

## Motion/Action Summary of January 8, 2008 BOD Meeting Minutes

1. MOTION: Minutes of September 11, 2007 BOD meeting, approved as written.
2. ACTION: Mark Hannum will begin action on complaint of covenant violations on two homes. (pg 1)
3. ACTION: Eileen Parker will help Mark Hannum get the ACC/CCC documentation letters, procedures, etc. ready to go and to the website.
4. ACTION: Snow removal –get bids and budget for this and discuss again later; Dan Dowell.
5. MOTION: The Board requests that a disclaimer be added to any future newsletter which states the following: “The contents of the Dutch Creek Newsletter have not been approved by nor do they reflect the views or opinions of the Board of Directors of the Dutch Creek Village Homeowners & Recreational Association.”
6. ACTION: Mark Hannum will e-mail his proposal for parking covenants/rules to other Board Members ASAP.
7. ACTION: Debbie Swoboda and Eileen Parker will e-mail proposed budgets for their areas of responsibility to other Board members ASAP.
8. ACTION: Mark will check the county requirements for fence height restrictions. Marcel will get with Lou to research the Amendment to the Declarations.
9. MOTION: After Marcel and Chris get the documentation and the estimates from the three firms with whom Marcel has been in contact, then they are authorized to choose one to do the audit and get it done (one year 2006-07 books).
10. ACTION: Lou will contact the proper authorities and find out what they want/need to access the security gate at the pool in case of an emergency.
11. ACTION: Marcel will try to schedule our next meeting at the Trinity Christian Center on Wed. Feb. 6<sup>th</sup> instead of our scheduled meeting date of Feb. 12<sup>th</sup>.
12. ACTION: Eileen will call the Columbine Library to find out what is needed to schedule and try to narrow down the available dates for mid-late April or early May for the Annual Meeting.

### **CORRECTIONS:**

\*Pg 2, Paragraph 2, change “Clark” Anderson” to “Dave” Anderson;

\*Pg 2, Paragraph 2, strike –“Clark Anderson is also on Dan Dowell’s Greenbelts/Landscape committee.”

APPROVED COPY, February 6, 2008

REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS  
DUTCH CREEK VILLAGE HOMEOWNERS & RECREATIONAL ASSOCIATION

January 8, 2008

The Directors of the Dutch Creek Village Homeowners and Recreational Association, a Colorado non-profit corporation, met to hold their regular monthly meeting in the “coffee shop” meeting room of the Trinity Christian Center at 6500 W Coal Mine Ave. at 6:30 p.m., January 8, 2008.

**Attendees:**

Board of Directors: Marcel Savoie, Karen Melfi, Chris Pillow, Eileen Parker, Dale Dowell, Mark Hannum and Debbie Swoboda (arrived late).

Committee Chairs: Rich Hagan, Facility Improvements Committee and Lou Day, Past-Pres., webmaster, pool security gate system

Homeowners: ~~Clark~~ Dave Anderson and Jack Clark. Both stated that they were there because of general interest. ~~Clark Anderson is also on Dan Dowell's Greenbelts/Landscape committee.~~

Meeting called to order by President, Marcel Savoie at 6:32 PM.

**Homeowner's Forum:** No one chose to speak at this time.

**Director Reports:**

President: Marcel Savoie

- \*Noted that the December meeting was cancelled due to inability of enough Directors to attend.
- \*Spent 5-7 Minutes reading the Agenda - noting that there is a lot to be covered in time allotted.
- \*Clarification by Pillow that the HOA fiscal year ends on March 31<sup>st</sup> not Dec 31<sup>st</sup> of each year.

Secretary: Eileen Parker

\*Minutes of the November 13<sup>th</sup> BOD meetings were accepted as written (hard copy tonight and e-mail sent previously). Motion made by Parker, seconded by Dowell. Motion passed.

Vice President: Karen Melfi

- \*Noted that the correct spelling of her last name is “M, E, L, F, I”
- \*No report until budget discussion

Architectural Control Committee: Mark Hannum

\*Written complaint, from Eileen Parker, presented to Board regarding the following properties:

- 1) 6366 S Newland Ct., Homeowner – Mary Leonard, utility trailer has been parked on the driveway for months.
- 2) 6638 W Weaver Ave, Homeowner – Gene Bondar, hole in wall of garage over the driveway and other paint/siding disrepair, and to a lesser degree of complaint – degraded state of driveway

The complainant believes that these are violations of our Covenants and would like to see the paper trail. She had only previously made the complaint verbally to Mark; but read the Policies and Procedures to say that such a complaint should be in writing to the Board.

