

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: January 15, 2008  
PUBICATION DATE: January 27, 2008  
SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- ✓ Harvey Lang, Vice-President
- ✓ Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance

## Agenda for January 15<sup>th</sup> Meeting

- Call to Order and Attendance
- Approve Previous Meeting Minutes (December 11<sup>th</sup> Meeting)
- Reports of Board Members
- Unfinished Business
  1. 2008/2009 Landscape/Snow Management Contract, Bid and Award
  2. Spring Planting Event
  3. Fence Painting Program
  4. Web Site Development
- New Business
  1. Review CCIOA Documents/Drafts from attorney.
  2. Review/Set BOD Goals for 2008
  3. CC&R Enforcement
  4. Member Comments
- Next Board Meeting
- Adjournment

## Call to Order

- The meeting was called to order at 7:05 PM at the home of Dave Sanders.

## Approve Previous Meeting Minutes

- Harvey said that his email address and cell phone number were incorrect. The correct information was listed in the approved minutes, but not in the draft minutes. Bill will make sure that future approved meeting minutes are sent out with "APPROVED" in the title, and he will make sure Harvey's updated contact information is listed in the next newsletter.

## Reports of Board Members

1. Dave Sanders, President
  - Dave reviewed the agenda and briefly discussed some goals for 2008.
  - **Action:** Dave will send detailed 2008 goals for review so they can be approved at the next meeting.
2. Gary Abbuhl, Treasurer
  - 2007 tax forms are completed.
  - A final budget report has been issued. Gary sent the information in PDF format to BOD members.
  - Gary suggested that the BOD set a target amount for the reserve fund and review it every 5 years.
3. Harvey Lang, Vice President
  - Harvey walked the neighborhood and commented on some areas needing attention. He also discussed some damage to the landscaping that apparently occurred during snow removal.

- A clean up along 17<sup>th</sup> Ave. is needed. This could be a neighborhood activity in the spring.
- **Action:** Harvey will send written report for review so landscaping priorities can be discussed at the next meeting.

### Unfinished Business

1. Landscape Contract Review
  - Of the 3 bids received, Ward's is not the lowest for regular care. However, considering Time and Material items (repairs, pest and disease treatment, snow removal, etc), Ward's bid provides the best overall cost to the HOA.
  - Harvey recommended that we move to a 3-year cycle for aeration since we have grass clippings removed. This will be removed from the contract, but Harvey will try to lock-in the aeration price in case we decide we need aeration.
  - **Action:** Dave and Harvey will meet with Ward's for a final review and award of the contract. The review will include another discussion of fixed snow removal (instead of per-instance).
2. Spring Planting Event
  - Harvey contacted Jordan's, a high-end wholesaler. He will try to get the HOA good quality plants for less than retail price.
  - A proposal to reduce planting costs by planting perennials (such as Juniper or Barberry) in a few beds was discussed. Details of irrigation adjustments will be discussed with Ward's.
  - The BOA agreed to budget \$1500 for spring planting.
  - Longer term, the HOA should consider replacing some beds with xeriscape to help reduce water and maintenance costs. Bill suggested this might be a good project to submit for the Community Neighborhood Resource (CNR) association's grant program.
3. Fence Painting Program
  - Some damage to the fence appears to be caused by the mower at the apartment complex. It was discussed that we should approach them to discuss this with their mowing firm, and see also if they will help with some of the repair costs. However, this action item was not specifically assigned to a BOD member.
  - Most of the fence painting needs are along the bottom where mower and weed trimming damage is evident. But paint is also peeling along the top of the fence especially on south-facing spans.
  - **Action:** Harvey will get bids for the fence painting in sections: Along 17<sup>th</sup> Ave, Abutting the apartments, and the Back (NW) section.
4. Web Site Development
  - Bob Lee reported via email that the CNR may help with Web site development and hosting.
  - **Action:** Bill and Bob will discuss this at the CNR meeting on Thursday, Jan 17<sup>th</sup> and report.

### New Business

1. Review CCIOA Draft Documents from the HOA attorney.
  - The state CCIOA act was reviewed. Specific changes after the HOA was formed in 1999 relate mostly to governance practices.
  - The documents and questions from the attorney were reviewed. (HOA dues are due by Feb 28<sup>th</sup>, need to confirm late fees). Suggested by-law amendments were also reviewed.
  - HOA Documents, Meeting Agendas and Minutes must be made available to interested persons within a "reasonable" amount of time ("reasonable" meaning within 5 business days of such request).
  - Key processes, such as CC&R Enforcement, must be documented. Existing processes will need to be reviewed for CCIOA compliance, and then updates provided to the HOA.
  - Gary suggested 6 key work streams: Governance Committee Organization, CC&R/By-Law Revisions, Enforcement Process and Schedule of Sanctions, Disclosure Requirements, "Survival Guide" for board members, and Adoption of Changes. The first two are the short-term priority.
  - **Action:** Gary will fill in the missing details for the suggested by-law changes and assign actions to move forward.
2. Review and Set BOD Goals for 2008.
  - Dave discussed the main focus areas: Governance Updates, CC&R Enforcement Updates, Fence Maintenance, Reserve Fund policy. See action item in President's report above.
3. CC&R Enforcement

- The BOD agreed to continue to follow existing procedures for notifying homeowners of violations, and rely on homeowner good will and cooperation until new enforcement processes are approved.
4. Member Comments – no HOA members were present to be heard.

**Next Meeting(s)**

1. The next Board Of Directors meeting will be Tues, Feb. 19<sup>th</sup> at 7:00 PM, at Dave Sanders' home.
2. **Action:** Bill and Gary will post the meeting notice in a conspicuous place before the next BOD meeting.

**Adjournment**

1. The meeting was adjourned at 8:31 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: February 19, 2008  
PUBICATION DATE: February 24, 2008  
SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- ✓ Harvey Lang, Vice-President
- ✓ Gary Abbuhl, Treasurer (via proxy)
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance (via proxy)

## Agenda for February 19<sup>th</sup> Meeting

- Call to Order and Attendance
- Approve Previous Meeting Minutes (January 15<sup>th</sup> Meeting)
- Review/Set BOD Goals for 2008
- Unfinished Business
  1. 2008/2009 Landscape/Snow Management Contract Update
  2. Spring Planting Event
  3. Fence Painting Program
  4. Web Site Development
- New Business
  1. Non-conformance issues.
  2. January Community Neighborhood Resources (CNR) Meeting - Update
- Next Board Meeting
- Adjournment

## Call to Order

- The meeting was called to order at 7:08 PM at the home of Dave Sanders.

## Approve Previous Meeting Minutes

- The January 15<sup>th</sup> meeting minutes were approved with a correction to an incomplete sentence.

## Review/Set BOD Goals for 2008

1. BOD goals were reviewed and approved. The goals are:
  - 2008 budget performance and management.
  - Conformance with CCIOA legislation updates of 2006
    1. Harvey said Kathy Lang is available to help Gary M with scheduling committee meetings.
    2. **Action:** Harvey and/or Gary M will send committee members the CCIOA documents and the materials provided by the HOA attorney.
    3. We need target dates for completing the key milestones of this project.
  - 2008/2009 Landscape Contract review and approval
  - Landscape utility management (especially water usage)
  - Fence painting project
  - Prepare 2009 Budget
  - HOA General Membership meetings in Summer and in December
  - Participation in the Longmont Neighborhood Group Leaders Association
  - Development of a HOA website (especially for CCIOA compliance)

### Unfinished Business

1. Landscape Contract Review
  - The BOD agreed to award the contract to Wards, which provided the best total cost to the HOA.
  - The BOD would like to request fixed-cost snow removal. \$800 per year will be proposed to Wards.
  - **Action:** Dave and Harvey will meet with Ward's for a final review and award of the contract. If Ward's will not accept a fixed snow removal cost, then the per-event (> 4") bid will remain in place.
2. Spring Planting Event
  - Harvey's company will provide plant cuttings. Jordan's will provide the plants at \$2.00 per pot.
  - **Action:** Harvey will bring the BOD a proposal for having the planting done for the HOA instead of asking homeowners do it.
  - **Action:** Harvey will also obtain bids for planting a few of the beds with perennials.
3. Fence Painting Program
  - Five firms have agreed to bid on the project. The bids will be done three ways: All fences (front and back) as a single project; All outside one year and inside the next; and split into three sections (front and back).
  - **Action:** Harvey will ask for bids to be completed by mid-March.
4. Web Site Development
  - The BOD was generally pleased with the web site Bob Lee has set up so far. But the BOD would like to know if we can add some sort of highlighting to key links and documents on the web page. Bill explained that the web page design is basically set by the host organization, but that there may be some more customizing we can do.
  - **Action:** Bill will work with Bob to see if the highlighting can be accomplished, or if there are other ways to customize the web page a bit more.

### New Business

1. CC&R Enforcement
  - Bill brought six violation notices for the board to initial, plus three new violations were discussed.
  - Harvey asked if we could rewrite the notices in a different format, with the process description removed. Bill said that rewriting the form letter should be an output from the Governance Committee. After much discussion, it was agreed that the form letter would be modified and used until a new form is available.
  - The BOD agreed to continue proceed with formal notices of violations so as to document issues. It is believed that most homeowners will abate the violations, but we will need the Governance work to be completed before the BOD will be able to strongly enforce compliance. Bill pointed out that 2/3 of the violations are by repeat offenders.
  - **Action:** Bill will rewrite the noncompliance notices by the 24<sup>th</sup>.
2. Longmont Neighborhood Group Leaders Association and Community Neighborhood Resources Update
  - Bill gave a brief report on the January LNGLA / CNR meeting that he and Bob Lee attended.
  - Bill confirmed that The Reserve is officially participating in the LNGLA, and that participation in 8 of 10 regular meetings in 2008 will qualify The Reserve to participate in the Grants program in 2009.
  - **Action:** Bill will forward details on some leadership training that will be available for BOD members.
1. Newsletter
  - **Action:** Bill will prepare an HOA newsletter in March to roll out the new web page and other news.
2. HOA Member Comments – no HOA members were present to be heard.

### Next Meeting(s)

1. The next Board Of Directors meeting will be Tues, April 8<sup>th</sup> at 7:00 PM, at Dave Sanders' home.
2. The BOD can meet sooner if Gary Mutz needs this to deal with any Governance business.
3. **Action:** Bill and Gary will post the meeting notice in a conspicuous place before the next BOD meeting.

### Adjournment

1. The meeting was adjourned at 9:02 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: April 8<sup>th</sup>, 2008  
PUBICATION DATE: April 18<sup>th</sup>, 2008  
SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- ✓ Harvey Lang, Vice-President
- ✓ Gary Abbuhl, Treasurer (via proxy)
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Bob Lee
- ✓ Bob Chapman

## Call to Order

- The meeting was called to order at 7:03 PM at the home of Dave Sanders.

## Approve Previous Meeting Minutes

- The February 19<sup>th</sup> meeting minutes were approved.

