

**Minutes of Regular Board of Directors Meeting
Dutch Creek Village Homeowners and Recreational Association
February 6, 2008**

ACTION/MOTION RECORD

1. ACTION: Marcel will contact Kathy Aarnio regarding concerns of Filing 3 HOA Board which were in emailed letter to Master Board of Directors and read by Marcel to the Board.
2. MOTION: Minutes of January 8th Regular BOD Meeting, approved as corrected.
Correction:
 - *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.”
3. ACTION: A DCVH & RA Directory as may be published by homeowner Jackie Mathewson should only use information as given to her by the homeowner or as in the past Directory or as can be gained by publicly accessible information.
4. ACTION: Marcel requests each Director to use Attachments #4 and #5, Budget Planning, and expense projections for his/her area of responsibility for next fiscal year and prepare for the budget discussion at the March meeting.
5. Tabled discussion of Emergency access to Pool area.
6. CONTINUED DISCUSSION: Perimeter fences in Filing 1 were discussed but discussion will continue in March. ACTION: Marcel will get cost estimate from Hindman/Sanchez for doing the Amendment to the Documents regarding perimeter fences.
7. ACTION: Choice of auditor for past year’s finances will be made this week by Savoie and Pillow.
8. MOTION: Mark Hannum moved the retainer contract with the law firm of Hindman Sanchez be renewed for another year at the specified amount of \$160/month. The normal fee for collection agreement will also be renewed. Dan Dowell seconded the motion. Motion passed unanimously.
9. ACTION: Mark Hannum will send, to Directors, forms for Application for Change and Violation complaint forms with additional suggestions such as time-lines.
10. ACTION: Directors should take home, study, be prepared to discuss in March: **Attachment #10** a,b,c,d – Proposal for rules/regulations additions or modifications regarding: vehicle parking (2, slightly differing), trash receptacles, basketball backboards

Minutes of Regular Board of Directors Meeting

Marcel Savoie, President, called the meeting to order at 6:33 PM.

Directors in Attendance: Dan Dowell, Mark Hannum, Eileen Parker, Chris Pillow, and Marcel Savoie.

Committee Chairman in attendance: Lucius Day, webmaster/pool gate security system

Homeowners Attending: Frank McKinney and Dale Cloud

Homeowners' Forum:

1) Mr. McKinney and Mr. Cloud attended to discuss the perimeter fence issue.

2) Marcel shared an email letter which Director, Karen Melfi, had received from Kathy Aarnio, VP of Filing 3 HOA

*5 items of concerns - want to know what level of cooperation they can expect from us regarding the following: perimeter fence update, dues in arrears (e.g. Garcia) & handling of violations of such and whether or not to join forces for collection & asked for permission to contact the Master Association lawyers (Marcel said they are able to retain any law firm they wish); whether or not pool access is restricted when a homeowners' dues are in arrears; and concern over non-member's past use of the pool (Brandon Pham, 6631 S Otis Way - of which no one remembers receiving notice on this before now) and yes, our BOD are aware of the homes in Filing 3 which do not belong to the Master Association.

* Marcel will contact her and discuss these issues with her.

Directors & Committee Reports:

Secretary: Eileen Parker

*Minutes of the January 8th, 2008 Meeting, having been e-mailed to all Directors and committee chairmen previous to this meeting, were approved as corrected (see below.) Motion made by Dan Dowell, 2nd by Chris Pillow. Motion passed, unanimously, to accept the Minutes with the following correction:

Correction to Minutes of January 8, 2008 BOD meeting:

*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."

[*mark@funkdevelopment.com](mailto:mark@funkdevelopment.com) – change Mark's e-mail address to use this instead of the other one in use

*Addition to Agenda – in discussion of ACC committee - Eileen would like to see someone else put in charge, as the chair, of the ACC committee.

