

MVHA Meeting Minutes

Annual Meeting, January 19, 2010

Meeting held at Mission Viejo Elementary School

Member sign in 6:00 to 6:30-During this time Trent Woolley and other members on the City Planning Department were on hand to answer questions about the new playground in MV Park.

Meeting was called to order at 6:35. Approximately 81 members were present.

Introduction of board members: Todd McMahon, Elaine Lay(Elaine said that volunteer sign-up sheets would be circulating throughout the meeting, noting that one sign-up sheet would be for door to door visits regarding the trash program), Troy Haller, Ron Costa, Tricia Roush.

Questions regarding the new playground. Construction will begin in May and will take about 140 days.

Todd gave some background on the HOA via PowerPoint presentation.

Speakers:

1. Suzanne Williams, state Senator. This is her 5th year as senator. She has a new place for her meetings since the library is closed. Her meetings are now held at the Smoky Hill library on the first Saturdays of each month from 10 until 12. She also has meetings at Panera Bread on Iliff on first Saturdays at 7 a.m.
2. Andre Pearson-MV Elementary School principal-He spoke to the library closing. He also spoke to a small grant that MV received for a Saturday program at school for at risk students. For the first couple of years they will be using Americorps volunteers, but maybe community volunteers will be recruited in a couple of years. He stated that MV is the largest elementary school in Cherry Creek District that is not a year round school, approximately 650 students. The construction that is going on will create pods for each grade level. Some temporary walls will become permanent. Also new carpeting, new faculty restroom and some other improvements.
3. Bob Broom, city councilman, Mayor Pro-Tem. He spoke briefly about the new jobs created by Fitzsimmons and a new hotel going up on Colfax. He spoke about the Lend Lease New Horizons project at C470 and 70 that is in the works, but not finalized. He has meetings this year on February 2 at Shalom Park, 7-8:30 p.m., May 20, Tallyn's Reach library 7-8:30, September 21, Shalom Park, 7-8:30 and November 4, Tallyn's Reach library 7-8:30. Sandy Weiner made a comment that the city should concentrate on taking care of what we already have rather than starting up new areas. This statement was applauded by those in attendance.
4. Dave Ball from Pro Disposal. \$9,654 was given back to the neighborhood in 2009. He asked for suggestions to increase customer base. Cheri Long and Paul Finger both promote Pro Disposal. Excel Energy however promotes another trash service. Door to door campaign will begin in 2010 contacting homeowners who do not use Pro Disposal.

5. Christopher Pfeiffer and Baylor Bland, architects for Walgreen's. Property was purchased 4 months ago. Construction will begin in early spring and will take 5 to 6 months. This will not be like any other Walgreen's. It will be built in the Mission Viejo style with Mission Bells and earth tones. It will create 30 new jobs. The average store fills 250 prescriptions a day, which adds up to 96,000 a year. Walgreen's is very community oriented and likes to be in a community to give access to the elderly for prescription needs. They have a 25 year lease, so they are in the neighborhood to stay.
6. Gary Rivale. Encouraged people to attend Neighborhood Watch meetings. There is a problem in front of the school with people not stopping for stop signs and driving too fast. If you see any violations, please take down license plate numbers and turn them in to Mr. Rivale. His contact information is on the MV website. Jeanine Payne, who is a crossing guard for the school, spoke about the traffic problems and dangers. She is petitioning the city to put a 4 way stop at the entry to the school parking lot. One little girl came very close to being hit by a car there recently by a white BMW. Officer Rivale said there has been a 180 degree turnaround in the neighborhood since last year as far as burglaries and crime in the neighborhood.
7. Rich Duston-Symphony Orchestra- MV Music in the Park is on their calendar. Aurora Symphony's new location is at Smoky Hill and Himalaya. Season tickets for the Aurora Symphony are less than one concert at the Colorado Symphony. They are going to present a concert at Red Rocks on August 1, Colorado Day.

Year End Summary was then presented by Todd.

1. Breach of contract year-We started out breaking our contract with Waste Management for breach of contract and ended up the year taking the city to court over a breach of contract regarding the library.
2. Newsletter volunteers began delivering the newsletter in February and saved the HOA \$300 a month.
3. We just signed another 3 year contract with Pro Disposal. They have not made the decision regarding raising the rates by \$1 a month. There are 870 customers in the neighborhood.
4. Membership is up from 103 a few years ago and now stands at 868 members.
5. YMCA task force met with us in April. We tried to recruit financial help from neighborhood. Presently the YMCA is looking at another location on Smoky Hill. There is a contract on Heartwood right now. We are not sure, but they are said to have money to do lots of improvements.
6. May cleanup on Chambers. Many volunteers helped and Kris Zerr was a huge help.
7. June-garage sale