## Unfinished Business

1. Longmont Neighborhood Group Leaders Association update (Bob Lee)
  - Bob has attended all of LNGLA meetings so far for 2008.
  - Bob passed along a suggestion from one of the LNGLA members that we all study the Hindman and Sanchez web page as it contains a lot of information (legal and otherwise) for HOAs in Colorado. Bob also mentioned that the web page we have set up using Neighborhood Link might not provide the security that we will ultimately need. He expects to learn more about that through some of the training programs coming up through the LNGLA.
  - The Reserve at Ute Creek is officially registered. We will be eligible for the project grants program (and block party grants as well) after 1 year of participation in the LNGLA.
  - Bob reviewed the LNGLA grants program and gave examples of several grants that were approved in various neighborhoods for 2008. Projects range from parks improvements to landscaping projects to capital improvements (such as community information kiosks and other equipment).
  - Grant amounts are based on: neighborhood size, type of project, neighborhood matching investment, and total available budget.
  - Bob said some neighborhoods appeared to use professional services in preparing the grant proposals and that there is strong competition for the funding. He suggested that we start preparing a project proposal in Sept or Oct so we can have time to prepare, polish, and submit it by mid-December.  
**Action:** Gary Mutz will add this item to the "survival kit" calendar he is preparing for the BOD.
  - A question was raised about city support for pet waste stations. **Action:** Bob will check with Jon Clarke to see if the city has a budget for this, outside of the project grants program.
2. Governance Process and Committee Update (Gary Mutz and Bob Chapman)
  - Gary gave a brief update of the governance committee's goals and progress to date. Initial focus is on our weakest areas: Fine Schedules and Abatement Timelines. A lot (but not all) of what we need to do is already specified in Article X of the bylaws; the committee is working on making that process more clear and easy to follow. The governance committee has also been working on an alternative CC&R enforcement process that could supplement or replace the existing text of Article X. Gary also mentioned that we will need to include a hearing notice as a supplement to Article X of the bylaws,

and we should also figure out some way to make sure the changes to the bylaws (usually via BOD action) are formally appended to the bylaws and communicated to all homeowners. **Action:** Bill will scour past meeting minutes and assemble a package of bylaw changes that have been made over the years for the BOD to review and act upon.

- After Gary's overview, Bob Chapman gave a fairly details presentation on the CC&R Enforcement process that the governance committee has drafted. **Action:** All BOD members should provide written feedback to Bob ( [chapper@comcast.net](mailto:chapper@comcast.net) ), and copy to the rest of the BOD, by April 22.
- Here is a summary of the presentation Bob Chapman presented:
  1. The following draft materials were handed out to each attendee of the meeting: (1) Proposed policy and procedures regarding complaints, written notices for violation of covenants and/or design guidelines, hearings, and fines; (2) First violation form letter; (3) Second violation form letter; (3) Design and Improvement request form for homeowners; (4) Schedule of fines; (5) Schedule of timelines to correct violations.
  2. A 24-month no-repeat clause is suggested (fines will be doubled for violations that are repeated within 24 months after the first request to abate).
  3. The standard fine will be \$50. Vehicular violations (boats, trailers, etc) and pet waste violations will be higher since these are perceived as being most detrimental to the appearance of the neighborhood and yet are among the easiest violations to abate.
  4. Timelines to correct violations range from 24 hrs to 7 days (start of reconstruction is 120 days)
  5. The proposed process is: (each step should be tracked; a spreadsheet was suggested)
    - Upon notice/report of a violation, 2 BOD members must validate the alleged violation.
    - A first violation notice is mailed within three days of validation.
    - Corrective action is verified.
    - If it is a second violation, the homeowner can request a hearing.
    - Homeowners may present information and witnesses at the hearing. A BOD decision is required at the hearing, and must be documented in the HOA minutes with a copy to the homeowner.
    - It was suggested that all documentation be filed in chronological order by property address.
    - The key proposed changes are in the timing of notices and abatements, and that the homeowners (not the BOD) must request hearings.
  6. **Action:** Gary Mutz and Bob Chapman will have another review of the attorney's recommendations and questions with the governance committee to make sure we have addressed them all.
- 3. Landscape Contract Review – Harvey Lang
  - The BOD's decision to award the contract to Ward's was communicated to Dave Ward.
  - **Action:** Harvey will get a spare key to the water controllers in case adjustments are needed.
  - **Action:** Harvey requested that Gary Abbuhl arrange a payment schedule with Ward's.
- 4. Spring Planting Event
  - Harvey reported that the cuttings were received. Final cost will be \$2.00 per pot.
  - **Action:** The BOD will schedule a planting date at the next BOD meeting.
  - **Action:** Dave and Harvey will discuss paying some of the Skyline HS baseball team do the planting.
- 5. Fence Painting Program – Harvey Lang
  - Three bids were received from six requests. All bids were based on painting both sides of the fence at one time. The three most acceptable bids were \$8,800 (Colorado Painting Co.), \$12,000 (Diamond Painting), \$14,650 (Ohmie's Painting). All bids include power washing and as-needed scraping. Ohmie's includes providing a water truck for the power washing. It is not clear if the other bids include the contractor providing water or if the HOA will be asked to provide water for the power washing. **Action:** Harvey will clarify the water supply for power washing.
  - Harvey mentioned that he has a meeting with the apartment complex managers to discuss if they will compensate the Reserve for some damage to the fences caused by their lawn care contractor, and also how they can mitigate future damage.
- 6. Newsletter
  - Bill reported that the newsletter was delivered on time. He asked if mailing the newsletters would be preferable to assure everyone receives it, especially as a means for announcing meetings and other HOA business. The BOD agreed that for now hand-delivery is OK.

- **Action:** Dave will check into availability of portable signs that could be used to post meeting announcements at the entrances to the neighborhood.
7. Web Site Development
    - Bill reported that he had added some calendar information to the neighborhood links web page.
    - **Action:** Bill will work with Bob to see if better highlighting can be accomplished, or if there are other ways to customize the web page a bit more.

### New Business

1. CC&R Enforcement
  - **Action:** Dave will follow up to see if the last batch of violations (from Feb) have been corrected.
2. ARC
  - Bill brought in a request from 1256 Whitehall Dr (Jon Haux) to approve a bin for storing hoses. The BOD approved the request.
  - **Action:** Bill will advise the homeowners at 1256 Whitehall Dr of the ARC approval.
3. HOA Member Comments – no HOA members were present to be heard.

### Next Meeting(s)

1. In preparation for governance updates, the BOD should consider setting regular times and venues for BOD meetings. One suggestion was “Second Tuesday of every month at 7:00PM at Firestation #3”.
2. The next Board Of Directors meeting will be Tues, May 13<sup>th</sup> at 7:00 PM. , at location TBD.
3. **Action:** Gary Mutz will see if Firestation #3 is available regularly beginning on May 13<sup>th</sup>.
4. **Action:** Bill will post the meeting notice in a conspicuous place 10 days before the next BOD meeting.

### Adjournment

1. The meeting was adjourned at 9:33 PM.



# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: May 20<sup>th</sup>, 2008  
 PUBICATION DATE: June 8<sup>th</sup>, 2008  
 SUBMITTED BY: Bill Hallett, Secretary

## Meeting attendance

- ✓ David Sanders, President
- ✓ Harvey Lang, Vice-President
- Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees: Bob Lee, Kathy Lang, Tom Heinen, Irene Hallett, Linda Mutz, Becki Ringman

## Call to Order

- The meeting was called to order at 7:01 PM at the Community room of Fire station #3 (9<sup>th</sup> and Pace).

## Approve Previous Meeting Minutes

- The April 8<sup>th</sup> meeting minutes were approved with one correction.

## Reports of BOD Members and Action Items from April 8<sup>th</sup> Meeting:

1. BOD members Hallett, Lang, Sanders, and Mutz gave written feedback on proposed governance documents to Bob Chapman.
2. Harvey received the key for the sprinkler controller at 17<sup>th</sup> Ave. Still need the other key.
3. Dave and Harvey got agreement from a couple of boys on the Skyline HS baseball team to do the spring planting (with adult supervision). Total cost will be \$200. Harvey arranged for the boy scouts to provide mulch, about \$80. The net cost for the Planting is below budget.
4. Harvey discussed power washing with the rest of the pain contractors. They will supply their own tanks and will fill them from the water manifolds in the common areas.
5. Dave has verified that violations from the February abatement letters have been corrected.
6. Dave checked on portable signs for advertising neighborhood meetings. Colorado Signs wants \$125 each. Home Depot has a "do it yourself" version for \$15 each.
7. Bill checked on changing content and emphasis for some material on the webpage. This is not possible on the current webpage, which has a further weakness in that unauthorized changes can be posted. Bill suggested we keep using the existing webpage with its limitations until he can design a new webpage after completing the class he is taking. **Action:** Bill will submit a new webpage design by the end of June.
8. Gary M confirmed that the Longmont Senior Center will allow us to book meetings in advance (a benefit for participating in the CNR department). **Action:** Gary M will reserve the Sr Center for BOD meetings on the second Tues of each month, from 7:00 – 9:00 PM.

## Unfinished Business

1. Spring Planting Event - Harvey
  - Harvey provided a written status update and open action items. The details are on file.
  - **Action:** Arrange with Jordan for plant delivery and payment.
  - **Action:** Beds need to be prepared. Harvey offered to do this, and also supervise planting and monitor irrigation for the season, for \$250. A motion was made to approve this expense. In discussion it was pointed out that we would still be under budget, and that the cost seems reasonable based on other bids we have seen in the past. The motion was voted on and approved.
2. Landscaping Update - Harvey
  - Harvey provided a written status update and open action items. The details are on file.
  - Harvey confirmed that flowerbed irrigation is off. He will turn it on after the Planting.

- **Action:** At least one flowerbed drip line is spraying into the air. Need to have Wards check all the drip lines and repair as needed.
  - Harvey found that one of the irrigation controllers has a ground fault. **Action:** Need to have Wards get a controller expert to investigate and repair.
  - Ward's is supposed to apply weed chemicals this week. **Action:** Need to walk the common areas next week and confirm weeds are drying up.
  - **Action:** Need to shut off sprinklers during fence painting.
  - One Red Chokecherry tree at the 17<sup>th</sup> Ave entrance has died. Harvey presented 3 bids and motioned that the BOD have Ward's replace the tree. The motion was voted on and approved.
  - Harvey said that the HOA has been billed to repair sprinkler heads that Wards damaged during snow removal, and at a \$65/hr rate rather than the contracted \$60/hr rate. We will not pay the bill, and Ward's has agreed to this. **Action:** Need to confirm that Ward's bills at the correct hourly rate on future invoices.
  - **Action:** Need to set up regular invoicing and payments with Ward's for the landscaping contract. Ward's will contact Gary A.
  - The Stop Sign at 17<sup>th</sup> Ave needs to be re-set. **Action:** Contact the City public works department to arrange this.
3. Fence Painting - Harvey
- Harvey provided and reviewed all three bids with the BOD, and recommended that Colorado Painting be awarded the contract. A motion was made, voted on, and approved to award the contract to Colorado Painting.
  - Harvey has showed Dean Duran of Colorado Painting where the water outlets are.
  - Harvey has arranged with the Ute Creek Apartments and The Greens Condos to trim back their vegetation from the fence so painting will not be impeded. He asked if they would help with costs, but doubts they will.
  - **Action:** Need to walk the fence with Co Painting and mark boards for replacement.
  - **Action:** Need to set date for painting; Bill will send a letter to homeowners requesting they trim vegetation away from the fence. Harvey also suggested visiting with affected homeowners when dropping off the letters. He provided an example letter to use.
  - **Action:** Dave and Bill will check references and BBB reports on Colorado Painting.
4. Reserved Fund Analysis
- Bill discussed a presentation at a recent BOD Training class which highlighted that Freddie Mac and Fannie Mae will not approve home loans in HOAs where the Reserve Fund activity accounts for less than 10% of annual dues. The presenter recommended a Dues Fund Analysis. Several on-line resources describe this process.
  - **Action:** Gary A do a Reserve Fund analysis.
5. Governance Update – Gary M
- Gary M presented a summary of Governance Committee recommendations and documentation based on feedback that the GC received from the BOD. The GC's documents reflect a 1-3-5 day abatement policy, and Gary also discussed a 10-day abatement policy that he prepared from the GC's documents. Gary recommended to use the 10-day version since it is closest to existing bylaws and also may be easier to sustain for future BOD's. It was pointed out that the process closes a couple of gaps with CCIOA (notably, a published schedule of fines) and also that this work was initiated because of a small minority of repeat offenders. The BOD should consider this when deciding if a generally harsher and more rapid process is needed.
  - Kathy Lang, a member of the GC, expressed significant concern over not having received either set of documents. Bill read the dates and email addresses for the document recipients and indeed Kathy was not copied. (note: subsequent investigation revealed that Bob Chapman made a typo on Kathy's email address and this was replicated in the other emails)
  - Because of concerns about communication with the GC, a motion was made, voted on, and approved to defer a decision until June 3<sup>rd</sup> so the GC could review Gary's 10-day edits.
  - Another motion was made that the BOD approve one set of documents to be forwarded to the HOA attorney (either in a meeting or via email) for final review

