

**APPROVED COPY**  
**DUTCH CREEK VILLAGE HOMEOWNERS & RECREATIONAL ASSOCIATION**  
**MINUTES OF THE BOARD OF DIRECTORS MONTHLY MEETING**  
**February 10, 2009**

**ACTION / MOTION RECORD**

1. **MOTION:** Motion to approve Minutes for the January 2009 Board of Directors' meeting, as sent by email prior to this meeting, was made by Eileen Parker and seconded by Kathy Mohrbacher. Vote was unanimous to approve.
2. **ACTION:** Karen Melfi will get a copy of Filing III's Parking Policy to each Director ASAP or by the next meeting.
3. **ACTION:** Kathy Mohrbacher will contact our insurance broker about getting clarification of the D&O policy as related to volunteers such as a Pool Manager.
4. **ACTION:** A "For Emergency Use Only" phone may be installed prior to the pool opening, if it can be done for a reasonable fee. Kathy Mohrbacher will get a bid for this from Qwest. The existing phone will be cancelled, if not already done by Troy Brown.
5. **ACTION:** Attorney Retainer contract to be signed which will continue the Risk-Sharing structure as the HOA Board has contracted in the past. Consensus decision – no vote was taken.
6. **ACTION:** Following discussion which stated opinions that taking ownership of the Open Space has no up-side for the HOA, consensus decision was to reply negatively to the Commissioner's Deed.
7. **ACTION:** Kathy Mohrbacher will contact Vectra Bank about refinancing the loan. Mark Hannum will talk with 1<sup>st</sup> Bank of Colorado about refinancing and other loan options.
8. **ACTION:** Karen Melfi was authorized to work with Rich Hagan to get the repairs done on the fence at the pool/multi-purpose court and to repair the pool house roof. The cost should not exceed \$6000.
9. **MOTION:** Eileen Parker moved that \$5000 of the Cash on Hand be moved to a Reserve Fund account which is a separate money market account. Marcel Savoie seconded the motion. Passed unanimously
10. **MOTION:** Kathy Mohrbacher moved that 10% of the dues collected, beginning April 2009, be dedicated to the Reserve Fund for '09-10. Dan Dowell seconded the motion. Passed unanimously  
**Correction (3/10/09): Motion** should have read, "That 10% of the dues collected, beginning April 2009, be dedicated to the Reserve Fund for ~~'09-10~~ **annually.**"

MINUTES APPROVAL SIGN-OFF:

\_\_\_\_\_  
President (signature)

\_\_\_\_\_  
Secretary (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**APPROVED COPY**  
**DUTCH CREEK VILLAGE HOMEOWNERS & RECREATIONAL ASSOCIATION**  
**MINUTES OF THE BOARD OF DIRECTORS MONTHLY MEETING**  
**February 10, 2009**

The Directors of the Dutch Creek Village Homeowners and Recreational Association, a Colorado non-profit corporation, met to hold the regular board meeting in the coffee shop meeting room of the Church for All Nations at 6500 W Coal Mine Ave. at 6:30 PM on this date.

**Attendance:**

Directors: Marcel Savoie, Karen Melfi, Kathy Mohrbacher, Dan Dowell, Mark Hannum and Eileen Parker.  
(*Troy Brown was absent.*)

Committee Chairmen: Lou Day

Committee Members: Lyn Cole

Homeowners: none

The meeting was called to order at 6:34 PM by President, Marcel Savoie. The new agenda items were noted by Marcel. He handed out an article from Hindman Sanchez's newsletter, *Community Essentials* dated January 26, 2009, "Continued Belt Tightening in Associations May Lead to Increase in Volunteerism" and noted that the lawyers' recommendation is to get liability waivers from each volunteer.

**DIRECTOR REPORTS**

Secretary: Eileen Parker

\*The last copy of the January 2009 Board meeting minutes were sent by email this past Friday to everyone. Eileen had not received any additional corrections or additions. As no one offered any changes or corrections, Eileen made the motion to accept the Minutes of the January meeting as distributed by email. Kathy Mohrbacher seconded. Motion passed unanimously.

\*Resolution 009-09, "Policy and Procedure for Conduct of Financial Operations of the Association", as approved at the January meeting has been sent to everyone via email. Kathy Mohrbacher and Marcel Savoie answered that hard copies with the President's signature is requested for their notebooks. Eileen will make copies and get them to them.

ACC – Architectural Control Committee: Mark Hannum

\*Mark Hannum distributed copies of the ACC Monthly Activity Log bearing the date 02/10/2009 and discussed violations and applications/projects listed. Some discussion for purposes of clarification ensued.

\*Hannum then turned to the issue of vehicle parking which has been a topic of discussion at previous meetings. Karen Melfi will either bring the Parking Policy of Filing III to the next meeting or send it by email to each Director. We will again, at a later time, address the parking issues.

Treasurer's Report: Kathy Mohrbacher

\*Distributed the financial reports for the Fiscal Year-to-Date April 2008 – January 2009 and discussed items of particular interest. The summary page of the Treasurer's Report included the following:

Loan from Vectra Bank = \$53,000

Cash on Hand = \$27,000

\*She still has concerns about the pool expenses being over the budget this past season. It seems that the utility bills were higher than in the past as was the water utility. We also had some expenses such as the boiler repair that had not been budgeted.

