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**Annual Membership Meeting
Dutch Creek Homeowners' & Recreational Association**

April 18, 2015

Columbine HS, Vocal Music Room

Ed Ryer, President, called the Annual Membership meeting to order at 1:10 PM. He introduced the current Directors of the Board. Copies of the financial reports were available for pick up at the door. Attendance met Quorum requirement (19 or more residences represented in person or by Proxy.)

Attendance:

Directors: Denby Bruzas, Patt Clark, Dale Cloud, Dan Dowell, Donna LeNoble, Jason Rogers, and Ed Ryer

Other Homeowners: Renee Campbell, Matt Casey, Jack Clark, Eric Friesen, Dave Landes, Philip LeNoble, Ron Lewis, Barbara Martin, Frank & Pauline McKinney, Eileen Parker, Chris Pillow, John & Henrietta Petersen, Raina Powell, Gail Ryer

Homeowners Recognized by Proxy: Linda Flynn, Mike Hale, Philip Grimm, Polly Keeley, Jackie/Bob Mathewson, Gordon/Diane Pape, Heather Quereau, Kirk Samuelson

The current Directors of the Board were introduced by Ed Ryer. Also introduced to the attendees and recognized for contribution to the community were Frank McKinney and, later, Eileen Parker. Jim Bruzas, though absent, was acknowledged by Ed for his volunteering to learn the Grounds/Landscaping ropes from retiring Director, Dan Dowell.

Minutes of the 2013-14 Annual Meeting: The motion was made and seconded and passed unanimously to accept the minutes from last year's annual meeting as posted on the DCV HOA website.

Election of Directors:

*Two of the seven Director positions were up for election this year.

-Ed told everyone that he had expected Patt to take over as the President of the Board when his term ended this year; but that won't be happening.

-Dan Dowell has been the Grounds/Landscape manager now for 12+ years and is stepping down as an elected volunteer.

-Patt Clark's term, though not ended, was also open as she resigned effective with the election of Directors.

*The following have volunteered to serve as Directors and stand for election at this meeting: Ron Lewis, Raina Powell, and Mike Hale. Ron introduced himself as being a resident now for about 5 years, he and his wife, Alisa, live on W. Weaver Ave (Filing 1) and have 3 sons. He is a counselor at Chatfield HS and wants to volunteer because he recognizes that it is volunteers that will help keep our costs down and he doesn't want to see our dues and other expenses rise unnecessarily. He and his family spend a lot of time at the pool in the summer. Raina and her husband, Monty Hoffman, have lived in the home on the east end of the pool facility for over 25 years. They are both consulting geologists, raised their children here, and want to see DCV continue to be a great community. Ed Ryer told the group about Mike Hale who was absent due to Mike and his wife expecting their first baby this weekend. Hales are new residents having bought Virgil Tucker's home on S. Lamar Ct. in Filing 1. Mike is a contractor with experience in landscaping and tile work. He believes that he can be helpful in the area of the Grounds/Landscaping management.

*Ed asked for other nominations. No other nominations were made. It was noted that the Board will not have any Directors from Filings 2 or 3 unless someone else steps forward.

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* It was moved and seconded and passed unanimously by verbal vote, since it was an uncontested election, to accept Mike Hale, Ron Lewis, and Raina Powell as the new Directors to the Board. (NOTE: At the first meeting of the new Board, the Directors will determine which two newly elected Directors will take on the three year terms and which one will fill the remainder of Patt Clark's term.)

*Ed told everyone that the election of the officers of the Board will take place at the next meeting of the Board which will take place as soon as a date and time can be determined by the members of the Board.