Vice President: Karen Melfi – ill, no tennis court report

Architectural Control Committee: Mark Hannum

*Prepared to discuss the perimeter fence

*Prepared to discuss the forms for ACC committee use

*Prepared to discuss 4 separate items for rules/regulations

Treasurer: Chris Pillow

- *Profit/Loss Budget vs. Actual, April 1, 2007- February 6, 2008, **Attachment #1** pages 1 & 2
- *Balance Sheet as of Feb. 6th, 2008, **Attachment #1**, pages 3 & 4
- *Not much activity; but have received \$2600 of past dues from Casteel
- *\$6500 (\$6477 + interest) shows in “Other Income Expense – Casualty Loss” – money received for the accident where the fence was damaged in October and will be used to repair it when weather is nicer.
- *\$39,000 in cash (including the \$6477 for fence repair)
- *Ron Amani is the only large outstanding dues account – and he is in foreclosure; Hindman/Sanchez has this account for collection.
- *statements have been mailed to everyone who has a balance due; not anticipating any payments
- *only snow removal expense anticipated before end of this fiscal year

Grounds/Landscaping: Dan Dowell

- *Pretty inactive - only work going on right now is snow removal from sidewalk by pool area.

Pool: Debra Swoboda - absent, no report sent

Facilities Improvement: Rich Hagan – absent, no report sent

Webmaster & “Gate Keeper”: Lucius Day

- *Website – having trouble with the mass e-mailings, will continue to work it out

OLD BUSINESS

- *Marcel: **Newsletter, produced by Jackie Mathewson & Eileen Parker** – February issue came out with the disclaimer as decided at this January meeting
- ***Directory, produced by Jackie Mathewson** – will probably be revised and issued by late spring; Marcel reiterated that only forms and data as returned by homeowners or public access information should be used in a Directory put out by Jackie. Discussion ensued as to whether or not it is appropriate to use past Directory information such as Pool Rules, etc. That will be up to Jackie, then. Lucius Day is helping Jackie with this project.

2008-09 Budget Planning Marcel Savoie

- *Marcel thanked Chris for working with him to prepare this preliminary budget. It doesn't reflect any input from Debbie for the pool or from Eileen for the secretary & tennis court keys & pool gate cards (just submitted tonight.)
- * **Attachment #2** – “Reserve Studies for Community Associations – Information to help the Directors understand the concept and planning needed for reserve funds.”
Auditors who have been asked for bids on our audit have all stated that they will be looking for a “Reserve Funds Account”. This is money that should be earmarked for future liabilities such as replacing roofing on pool house and other association maintained components rather than applying a special assessment at a future time. They say a Board should be projecting the cost of future renovations (not capital improvements) and be collecting a percentage of these funds annually to be set-aside for future liabilities. Investing these funds can help meet future needs.
- * **Attachment #3** – “Profit & Loss Prev Year Comparison, April 2007- March 2008” - comparison is for 10 months of this fiscal year compared to 12 months of previous fiscal year

* **Attachment #4** – “Dutch Creek Village Recreation and Homeowners Association Budget Planning Worksheet”

*Discussion of the above handouts took place – questions and answers for clarification of purpose and meaning:

- Handout #3 - Increase in income this year (from previous year) is largely due to the increase in dues from \$360 to \$495 (\$6600 increase just from dues increase); and more people paying their dues this year than in the past.
- pg 1 of Handout #4 - Change Interest on Dues projection from \$1147 to \$0
- pg 1 of Handout #4 - Amount in savings will decrease because of paying back the loan for the improvements; change from \$1454 Interest on Saving projection to \$300, and may be less
- Need to tweak some of the numbers in this preliminary budget plan
- Yearly audit expense has been added in for this coming year
- Request of each Director to study this and look over his/her area of responsibility and make adjustments for future discussion
- Therefore, projected expenses of \$74,806 and income projection of \$87,300 - in the planning at this time; a difference of \$12,744
- Pgs 4 & 5 of Handout #45 show items this Board has discussed this year – a “Wish List” - of \$87,550
- Budget, from here on out, should reflect an account for Reserve funds

ACTION: Marcel requests each Director to “walk” his/her area of responsibility and study these handouts and his/her budget projections and get back to Marcel ASAP; and be prepared to resume this discussion at the next meeting.