### New Business

1. Statement On Meeting with the Ringmans – Harvey

- Harvey read a statement about his meeting with the Ringmans on April 26<sup>th</sup> and Gary Mutz' letter to the BOD regarding that meeting.
  - After reading the statement, Harvey announced his resignation from the BOD and left the meeting.
  - Several minutes of chaos ensued. The Secretary tried but was not able to document all of the discussion during this period. Dave brought the meeting back to order after about 10 minutes.
  - Bob Lee suggested the BOD consider a policy of recommending mediation in cases such as this, or when neighbors have complaints against one another, and that BOD members involved in disputes must recuse themselves from action. In fact, current legislation may require this beginning next year.
2. CC&R Violations – Bill
    - Bill read a list of alleged CC&R Violations from Jim Gates, which also included some personal complaints about behaviors of his specific neighbors. Bill commented that in one of the HOA leaders training sessions he had been told by an attorney that alleged offenses cannot be anonymous because there is then no victim.
    - **Action:** Dave will confirm if the specific violations are still present and if so will ask another BOD member to confirm before sending out letters.
    - **Action:** Dave will send a written response to Jim Gates about the other complaints, and will suggest talking with his neighbors or considering mediation if that is not possible.
    - A motion was made to continue sending letters requesting cooperation with CC&R's until formal review determines new procedures to be in compliance with CCIOA and approved by the BOD. This motion was voted on and approved.
    - A motion was made to adopt a policy of referring complainants in cases of neighbor-to-neighbor conflicts to non-binding mediation through City resources. This motion was voted on and approved.
  3. ARC Business
    - Bill presented a request by the Ianucillis (1218 Whitehall Dr.) for new paint colors. Paint chips were supplied, and also samples were painted on the garage at 1218 Whitehall Dr. Adjacent neighbors also signed their approval. The BOD approved the request. **Action:** Bill send the approval letter by May 21.
  4. Further new business was tabled to the next meeting.

### Homeowners to be Heard

1. Statement from the Ringmans
  - Bill read a letter from Chris and Becki Ringman about their meeting with Harvey on April 26<sup>th</sup>. The Ringmans requested a written response from the BOD within 60 days on: (1) Definition of Nuisance Barking, (2) Why a 24 hr abatement was requested when this is not in the existing bylaws, and (3) a written log of complaints received by the BOD about barking dogs.
  - Becki Ringman commented that she is currently satisfied with the resolution of this situation and this specific response need not be prepared. The BOD agreed that a written response of some sort is needed.
  - **Action:** Bill will prepare a response for the BOD to review and approve before sending it to the Ringmans.

### Next Meeting(s)

1. The BOD agreed to convene a follow-up meeting by May 27<sup>th</sup> to review action items relating to the Spring Planting and Fence Painting projects.
2. Homeowners general meeting:

### Adjournment

1. The meeting was adjourned at 9:42 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: May 27<sup>th</sup>, 2008  
 PUBLICATION DATE: June 9<sup>th</sup>, 2008  
 SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- Non-BOD Attendees: none

## Call to Order

- The meeting was called to order at 7:04 PM at the Longmont Public Library.

## Define and Approve Agenda

- The following agenda was approved, as a follow up on pending actions from the May 20<sup>th</sup> meeting
  - Landscaping update (Spring planting)
  - Fence Painting update
  - Governance Update
  - Exploring HOA Management firms
  - BOD Officer assignments

## Landscaping Update (Spring Planting):

1. At the May 20 meeting, the BOD agreed to spend \$250 for flowerbed preparations, planting supervisions, and irrigation monitoring. A motion was made to specifically approve that Harvey Lang do this work. The motion passed. **Action:** Dave will inform Harvey.
2. **Action:** Dave will contact Jordan's to arrange plant delivery, and to confirm payment arrangements.
3. A motion was made to pay \$200 total to neighborhood teens (Ryan and Hayden) to do the planting. It was discussed that perhaps other teens in the neighborhood would have liked to be considered for this work. However, this was discussed at the last two BOD meetings, which were advertised and open to all homeowners, but no one appeared to express interest. Due to the short timeframe and prior discussion in public meetings, the BOD felt that the process was fair. The motion was voted on and approved. **Action:** Dave will notify Ryan and Hayden.
4. **Action:** Dave will notify Ward's when the flowerbed irrigation needs to be turned on.

## Fence Painting Update:

1. **Action:** Bill and Dave will check references and BBB. Unless there is a negative report, the May 20<sup>th</sup> decision to award the contract to Colorado Painting will stand.
2. **Action:** Dave will call Colorado Painting to schedule: walkthrough to mark boards for replacement, Power washing, Scraping and Priming, and Painting.
3. **Action:** Dave will work with Gary A to get arrange down payments.
4. Color: The BOD thought it might be good to match the color on the S side of 17<sup>th</sup> Ave. **Action:** Dave will get paint samples for the BOD to view and present to homeowners who are available.

## Governance Update:

1. Governance documents were reviewed. A motion was made to approve the "10-day Abatement" version (with final editorial corrections to be forwarded to Gary M by June 1) and to schedule a review with the HOA attorney. A motion was made to amend the motion to specify that the "10-day Abatement version" specifically means the 5 documents that Gary M sent to the BOD and the Governance Committee on May 12<sup>th</sup> (the documents are entitled "Policy and Procedures Regarding...", "Demand for Abatement",

“Notice”, “Schedule of Time to Correct Violations”, and “Schedule of Fines”). In discussion it was pointed out that an edited Schedule of Fines was not sent out after the original package was delivered to the BOD for feedback. It is assumed that relevant edits were made. Both motions were approved.

2. **Action:** BOD members provide final editorial comments to Gary M by June 1.
3. **Action:** Gary M obtain an updated soft copy of the Schedule of Fines and forward it to BOD members.
4. **Action:** Gary M contact the HOA attorney to schedule a review of the Governance Documents and also the review of the BOD response to other questions the attorney raised in the suggested bylaw updates from January, 2008.

**Exploring Management Firms:**

1. **Action:** Bill will discuss with Bob Lee and begin to discuss management of various aspects of HOA business by a professional management firm.

**BOD Officer Assignments:**

1. Since the office of Vice President is currently vacant, and Governance Activity is winding down, the BOD needs to consider BOD assignments going forward.
2. HOA dues credit to Harvey Lang for his service to the BOD up to his resignation also needs to be specified since he did not serve a full 1-year term.
3. The BOD agreed to defer these discussions to the next BOD meeting when all BOD members are expected to be present.

**Next Meeting(s)**

1. The BOD will meet on June 10<sup>th</sup> at 7:00 – 9:00 PM at Room B of the Longmont Senior Center. This will be the first of regularly scheduled monthly BOD meetings on the Second Tuesday of each month.
2. Homeowners general meeting: needs to be scheduled

**Adjournment**

1. The meeting was adjourned at 8:37 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

**MEETING DATE:** June 10<sup>th</sup>, 2008  
**PUBICATION DATE:** June 21<sup>st</sup>, 2008  
**SUBMITTED BY:** Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
  - ✓ Gary Abbuhl, Treasurer
  - ✓ Bill Hallett, Secretary
  - ✓ Gary Mutz, Governance
- Non-BOD Attendees: none

## Call to Order

- The meeting was called to order at 7:04 PM at the Longmont Senior Center (Room B).

## Agenda – The following agenda was approved

- Call to order and attendance
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business
  - Governance Update / Attorney questions (Gary M)
  - Maintenance update. Landscaping and Fence Painting (Dave)
  - Website development update (Bill)
  - Other unfinished business
- New Business
  - ARC Request
  - Plan agenda for Summer HOA Meeting
- HOA Member comments (5 minutes/person per topic)
- Next BOD Meeting
- Adjourn

## Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the May 20 BOD meeting minutes.
2. A motion was made, seconded, and approved to accept the May 27 BOD meeting minutes.

## Reports of Board Members

1. Governance – Gary M
  - Gary handed out updated copies of the proposed CC&R Enforcement Process (except fine schedule), and a comparison to the existing process per Article X of the bylaws. The primary noncompliance with CCIOA is the lack of a published schedule of fines. A step-by-step procedure is also being included in the updates to make the enforcement process more clear. Bill mentioned that the HOA Leaders' Training on June 26 will focus on CCIOA changes currently in the state legislature.
  - Refer to unfinished business below for further discussion, decisions, and actions.
2. Treasury – Gary A
  - Gary handed out a balance sheet and P&L Statements.
  - Gary has recorded a lien against 1257 Whitehall Dr. the homeowner is in bankruptcy, and the lien protects the HOA's interests as a "secured creditor".

- 1313 Reserve and 1303 Whitehall both paid \$500 after the deadline for the \$45 dues credit. Gary has sent them an invoice for the remaining \$45 plus interest.
  - 1372 Whitehall paid half their dues, then paid the full dues. So they have overpaid. **Action:** Gary A will arrange to correct the overpayment of dues.
  - 1337 Reserve has not paid dues, and a lien may be required. **Action:** Gary to advise on whether the homeowners respond to the latest late notice.
  - Half the fence-painting contract has been paid. Gary A was concerned that the contractor wanted the check written to him personally rather than to his business. **Action:** Gary A and Dave will check for any BBB or state complaints against Gilbert Dean Duran (owner of Colorado Painting Co).
3. President and Landscaping – Dave
- Fence painting is in progress. Dave marked about 60 boards that need replacement.
  - Spring planting is done. Jordan's, Harvey, and the boys who helped have all been paid.
  - Wards will hold off on watering for days when fence painting is in progress.
  - Dave said it looks like the 17<sup>th</sup> Ave entrance light is always on. **Action:** Bill will check to see if the sensor is covered or damaged.
4. Secretary – Bill
- Bill reported that documents (minutes, communications) have been corrected and sent.

### Unfinished Business

1. Governance
- Notes and questions from the Dec meeting with HOA Attorney Eisenstein were discussed. Each question was answered. **Action:** Gary M will type up the answers and schedule a meeting with Eisenstein to review. Gary suggested that all BOD members attend the meeting. Summary:
    - Change definition of quorum? no.
    - Change the number of BOD members from 3? we will leave 3 in the bylaws and decide annually at the Dec HOA meeting if a change is needed for the following year. In 2007 we voted for 5 in 2008.
    - Staggered biannual terms, or annual? annual.
    - Is it understood by the BOD that Committees do not make decisions, but the BOD does? yes.
    - In bylaws §9.2, do we want to charge fees for preparing and submitting documents? not in general, but we do want to pass along county filing fees for legal documents such as liens.
    - What is the late fee and deadline for HOA Dues? \$150.00 if not paid by March 1. Notification of this is sent with the invoices in early January and again if not paid by Jan 31. Interest on late dues (plus late fees) is 21% per year beginning on March 1. The BOD does not want to increase this rate.
    - Does the Board hold hearings for unpaid dues assessments? no, and we don't want to start.
    - How are bylaws amended? By the BOD at normal meetings, or at the annual meeting, or at a special meeting of homeowners called for this purpose. The BOD would like the bylaws to state that bylaw changes are presented for public discussion, and then voted on by the BOD after a 30 day period, at a normal BOD meeting (which are always open to the public). **Action:** Gary M will discuss this in our meeting with Eisenstein.
    - Is there a published schedule of fines? no (we will include this with governance updates). Do we charge fees for enforcement and collection of fines? The BOD wants to pass along attorneys' and legal fees, but no additional fees beyond the fines themselves.
  - Bill raised the question of how the Homeowners should be notified when bylaw amendments occur. **Action:** Gary M will discuss this in our meeting with Eisenstein.
2. Web Page
- Bill reported that the Neighborhood Links webpage has HOA Legal Documents, BOD Contact Information, and Meeting Schedules. He is updating them regularly.
  - Bill has received feedback that a more "user friendly" webpage design is desired. Plus Bob Lee has mentioned a problem with Neighborhood Link (it's easy for unauthorized people to make changes).
  - Bill is taking a class in webpage design, and is making a new webpage for the HOA. He will send a copy when he thinks it is nearly done. Meanwhile, he suggested to keep using Neighborhood Link.