## **APPROVED COPY**

\*Four homeowner dues' accounts are in the collection process with Hindman Sanchez. There are 7 other delinquent accounts that Kathy is billing monthly and include interest charges.

### Vice President Report: Karen Melfi

\*Pool Manager – Kathy Mohrbacher will contact the Insurance Broker about the D&O coverage of our insurance (Traveler's, Taggart) in regard to coverage of volunteers who are not elected Directors nor Officers of the Association.

\*Marcel will talk with Troy Brown about his status on the Board. We need a resolution of his status.

\*Pay Phone at the Pool – Kathy will see that the phone service is discontinued ASAP. The insurance company assured her that a phone is not required at the pool. Lyn Day, who was a Pool Manager for many years, stated her belief that though the insurance doesn't require one and the law may not require one, it is considered "Best Practice" to have one available for emergencies. By consensus, the Board decided to give Kathy Mohrbacher authority to get a bid from Qwest for an emergency only phone installed at the pool prior to the opening of the pool.

\*Karen Melfi expressed, again, her opinion that we need to make the needed fence repairs this year for safety reasons as well as aesthetic reasons. This is the fence along the west side of the tennis court which goes between the pool area and the multi-purpose court and which has been "peeled" back by trespassers.

### Grounds Maintenance Report: Director Dowell

\*There hasn't been much need for snow removal.

## **COMMITTEE REPORTS:**

Webmaster: Lou Day – no report

## **OLD BUSINESS DISCUSSION**

### Attorney Retainer: Marcel Savoie

Risk-Shared Fee Structure (70/30 split) or Traditional Structure (per item fees) – Both Kathy Mohrbacher and Marcel stated their opinions that the Risk-Shared Structure is the better deal for our needs. Decision to sign this agreement was made by consensus – no vote taken.

Status Letter from Attorney regarding collections: Marcel and Kathy believe that the problem has been resolved and there is a new attorney handling the account. Kathy has received the latest report. See Treasurer's report.

Open Space Commissioner's Deed: Following discussion which stated opinions that taking ownership of the Open Space has no up-side for the HOA, consensus decision was to reply negatively to the offer of this deed.

### 2009-10 Budget:

\*Mark Hannum and Kathy Mohrbacher both checked into refinancing our loan at 1<sup>st</sup> Bank of Colorado and were told that we could get a lower interest rate than we currently have with Vectra Bank. Dan Dowell said that Vectra will probably match the rate to keep our business. Mark's contention is that it is common business practice to keep a line of credit open for improvements and he'd like us to consider that option, again. Dan Dowell is in agreement with Mark on this. Mark will work with Kathy to get more information from 1<sup>st</sup> Bank. Kathy will talk with Vectra Bank.

## APPROVED COPY

\*Though we didn't meet the projected income this year, we have some money left after expenses. After much discussion:

1) Karen Melfi was authorized to work with Rich Hagan to fix the fence at the multi-purpose court and pool area but not to spend more than \$6000. Rich has said, in the past, which he believes can be done for less. The roof of the pool will also be repaired in this approval of expenses. The shingles are there and Rich Hagan has said, in the past, that he knows who will do it for a very reasonable fee. Agreement was made by consensus.

2) Eileen Parker moved that \$5000 of the Cash on Hand be moved to a Reserve Fund account which is a separate money market account. Marcel Savoie seconded the motion. All Directors voted in favor.

3) Kathy Mohrbacher moved that 10% of the dues collected, beginning April 2009, be dedicated to the Reserve Fund for '09-10. Dan Dowell seconded the motion. Passed unanimously

### Boundary Fences:

Marcel Savoie summarized with: 1) No Documents give the HOA ownership of these boundary fences.

2) County Commissioner's Deed shows that the developer intended the fences to be on the property of the homeowners because this deed shows the previous ownership of the property, from the roadway to the boundary fences along S. Pierce Street, as property of Jefferson County; and then it was deeded to the HOA (under Arne Birkeness' Presidency.)

3) HOA Documents do not specify how these fences are to be maintained either.

4) Hindman Sanchez' opinion of past cases recommended our HOA take ownership by amendment to the Documents in order to keep the boundary fences looking like a common element and in good repair.

\*Lou Day expressed his opinion that we still need an opinion from Hindman Sanchez on fence law.

\*Eileen Parker stated her opinion that the meeting in September at which several homeowners came to discuss the first Boundary Fence Policy Proposal made fairly clear that most of those homeowners are willing to consider a policy of shared responsibility on the boundary fences. She doesn't believe that we have to go to the extreme of taking ownership of the boundary fences which would entail a lot more expense to the HOA in the long run.

\***FAILED MOTION:** Mark Hannum moved that the DCV HOA take responsibility for the repair and maintenance of the boundary fences and the stone columns of these fences, specifically those paralleling S. Peirce St. and W. Coal Mine Ave of Filing I & II. Motion failed for lack of a second.

\* **FAILED MOTION:** Dan Dowell moved that Mark Hannum and Rich Hagan, as representatives of the Board, work with the two - three worst fences along S. Pierce St. to make repairs. Motion failed for lack of a second.

Marcel observed that we are, again, at a stalemate on the Boundary Fence issue. Karen Melfi asked if we can go back to the business meetings conducted in two hours. Marcel agreed but it is difficult to do so.

The meeting adjourned at 9:07 PM

Respectfully submitted,  
Eileen P Parker