

**Minutes of the Annual Meeting**  
**Dutch Creek Homeowners' Association**

May 23, 2006  
Columbine Library

Lou Day, current President of the HOA, called the meeting to order at 6:50 PM. We were late in getting started because of the necessity of having everyone checked in and of giving ballots to every eligible voter. People were still coming in after 6:30 PM.

**Minutes of the 2005 Annual Meeting:** After giving everyone time to read them, Lou asked for corrections or changes. He noted that another "0" needed to be added to the 3<sup>rd</sup> line of the 4<sup>th</sup> paragraph to change "\$65,00" to "\$65,000". No other changes or corrections were made. A motion to accept the Minutes as corrected was made and seconded. The vote was taken to accept them as corrected and passed.

**Welcome Remarks:** Lou thanked the following people for helping with the ballot procedure: Karen Melfi, Lorren and Janet Lewis, and Dianne O'Keeffe. In addition, he thanked Eileen Parker and Jackie Mathewson for their help on the ballot procedure and also for their work on the newsletter and Jackie's printing of the Directory as well. The current Board of Directors, in attendance, was introduced: Chris Pillow, Debbie Swoboda, and Peige Visser. Lou explained that because we have a divided board, on the issue of Facilities Improvement, and because of the time limitations in the library community room, we must conduct the elections first tonight. We are using additional and different procedures tonight than in the past, to comply with SB100 (Homeowner's Bill of Rights) and the requirement for a secret ballot. As an HOA, we also must enforce the one property - one vote requirement as well.

With a PowerPoint presentation, Lou explained the *organization of the HOA in regards to the Board of Directors and the Officers*. Seven directors are elected by the membership in staggered, 3 year terms. The officers are then elected by the Board of Directors and serve 1 year terms – subject to reelection each year after the new members of the Board are elected. The Officers need not be Directors. In fact, the Directors and the Officers don't even have to be members of the HOA; but the Directors must be elected by the membership. The Board is given authorization over all matters of the HOA except for electing the Directors and removing a Director, increasing the dues' cap, and amending the governing Documents. The only officers that are specified in our By-Laws are the Pres., V. Pres., Secretary, and Treasurer. Other officers can be added as the Board sees fit. Only the Pres. and V Pres. have to be members of the Board. Officers can be appointed by the Directors if there is a "warm body" willing to do the job. In actual practice, the Directors usually divide the Offices and take on those responsibilities. Currently, Eileen Parker has been doing the secretary's job and is willing to continue but is not interested in standing for election as a Director. Also, Tony Ritchie has recently taken the office of Pool supervisor until the Directors appoint someone else or he moves which he intends later this year. There are two Board members' positions that are due for election this year. Rich Johnson is moving and Nancy Selby has had serious health problems; so neither is up for reelection. The positions of Directors Bob

Stong, Lou Day and Peige Visser will be up for election in '07. Chris Pillow and Debbie Swoboda's membership on the Board will be up for election in '08.

In addition to electing two new members, a "*Draft Articles of Incorporation*" is on the ballot (within Handout #2). Lou explained that this is a legal requirement to our operation in the state of CO and it limits the liability of individual owners. Our HOA lawyers have approved this document and advised that this should be brought up to date by a vote of the membership. Arne Birkeness, past Pres. of the HOA, asked the question, "Why is Chris Pillow's name and address on this?" The answer is that the state requires a physical address and a name – not a P O Box. Since Chris has been the Finance Director of our HOA, and doing this for 20+ years, he has served as the registered agent for our HOA. Some HOAs have a management company and then that company's name and address is on this type of document.

*Facilities Improvement:* This is a work in progress. Lou stated that there is slim majority support, of Directors of the Board, for the direction being taken in regards to the Facilities Improvement committee and its makeup. His belief is that the difference in opinion can be stated as the majority wanting responsible long range planning vs. a quick response and minimal long range planning. The key idea being 1) identify all the improvements needed and not just the most obvious, 2) build upon past planning, 3) use professional expertise that exists within our association, and 4) have a road map to follow. The road map will take us beyond the first step, document the planning, show responsible financial planning, and have full disclosure. The quick response approach, in Lou's opinion, states that the membership is impatient and wants some improvements now, focuses on the volleyball court, minimizes professional input, uses very little new design, relies primarily on the contractors for specifications, says that there is a plan already approved in the past, and instead of presenting a long range financial plan – spend what we have.

**Election of Directors:** Dan Dowell is the only candidate now on the ballot. There is space on the ballot for write-ins. Eric Friesen read a letter from Greg Shirley stating that he would accept a nomination for Director but was unable to attend tonight due to family commitments. Dan Fleener nominated Mark Hannum who accepted the nomination. Henrietta Petersen nominated Cindy Losh, also accepted. There were seconds for each of these nominations. There were no other nominations. Cathy Mohrbacher asked that the nominees say why he/she wants to serve and tell us something about him/herself.

*Dan Dowell:* 24 yrs homeowner in Dutch Creek Village; wants to see the property values upheld with greater Covenants control and enforcement; consistent architectural control (not letting things go by such as leaving several cars out, not fixing doors, etc.; sees deterioration of the properties; is the President of a Condo Association in Winter Park

*Mark Hannum:* Member 9 years on Caley St., served on the sub-association of Filing 3; home builder in Castle Pines, Broadland, Brookhaven; property values can be helped with architectural control; streamlining the facilities improvement without someone being misguided or being a profit center for someone else; would like to be a representative from Filing 3 and have a voice from there

*Cindy Losh*: served on the Facilities Improvement committee; wants to be a voice for homeowners, wants to help clean things up for our area

Ballot counting committee: Asked for 3 volunteers but we had 4 – Lynne Hagan, Julie Thomas, Raina Powell, and Jan Lening.