**ACTION:** Marcel referred it to Mark for action. Mark stated that he has not had any written contact with either of these homeowners but would initiate.

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Architectural Control Continued:

\*Verbal complaint from Marcel regarding a truck parked on Caley with expired plates and a flat tire in front of “Jerry’s” house.

\*Dan Dowell complaint - about another disabled vehicle, Valdez ... interruption by Marcel for the following:

Discussion about Mark’s lack of follow up on presenting, to the Board, a parking proposal for Covenant Enforcement Procedure which was supposed to happen in November. ACTION: Mark will email to all of the Board members his proposal ASAP.

\*Inquiry from Eileen about the existence of an ACC committee. Mark stated that members of the committee are Eric Friesen and Peige Visser.

Eileen requested that she be allowed to help Mark with the ACC committee since he obviously doesn’t have time to do so. In Marcel’s opinion this committee, in particular, should not consist of more than one Director of the Board because the homeowner’s appeal process involves the Board. (See Minutes of July 10, 2007 BOD Meeting, President’s Remarks, pg 1, paragraph 3: “Regarding the Policies and Procedures, based on the opinion of our attorney that the members of a committee, e.g. ACC, should consist of no more than one Director from the Board. Otherwise, the appeals process is not effective. A homeowner needs to be able to make an appeal to an impartial Board.”)

ACTION: Eileen will help Mark get the documentation letters, procedures, etc. ready to go and to the website. Mark said he’d like help because “what I don’t have is time.”

Marcel gave the following suggestions for ACC action based on his time as chair of that committee: Take pictures, put it on record, and send a copy along with the letter to document. If Mark doesn’t have time for this part, there are other Board members who could help with it. When it comes to a homeowner asking for a review, Marcel often would knock on neighbors’ doors to get other opinions besides his (and not other Board members. He found it hard to get a regular group of people to meet on a regular basis.)

Once again, another disabled vehicle on the street was mentioned by Dan Dowell. Marcel interrupted and stated, once again, that is easily handled by calling the Jeffco Sheriff’s Dept.

Treasurer: Chris Pillow

\*Balance Sheet (1.5 pgs) and Profit & Loss Budget vs. Actual (1.5pgs) – **Attachment #1**

\*Highlights: \$14,000 ahead in income; roughly \$9000 below projected expenses; \$8200 ahead in improvements; on track in loan payments

\*Foreclosure at 6376 S Newland Ct closed and we were able to negotiate for \$1750 by not charging the interest and thus collecting the back dues and legal fees.

\*House at 6521 W Calhoun Pl is going into foreclosure also. \$3,353.60 is owed HOA on that one.

\*Have one other homeowner that has been turned over for legal collection: 6352 S Newland Ct.

\*There are three homeowners who have prepaid their dues or a portion thereof. Chris didn’t contact them to be sure they knew they had paid too much for this year – assumed that they wanted to prepay.

\*Received statement of settlement (draw of \$6477) from Ohio Casualty for the repair of damage done by vehicle that ran into the security fence by the pool in October. It will be a pass through on the books. Marcel asked Chris to show this payment and then show when it is paid as a payment for damage incurred (rather than being in the “Improvements” section of the accounting system.) This would make the paper trail easier to follow/find.

\*Bills: Meridian Survey, Inc. bill just received – Mark approved it to be paid, as what was contracted.

\*Clarification of other budget/expense

\*Snow removal: Bill of \$360 for December snow removal from sidewalk that runs from Hoover St to the greenbelt. We have an agreement with the county for this sidewalk due to that sidewalk belonging to the HOA and it is HOA responsibility. Dan said that he can try to get other bids and see if it can be done more

## APPROVED COPY, February 6, 2008

cheaply. Karen asked that the sidewalk from S. Otis Way to the greenbelt be added to that snow removal plan. Dan noted that there is another sidewalk in Filing 3 that should be done as well.

ACTION: This needs to be budgeted and discussed further later.

Grounds Maintenance: Dan Dowell

No report

### **OLD BUSINESS:**

#### **Newsletter:**

Marcel stated that at the October meeting there were several members of the Board who reacted to the following statement which was printed above Jackie Mathewson's ad on page 3 of the September *Dutch Creek Newsletter*: "\*\*\*The 2007 Dutch Creek Newsletter and Directory are compliments of resident, Jackie Mathewson, with approval of the Dutch Creek HOA Board of Directors. Presentation and layout completed by Eileen Parker." This issue was tabled until now because Eileen was unable to attend either the October or the November Board meetings.

Eileen Parker stated that Jackie Mathewson had chosen not to attend the meeting. Jackie had made the offer to the Board to produce this newsletter and the Directory as a service to the community and use her marketing money as a realtor to do so.