**New Business**

1. ARC
  - The Bauers submitted a request to install an above-ground pool at 1257 Whitehall Dr, on the concrete patio, to be removed by Labor Day.
  - The BOD rejected it on the grounds that HOA dues have not been paid and that the homeowner is in bankruptcy (and may not be able to pay if damages should occur).
  - The BOD only discussed indirectly if this type of addition would actually fit in the neighborhood design. **Action:** This should be revisited in the next BOD meeting. Should the “fit” of the design also be discussed in the ARC decision if a similar situation recurs?
2. Summer HOA Meeting
  - Date: 3<sup>rd</sup> Tues in July (the 15<sup>th</sup>). **Action:** Gary M will secure a meeting location.
  - Agenda: “Town Hall” Open Discussion, State of the HOA, 2008 BOD Goals and Progress, Review of Bylaw Changes and Plan to Vote in August BOD Meeting, Landscaping and Fence Painting
3. Newsletter. **Action:** Bill will publish a newsletter by June 17<sup>th</sup>.

**Homeowners to be Heard**

1. There were no non-BOD homeowners present to be heard.

**Next Meeting**

1. The BOD will meet on August 19<sup>th</sup> at 7:00 – 9:00 PM at Room B of the Longmont Senior Center. Gary will confirm room availability.

**Adjournment**

1. The meeting was adjourned at 8:50 PM.



# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: July 10<sup>th</sup>, 2008  
PUBICATION DATE: July 20<sup>th</sup>, 2008  
SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- ✓ Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees: David Eisenstein, HOA Attorney

## New Business

1. This was a Special BOD Meeting to review proposed governance changes with the HOA Attorney
2. The meeting started at 10:05 AM
3. Meeting Summary
  - David re-affirmed the need for the documentation changes to bring the HOA into compliance with CCIOA changes from 2005 – 2008.
  - David said that the documents proposed by the Governance Committee (GC) were generally good.
  - Questions from David's Dec 2007 letter were reviewed. Answers will be included in his final drafts.
  - The Enforcement Process documents from the GC will be added to the responsible governance policies document.
  - David said we need to post minutes on the HOA webpage. **Action:** Bill will post the minutes.
  - There will be no changes to the Declaration. David will send updates by Saturday to Gary M for the following: Bylaws, Responsible Governance Policies, enforcement Process, Fine Schedule, Abatement Timelines, Demand for Abatement Letter, and Notice and Hearing Letter
  - Clarification: Fines are defined as Assessments in our Declaration and are not subject to mediation, but it may be a good idea to consider mediation in some cases
  - Clarification: The Declaration creates a statutory lien on every home. It is not necessary to file a lien for an assessment (including unpaid dues), but it is advisable as a means to notify third parties that there is an unpaid amount due to the HOA. If liens do not motivate payment of assessments, then court action may be necessary to order payment.
  - Clarification: If ownership of a property changes between a Demand for Abatement and a Notice of Hearing, then it is advisable to restart the process with a Demand for Abatement to the new Owner.
  - Clarification: After these governance changes are approved, then it is advisable that the enforcement process start over for all Owners (i.e., the "slate is cleared" with respect to the timetable for repeat and existing violations).
  - David confirmed that it is reasonable and valid that the Board refer complainants to city enforcement officials in matters of municipal code violations. He will include language about this.
  - David said that placement and size of satellite dishes is regulated by the FCC and suggested that the Board/ARC require Owners to verify compliance with FCC for satellite dishes. He will include language about this.
  - Clarification: Board Members may not generally vote by proxy. However, an absent board member may provide prior written instructions on how to vote for each specific item when they are absent.
  - David will include language to allow flexibility in the number of BOD members. He will specify 3-5 BOD members, as determined periodically at annual Owner meetings.

**Homeowners to be Heard**

1. There were no non-BOD homeowners present to be heard.

**Next Meeting**

1. The BOD will meet on July 12<sup>th</sup> at 11:00 AM – Noon at the Coffee Shop next to Safeway to discuss agenda and preparations for the July 15<sup>th</sup> Homeowner's meeting.

**Adjournment**

1. The meeting was adjourned at 11:06 AM.

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# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

**MEETING DATE:** July 12<sup>th</sup>, 2008  
**PUBICATION DATE:** July 20<sup>th</sup>, 2008  
**SUBMITTED BY:** Bill Hallett, Secretary

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### Meeting attendance

- ✓ David Sanders, President  
Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees: Bob Lee

### New Business

1. This was a Special BOD Meeting to prepare for the July 15<sup>th</sup> Owners' meeting
2. The meeting started at 11:10 AM
3. Meeting Summary
  - Dave's proposed agenda for July 15<sup>th</sup> was approved.
    - First, a "town hall" style open forum to review governance changes and allow open floor to the attendees.
    - Then a business meeting. If a quorum of Owners is not present for an Owners' Meeting, then a BOD Meeting will be convened so that decisions can be made.
  - Bob advised that the CNR office will provide copy services for free, for HOA business.
  - **Action:** Bill will bring an unfinished business summary so that it is not necessary to scout prior meeting minutes to find the unfinished business.
  - Governance changes: the July 15<sup>th</sup> meeting is an informative meeting. A motion and vote are not needed. this will be done at the Aug 19<sup>th</sup> BOD meeting, after Owner feedback is received.
  - Bill suggested that BOD members be familiar ewith the 8 points of responsible governance, to help Owners understand exactly how The Resrerve is not in compliance with CCIOA. **Action:** Bill will scan and email a copy of the CCIOA at-a-glance reference sheet he got from Hindman-Sanchez.
  - **Action:** Bill will coordinate with Bob Lee to review the web page design he has worked up.
  - **Action:** Bill will confirm that HOA governing documents, proposed changes, and meeting minutes are posted to the web page.
  - **Action:** Bill will prepare and post a proxy form and a HOA Records Request form on the web page.

### Homeowners to be Heard

1. A non-BOD homeowner was present, but did not have any comments during this part of the meeting.

### Next Meeting

1. The BOD will meet on August 19<sup>th</sup> at 7:00 PM at the Longmont Senior Center.

### Adjournment

1. The meeting was adjourned at 12:05 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: July 15<sup>th</sup>, 2008  
PUBICATION DATE: August 12<sup>th</sup>, 2008  
SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
  - ✓ Gary Abbuhl, Treasurer
  - ✓ Bill Hallett, Secretary
  - ✓ Gary Mutz, Governance
- Non-BOD Attendees: Steve Tart, Tom and Elise Sheffield, Chris and Becki Ringman, Shannon O'Brien, Kelly Kuczka, Debra Ianucelli, Scott Abrahamson, Chuck and Susan Murphy, David and Lynn Wilson, Irene Hallett, Bob Lee

## Call to Order

- A "town-hall" discussion was held from 6:49 PM – 7:35 PM. There were only 14 homeowners present, not enough to make a quorum for an Owners meeting. So a BOD meeting was held.
- The BOD meeting was called to order at 7:37 PM at the Longmont Public Library.

## Town-Hall Discussion

- Gary Mutz presented an overview and summary of the Governance updates that the Governance Committee developed. Committee members were recognized and thanked for their work.
  - The Colorado Common Interest Ownership Act (CCIOA) was enacted in 1992. Updates to the Act were made in 2005-2006. The HOA attorney advised the Board in Dec 2007 that The Reserve was not in compliance with all of the CCIOA changes from 2005-2006, and thus the HOA's Board had no legal authority to enforce the CC&R's.
  - The Governance updates proposed by the Governance committee, if approved by the BOD, will bring the HOA into compliance with CCIOA (including changes to CCIOA made in 2008).
  - The BOD will provide copies of all the proposed changes to all Owners for a 30-day review period. The BOD plans to vote on whether to adopt the Governance changes at its Aug 19<sup>th</sup> meeting. Before voting, the BOD will review and consider all Owner feedback received in writing before, or presented verbally at, the Aug 19<sup>th</sup> meeting.
  - Full details of the proposed Governance changes are on file with the HOA Secretary. The overview has been documented in the BOD meeting minutes for Jan-Jun 2008.
- Open discussion was held. Some Owners expressed concern that an unapproved above-ground pool is still standing at 1257 Whitehall. **Action:** Gary M. will ask the owners to have the renters remove the pool. If this is not sufficient, then formal enforcement will begin when the governance changes go into effect.

## BOD Meeting Agenda – The following agenda was approved

- Call to order and attendance
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business – review status of action items from May 20, May 27, and June 10 BOD meetings
- New Business
- HOA Member comments (5 minutes/person per topic)
- Next BOD Meeting
- Adjourn

### Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the June 10 meeting minutes.

### Reports of Board Members

1. Governance – Gary M
  - a. Gary M presented a summary earlier.
  - b. **Action:** Bill will send copies of the proposed changes to all Owners.
2. Treasury – Gary A
  - a. Gary handed out a balance sheet and P&L Statements. The HOA is operating to its budget. Gary projects that the HOA will end the year at break-even to slightly positive.
  - b. Reserve funds are being held in rolling CD's.
  - c. Dues collections: All but two owners have paid dues. One Owner owes late fees.
3. Secretary – Bill reported that HOA documents (minutes, communications) have been filed.
4. President and Landscaping – Dave
  - a. Dave discussed BOD responsibilities and roles
    - i. Maintenance, Use , Care, and Insurance of Common properties.
    - ii. Architectural review and approval
    - iii. Budget, Contracts, and Management of Reserve Funds.
    - iv. President: Contract and Legal; Vice President: Landscaping; Treasurer: Finances; Secretary: Communications; Governance (2008): Updates for compliance with CCIOA
  - b. Dave discussed progress to the Goals that the BOD set in January
    - i. Life Cycle and Sustaining spending is on plan.
    - ii. Governance Updates are nearly complete, pending final review and approvals.
    - iii. Business hour access will be provided via webpage.
    - iv. Meetings are being scheduled regularly at public facilities for easier access by Owners.
    - v. Web development is proceeding, a bit behind schedule.
    - vi. Landscaping contracts are in place, although there are ongoing problems with the landscaper not weeding the flowerbeds as specified in the contract.
    - vii. Fence Painting is in progress. Dave has asked the apartment complex to share some of the expense, but does not expect much support from them.
    - viii. A budget for 2009 will be prepared and presented later this year.
    - ix. Community and Neighborhood Resources (CNR) affiliation has been accomplished.
    - x. Mulch along 17<sup>th</sup> Ave will be reviewed.
    - xi. A brief summary was provided for CC&R violations to date. Formal action on persistent violations will be pursued after Governance changes are approved. Per advice from the HOA Attorney, violations will be "re-set" with respect to first occurrence dates.
  - c. Dave invited Bob Lee to discuss our affiliation with the CNR. Bob reported as follows:
    - i. The CNR has been a valuable resource for information and training
    - ii. Monthly police reports are given. A current focus of the Police department is graffiti. Citizens are encouraged to report graffiti. Grants are available for paint and supplies to cover graffiti.
    - iii. The National Night Out program starts on Aug 2, to encourage interaction between neighbors.
    - iv. The Reserve is eligible for up to \$3,000 in the 2009 Neighborhood Grants program. Bob discussed the grants that were made in 2008, and encouraged Owners to contact him with ideas for projects in The Reserve. He will begin working on grant proposals soon, and asked that this be included in the fall HOA newsletter. **Action:** Bill will include a discussion of the grants program in the fall newsletter.