\*\*Reminder, only need two Directors

People then voted and took ballots to the ballot box.

### **Rich Hagan, chairperson of the Facilities Improvement Committee:**

Lou restated that this is a progress report and not a final plan. When there is more to report and a financial plan, the membership will be informed once again. Introduction of Rich Hagan – graduate of landscape architecture from Iowa State, licensed landscape architect, practiced in the private sector in the Midwest/East for 15 yrs prior to coming to Colorado where he worked on the Management/Design staff of the BLM for another 15 years, working on numerous projects and construction management therein.

Rich stated that this project began last summer with Peige Visser heading a committee which sent a questionnaire to homeowners in the late summer/early fall asking for opinions about the improvements of our recreation facility. That committee took a conceptual plan to the Board and as a concept it was given approval. Then the Board, as Lou stated, decided that some more people needed to be brought in with more professional background in terms of how to bring a concept and turn it into a set of construction documents that will lead to getting things of this nature into reality. The other members of the committee:

Scott Thomas – mechanical engineer with the National Park Service, team leader on recreational design projects;

Julie Thomas – librarian at Ken Caryl MS, mother, teacher, outdoor advocate, feminine touch to the otherwise all-male committee

Charlie Swanson – civil engineer with the BLM, but out of town tonight

Tom O’Neill – civil engineer in the private sector, now retired; has been a Director of the HOA and served as the Pool Officer

Rich said that Scott, Charlie, and Tom have taken the conceptual plan to their respective offices and had the cost estimation departments look the plan over and give some guidance. The committee then worked it over and now has the next step ready to present to the Board once the new members are elected and the Board meets.

Power Point Tour of the Property/Conceptual Plan: Rich had pictures of the current facility showing the broken concrete, fencing, and other deterioration of the premises that comprise the pool area, parking lot, sidewalks, steep stairs and slope, and tennis courts. Then he showed the conceptual plan and explained the ideas and answered questions and accepted opinions.

Tony Ritchie, a past Director and long-time resident, suggested that the multi-purpose area should be bigger than what it appears to be. Others agreed. Another concern was that two tennis courts might be one too many; though, well-maintained courts probably would be used. Currently, they are unusable in the opinion of most tennis players. Julie Thomas said that the surface for the tennis courts would be the same as for the multi-purpose area so that it could go either way. Overall, the plan was well received and appreciated. A couple of

people voiced concern that former Boards have promised us improvements and we've yet to see any. Therefore, the quarterly newsletter and the website will keep the membership informed of the work being done. Members can use the e-mail address, as well, to give opinions to the Directors and this committee. Another member questioned whether or not we will be seeing an increase in our dues to fund this project. The answer is that is still to be determined. But the membership will have a vote on any dues increase or special assessments.

**Results of the Election:** The two new Directors are Dan Dowell and Mark Hannum. The next scheduled Board of Directors meeting is June 7<sup>th</sup>, in this room at the Columbine Library. Members are always welcome to attend.

**Finance Report:** Chris Pillow addressed the financial statement (in Handout #1) and took questions. He stated that the increase in total receipts was due to the more aggressive collection policy of the Board. He explained that members in arrears more than \$500 will be sent notification of intent to sue for collection. Overdue dues are assessed a 12% interest fee. One member questioned the policy of listing homeowners with dues in arrears. Peige Visser stated that she thought the Board had decided not to list unless the total overdue was \$500 or more. Chris said that the decision was not to sue for collection unless the amount was \$500 or more, not whether or not to list at our annual meeting. The question came from a member about having an audit of our books as required by SB100. Chris and Lou's answer is that is a decision that the Board can make but at this time the cost of an audit is between \$5000 and \$10,000. There is some question, too, about whether or not our size of HOA is actually required by SB100 to have an audit or if a review is satisfactory. Arne Birkeness pointed out that members have the right to review the books at any time; and a review committee could look into them and make a report. Chris stated that he is a licensed CPA who quit doing audits because of the cost of liability insurance (which is part of the reason that an audit is so expensive). No motions were made on this subject.

**Grounds:** Debbie Swoboda, Grounds/Landscaper Officer, had already left the meeting so didn't address the membership. Bruce Lebsack thanked Arne Birkeness for getting the sprinklers started at the entrance to Filing 2 on Caley Dr. - despite Debbie Swoboda's statement that they couldn't be turned on due to damage to them. There is some damage to the grass in areas because of the late start of watering - in Bruce's opinion. Dianne O'Keeffe stated that she believes that we need a new Officer in charge of Grounds. It was then 8:30 PM.

**Adjournment:** Due to having to vacate the room at 8:30, Lou asked for either a motion to continue the meeting to the following evening, as the room is reserved, or to adjourn the meeting. Lynn Hagan motioned to adjourn the meeting, Jan Lening seconded it. People started to leave, so Lou adjourned the meeting without a vote on the motion. There appeared to be no objections to the adjournment.

Respectfully submitted, Eileen P. Parker