Update on the exploration of the merger of the Master Association and Filing 3

SubAssociation:

Ed stated that there has been an exploratory committee looking into the possibility of merging the two Associations. As in the past when the Board of Directors talked about how to simplify and possibly streamline the community management by merging the Boards, there are three major issue that have been difficult to resolve:

- 1) The underdrain (sub-surface drain system) that is a part of the Filing 3 Association's contract with Jefferson County. The question remains of the liability for this drain, costs of upkeep, etc.
- 2) Ownership and maintenance of the perimeter fence in Filing 3 is undertaken by their HOA; in Filing 1 & 2, the HOA maintains only the stone columns and the resident is required to maintain the pickets and other posts. Filing 3's dues also cover weekly trash hauling; the Master Assoc. dues do not.
The covenants of Filing 3 are different from the Master's in many ways.
- 3) There are 8 homeowners in Filing 3 who have not been considered to be a part of the Master Association but are members of the Filing 3 Association. They do not pay the dues of the Master Association like the rest of Filing 3 does. These 8 homes/residents are not given keys/pool cards and should not be using the pool. However, they do get the benefit of the landscape/greens maintenance that the other residents' enjoy.

Jack Clark and others of the Filing 3 Board of Directors have done considerable research and fact finding regarding the underground drain issue. They have learned a lot since the merger talks first began about 6 years ago. Though more answers have been obtained, there are still questions.

Filing 3 Association has been reserving funds from their dues to replace the perimeter fence that was put in by the developers. Meanwhile they have taken measures to maintain it and improve its appearance.

The two Associations had lawyer, Kim Porter, look into the issue of the 8 homes to determine what was needed to get them into the Master Association if a merger took place. It is her opinion that the filed legal documents never excluded that area from the Master. Frank McKinney's research has lead him to believe that they were legally excluded.

There are still questions that need to be answered.

Discussion took place later in the meeting.

Financial Report – Dale Cloud

*The Financial Review of the treasurer's accounting from 2013-14 is posted on the website

*The Balance Sheet as of March 31, 2015 and the Profit/Loss statement for the past year are posted on the website. -Dale spoke to a few specifics such as the loan from Vectra Bank which was taken out in 2011 for the improvements made to the west side of the Recreational facility and court improvements was paid off in February of this year. This saved the HOA about \$1900 in interest.

-31 homeowners, as of April 17th, still owed dues for this fiscal year which began April 1st.

*Only one homeowner did not pay dues last year. This house has been in foreclosure and is empty.

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*The Board of Directors has approved the Budget for 2015-16 with a few changes from the previous year, based on expected increases in water and power rates, etc., as well as service provider contracts. The budget handout was available to the attendees.

*Dale noted that there is \$6400 allotted in the legal fees this year; but \$5400 of that is what our lawyer has quoted as the cost of the “Restatement of Covenants...” Document(s) as would be needed IF the homeowners decided to go forward with a merger of the governing associations.

*Chris Pillow, former HOA Director of the Board and the treasurer for about 25 years of that, stated to all that the Board members have undertaken the improvements of these past several years and the Association is debt free – no small task!

DIRECTOR REPORTS:

Grounds & Landscaping: Dan Dowell

*Dan told everyone that he is teaching Jim Bruzas about the Grounds/Landscaping management as he has done it these past 12+ years. Dan does not want to spend less time so chose not to continue on the Board but he doesn't want to see the community deteriorate. Jim has volunteered to learn from Dan and Dan highly recommended that the Board continue with the vendors he has in place, use resident volunteers when possible, and try to maintain the current quality status of our facilities and grounds.

Dan Dowell was thanked for his 12+ years of volunteering and service to Dutch Creek as the Grounds/Landscape manager.

*Patt also was thanked for her work and knowledge with the Grounds/Landscaping and the improvements to the Pool bathrooms.

Pool: Denby Bruzas

*Pool will open at 6 AM the Saturday of Memorial Day weekend again this year.

*Concrete repair, caulking and sealing has been done around the baby pool – with a blue color which is very attractive.

*She will be ordering 8-10 lounge chairs for use at the pool.

*Frank McKinney's data showed that there were 1710 entries at the pool last summer.

*Frank also was able to make repairs to some posts that were bent on the west side of the pool (gate area) this winter – at no cost to the HOA.

Architectural Control: Donna LeNoble

*Only 2 problems currently being “worked on.”

*Applications for new roofs, paint, etc. are picking up. Please spread the word to your neighbors that any outside work that changes the roof, paint, fences, etc. should be cleared first via the ACC committee.

Website and Tennis Court: Jason Rogers

*Due to Ed Ryer's excellent computer security system, an issue was discovered with our website. Jason was able to repair and secure the site.