### Unfinished Business

1. Web Page
  - b. Bill reported that the Neighborhood Links webpage covers our basic needs from a CCIOA viewpoint.
  - c. Bill has been taking classes in webpage design and said he now has the basic knowledge to develop a webpage with content and layout based on input from several Owners. He would like to review his initial designs with somebody. Bob Lee volunteered to help with the design review and some content. Tom Sheffield pointed out that Bill himself gains personal benefit from the classes and therefore should not request reimbursement from the HOA for the classes. Bill said he does not plan to bill the HOA for his classes, but he pointed out that a contracted service would cost more anyway.

- d. Bill discussed the basic content: Documents, Calendar, Announcements, Resources (HOA processes and forms, links to other online resources), a possible members-only page with a “contractor forum” and classified ads. The HOA may also consider allowing Owners to advertise their services or businesses for a small fee. Webpage costs will be about \$35/yr for domain name registration. A service provider can range from free to \$25 per month, depending on the level of service needed and whether we will allow advertising.
  - e. **Action:** Bill will continue working on the design and content with Bob. He hopes to have a final design ready in September, and will use Neighborhood Link until the new webpage is done.
  - f. **Action:** Bill will post prior meeting minutes and proposed Governance Documents to the webpage. Tom Sheffield offered to convert the docs to PDF format for Bill.
2. Reserve Senior Center for monthly BOD meetings: done (Gary M had to get the library this time due to remodeling at the Sr Center). Senior Center access is a benefit of CNR affiliation.
  3. Repair Ground Fault on irrigation controller: done (Dave had to get it replaced.)
  4. Weeding the Flower Beds: ongoing. Dave said Wards continues to need reminders. **Action:** Dave will keep following up with Wards about weeding the flowerbeds.
  5. Verify that Wards is invoicing at the contracted labor rate: done (Dave and Gary A got this corrected)
  6. Response to Wards on a 3% Fuel surcharge: we have declined to make this payment. We expect that Wards will reflect a fuel cost increase in the next bid for the contract renewal.
  7. Repair Stop Sign at 17<sup>th</sup> and Whitehall: open. **Action:** Gary M will contact the city Public Works Department for repair.
  8. Reserve Fund Analysis: open.
    - a. Bill reported that Hindman-Sanchez recommended formal reserve fund analysis in one of their training seminars, especially if prospective buyers will use Fannie Mae or Freddie Mac funding.
    - b. **Action:** Bill will try to find out more about what is involved in a formal reserve fund analysis, and report back to the BOD and Gary A.
  9. Request for Documents: open. **Action:** Bill will draft a letter to the Ringmans in response for their request for documentation of complaints about their dogs, and send it after BOD review and approval.
  10. Property Management Firms: open. **Action:** Bill will work with Bob Lee to obtain some details about costs and services that some Property Management firms may offer to cover some of the legal aspects of CC&R enforcement for the BOD.
  11. Overpayment of Dues by 1372 Whitehall: closed.
  12. Late Dues by 1327 reserve: open. **Action:** Next steps to collect dues from 1327 Reserve? (Gary A)
  13. Fence Painting: open. **Action:** Dave will schedule a walk-by inspection before making final payment.
  14. Lights at 17<sup>th</sup> and Whitehall monument: open. **Action:** Bill will contact an electrician for repair.

### **New Business**

1. Landscaping – Chuck Murphy said the water coverage in the common area near 1253 Whitehall needs to be adjusted. **Action:** Dave will contact Wards.
2. ARC – A couple of ARC requests were submitted and reviewed.
3. Receipts – Bill submitted receipts for the signs he set up for advertising meetings.

### **Homeowners to be Heard**

1. Bob Lee asked who would like to work on the grants program with him. The BOD asked Bob if he would lead a Grants Committee and report to the BOD. Bob agreed to do this.
2. Bob Lee asked if the BOD would obtain information on Property Management firms by Sept/Oct, and present it to the Owners at the Dec meeting. **Action:** Bill will contact some management firms and report.
3. Elise Sheffield said one of her neighbors does webpage design. She will have the person contact Bill.
4. Elise Sheffield asked if the BOD should consider a financial audit. The BOD pointed out that our HOA is too small for state-mandated audits but the bylaws have a provision for Owner-requested audits.

### **Next Meeting**

1. The BOD will meet on August 19<sup>th</sup> at 7:00 – 9:00 PM at Room B of the Longmont Senior Center. Gary will confirm room availability.

### **Adjournment**

1. The meeting was adjourned at 8:43 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: August 19<sup>th</sup>, 2008  
 PUBICATION DATE: September 8<sup>th</sup>, 2008  
 SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
  - ✓ Gary Abbuhl, Treasurer
  - ✓ Bill Hallett, Secretary
  - ✓ Gary Mutz, Governance
- Non-BOD Attendees: Chris Zimmer, Bob Lee

## Call to Order

- A "town-hall" discussion was held from 7:03 PM – 7:16 PM, to discuss Owner feedback on proposed governance changes.
- The BOD meeting was called to order at 7:17 PM at the Longmont Public Library.

## Town-Hall Discussion About Proposed Governance Changes

- Chris Zimmer requested clarification of two points: (1) Political signs are permitted so long as they comply with city size restrictions. Although the rules limit signs to one per issue/candidate, Gary M said that the HOA attorney suggested we avoid First Amendment issues by not aggressively enforcing this rule unless there is a very clear need to do so; (2) The BOD does not plan to collect ARC application fees, but the provision is in the Rules in case it might be necessary in the future (for example, if a hired management firm were to charge a fee for ARC review).
- Gary M suggested a change of the word "initial" to "previous" in Exhibit 1, Paragraph B to match wording elsewhere in the rules.

## Agenda

- Call to order and attendance
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business – review status of action items from May 20, May 27, and June 10 BOD meetings
- New Business
- HOA Member comments (5 minutes/person per topic)
- Next BOD Meeting
- Adjourn

## Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the July 10, July 12, and July 15 meeting minutes.

## Reports of Board Members

1. Secretary - Bill
  - a. Bill gave an update on the web page project. Design work is complete. Content is being prepared. Bill has some content (links, HOA documents, contact info, etc.). Bob Lee provided some useful content about the ARC process, and also a very nice photo-tour of the HOA. **Action:** Gary M said he would Linda Mutz if she can provide some content about local schools.
  - b. Bill said he is working on a Fall newsletter for late Sept. Bob Lee asked if it could be done sooner, to include an announcement seeking Owner input and help for the Grants Program. **Action:** Bill will

- distribute the Fall newsletter by Sept 15, including: an announcement about the Grants Program, and a note about keeping plants trimmed away from the HOA fences.
- c. A November Newsletter will focus on the Annual Meeting agenda.
  2. President and Landscaping – Dave
    - a. Dave reported that Fence Painting touch-up work was completed and paid for. The Painters recommended a second coat on the south-facing surfaces. A motion was made, seconded, and approved to move forward with plans for HOA members to paint the South-facing surface of the fence. **Action:** Dave will get an estimate on the cost of paint. **Action:** Dave and Gary M will check on whether we would affect the warranty by adding a second coat. **Action:** Bill will include an announcement in the newsletter.
  3. Treasury – Gary A
    - a. Gary handed out a balance sheet and P&L Statements. The HOA is operating to its budget. Recent sprinkler repair and other costs are running slightly above budget.
    - b. Reserve funds are being held in rolling CD's. Gary commented that the fence project was a significant cost against the Reserve Fund, and that the average contribution to the Fund is about \$2 per unit per year. This may not provide enough growth in the Fund should an emergency repair be needed.
    - c. Dues collections: All but two owners have paid dues. One Owner owes late fees. Liens were filed. It may be necessary to contact an attorney to collect the unpaid dues. **Action:** Bill said he will try to get a courtesy notice translated into Hindi for one Owner who claimed he does not understand the English in the prior dues collection notices the HOA sent.
  4. Governance – Gary M
    - a. See unfinished business below.

### Unfinished Business

1. Web Page
  - a. **Action:** Bill will continue working on the design and content with Bob. He hopes to have a final design ready in September, and will use Neighborhood Link until the new webpage is done.
  - b. **Action:** Bill will prepare and post a proxy form and a HOA Records Request form on the web page.
2. Done: Bill will post the minutes of past BOD and HOA meetings on the webpage (Neighborhood Link).
3. Done: Bill will bring unfinished business summaries to future meetings.
4. Done: Bill will send copies of proposed governance changes to all Owners.
5. Done: The swimming pool request at 1257 Whitehall will be reconsidered if/when a new application is made.
6. **Action:** Dave will follow up with Wards about weeding the flowerbeds again, and will contract a third party if no action happens by Sept 1.
7. **Action:** Dave will schedule a final walk-through inspection of the fence painting.
8. Done: Bill will arrange repair of the monument light sensor at 17<sup>th</sup> and Whitehall.
9. **Action:** Bill will include a discussion of the grants program in the fall newsletter.
10. **Action:** Gary M will contact the city Public Works Department for repair of the sign at 17<sup>th</sup> and Whitehall.
11. **Action:** Bill will try to find out more about what Hindman-Sanchez recommended in a involved in a formal reserve fund analysis, and report back to the BOD and Gary A.
12. Done: Bill will draft a letter to the Ringmans in response to their request for documentation of complaints about their dogs, and mail it after BOD review and approval.
13. **Action:** Bill will work with Bob Lee to obtain some details about costs and services that some Property Management firms may offer to cover some of the legal aspects of CC&R enforcement for the BOD. (Gary M offered to take this one, and Bill gratefully accepted). Bob Lee said he called a couple companies, and advised we need to make a list of which services we want to be bid.
14. **Action:** Dave verify that Wards adjusted the common area sprinkler coverage near Chuck Murphy's home (1253 Whitehall).
15. Cancelled: Elise Sheffield will have the neighbor who designs webpages contact Bill.

### New Business

1. Landscaping – The City requested a certification that the irrigation backflow valves are OK. **Action:** Dave will contact a plumber to check the backflow valves.
2. A motion was made, seconded, and approved to accept all proposed Governance documents (with Gary M's correction) via email by Aug 20th at 5:00PM if no new Owner feedback is received opposing the changes. **Action:** All BOD members send an email vote on the motion to Bill by Aug 20<sup>th</sup>.



3. Fence Damage: Gary M said the painters pointed out how Owner landscape maintenance needs to be changed to help prevent damage to the fence. **Action:** The BOD needs to draft and communicate a policy about landscape maintenance requirements for Owners to prevent damage to the fence.
4. ARC – An ARC request was submitted and approved for a cross buck fence at 1338 Whitehall.
5. Receipts – Bill submitted receipts for the signs he set up for advertising meetings.

**Homeowners to be Heard**

1. Bob Lee thanked the BOD for their work on Governance updates and HOA management this year.

**Next Meeting**

1. The BOD will meet on Sept 9<sup>th</sup> at 7:00 – 9:00 PM at Room D of the Longmont Senior Center.

**Adjournment**

1. The meeting was adjourned at 8:26 PM.

# Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE: September 9<sup>th</sup>, 2008  
 PUBICATION DATE: October 11<sup>th</sup>, 2008  
 SUBMITTED BY: Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President  
Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- Non-BOD Attendees: None

## Call to Order

- The BOD meeting was called to order at 7:06 PM at the Longmont Senior Center.

