

DRAFT Minutes of Northcreek Subdivision HOA Annual Meeting
Sunday, November 3, 2019

Date: Sunday, November 3, 2019
Call to Order: 10:00 am
Location: Natural Grocers Community Room

Minutes by: Darla Schueth, Director
Chair of meeting: Cat Cantor, President
HOA Management Elizabeth Silverman, Distinctive Community Management
Homeowners 23 unique households (see list of attendees below).
accounted for: 13 Proxies. This achieves a quorum as required by our bylaws.

Reading of minutes. The reading of last year's minutes was waived. There were no amendments. Minutes were approved by unanimous vote.

Proof of Notice Of Meeting: The notice of the annual meeting was sent one month prior to the meeting to all owners of record. This meets bylaws requirements.

Business

Legal: Elizabeth expressed appreciation of all Owners for their attendance today and participation in the review process. She explained the hierarchy and purpose of three governing legal documents: 1. Declaration of Covenants, 2. Bylaws, 3. Articles of Incorporation. Homeowners raised discussion points related to the Declarations and Bylaws as follows:

Declaration of Covenants:

- Article 1, Defined Terms, section 1.1, (k) regarding language related to incorporation of "common areas" in this paragraph. Follow-up is needed with attorney. Specifically, there is concern that homeowners could be held to a different standard than the HOA holds itself to in terms of upkeep/maintenance of the common areas (since the common areas are specifically exempted from the requirements for each "lot").
- Article 2, Easements for the Association, section 2.6: follow-up is needed with the attorney. Specifically, easements are granted but there is currently no wording regarding board authority to enforce the easements.
- Article 4, Covenant for Assessments for Common Expenses, Section 4.4, Special Assessments, concerning veto of special assessment by Owners holding at least sixty-seven percent of the total Association vote. Upon discussion this veto percentage will be changed to fifty-one percent (51%) of the total Association vote.
- Article 4, Working Capital, Section 4.6. There was a discussion of whether to eliminate/reduce the working capital requirement contribution of new owners (e.g., to 6 months of dues rather than 1 year of dues).

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- Article 5, Covenants and Restrictions on Use, Alienation and Occupancy, Section 5.4, leasing and occupancy. Elizabeth explained that leases of at least 6 months are allowed. Short-term (less than 6 months) leases are allowed only when Owners occupy the home in compliance with City of Boulder regulations; Section 5.10, Vehicular Parking, Storage and Repairs, sections h, i, j will be revised and/or deleted regarding the board's responsibility take action regarding violations.
- Article 5, Landscaping Requirement and Restrictions. There was concern about vagueness of the wording leading to subjective enforcement. To clarify this and ensure consistency of the landscaping requirements in Northcreek HOA, a set of written landscaping standards will be written by a committee of community members and approved by the Board in the future.
- Article 6, Architectural Review, Sections 6.1, required approval, 6.3, criteria and 6.6, reply and communication. Elizabeth explained the purpose of changes. She emphasized that a Committee of Owners is needed to flesh out guidelines for architectural rules, criteria and review.
- Article 8, General Provisions, Section 8.2, Attorney Fees: this paragraph will be revised to assure consistent language related to reimbursement for reasonable attorney fees; Section 8.5, Amendment of Declaration by Owners needs attorney clarification of the phrase, "and with the written consent of the Association." Specifically, should the phrase above be deleted from Section 8.5?

Bylaws

- Article 4 Meetings of Members, Section 4.6, Quorum of Members: discussion related to whether it is enough that the presence of Members holding at least twenty percent (20%) of the votes entitled to be cast shall constitute a quorum.
- Article 5 Board, Section 5.1, Number, discussion related to the adequacy of 3-5 board members, and the need for a minimum of 3 yes votes if there are 5 or fewer board members. The board will further review the number of directors and encouraged more Owners to volunteer for board service.
- Article 5, Section 5.2.h: clarify that any HOA educational offerings which board members may attend must be in Colorado?

Budget Discussion:

The 2020 budget was reviewed.

- It includes, after discussion a budget of \$2,000 for trees, up from \$1000 and a contribution of \$3410 to the reserve fund. The tree budget was increased in order to allow for more-proactive checking/trimming of the trees along the path. It was suggested that this should be an annual maintenance activity.
- The operating budget for 2020 does not include Attorney charges for document rewrite as it is a capital expense and it is expected to be completed in 2019.
- It includes no allocation for the volleyball court since no work is expected.
- There will be no dues increase for 2020.

The 2020 Budget was approved as reviewed and discussed.

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Hot Tub

A vigorous discussion ensued regarding the merits of the hot tub as a property enhancing amenity. Regardless, the majority of Owners completed a survey that indicated a lack of interest in investing \$20,000 to upgrade the hot tub. The Board decided to forego maintenance on the hot tub earlier this year. A motion was moved and seconded to ratify this action with unanimous approval. As next steps, the Board will appoint a Committee of Owners to make a list of recommendations regarding how to use the common areas, including a cost/benefit analysis of each option.

Election Of Directors:

Honey Ahijevych, Cat Cantor, Doug Carmichael, Darla Schueth were re-elected. In addition, the following Owners were elected: **Allision Russell, Michelle Kinkead, Stu Watada, Ted Kennedy.**

Additional Owner Questions/Comments

- The ditch leakage remains an issue for those whose houses keep pumping.
- It was suggested that the board make it clear that “dumping” (of yard waste, etc.) along the path by the creek bordering our HOA is not acceptable. Perhaps this rule should be added to the landscaping standards which will be written.

Adjournment: 12:30 pm

List of Homeowners Present at the 2019 Annual Meeting

Name
David & Honey Ahijevych
Patrick Austin
Rebecca & John Brunner
Cat Cantor
Doug Carmichael
Claudine Cmarada
R & B Dilmars
Lance Evans
Chris Fogleman
Sue Hirschfeld
Kelsey & Matt Heffernan
Ted Kennedy
Debra Lambert
Ash Macon & Wendy Franz
Cynthia Johnson
Michelle Kinhead
Joe Lindsey
Mary Mac
Allison Russell
Darla Schueth
Sally Sullerton
Paul Throckmorton Stu Watada