*\$4500 has been budgeted for court repair this year. The work is scheduled to begin the 2nd week of May. The Board did not undertake annual maintenance last year due to a dispute with the contractor who had surfaced the tennis court when the improvements were made in Phase 2 in 2011-13.

*The question came up about more permanent fixes to the courts' concrete/asphalt repair issues. Jason stated that the fix is post-tension concrete and the bids are from \$35K-\$60K per court. The surface would still need to be replaced about every 10 years (+/- 5 years or so.)

*Youth tennis lessons are a possibility again this year. He will check for a teacher. There wasn't enough interest last year and the lessons were cancelled.

*The tennis court is lined – marked with lines that are further forward for youngsters – or for pickle ball play.

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*John Peterson questioned that the courts are even used enough to justify consideration of expensive replacement or even repairs. Some residents noted that the courts are used and having them is an asset to the community and to home values.

HOMEOWNERS' FORUM:

***Merger of the 2 Associations:**

-Chris Pillow shared that he was on the Board when Filing 3 was being developed and shared the reasons behind there being two associations. The primary reason he recalled was Jefferson County's requirement for the Underdrain for subsurface water. Having two associations put the liability for maintenance, etc. on the residents/HOA of Filing 3 and not on the previous two filings' (1 & 2) homeowners. Chris believes that there is little to no advantage to the Master Association or, specifically, the homeowners of Filing 1 & 2, to merge the Associations into one. If we need the 8 homes to help pay expenses of the Grounds/Landscaping of community space and the Recreational Facility, we could seek to annex those 8 houses without a merger.

-Jack Clark gave the findings of the research he and other Directors of Filing 3 have done on the underdrain (sub-surface drain system) and the costs of the maintenance. He also stated that governments have been requiring these underdrains in newer communities; there have been many lawsuits that have ended with local governments having to take ownership of the underdrains for various reasons. Jefferson County required this of the Filing 3 developers but didn't inspect to make sure that the houses were hooked into it – and none are. Only 8 homes even have the potential for connection. 6 or 8 of these may be connected to this drain. It is a gravity flow drain not pressurized. All of the houses in Filing 3 (as with most new development in our area) have sub pits and 60% of Filing 3 houses have sub-pumps. All Filing 3 homes have French drains. The underdrain had a blockage that was easily unblocked with flushing the line; it drains into Dutch Creek via a pipe just south of the creek near the sidewalk that runs from Otis to the Open Space along the creek. Jeffco was asked if they would “abandon” the underdrain and the answer was “no.”

-Eileen Parker &/or Ed Ryer explained that the reasons that she and others formed the committee to look into this were:

- * Less confusion -- having two associations. Most new residents to Filing 3 are surprised to find out there are two association and two dues' requirements; most of the delinquencies in dues' payments have come from Filing 3 residents who pay Filing 3 dues of \$350/year - which does cover weekly trash pick-up – and \$495 Master Association dues. The 8 homes that do not belong to the Master do not pay the \$495 & yes some of them do use the pool by using other people's pool cards or by going with other residents. As noted by one resident in attendance, this information should have been conveyed by the realtor.

- *Streamlining of governing boards – one instead of having two volunteer boards; and maybe not beg for replacement Directors

- *Probable savings in costs for insurance, accounting, and legal (as not duplicating processes)

- * Potential for a stronger community – more cohesiveness with covenants (if that is the direction desired); all dues paid residents legally could use the Recreational Facilities – there is currently resentment of those 8 homes that do not pay master association dues but use the facilities or benefit from the quality Greens/Landscaping/Recreational Facility, etc.

-Chris Pillow made a motion to conduct a straw poll of attendees to direct the Board of Directors not to pursue merger talks any further. Motion died for lack of a second.

-Ed invited residents to attend the Board meetings; let their opinions be heard. BUT the Board will not be making a decision on a merger without a vote of the homeowners.

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Adjournment: Ed thanked everyone for attending. Meeting adjourned at 2:40 PM

Eileen P. Parker
Secretary of DCV HOA & Recreational Association
2014-15