## Agenda

- Call to order and attendance
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business – review status of unfinished action items from prior BOD meetings
- New Business
- HOA Member comments (5 minutes/person per topic)
- Next BOD Meeting
- Adjourn

## Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the August 19 meeting minutes.

## Reports of Board Members

1. Governance – Gary M
  - a. The BOD-approved governance updates were signed, submitted, and recorded by the HOA attorney. **Action:** Bill will send the final documents with a cover letter to all owners.
  - b. **Action:** Gary will work on the Survival Guide.
  - c. Gary presented a list of several business drivers and potential projects for the Neighborhood Grants Program. Potential projects are related to utility conservation, environmental preservation, and carbon footprint. The BOD agreed that these are the types of projects we should consider because they improve the community and also have potential to save utility and maintenance expenses for the HOA. Dave suggested that the BOD consider impact on play areas when selecting projects. **Action:** Gary will work with Bob Lee on proposals for the Grants program.
2. President and Landscaping – Dave
  - a. Dave received a new contract proposal from Ward's for snow removal. **Action:** Dave will compare the new and old proposals and advise. **Action:** Dave will verify the City rules on snow removal.
  - b. Dave discussed an estimate for the second coat of paint on the fence, but it seemed high. **Action:** Dave will review the cost of a second coat of paint for the south-facing sections of the fence.
  - c. Dave reviewed estimates for required inspection of irrigation back-flow valves. A motion was made, seconded, and approved by attending BOD members to contract Pinetree Plumbing to inspect the three backflow valves for \$65 each. **Action:** Dave will contract Pinetree Plumbing to inspect the backflow valves.

3. Secretary - Bill
  - a. Signed copies of the new governance documents were filed in the HOA records.
  - b. Bill said he had completed the fall newsletter and would distribute it on Sept 10.
  - c. Bill and Dave inspected the neighborhood. Several Demands for Abatement were sent using the new process.
4. Treasury – Gary A (via email)
  - a. Gary reported that there are no treasury updates since August. He is awaiting final billing for a few items.

### **Unfinished Business**

1. **Done:** Bill will distribute the Fall newsletter on Sept 15, including: an announcement about the Grants Program, a note about keeping plants trimmed away from the HOA fences, and a request for volunteers to help with the second coat of paint on the fence.
2. Fence Painting – second coat:
  - a. **Action:** Dave got an estimate on the cost of paint, but will double-check the numbers.
  - b. **Action:** Dave and Gary M will check on whether we would affect the warranty by adding a 2<sup>nd</sup> coat.
3. **Done:** Bill sent a courtesy notice in Hindi for the Owner who claimed he does not understand the English in the prior dues collection notices the HOA sent.
4. Web Page:
  - a. **Action:** Gary M said he would Linda Mutz if she can provide some webpage content about local schools.
  - b. **Action:** Bill will continue working on the design and content with Bob. He hopes to have a final design ready in September, and will use Neighborhood Link until the new webpage is done.
  - c. **Action:** Bill will prepare and post a proxy form and a HOA Records Request form on the web page.
5. **Done:** Dave followed up with Wards about weeding the flowerbeds. Ward's has been responding.
6. **Done:** Dave led a final walk-through inspection of the fence painting.
7. **Done:** Bill included a discussion of the grants program in the fall newsletter.
8. **Done:** Gary M contacted the city Public Works Department for repair of the sign at 17<sup>th</sup> and Whitehall.
9. **Action:** Bill will try to find out more about what Hindman-Sanchez suggests in a formal reserve fund analysis, and report back to the BOD and Gary A.
10. **Action:** Gary M will work with Bob Lee to obtain some details about costs and services that some Property Management firms may offer to cover some of the legal aspects of CC&R enforcement for the BOD. (Gary M offered to take this one, and Bill gratefully accepted). Bob Lee said he called a couple companies, and advised we need to make a list of which services we want to be bid.
11. **Done:** Dave verified that Wards adjusted the common area sprinkler coverage near 1253 Whitehall.
12. **Done:** Dave contacted plumbers to check the backflow valves.
13. **Done:** All BOD members sent email votes on the motion to approve governance updates to Bill by Aug 20<sup>th</sup>.
14. **Action:** The BOD needs to draft and communicate a policy about landscape maintenance requirements for Owners to prevent damage to the fence. Gary M agreed to write something up.

### **New Business**

1. Rule violations –Five Demands for Abatement, sent since the last BOD meeting, were reviewed.

### **Homeowners to be Heard**

1. There were no non-BOD homeowners present.

### **Next Meeting**

1. The BOD will meet on Oct 14<sup>th</sup> at 7:00 – 9:00 PM at Room D of the Longmont Senior Center.

### **Adjournment**

1. The meeting was adjourned at 8:19 PM.

# The Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

MEETING DATE:                   October 14<sup>th</sup>, 2008  
 PUBICATION DATE:               October 18<sup>th</sup>, 2008  
 SUBMITTED BY:                   Bill Hallett, Secretary

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## Meeting attendance

- David Sanders, President
- ✓ Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees: Scott Pfauth, Scott Knollenberg

## Call to Order

- The BOD meeting was called to order at 7:30 PM at the Longmont Senior Center.

## Agenda

- Call to order and attendance
- Hearings for Rule Violations
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business
- HOA Member comments (5 minutes/person per topic)
- New Business
- Next BOD Meeting
- Adjourn

## Hearings for Rule Violations

1. Hearings were held for four homeowners who had failed to abate violations specified in Demand for Abatement letters. Homeowners Scott Pfauth (1343 Reserve) and Scott Knollenberg (1244 Whitehall) were present to be heard. The homeowners of 1257 Whitehall and 1313 Reserve were not present. The hearing minutes are documented (separately) in accordance with HOA Bylaws. Here is a summary of the decisions made by the BOD:
  - a. 1343 Reserve: The BOD voted to waive a \$50 fine so long as garage door repairs (including painting) are completed by October 28, 2008.
  - b. 1244 Whitehall: The BOD voted to waive a \$50 fine so long as garage door repairs (including painting) are completed by November 4, 2008.
  - c. 1257 Whitehall: The owners of record have submitted a bankruptcy discharge of debt letter to the HOA. **Action**: Gary Mutz will consult with the HOA attorney on how to proceed. The BOD voted to impose a \$50 fine for trash in the yard and a \$50 fine for the damaged and unrepaired hot tub cover, pending legal advice.
  - d. 1313 Whitehall: The BOD voted to impose a \$50 fine for trash bins stored outside the garage.
2. Fines and other sanctions become effective upon entry into the HOA minutes, so long as the minutes include certification of due process and the other requirements of the HOA Bylaws. Bill Hallett confirmed that the Bylaw requirements were followed when he prepared the Hearing minutes.
3. The possibility of violations being abated after the Demand for Abatement date and before the Hearing was discussed. The BOD determined that the HOA bylaws state that fines should generally be imposed per HOA rules in such a situation, although specific circumstances and evidence/discussion presented by homeowners at Hearings may be considered by the BOD in making a final decision.

### Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the September 9<sup>th</sup> meeting minutes.

### Reports of Board Members

1. Treasury – Gary Abbuhl
  - a. Gary provided a financial statement dated October 11<sup>th</sup>, 2008. A few invoices are still due for the rest of this year's budgeted expenses.
  - b. Gary said that some of the sprinkler repairs seemed high, but Dave Sanders has confirmed that they are correct. We may have to consider this for next year's budget.
  - c. Cash is down for the year, due to the fence-painting project.
2. Governance – Gary Mutz
  - a. The HOA now has enforceable rules and the BOD is enforcing them.
3. Secretary – Bill Hallett
  - a. Bill has sent lots of Demand for Abatement and Notice of Hearing letters since the new rules were approved.
  - b. Copies of the final governance updates were received on Oct 9<sup>th</sup> (provided for free by the City, a benefit of affiliation with the LINGLA.)

### Unfinished Business

1. **Action:** Bill will send the final documents with a cover letter to all owners by Oct 21<sup>st</sup>.
2. **Action:** Gary will provide a draft of the Survival Guide for the Nov 9<sup>th</sup> BOD meeting.
3. **Action:** Gary will work with Bob Lee and Lois Abbuhl on proposals for the Grants program. Gary sent a list of potential projects to Jon Clarke (the LINGLA director) and received a response which projects would be eligible and which would not.
4. **Done:** Dave compared the new and old snow removal proposals. Wards will honor the 2007 contract and its lower costs.
5. **Action:** Dave will verify the City rules on snow removal.
6. **Done:** Dave contracted Pinetree Plumbing to inspect the backflow valves.
7. Fence Painting – extra coat on South-facing sections:
  - a. **Done:** Dave confirmed the cost of paint, \$475 + tax. One person volunteered to help.
  - b. **Done:** Dave and Gary M will check on whether we would affect the warranty by adding a 2<sup>nd</sup> coat. Maybe, but the contractor recommended the extra coat of paint.
8. Web Page:
  - a. **Done:** Gary M forwarded information about local schools to include as content.
  - b. **Action:** Bill has finished the design and about half the content. He hopes to have a final design ready in ~~September~~ October, and will use Neighborhood Link until the new webpage is done.
  - c. **Action:** Bill will include forms on the final webpage for: voting proxy, HOA Records Request, ARC forms, and Variance requests.
9. **Done:** Bill will try to find out more about what Hindman-Sanchez suggests in a formal reserve fund analysis, and report back to the BOD and Gary A. The reserve fund analysis suggested by Hindman-Sanchez includes the same information Gary Abbuhl has already provided. Bill discussed with other HOA leaders, and found that an outside firm can charge quite a lot for an analysis. Our HOA is small and has simple common properties, so an analysis by an outside firm is probably not worth the expense. However this is a topic that next year's BOD will need to address.
10. **Action:** Gary M will work with Bob Lee to obtain some details about costs and services that some Property Management firms may offer to cover some of the legal aspects of CC&R enforcement for the BOD. Gary has obtained a list of several Property Management firms, and will contact them to see how they bid out their services.
11. **Action:** The BOD needs to draft and communicate a policy about landscape maintenance requirements for Owners to prevent damage to the fence. Gary M agreed to write something up.

### New Business

1. Gary Abbuhl suggested that the invoices for next year's dues be itemized to show operating expenses and reserve fund separately. **Action:** Gary will show a proposed dues invoice for 2009 at the Nov BOD meeting, with operating and reserved fund items listed separately.

2. A motion was made and approved to proceed with painting an extra coat on the South-facing sections of the fence. **Action:** Dave set up a date to paint. **Action:** Bill will send a flyer around to invite participation.
3. Bill presented receipts for postage and office supplies used for CC&R enforcement. A motion was made and approved to reimburse these expenses. Gary A wrote a check to reimburse the expenses.
4. ARC Request: Bruce Rothermel submitted a request to change exterior paint colors. The colors were approved by adjacent neighbors. The BOD, acting in the capacity of the ARC, approved the request. **Action:** Bill will file Rothermel's original ARC request and deliver a copy of the approved request to Bruce Rothermel.

**Homeowners to be Heard**

1. Two non-BOD homeowners were present, but left before this section of the meeting.

**Next Meeting**

1. The BOD will meet on Nov 18<sup>th</sup> at 7:00 – 9:00 PM at Room D of the Longmont Senior Center.

**Adjournment**

1. The meeting was adjourned at 8:24 PM.

# The Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

**MEETING DATE:** November 18<sup>th</sup>, 2008  
**PUBICATION DATE:** November 22<sup>nd</sup>, 2008  
**SUBMITTED BY:** Bill Hallett, Secretary

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## Meeting attendance

- ✓ David Sanders, President
- ✓ Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees: Bob Lee, Kelly Whitely

## Call to Order

- The BOD meeting was called to order at 7:02 PM at the Longmont Senior Center.