Eileen's arguments which were given to show that the newsletter has had the approval of the Board and should be continued (**See Attachment #2**):

1) Motion of acceptance of Jackie's proposal – Board approved Minutes of BOD Meeting, November 28, 2005: "Motion by Debbie Swoboda, seconded by Peige Visser: "to give Board approval for Jackie to go ahead with her plan to publish and mail newsletter and Directory; the specifics of the content would be up to Jackie and the Board will help by letting her know of information that needs to be included or as she needs help getting information. The motion passed."

2) In addition, the Minutes of the June 2008 BOD Meeting, pg 1, Paragraph 8 stated: "... Marcel wanted to be sure that the newsletter was being approved by the Board as it carries the 'Dutch Creek HOA' logo and title. Eileen and Lou reinforced that the agreement is that the Board has input but not editing power. Eileen will continue to run it by the President before it goes to print, as has been the past practice. ... No one else volunteered an opinion."

3) Eileen noted that Jackie had to buy the printer's plate from the printer (Maverik Press) to have the newsletter header, "Dutch Creek Newsletter" made with the tulip (as it appears on the treasurer's letterhead.) It is not a patented or trademarked or copyrighted logo.

4) The two sentences above Jackie's ad on page 3 of the September '07 newsletter to which Marcel spoke also appeared in the following newsletters: Jan. '06, April '06, and Feb. '07. Eileen had inadvertently left them off the following issues: July '06, Nov. '06 and May '07. No one ever objected to these before. The sentence which Marcel read (written above in this section, paragraph 1) is grammatically and semantically correct – it doesn't state that the contents are approved by the Board.

5) Marcel stated at the October meeting that he had asked to preview the newsletters but had only got this past issue (September '07) the day before it was delivered (tape recording of the October Board meeting). Eileen was told by Marcel that he didn't want to preview it or write anything for it but would appreciate getting the newsletter before they were delivered so that he could speak more knowledgeably if any homeowner called him about any particular article in the newsletter. *After the Oct. BOD meeting*, Marcel told Eileen that he didn't want to author any article or preview them as that would give more credence to the newsletter's being "official."

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6) Marcel, Oct. Board meeting, objects to Eileen, a member of the Board, being the editor of this “unofficial” newsletter. Eileen: There is nothing in our Documents, Policies/Procedures that precludes anyone from writing/producing a newsletter of the Dutch Creek HOA. Nor is there any “conflict of interest” in a Board member being the editor of such, in her opinion. Besides, the newsletter is titled, “Dutch Creek Newsletter”.

7) Other issues were brought up at the October BOD meeting, which were on the tape but not in the Minutes of the October BOD meeting, which Eileen also addressed; but is choosing not to put into this document. (See \*Attachment 2 – pages Eileen handed out containing her arguments and back up data.)

8) There has been nothing in the newsletters that isn’t fact or written as opinion. AND the article which received the most objections from members at the October meeting was practically verbatim as written in the Minutes of the Sept. BOD meeting

Marcel counter argued that Eileen’s perception of past conversations, etc. are not the same as his perception. It is his opinion that nothing should be in the newsletter from any Minutes of any meeting until they have been approved by the Board. There appeared to be agreement from others present. Rich Hagan spoke up; too, that he believed Eileen’s editing of some articles showed her bias and didn’t just present facts. Karen Melfi stated that she also believed that some articles were too controversial and/or emphasis had been given on particular statements and weren’t warranted, in her opinion. She would also like to see more “fluff” rather than what has been included.

MOTION by Karen Melfi and seconded by Debbie Swoboda: The Board requests that a disclaimer be added to any future newsletters which states the following: “The contents of the Dutch Creek Newsletter have not been approved by nor do they reflect the views or opinions of the Board of Directors of the Dutch Creek Village Homeowners & Recreational Association.” The motion passed.

### **Budget Planning:**

Greenbelts/Landscaping: Dan Dowell - **Attachment #3** showing an approximate total of \$18000 for expenses and \$4000 for improvement project at entryway at Caley

Tennis Courts: Karen Melfi – **Attachment #4;** options for several ways to deal with tennis courts – a decision that must be made before any budgeting can be done

Treasurer: Chris Pillow – **Attachment #5** for a total of \$9,000 plus \$24000 in loan payments

Pool: Debbie Swoboda – nothing in writing yet; will e-mail to other Directors ASAP

ACC: Mark Hannum – **Attachment #6** for a total of about \$225 just for administrative needs of ACC;

Also, paper showed approximate costs of various options on perimeter fence along Pierce and repair of stone pillars, add caps not included in the \$225

Secretary: Eileen Parker – none tonight as waited to see disposition of newsletter as now funded by Jackie Mathewson; will e-mail to other Directors ASAP

### **Website Program:** Lucius (Lou) Day

Lou sent us all an email earlier expressing his opinion that we don’t need to tie up the domain name with a multi-year registration for several reason. No one objected and his recommendation was accepted.

