

Dutch Creek Homeowner's Board of Director's Meeting

August 15, 2006
Columbine Library

President of the Board, Lou Day called the meeting to order at 6:35 PM.

Board Members: Lou Day, Dan Dowell, Mark Hannum, Chris Pillow, and Peige Visser; Debbie Swoboda arrived by 7PM.

Officers: Eileen Parker - to record the business of the meeting- and Rich Hagan – Facilities Improvement Chairman

Homeowners: Mike and Marlene Heiman, Tom O'Neill, Mark Ryan, Rob Cook, Kay and Gordon Loundagin, Sheri White, Charles and Lynn Swanson, Linda and Larry Money, John Peterson, Greg and Jennifer Shirley, Scott and Juli Thomas, Chris Roelfson, and Kevin and Randi Harris.

Minutes of July 20th Board Meeting: approved as corrected – see Minutes (attached).

Owner's Forum: Marlene Heiman – voiced concern about possible dues increase – when and how much and whether or not the homeowners will get to vote on this. She also said that she was there to find out about the possible loan which was noted in the last newsletter and on the website. By a show of hands, the others stated that was their main reason for attending also. Gordon Loundagin voiced disapproval for the possibility of allowing the Thomas' (or any other homeowner) access to the pool via their fence for reasons of fairness and liability. Greg Shirley spoke to this issue in that the HOA should be facing greater liability right now with the state of disrepair of the fence which is allowing access to anyone who wants to come in.

Facility Improvement Update: Rich Hagan – making progress on the improvements: let bid for removal and moving of the fence along the East side and got bids to excavation part. The bids, so far, on the removal of concrete and placing fill dirt and compacting it is less than estimated. Also, a contractor has expressed an opening on his calendar and a plan to get in and out within 30-40 days on the east side Phase I project. Rich will be looking into this as part of the bidding process.

There were many questions and misunderstandings about just what the improvements encompass and the cost estimates, etc. from the homeowners in attendance. It was noted that at the July 20th Board meeting, the Board decided that if a raise in assessments is required to fund this project, and it looks to be the case, then there would be due effort made to “let the homeowners know why and give them plenty of notice” (July 20th Board Minutes, paragraph 4, “1”). It was further expressed that the Board feels an obligation to “fiscal responsibility to continue to review expenditures, etc., for this improvement plan ... and continued oversight is required ...” (July 20th Board Minutes, paragraph 4 “3”). For example, Rich noted the bids on the fencing

- * Remove the fence fabric and top rail of the east and north sides of the court.

- * Install new fence posts with concrete footings to close the existing gap between the east court and the adjacent court to the west.

- * Install a portion of the removed existing fence fabric and top rails on the new poles to close the gap. The final product will be 10 feet tall to match the remaining existing fence.

- * Move the existing gate to the west to provide access to the remaining courts.

- * Roll up the remainder of the removed fabric and store it at the base of the south side of the east court. The south side fence will remain in place at this time.

This bid was awarded to the low bidder, AJI Fence Co., at a price of \$3384. The other two bids were:

- * Lifetime Fence Co. @ \$4125
- * Split Rail Fence Co. @ \$3876.

As there were several owners in attendance who were not at the General Meeting in May and have not seen the Improvement Design Plans, Lou suggested that they attend the Informational Meeting which he is proposing we have on Sept. 11th since the Library meeting room is open then. He and Chris and Rich will work on an informational letter to go out to Homeowners in advance of this meeting. Board members will be there if at all possible.

Funding of the project

There was also discussion about how the dues, assessment is the proper term, can be raised and the way it is being figured using the CPI (consumer price index) as stated in our documents. There is some disagreement as to how this is interpreted; but Lou has the HOA's lawyers' opinions that are expressed in the Handout #1, p 2 and 3.

Lou addressed the issue of talks with a banker, Melanie Antonitis, with City Wide® Bank. He and Chris met with her and also met again to show her the property which encompasses the improvements. Ms Antonitis and her bank have done many loans with HOAs. Handout #2 shows the amortization schedule on a \$70,000 loan and on a \$148,000 loan. He is proposing that we pursue the loan of \$70,000 which would be more than the amount estimated as needed to fund the full Phase I improvement plan (Board authorized \$90,000 reserve funds to begin this project at the July Board meeting). The loan would not have any prepayment penalties. ***Lou and Chris reiterated that the loan would not use the assets (physical property) as collateral but use the right to collect the assessments.***

Motion: Dan Dowell moved that the Board diligently seek a loan package to borrow \$70,000 on a 60 month term from City Wide Bank. It was seconded by Chris Pillow. Vote – 5 in favor, 1 abstained.

Motion: Lou Day moved that the Board plan to raise annual assessment to \$495 for the life of the loan (see Motion above). Dan Dowell seconded it. Vote: 4 for, 2 opposed

Discussion: It is the opinion of the lawyers, according to Lou, that the Board has authority to raise the assessments to \$549 annually without incurring a vote of the homeowners. Peige Visser noted that the Homeowners need to see improvements being made before they'll believe that this Board actually intends to make improvements. Rich said that the improvements will begin ASAP using the \$90,000 already authorized from reserves. The estimated need for \$148,000 is to fully fund the Phase I which will include

- Replacement of the volleyball court area with irrigated lawn
- Placement of two metal roofed picnic shelters with tables located within the new lawn area
- Replacement of the existing main entrance gate and the chain-link fencing along the south and east side of the complex. The main entrance will be moved to the northeast corner of the volleyball court and a new ornamental iron security fence will encompass the volleyball court and the south side of the facility.
- A new entrance sign
- Replacement of the concrete parking area
- Replacement of the concrete curb and gutter surrounding the parking area
- Replacement of the sidewalks along the north side of the parking lot and the east side of the complex to provide access to the new entrance.
- Replacement of the sidewalk along the east boundary of the complex
- Construction of a concrete sidewalk connecting our new sidewalk along the east side of our property to the existing concrete bike path that runs along Dutch Creek – (this link will be constructed by and paid for by JEFFCO Open Space)
- Necessary demolition, removal and earth fill to accomplish all of the above