## Agenda

- Call to order and attendance
- Hearings for Rule Violations
- Approve prior meeting minutes
- Reports of Board Members
- Unfinished Business
- HOA Member comments (5 minutes/person per topic)
- New Business
- Next BOD Meeting
- Adjourn

## Hearings for Rule Violations

1. Hearings were held for one homeowner who had failed to abate violations specified in Demand for Abatement letters. No homeowners with violations were present to be heard. The hearing minutes are documented (separately) in accordance with HOA Bylaws. Here is a summary of the decisions made by the BOD:
  - a. 1313 Reserve: The BOD voted unanimously to assess a \$50 fine for non-repair of the broken gate, and to engage a contractor to make repairs if the homeowners do not do so by December 18<sup>th</sup>, 2008, with costs of repairs and enforcement to be assessed against the lot owners.
2. Fines and other sanctions become effective upon entry into the HOA minutes, so long as the minutes include certification of due process and the other requirements of the HOA Bylaws. Bill Hallett confirmed that the Bylaw requirements were followed and provided proof of mailing of required documents.

## Approve Prior Meeting Minutes

1. A motion was made, seconded, and approved to accept the October 14<sup>th</sup> meeting minutes.

## Reports of Board Members

1. Treasury – Gary Abbuhl
  - a. Gary provided a financial statement dated November 12<sup>th</sup>, 2008. A few invoices are still due for the rest of this year's budgeted expenses. Ward's has been paid their final invoice for the year.
  - b. Cash is down for the year, due to the fence-painting project.

- c. There are still 2 homes with unpaid dues, 1 late fee, and one balance due of \$45 for not paying dues before Feb 1. Interest is accruing.
2. Governance – Gary Mutz
  - a. Things are clicking along.
  - b. Gary M provided a draft copy to the BOD of the “BOD Members’ Survival Guide”. BOD members are requested to provide input to Gary.
3. Secretary – Bill Hallett
  - a. Bill has been preparing meeting minutes, letters, and notices. He also reorganized the HOA filing system.
  - b. Bill said he would report on webpage status during unfinished business.

### **Unfinished Business**

1. **Done:** Bill sent the final governance documents with a cover letter to all owners on Oct 21<sup>st</sup>.
2. **Done:** Gary provided a draft of the Survival Guide at the Nov 18<sup>th</sup> BOD meeting.
3. **Done:** Gary M, Bob Lee, and Lois Abbuhl have written a proposal for the Longmont Neighborhood Grants Program. It is a 3-phase plan to reduce watering expenses and improve sustainability of targeted common areas. Bill made the following motion, seconded by Gary A: “The Grant Project proposal shall be approved as-is by the BOD, along with any changes as may be required by the City” The motion was approved unanimously. **Action:** Gary M will continue working with Bob through December and submit the proposal by the Jan 7<sup>th</sup> deadline. **Action:** The Plan will be reviewed with Owners at the December meeting. Next year’s budget for Spring Planting will be applied to the project.
4. **Done:** Gary M confirmed the City rules on snow removal. Snow and ice must be cleared to expose the sidewalk within 24 hours after the snow or ice stops falling.
5. Fence Painting – extra coat on South-facing sections:
  - a. **Done:** Dave set up a date to paint (Nov 8<sup>th</sup>)
  - b. **Done:** Bill sent a flyer around to invite participation. There were 10 participants (Dave Sanders, Gary Abbuhl, Gary Mutz, Bill Hallett, Linda Mutz, Chris Ringman, Dyce DeHaan, Bob Lee, Sabrina Lee, and Dave Wilson). Thanks to all!
6. Web Page:
  - a. **Done:** Bill finished the design and content, and provided CD’s for BOD review and approval. He will use Neighborhood Link until the new webpage is approved and online. Bill will provide hosting cost details after the webpage is approved.
  - b. **Done:** Bill will include forms on the final webpage for: voting proxy, HOA Records Request, ARC forms, and Variance requests.
7. **Action:** Gary M will work with Bob Lee to obtain some details about costs and services that some Property Management firms may offer to cover some of the legal aspects of CC&R enforcement for the BOD. Gary has obtained a list of several Property Management firms, and will contact them to see how they bid out their services.
8. **Action:** The BOD needs to draft and communicate a policy about landscape maintenance requirements for Owners to prevent damage to the fence. Gary M agreed to write something up.
9. **Done:** Gary A included the proposed dues for 2009, with operating and Reserve Fund items listed separately, as approved for the 2009 budget by the BOD on Nov 2. The following motion was made by Gary M, seconded by Dave: “Amend the 209 budget line item descriptions to replace ‘Spring Planting’ with ‘City NIP Match Fund’ and “Capital Improvements Reserve Fee’ to ‘Reserve Fund Fee’.” It was discussed that the Reserve Fund fee is a Common expense Fee as defined in the Declaration. The motion was unanimously approved.
10. **Done:** Bill filed Rothermel’s original ARC request and delivered a copy of the approved request to Bruce Rothermel.

### **New Business**

1. Bob Lee reported on materials and discussions reviewed at the past two LINGLA meetings. Bob also discussed information he received on Single Stream Recycling (The Reserve will have recycling bins retrofitted on Nov 28<sup>th</sup>), hazardous waste disposal, and compact fluorescent lighting.
2. Dave has made a request for the apartment managers to arrange for repairs to the fence damaged by their landscapers. **Action:** Dave will follow up with the apartment managers on arranging fence repairs.
3. Bill submitted receipts for postage and office supplies for mailing violation documents and the final draft of the 2008 governance updates.



4. Dave reported on some complaints he has received via email about landscaping and repairs. It was discussed that no BOD member can treat such complaints on behalf of the BOD without full BOD support. It is also not reasonable that Owners should expect BOD members to take immediate action on such complaints except in the case of rule violations, for which there is a documented process to follow. The following motion was made by Gary M and seconded by Gary A: "In situations of owner requests or demands for action that are not about rule violations, BOD members receiving the requests shall respond with an invitation to attend the next BOD meeting to be heard." The motion was unanimously approved. **Action:** The Secretary will include in the next newsletter an announcement about how the BOD will respond to owners' requests or demands for action.

#### **Homeowners to be Heard**

1. Homeowner Kelly Whitely made a request for the BOD to waive interest and late fees on dues for 1203 Whitehall Drive due to hardship. The BOD expressed understanding and sympathy, but this would set a precedent that would make it difficult for future BOD's to collect HOA dues and fines. No motion was made to waive the late fees and fines. It was pointed out that serving on the BOD might be an option to consider in the future, as the dues waiver for BOD service might help to alleviate the financial hardship.

#### **Next Meeting**

1. The Annual Owners meeting will be on Dec 9<sup>th</sup> at 7:00 – 9:00 PM at Room D of the Longmont Senior Center.

#### **Adjournment**

1. The meeting was adjourned at 8:26 PM.

# The Reserve At Ute Creek Homeowner's Association Annual HOA Owners' Meeting Minutes - APPROVED

**MEETING DATE:** December 9<sup>th</sup>, 2008  
**PUBICATION DATE:** January 7<sup>th</sup>, 2009  
**SUBMITTED BY:** Bill Hallett, Secretary

## Meeting attendance (22 Owners total, including BOD members)

- ✓ David Sanders, President
- ✓ Gary Abbuhl, Treasurer
- ✓ Bill Hallett, Secretary
- ✓ Gary Mutz, Governance
- ✓ Non-BOD Attendees (in person): Judy Gates, Irene Hallett, Chip Haring, Kelly Kuczka, Shannon O'Brien, Bob and Sabrina Lee, Tom Sheffield
- ✓ Non-BOD Attendees (via proxy): Abrahamson, Allen, Baucom, Laughrey, Lindberg/McGlothlin, Manzo, McQueen, Miller, Murphy, Ringman, Martin, Wilson

## Call to Order

- The Secretary confirmed attendance (in person or via proxy) by a quorum of Lot Owners. Therefore, the HOA Annual meeting was called to order at 7:01 PM at the Longmont Senior Center.

## Agenda

- Call to order and attendance
- Reading and approval of minutes from the Nov, 2008 BOD Meeting
- Explanation of Voting Requirements, by the President
- Reports of officers
  - President
    - Board of Directors' Responsibilities
    - Goals and Accomplishments of the 2008 BOD
    - State of the HOA
  - Treasurer
    - 2008 Finance & Accounting
    - Presentation and Ratification of 2009 Budget
- Unfinished Business
- New Business
- Neighborhood Grants Program Proposal – Bob Lee
- Members to be heard (3 minute limit per person per topic)
- Election of 2009 Board of Directors (If you wish to serve on the 2009 BOD, please announce your candidacy at or before this meeting.)
- Adjournment

## Approve Prior Meeting Minutes

1. A motion was made, seconded, and unanimously approved to accept the November 18<sup>th</sup> BOD meeting minutes with corrections of three typographical errors.

## Explanation of Voting Requirements

1. Owners of Lots are entitled to one vote per Lot owned.
2. Proxy-holders may vote once for each proxy held.
3. The 2009 Budget is considered ratified unless rejected by 67% of Lot Owners (i.e., 47 votes against).
4. A quorum is 25% or 70 Lot Owners, or 18 votes.

## Reports of Officers

1. President – Dave Sanders
  - a. Dave reviewed the Goals and Accomplishments of the 2008 Board Of Directors:
    - i. Budget Conformance – the BOD managed HOA operations within the approved 2008 budget
    - ii. Governance Updates for Compliance to CCIOA – completed. Updated documents were mailed to all Lot Owners.
    - iii. CCR Violation Enforcement Process – updates completed and in use.
    - iv. Webpage – a new design was completed and uploaded the internet. BOD members have reviewed it. The address is: <http://www.reserveute.tripod.com/reserveute> . Tom Sheffield opened the webpage from his handheld computer and commented that it looks good and is user friendly.
    - v. Management of Landscape and Snow Removal – proceeding according to contract. We hope that snow removal expenses are not as high as last year.
    - vi. Fence Painting – both sides were power-washed, primed, and painted with two coats of paint. The south-facing fence was painted with a third coat due to intense exposure to the sun.
    - vii. Preparation and 2009 Budget – completed on time
    - viii. Owner Meetings in July and December –A quorum of Lot Owners did not attend the July meeting, so it was not possible to call a HOA meeting to order. A BOD meeting was instead called to order in July to inform the Owners present of the status of HOA operations. This December meeting is, however, attended by a quorum of Lot Owners.
    - ix. Participation in the Longmont Neighborhood Group Leaders' Association (LNGLA) – The Reserve was represented at all of the LNGLA meetings for 2008, qualifying us for several grants programs in 2009. Bob Lee will report later on the LNGLA.
    - x. Policies Adopted in 2008
      1. The BOD will recommend mediation in cases of conflicts between individual neighbors, where there is no clear violation of HOA Rules and no impact the Community as a whole.
      2. A change in Ownership of a given lot will reset the rule enforcement process.
      3. The BOD may still impose fines for violations that are abated after the due date but before the hearing date.
      4. When Owners contact BOD member(s) via email, phone, or in person with a request or complaint, the BOD member(s) will advise the Owner that the request will be raised at the next BOD meeting and the Owner will be invited to attend. This does not apply to reports of HOA Rule violations, which will be handled via the standard rule enforcement process. This is necessary for the BOD to act as a governing body rather than individuals.
      5. Expenses will not be reimbursed without prior BOD approval and receipts. Expenses incurred to conform with HOA Rules or State Law implicitly have prior BOD approval.
      6. The 2008 BOD suggests this **Action**: the 2009 BOD should develop and communicate to Lot Owners a specific policy relating to CC&R Section 11.1 to make it clear to Owners that they must maintain their landscaping in such a way as to prevent damage to Community property and allow access for maintenance of Community property.
  - b. Dave also suggested focus areas for the 2009 BOD
    - i. Outsourcing of the Rule Enforcement process, and relevant economic considerations.
    - ii. Development and Maintenance of HOA Common properties.
    - iii. BOD Member training via city class offerings and/or meeting with the HOA attorney.
    - iv. Participation in the city's Neighborhood Improvement Program to obtain grants for projects to reduce HOA maintenance costs.
    - v. **Action**: Study the cost and Community impact of deeding some Common areas to adjacent Lot Owners.
2. Treasurer – Gary Abbuhl
  - a. Gary provided a financial statement dated December 9<sup>th</sup>, 2008.
  - b. Gary discussed the 2008 fiscal results.
    - i. We have \$334 cash on hand, and \$1,400 in a money market account.
    - ii. The reserve fund balance is \$17,100, and is in CD's (maturing in 01/2010 and 12/2012)
    - iii. Accounts receivable are \$1,430. This is largely due to delinquent dues (including one bankruptcy and one foreclosure).