Pool Access Code Update: Lucius Day

* **Attachment #5** – Emergency Pool Gate Access Briefing (Feb. 6, 2008)

Jeffco Sheriff Dept. maintains a “gate code” list in their Communication Unit that can be accessed by their deputies via their mobile data computers in their cars.

*Fire Dept. asks for a Knox Box which installed costs between \$500 and \$1000; but it is not required, and in his opinion the required location of Knox Box, in a prominent location with a placard, would invite vandalism of it. In all likelihood, in an emergency, there will be someone inside the pool area who can open the gate for the Fire Rescue Dept.

*Concern stated by Marcel is that the Fire Dept, in an emergency, might just go through the fence if we don't have the access they suggest

Decision not made – table for later discussion

Community Fence Program – perimeter/boundary fences

***Mark Hannum** – Are we ready to say that the HOA is going to take responsibility for the perimeter fences?

***Frank McKinney**

*Cited an article related to HOAs and perimeter fences which are the responsibility of the HOA due to Architectural Control of the HOA via the Covenants.

Savoie - Our HOA attorneys, Hindman Sanchez, recommend that we amend our Declaration to address ownership of the perimeter/boundary fences because this is not currently addressed in our Documents. This could be a lengthy and costly procedure. However, they do not recommend we enter into individual homeowner/HOA agreements either. One concern for replacing/repairing the

fence is that some of the fences are on owner's property, not common HOA property, and could be a problem if homeowner doesn't want the fence replaced/repared.

*Frank McKinney explained the information (**Attachment #6**, 5 pages) he & Dale Cloud have gathered with some options for repairing or replacing the current perimeter fences in Filing 1 which are about 30 yrs old.

*Probably cheapest and may be best received by homeowners who don't actually have the fence in their own backyards as well as to those who currently live in a yard with such a fence is to replace the fence with same type of materials as in place now; & is less expensive not to replace the stone columns.

*Page 5 of **Attachment #6**: Three companies' estimates based on linear feet, etc., numbers arrived at by Cloud and McKinney using information from the survey and other data. (Estimates from 1- Hanley 2- Split Rail and 3- Elcar)

*Costs of replacement figured in phases and as a whole. Suggests starting with Filing 1 along Pierce in first phase as it appears to be in the worst condition and is all about a 30 yr old fence. Sections figured as the area between stone columns.

*Fence is figured with fence along Coal Mine Ave as being 1/3 of the total linear feet.

***ACTION**: Marcel said that he would get a cost estimate from the lawyers for doing the Amendment to the Documents. Eileen questioned why Hindman/Sanchez would have to be involved – Marcel's answer is that they would do all the legally binding language and terminology that works. Lucius Day suggested that they might be able to give us an outline for doing it ourselves.

*Marcel thanked Frank and Dale for their help and hard work on this issue before they left the meeting.

*No decision – continue discussion next month

Yearly Financial Audit

Marcel is awaiting the third bid and proposal for the audit, agreed upon at the January 8th, 2008 Board meeting. He expects to make a decision on which auditor by the end of the week. Bids to date are \$1100 - \$1600.

CIDC – Common Interest Community Disclosure/Documents, Seller's Responsibilities (Attachment #7)

- Savoie

For clarification of what is required by law (CO Real Estate Law) for an HOA's Board to make available or provide to a potential buyer – usually via the title company or the broker and often accessed from the HOA website. Lou is working on the website to make sure that the required documents are there.

Renewal of Hindman/Sanchez law firm

Currently using the retainer model with only certain representative authorized to contact them; any other person doing so is an additional fee, etc., (specified services/fees.)

MOTION: Mark Hannum moved that we renew the retainer contract agreement with the law firm of Hindman Sanchez for another year at the specified amount of \$160/month. The normal fee for collection agreement will also be renewed. Dan Dowell seconded the motion. Motion passed unanimously. Marcel has the document with the services to be in this contract.

