules and Regulations and that the Covenant Enforcement officer Ms. Jill Baron targeted his property. Mr. Clay and Mr. Thousand expressed that they both have lived in several properties that had Homeowners Associations and that they understood the role an Association had for enforcing the rules to keep a community nice and property values high. Mr. Thousand expressed that he felt the Rules for the Chatfield Corners community were not appropriate for the area since they did not have a hitch/unhitch provision for recreational vehicles and trailers.

Director Murphy explained the covenant enforcement processes that were currently in place for the community, the challenges of enforcing Covenants and Rules that were handed down from the Developer and that he understood Mr. Clay's and Mr. Thousand's frustration with the process. Mr. Thousand stated that the Covenants and Rules should be changed to suit the community. Director Grant and Mr. Pogue said that there were procedures in the Organizational Documents on how to go about amending them and that Mr. Clay and Mr. Thousand were welcome start the process if they wanted.

General discussion continued on bias and inequality of the enforcement in community with Mr. Clay and Mr. Thousand noting that several neighbors were in violation but had not received violation notices. Mr. Clay appealed to the Board that his daughter and son-in-law were in a difficult situation with a special needs child and that the recreational vehicles provided relief for the child. Discussion continued on what Mr. Thousand could do to avoid future violations and potential fines. After the discussion, Director Woods, Mr. Clay and Mr. Thousand left the meeting.

The Board reviewed the evidence provided by the District and Mr. Clay and Mr. Thousand. The Board agreed that they would review the enforcement procedures with Ms. Baron to be sure enforcement was being applied consistently and equitably throughout the community. Upon motion duly made and seconded, it was unanimously

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**RESOLVED** that 815 Grundel Way was in violation of Section 5.4(a) and Exhibit D Section 3B of the Declaration of Covenants, Conditions, Restrictions and Easements for Chatfield Corners; and

**FURTHER RESOLVED** not to impose a fine at this time but that any future violations would incur a fine per the appropriate fine schedule in the Exhibit D Initial Rules and Regulations of the Declaration of Covenants, Conditions, Restrictions and Easements for Chatfield Corners.

The Board requested that Mr. Pogue draft a letter to Mr. and Mrs. Clay with the Board's decision.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded, it was unanimously

**RESOLVED** to adjourn the Special meeting of the Chatfield Corners Metropolitan District Board of Directors this 21st day of July, 2020.

Respectfully submitted,



Beth Johnston  
Secretary for the Meeting