- iv. We had \$1,300 in legal fees. This was for Governance Document updates and also for some expenses in connection with rule enforcement. The rule enforcement expenses will be recovered from the Lot Owners for whom legal action was required.
- v. Water was the largest single expense, at \$6,277.
- vi. Cash flow for 2008 was (\$6,038). The negative cash flow was due to the fence painting project.
- c. The 2009 budget was presented.
  - i. Dues will be \$545, with a \$45 discount for payment by Jan 31. A \$150 late fee will be assessed for dues not paid before Mar 1. There is also a \$50 Reserve Fund fee. Some Owners present were concerned about the Reserve Fund fee and felt that it amounts to a dues increase. The Owners were requested to hold comments until the “Members to be Heard” part of the agenda.
  - ii. Because there were not 47 or more owners present to oppose ratification, the 2009 Budget was ratified without a vote.
- 3. Committee Reports: LNGLA – Bob Lee
  - a. Bob reported that monthly LNGLA meetings provide a tremendous amount of information and training opportunities for HOA members and officers.
  - b. The LNGLA coordinates sessions where HOA members and officers may receive free legal advice and training from Hindman-Sanchez (a law firm specializing in HOA law) and other professional neighborhood organizations.
  - c. The Reserve is now eligible to participate in the City’s Neighborhood Improvement Program. A project has been developed, and will be discussed later in this meeting.
  - d. Participation in the LNGLA has also made The Reserve eligible for activity fund grants (for things like block parties). The 2009 BOD should look to this as a way to encourage neighborhood involvement. **Action:** The 2009 BOD needs to plan an event to make use of available City neighborhood activity grants.
  - e. The LNGLA also provides Police and Fire updates, contact with City Council members, and networking with other HOA leaders.

### Unfinished Business

- 1. **Action:** BOD members provide feedback on Survival Guide (Rev 2) to the Governance officer. This item is still open.
- 2. Grants Program:
  - a. **Action:** Bob Lee, Lois Abbuhl, and Gary M will continue refining the proposal through December and submit it by the Jan 7<sup>th</sup> deadline. The 2009 budget for Spring Planting will be applied to the project.
  - b. **Done:** The Plan will be reviewed with Owners at the December meeting.
  - c. **Action:** Bill will post a copy of the proposal on the webpage.
- 3. Web Page:
  - a. **Done:** Feedback on webpage content and any edits needed.
  - b. **Done:** Review cost of hosting services.
  - c. **Action:** Bill will recommend which paid hosting service to use.
  - d. A motion was made and seconded to approve the new webpage, notify Owners of the new URL, and take the webpage into “maintenance mode”. The motion was unanimously approved.
  - e. **Action:** Bill will include the URL (<http://www.reserveute.tripod.com/reserveute>) in the next newsletter, and also add a link to the Neighborhood Link webpage. He will also begin maintenance of the webpage (updating content, adding keywords for search engines, etc.).
- 4. **Action:** Gary M reported on some information he obtained about property management firm costs. Our last Manager was Fourstar Realty, which is primarily in real estate rather than property management. Their proposed annual cost in 2001 was \$4800/yr. Several firms did not call Gary back to discuss service options. This should be carried forward by the 2009 BOD.
- 5. **Action:** The BOD needs to draft and communicate a policy about landscape maintenance requirements (CC&R section 11.1) for Owners to prevent damage to the fence.
- 6. **Action:** Dave reported that the apartment managers have agreed to repair damages to the fence caused by their landscapers. Dave will follow up to get a schedule for repairs.
- 7. **Action:** The Secretary will include in the next newsletter an announcement about how the BOD will respond to owners’ requests or demands for action, and other policies.

### New Business

1. Bill submitted receipts for postage costs related to Rule Enforcement notices. The BOD unanimously approved reimbursement of the expenses.

### Neighborhood Grants Program Proposal

1. Bob is leading the HOA's Neighborhood Grants Committee.
2. Bob only received two responses to newsletter requests for Owner participation: Lois Abbuhl and Gary Mutz. The three have prepared a three-year project proposal to make some improvements to reduce HOA landscape maintenance costs and to reduce wastewater.
3. The committee recommends that the historical Spring Planting budget be applied to these projects, and also that volunteer labor be used (at \$10 per hour for purposes of obtaining matching funds from the City grants program).
4. The first phase will deal with the front entrance, off 17<sup>th</sup> Ave. Interested Owners should contact Bob for project details, and opportunities to be involved. Tom Sheffield suggested that this be advertised to HOA members in the newsletter specifically as a way for Owners to help reduce operating expenses.
5. The committee has also suggested an "Adopt-a-Cul-de-Sac" program, where Lot Owners on some of the Cul-de-Sacs could suggest projects to reduce maintenance costs of the landscaping. **Action:** Need to develop the Adopt-A-Cul-de-Sac idea into a proposal.

### Homeowners to be Heard

1. Tom Sheffield suggested that the dues credit for BOD service should be repealed to help increase operating funds. Bill Hallett said that he spent over 130 hrs on BOD business in 2008 and expressed great frustration in being challenged every year about a dues credit which works out to less than \$4/hr. There were several other comments from Owners and BOD members which the Secretary was not fast enough to record.
2. Tom Sheffield argued that the \$50 reserve fund fee is really a dues increase. Bill Hallett responded that the \$50 fee is a Common Expense Assessment as defined in Section 5.2 of the CC&R's. Gary Abbuhl said it is not clear at this time if the fee will be annual or not. Gary Mutz said that the 2007 BOD had recommended a cap of 5% of Common property value, or about \$50k, to prevent an excessive reserve fund.
3. Chip Haring asked if we could move on past budget discussions. Gary Mutz pointed out that the budget is ratified, but that this part of the agenda allows for owner comments on any topic of interest.
4. Tom Sheffield suggested that the BOD state more clearly in newsletters that requests for volunteer participation in HOA projects offer Owners a means to help reduce costs.
5. Kelly Kuczka said that the painters requested that Owners tie back plants for access to the fence, and that they took almost 6 weeks to actually get to her lot. This caused unnecessary stress to her plants. Kelly asked if this could be better-managed next time.
6. Kelly Kuczka asked why the BOD did not consider having neighborhood teens do the painting, which she had requested early on. None of the BOD members had been made aware of this request, but they discussed that the painters used power washing equipment and high pressure paint sprayers which might have been a liability had the HOA contracted for local teens to do the work.
7. Bob Lee asked for Owners to spread the word about the grants program so Owners can participate.
8. Sabrina Lee commented that mortgage lenders, especially in the current economy, do look at HOA expenses and reserve fund management. Bill Hallett mentioned that one of the LINGLA training sessions stressed that Fannie Mae and Freddie Mac expect reserve fund activity to amount to 10% of HOA Revenue, although this may not be so relevant now considering the state of those two entities.
9. Sabrina Lee suggested that the HOA might be able to encourage more Owner participation in improvement projects by offering small dues credits.
10. Irene Hallett asked that the 2009 BOD consider allowing neighborhood teens or scouting troops to participate in improvement activities for nominal pay. Gary Mutz said that the 2009 BOD should probably discuss this with HOA attorney to see if liability waivers would be needed.

### Election of 2009 Board of Directors

1. Gary Mutz made the following motion, seconded by Shannon O'Brien: "The HOA will have 5 BOD members for 2009". There was some discussion that the Governance officer was added for 2008 for the specific project of updating HOA governance policies for CCIOA compliance. Other discussion was that there are still several governance activities to complete, such as a survival guide and exploring property

management services in detail. 19 Owners voted in favor, and 3 voted in opposition. The motion was approved.

2. Tom Sheffield motioned that the dues credit for BOD service be reduced to \$100. This was not seconded.
3. The following five Owners confirmed or announced their candidacy for BOD: Dave Sanders, Gary Abbuhl, Bill Hallett, Tom Sheffield, and Sabrina Lee.
4. Since there were five candidates for five BOD positions, the election is uncontested. Therefore (in accordance with HOA rules), the vote was taken by show of hands rather than secret ballot.
5. Dave Sanders, Gary Abbuhl, Bill Hallett, Tom Sheffield, and Sabrina Lee were elected to the 2009 BOD.

**Adjournment**

1. The meeting was adjourned at 8:46 PM.

# The Reserve At Ute Creek Homeowner's Association Board Meeting Minutes - APPROVED

**MEETING DATE:** December 9<sup>th</sup>, 2008  
**PUBICATION DATE:** January 7<sup>th</sup>, 2009  
**SUBMITTED BY:** Bill Hallett, Secretary

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## Meeting attendance (22 Owners Total, including BOD members)

- ✓ David Sanders
- ✓ Gary Abbuhl
- ✓ Bill Hallett
- ✓ Sabrina Lee
- ✓ Tom Sheffield
- ✓ Non-BOD Attendees (in person): Judy Gates, Chip Haring, Kelly Kuczka, Gary Mutz, Shannon O'Brien, Irene Hallett
- ✓ Non-BOD Attendees (via proxy): Abrahamson, Allen, Baucom, Laughrey, Lindberg/McGlothlin, Manzo, McQueen, Miller, Murphy, Ringman, Martin, Wilson

## Call to Order

- The BOD meeting was called to order at 8:47 PM at the Longmont Senior Center.

## Agenda

- Bill Hallett motioned that the agenda be "To assign officer positions for the 2009 BOD, set a meeting time for the next BOD meeting, and then adjourn". Gary Abbuhl seconded the motion. The motion was unanimously approved.

## Officer Assignments for the 2009 BOD

1. Officer general responsibilities were discussed:
  - a. President: Preside at meetings; assign committees; set BOD goals for the year; set meeting agendas
  - b. Vice President: Review and recommend contracts, oversee landscaping management
  - c. Treasurer: Maintain books, budget, and finances; write checks; file tax documents
  - d. Secretary: HOA correspondence and communications; keep meeting minutes; record votes
  - e. Governance: Oversee BOD/HOA conformance to HOA rules; Liaison with HOA Attorney
2. Bill Hallett made the following motion, seconded by Gary Abbuhl: "BOD Officer assignments for 2009 will be: Sabrina Lee: President, Dave Sanders: Vice President, Gary Abbuhl: Treasurer, Bill Hallett: Secretary, Tom Sheffield: Governance Officer". The motion was approved unanimously.

## Next Meeting

1. The next BOD meeting will be on Tues, Jan 13<sup>th</sup> at 7:00 – 9:00 PM, at Room B of the Longmont Senior Center.

## Adjournment

1. The meeting was adjourned at 8:52 PM.