A homeowner, name not noted, expressed concern that the bidding process should be done with ads in the papers, etc., and not just undertaken with friends and family, etc. Another homeowner expressed her opinion that it reflects well upon our subdivision to be making our property look better. ***The Board again expressed the desire and plan to be fully open and fiscally responsible.***

Review of Gyurovsky Photovoltaic Proposal: Mark Hannum – his committee has voted to endorse the approval of this project at 6799 W Caley for two reasons: 1) Statute CRS 38-30168 says that it can't be

disallowed by an HOA and 2) the homeowner has worked with the committee to meet the guidelines for blending it in to the roof of the home, etc. Vote: consensus for approval by no dissension

Thomas' Gate to Pool Area Request: Juli Thomas presented their case for the gate from their back yard into the pool area as discussed at the July meeting. In their opinions, theirs is the only yard in the area (Filing 3 along the common area property) that doesn't have a back yard access to the sidewalks to the pool area. They will pay for the gate, give keys to the Pool Chairperson and keep the gate locked at all times (locking it whenever going in and out). They will abide by the same times of usage as everyone else and can have the keys revoked by the Board just like any other homeowner. They will also remove the gate if needed when they move. Rich Hagan stated that the gate to the facility by new codes must be a self-closing gate ... which the HOA will also have to install when doing the improvements.

Discussion: Dan Dowell – it's a bad precedent to be setting.

Eileen Parker – could increase the ability to police the area with cooperation of the Thomas' by an agreement with them to be able to do so through their gate by them as needed.

Greg Shirley – it would be useful to the Thomases and helpful to the HOA and not a precedent being set. Other homeowners expressed opinions during the Owners' Forum that this is not fair to the many other homeowners who also don't have easy access to the Pool area.

Debbie Swoboda – she's in favor of it for reasons as above

Motion: Lou moved that the Board tentatively approve the gate after final approval with a letter of agreement between the Thomases and the Board (being agreed upon before the installation of the gate.) It was seconded by Debbie Swoboda. Vote: 3 for, 3 opposed

Lou suggested that the Thomases write a letter spelling this issue all out with the terms for agreement to be discussed at the next Board meeting if they want to pursue this further.

Officer's Reports:

Treasurer: Chris Pillow – Handout #3 – Balance sheet; a few more assessments have been collected and some bills have been paid. Generally, we are under budget to date. One area of savings so far has been in the Administrative category mainly because has had to use the attorney's less this year to date. Xcel energy bill was \$2100 for the pool because Chris is now reading the meter and reporting to them instead of their estimation procedure of the past. This is going to save money over the year. The greenbelts budget is still under budget, too. He handed out the checking and savings account monthly statements to the Board members for their oversight. No questions were asked and report was approved by consensus.

Green Belts/Landscaping: Dan Dowell – explained how he is revamping the whole program with what will be tremendous budget savings which will mostly be seen in the next year's budget because some of the changes are still being made. 20 homeowners are volunteering their time and effort and dividing up responsibilities which were hired before. Dave Anderson and Rich Hagan, local experts in landscaping, are helping Dan to make needed changes. The last newsletter detailed the volunteers and their duties. Dan is meeting with the head of Jeffco Open Space on August 31st to discuss the details of their resuming their services to the open space within our subdivision. This will begin, in all likelihood, by next summer. There has already been a 60% reduction in water to Tract F Greenbelt (which runs north – south between homes along Newland Ct and Lamar Ct in Filing 1). There is a Sprinkler Head Team to replace heads as needed and who will start the systems in the spring; thereby saving the money on professional services. He will still hire a company to do the systems blow out in the fall. He has ordered a new sprinkler battery clock. The pool landscaping still has a leak which has not been traced to the source despite lots of effort. Some of the improvements being undertaken may help solve this problem anyway.

Pool: Debbie Swoboda – The lower gate into the pool area from the tennis court is padlocked at all times. The upper pool gate is being padlocked at 10 PM and unlocked about 10 AM when the pool servicing man is there. People who have expressed interest, to her, in using the pool before this time, have been given a

padlock key. Discussion ensued and decision was made to make every attempt to have the pool unlocked by 6 AM as our signs state and is stated in the Directory. Debbie will do this.

Architectural Control: Mark Hannum – He is working with Peige Visser and Eric Friesen on his committee to draw up specific guidelines and procedures for homeowners. At this time, complaints and follow up is homeowner directed. He and his committee aren't driving around looking for infractions. He'd like to have two more people on his committee – preferably to have at least one person from each of the neighborhoods. Filing 2 and 3 are represented at this time and Filing 1 Upper Dutch Creek is represented. Filing 1 Lower Dutch Creek area doesn't have a representative on the committee, yet. See him if you'd like to volunteer. He is currently working to incorporate the Policy and Procedure Documents into this plan.

Miscellaneous: There seems to be overlap and uncertainty as to who is in charge of the entry areas' maintenance into Filing 3. Dan Dowell will work with Kevin Harris and others to resolve this concern.

Secretary: Eileen will be out of town for the next Board meeting – needs someone to take the Minutes.

Next Board meeting: Sept. 13th, Columbine Library meeting room; 6:30 – 8:30 PM

Respectfully submitted,

Eileen P Parker