8. Member survey on website and web statistics-also community calendar-450 to 600 hits a month.
9. Great 4th of July event-thanks to Elaine Forkes-500 participants
10. Music in the Park was success with the Aurora Symphony.
11. Exhibit on Mission Viejo in Mission Viejo neighborhood in California-on display in their Heritage House.
12. Playground renovations-HOA had presentation at one of our meetings and we were allowed to give input.
13. Fall cleanup-finished taking out the dead junipers on Chambers.
14. Right of Way issues-meeting with city did not go so well. This issue has not been resolved.
15. Library Vote Issue- Since GID did not pass, library closed on December 31. Pro editorials were in our newsletter. After election, 50 year agreement was found.
16. David Foster, attorney, facilitated the meeting with the city regarding the right of way issue. There is evidence in the Platt maps-agreement signed by mayor, city manager. Seville townhomes is participating in this process with us. Problems are numerous: walls are crumbling-only material to fix them is found only in New Mexico and California. There has been on finalization on the agreement-another breach of contract with the city. This is typical. A resident reported the other day that the street behind King Soopers that is an entry to the King Soopers shopping area was given to the 2 people whose property butts up to it. One of the homeowners does not want the responsibility because of his liability.
17. Walgreens met with HOA and resolved the appearance issue.
18. Holiday hay ride in December was a success. 90 participants.
19. City Council meetings in November and December-many people in the neighborhood attended and spoke in favor of the library.
20. December 22-injunction hearing. It was nice to have people from the neighborhood in attendance.

Todd announced that there would be a pizza party for all of the volunteers at the Dry Dock Brewing Company on February 21, Sunday. This party will be held from 5 until 8.

Voting issues:

Does the HOA continue the legal fight with the city over the library?

1. Main point is that the agreement clearly states that the library should be there for 50 years.

The attorney for the HOA is Robert Hoban from the Colorado Coalition of Property Rights. We first went to Shea Homes, the successor of MV company. They offered us a Quit Claim deed and an assignment of contract. City Council related back to GID. We purchased an abstract that showed support areas for the GID. There was a lot of support in Mission Viejo. MV had higher turnout and supported the GID three to one. If we are able to join the Arapahoe Library District we need to know if there is a lot of support. Todd talked to the County Commissioners and they said we would need another 1000 supporters outside of the MV neighborhood. The cost to the HOA is a flat fee of \$5000. The injunction hearing did not end up in declaratory relief. \$3,030 raised so far for court costs, \$1000 of that is from the Seville townhomes Association. We need \$2,023.67 to break even.

We will need to have an appraiser appraise the property-added expense. If we receive the property we need to have a non-profit filing.

The result of the hearing is as follows: The judge clearly stated that it was a breach of contract on the city's part. Economics is not an excuse, she said. She also said there was immediate harm to the community, but she was not able to give us an injunction. All of the rules follow the plaintiff.

There are potential damage awards will be cumulative rather than exclusive. Preliminary numbers are: performance of contract at a cost of \$680,000 a year for 15 years would be \$10,200,000, potentially 2% of cost of the adjacent homes, replacement cost of the library would be \$4,000,000. The judge made it clear that she did not think the city was in the right. The HOA could also collect hardship damages. The city has contracted the services out to the law firm of Bernstein, Hyatt...

Steve Weiner made a motion to support the continuation of the lawsuit.

Many people seconded the motion.

Questions and discussion followed. What would happen to the library? It could potentially go back to the HOA. Since we do not have 501C status, we could be hit with heavy taxes. There is a strong interest in having our library as part of the Arapahoe Library District. This would need voter approval. If we received enough compensation from the city, we could contract the library services out for a period of time. Arapahoe Library District has to renegotiate the agreement with the city of Aurora in 2011. They will probably want a different type of agreement with the city. Bob Broom said he was abstaining on the vote because he would want to refute what Todd said. Then it was asked if we could be responsible for the city's attorney fees. It could be a bit of a risk factor, but Bob said it probably was not likely. The city attorney already stated that he was

in favor of keeping the library at the court proceedings. The reason that they had to hire an attorney was because of conflict of interest.

By law amendments: These are the amendments that are being changed:

Types of memberships: there are 4 kinds: a. Class A-owner/occupant b. Class B-owner/non occupant c. Class C-non owner/occupant d. Class D- non voting business member

This would re-establish the wording of the by laws in 1987 prior to the attempt to create a mandatory association.

The next change would be adding the Quincy Creek sub filing to the MV HOA. Quincy Creek sub filing has streets laid out by Mission Viejo Company, but the houses were built by other builders. This will exclude the Southlight area. Quincy Creek will gain representation on matters of mutual interest to the city through the HOA. There are already 15 to 20 residents in QC that are using Pro Disposal as their trash program, from which the neighborhood has already benefited.

The next change is that there will be 1 vote per household.

The next change is that the dues will be \$30 per year, for businesses \$150.

The next change is that the Board of Directors is composed of 7 people. Presently there are 6 board members.

The last change is that a board member may be removed by a 60% vote of the active board members.

Sandy Weiner made a motion to accept these changes. There were many seconds.

Then Todd presented the proposed annual budget for next year, since Alan was not in attendance. A motion was made and seconded to accept the proposed budget.

Next the meeting minutes from January 2009 meeting were read and a motion was made and seconded to approve the minutes. It was stated that Officer Gary Rivale's name was misspelled.

Then Todd asked for volunteers to be on the Board of the HOA. There were no volunteers.

Then the welcome committee, 4th of July committee, gardening committee and the neighborhood cleanup committees gave short presentations while the votes were being counted.

Continuing the lawsuit passed by a vote of 56 yes and 6 no.

The By law changes passed by a vote of 58 yes and 0 no.

The proposed budget passed by 60 yes and 1 no.

The minutes passed 60 yes and 0 no.

The meeting was adjourned at approximately 9:00 .