Architectural Control Committee

* Savoie – Possible new law that has serious implications for us:

On Friday, January 25, 2008, House Bill [08-1135](#), sponsored by Representative Morgan Carroll, passed the Colorado House of Representative by a vote of 61-1. The legislation: (1) references the Federal Fair Housing Act in the Colorado Common Interest Ownership Act; (2) Prevents homeowners associations from levying fines for a covenant or rule violation unless an association has adopted a policy governing the imposition of

finer and a right to a hearing before an "impartial decision maker" is afforded before a fine is levied; and (3) Endorses and encourages the use of alternative dispute resolution to resolve association disputes. The bill has been sent to the Senate where it is expected to be passed. In the event HB 08-1135 is passed by the Senate and signed into law by Governor Ritter, the bill will go into effect on July 1, 2008.

* Eileen recommended that the Board replace Mark Hannum as chairman of the ACC committee because he has not been responsive to homeowners' requests for architectural change nor to her complaints of violation. She cited two homeowners, Brinkley and Sobetski, who said they received no response from Mark to their requests/applications. Mark stated that he had not received Lucius Day's mailed letter of Dec. 31st, 2007, with the Brinkley application (which they say they first submitted to Mark, mailed to his home, in fall of 2006.) In response to Eileen's written complaint of a covenant violation by two homeowners, which she gave to the Board at the January BOD meeting, he believes that this new HB 08-1135 may prohibit us from imposing fines for violations; therefore, he hasn't followed up on her written complaint. Mark said that he has every application he's ever received in his files.

Marcel encouraged us to continue working out these issues and go to him with written complaints from other homeowners or refer the homeowner to him instead of bringing it to the Board meetings. All ACC complaints or applications should be in writing, in his opinion.

*Marcel also suggested that written requests, etc. should all go to the HOA P O Box # instead of to Directors' homes perhaps. Eileen pointed out that more keys for access to the box might be needed, then.

No action was taken.

***Handout #8** (ACC-1; 5 pages) – Recommendation for Application for Change form and Application for Change Procedures, as designed by Eileen - using the HOA Declarations and Hindman Sanchez guidelines.

Handout #9 (ACC-2; 2 pages) – Recommendation for letter of violation from the ACC to a homeowner as designed by Marcel; Marcel believes this will need to be reviewed for compliance with additional legal requirements (i.e. HB08-1135.)

Discussion: Marcel, Lou, and Mark voiced concern for the "legalese" of the Acknowledgement (as recommended by Hindman Sanchez) and the forms, in general. Lou questioned why the adoption of such forms needs to be handled like the adoption of Policy/Procedures. Eileen, Marcel, and Mark stated that these are additional policies/procedures that go along with the forms in order to make this process more workable. For example, current policy and procedure resolutions do not cover such things like how the fines are to be collected, etc. Mark wants to see some additional time-line information added.

*More work is needed here and this will be addressed at future meetings. No action was taken on these handouts.

*Mark reiterated that this Board needs to decide what specific policy/procedure and which rules/covenants/control are going to be handled because he's getting mixed messages. Marcel added that he believes the direction given him, at past annual meetings when he was the ACC Director, was to move on the big issues and not handle the "minutia". Eileen voiced that the application for change under Architectural Control is more specific in our Documents and we need to, at least, act on applications for change and specific complaints and not go out looking for violations. Mark noted that we all are in the real estate world because we're homeowners and the value of our property is somewhat dependent upon the condition of other homes as well as our own. There are other neighborhoods which have stricter covenants and enforcement and the appearance of their neighborhoods is better. Therefore, they may be more desirable to potential buyers. But, the Board has to give direction to the ACC as to what is held to which standard.

*Lou voiced concern about getting so bogged down in some of the rules and details and following all the attorney's recommendations that the Board is paralyzed. Example: if they'd followed all the recommendations for contracts in the recently completed Facility improvement project, the project might never have been done.

ACTION: Directors should take home, study, be prepared to discuss in March: **Attachment #10** a,b,c,d – ACC Rules/Regulations proposals regarding: vehicle parking – 2 modifications, trash receptacles, basketball backboards

Announcement: Marcel said that Normandy Pool Association may contact Eileen to advertise in the newsletter as well as to let us know about a meeting room there. They are near completion of their improvements and will be open this season.

Meeting was adjourned at 9:00 PM

**Respectfully submitted,
Eileen P Parker
Secretary**