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**Community Fencing Program:**

Marcel contacted HindmanSanchez for advice on an approach to resolving the issues associated with maintaining the perimeter fence. The advice to Marcel was for the HOA to research the original plats for information regarding the perimeter fences. Directions regarding the fence noted on the ODP's or other builder recorded documents would be enforceable by the HOA at the same level as the By Laws and Covenants. He spent time researching the County records and found no notations as to who was responsible for perimeter fence repair and/or maintenance. Michele of HindmanSanchez stated that in their experience a sharing of repair or replacement responsibilities with the homeowners had poor results. She outlined it would be preferable to have the HOA take over the perimeter fence (build and maintenance) in order to achieve a consistent look and state of repair. It was suggested that the Board of Directors consider an amendment to the HOA documents providing the HOA the authority to maintain the fence. (See attached Email from Michele Krech – **Attachment #7**)

Lucius Day suggested that in order to avoid the high attorney cost of an amendment, the Board may want to consider installing a new fence on the HOA property. Moving the fence would resolving the property line issues, the extensive work, time commitment and cost involved with a amendment to the HOA documents. There was a lot of agreement that this might be a solution.

**ACTION:** Mark will check the county requirements for fence height restrictions. Marcel will get with Lou to research the Amendment to the Declarations. Further discussions will be added to upcoming agendas.

**Pool lights left on:** Debbie Swoboda

They've not been on when Debbie has checked – not under the cover either. She will check again this week to be sure.

**Yearly Financial Audit:** Marcel Savoie

He's checked with several auditors who work with HOAs. None would give him a more exact estimate without additional documents from the Finance officer. The estimates are between \$1200 and \$1600 for an audit of the most recent year (2006-07). Marcel will get the needed documentation from Chris for the estimate. Chris recommended that we not wait if this has to be done because these firms were probably willing to work with us in December and maybe even now – but if we wait much longer they either won't be available and/or the cost will go up because it is tax preparation time soon.

**MOTION:** Swoboda moved and it was seconded by Melfi – After Marcel and Chris get the documentation and the estimates from the three firms with whom Marcel has been in contact, then they are authorized to choose one to do the audit and get it done ASAP. Motion passed.

**Improvements Plan:** tabled for another meeting

**Parking Proposal:** Mark will email to everyone

**Water metering:** Dan Dowell hasn't got the information yet; tabled at this time.

**Insurance Policy Coverage Review:**

The policy lapses or renews in July. Chris Pillow recommended that we either Marcel or he or a small group meet with the agent to discuss this – that having the agent come to a Board meeting would be a waste of time. Tabled

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**NEW BUSINESS**

**Next Board meeting:** Scheduled for Feb. 12<sup>th</sup>; but Eileen is having surgery on Feb. 8<sup>th</sup> and has requested a meeting for the first week of Feb. instead. Only Tues. night, Feb. 5<sup>th</sup> held a conflict for Chris. ACTION: Marcel will try to get this meeting room for Wed, Feb. 6<sup>th</sup>, then and will let everyone know.

**Volunteer Pool Supervision Program: tabled till later in spring**

**Defined Pool Maintenance Areas of Responsibilities for Debbie and Dan:**

The two of them will sit down and work this out.

**Police/Fire Rescue Access to Pool: ACTION:** Lou will contact the proper authorities and find out what they want/need. Mark has access to the “Knox-box” and can provide it at cost.

**Yearly Membership Meeting Location and Date:**

ACTION: Eileen will call the Columbine Library to find out what is needed to schedule and try to narrow down the available dates for mid-late April or early May.

**Colorado Real Estate Requirements Regarding Property Sales and HOAs:** Marcel will work with Lou on this.

The meeting was adjourned.

Respectfully submitted,

Eileen P Parker  
Secretary

**Attachments:**

1. Treasurer's report
2. Newsletter Issue – Eileen's documentation for her “impassioned plea/diatribes” ☺
3. Budget/Landscaping budget proposal
4. Tennis Court Expenses (options)
5. Budget for Treasurer Proposal
6. ACC/CCC Budget proposal
7. E-mail letter from Hindman Sanchez, Michelle Kreck, (re: perimeter fences)
8. Sign-In Attendance sheet