

## Meeting Minutes

May Executive Board (Board of Directors) Meeting  
Mission Viejo Homeowners' Association, Inc.

Held at Holy Love Lutheran Church,  
4210 South Chambers Road  
Aurora, CO 80014  
May 18, 2010  
**6:30 PM – 8:30 PM**

Guests: Dave Goss, Lois Kiefer, Elisabeth Fernandez, David Brisk, Carol Tobiassen, Rab McVealy

1. Meeting called to order at: 6:40pm; Board Members present: Todd, Tricia, Alan Engels, Jeremiah Banigan, Ron Costa.
2. Open Members' Forum (15 minutes) (if requested) – question about annual dumpster at Mission Viejo Elementary. Maybe have a “free dumpster day.” Wants us to ask ProDisposal to pay for it. New guys argued about picking up cut-up strips of carpet. Garage Sale on June 25-26<sup>th</sup>. Walgreens is starting demolition soon – next two weeks. Chad Argentar said final plan had to be resubmitted. Grocery Warehouse building has a contract – company called Jump Street – nothing but trampolines. There is another one in Littleton. Probably will have food court, birthday parties. No new news on Heartwood center. Bank has been doing some cleanup.
3. Special Guest – Mr. Chad Argentar, Planning & Development Services Department City of Aurora – Background Main Street Colorado, Downtown, Inc. They look at old Historic districts (like Estes Park) and get merchants together and promote the strip. They are looking at shopping centers now and how to promote an area. Chad grew up in Mission Viejo, CA. Downtown Colorado, Inc. contacted city to apply the Main Street planning to suburban areas. City said they'd love to partner. The department has started a planning and retail study. The last one in 1995 focused on the major retail centers (Mall, Buckingham Mall, Aurora Town Center) and focused on the original Aurora centers. The past 5 years the city has focused on Corner Star, Southlands Mall. The aging centers are the ones that are struggling, and if a major retailer leaves then it is harder to retain the smaller shops. The city is stopping the mega-center focus. Shopping centers, HOA's, etc. are looking for the city to support these older shopping centers. Trying to understand what resources the city has, what is already here, and strength and weaknesses of each retail center. What to do with the extra space at the retail centers. Work on getting property owners to cooperate. Maybe reposition retail space into something else. Small business development center in his department. On average, 10% of retail space is vacant. North of Yale, about 14%. (Becket Wilson (out of California) owns the east side of the Mission Viejo Shopping Center. The bank owns its pad. Walgreens owns its pad and Grocery Warehouse. Burger King owned by Burger King. And then Rent-X owns the pawn shop building.)
4. Handouts about the history of Mission Viejo California.
5. Handout on Home Association Handbook (“Homeowner's Association Bible”) – details how to set up an HOA, different types of HOAs, duty of the HOA to conserve the neighborhood plan. Some of it is out of date. Several Colorado developments are mentioned in the book. Has been used in court.
6. Approval of Minutes – motion to approve the minutes by Jeremiah, Todd & Alan seconded. All in favor.
7. Review of Financial Matters – bag bill came in under budget (\$517); tax issues, so waiting on financials; Home Depot may donate weed killer and sprayers if we do it in small increments – needs a letter on official letter head – have to pick up from Littleton store; personal issues so financials not done, will table financials. 2 credit cards for the account for small purchases, sending receipts to Alan. Mission Viejo Elementary sent copy of the bill for the sign – for \$151.

## 8. Committee Reports (Welcome, Labor Day, others)

Welcome committee – displayed bags, hope to visit new residents the next weekend. If someone wants to donate to cover the cost of the bag (\$2.20/bag + a little), homeowners can buy one.

## 9. Unfinished Business

- a. Clean up Day Review, Part 2 Plans from Elaine – Information – Todd has had discussion with the city about stimulus money that Dr. COG has coming available, and colored cement and repair the walls. Todd spoke to Hulien XXXX – the city's current focus is on I-225 exchange. The federal government has changed its mind on stimulus money, so Dr. COG is cancelling.

Elaine Lay organized the May clean-up. Girl Scouts helped a lot with Hampden mulch. Ironwood Earthcare, donated the mulch, stored back of library, used 2 roll-offs (reduced rate from ProDisposal). Got almost to Kalispell on Hampden. Several people helped out. Went over budget. Had to rent a chain saw, wasn't preapproved. Originally budgeted \$920. We're over by \$160, with the chain saw.

Todd moved to reimburse Elaine \$60 for the chainsaw, Jeremiah seconded. Several things were purchased that weren't approved. We shouldn't be overspending. If the board says to table something, then we need to wait. This isn't the first time this has happened with a clean-up. Not saying that it wasn't a good job, but we need to live within our boundaries. It was suggested that a "clean-up committee" be formed. Need more itemized information so we have the board approval and funding for everything. All approved, with the stipulation that next time, must have board approval before hand.

On June 12<sup>th</sup>, Elaine wants another cleanup, with a lane closure to finish mulch. Cost \$302 for last one, so probably about \$275. Todd moves to have another cleanup. Ron seconded. We want to ask property owners to clean-up behind houses to be ready for June 12<sup>th</sup>. We've helped others who haven't cleaned up beforehand. Board has said where code enforcement has priority, then we won't say anything. We're here to support community. The city code is there to enforce rules. They are already sending out notices to home owners. Also, the risks to home owners being out there to clean-up. Should we wait until fall to get it done? Motion to have a cleanup June 12<sup>th</sup> with \$400 – all opposed. Our big concern is doing it this suddenly, plus no detailed plans to know what to budget. We will address this in September. Would like a detailed proposal (date, project, supplies needed) by July meeting for what is going to happen for the Fall cleanup.

- b. Tax Return – Information – Jim Donald is tax preparer. He did do a financial review, and the letter was forwarded to the insurance company for the D&O insurance. 2009 was the first year we got rebates back from ProDisposal trash program. Is it an exempt function? IRS could argue since we're not getting dues directly from the members, it might not be exempt. The solution is we think of ourselves as a non-profit, and from the state level we are. But, at federal level we are a corporation. The way we filed before was really for mandatory HOA – 1120H form. We are filing a straight 1120 this year. If we weren't exempt, if we filed the 1120H, we'd owe 30% on the income from the trash program. The 1120 is a graduated rate, and itemizing and such, brings down the taxes. We may owe about \$600 in taxes. It could be argued that the trash program is a service to customers. We have to basically pay taxes on the difference between what we took in and what we didn't spend. Jeremiah asked if we should turn ourselves in our non-profit? We are looking into the possibility of a 501c(4). It is considered a corporate reorganization, and the IRS has to approve it. Currently, he hasn't done state taxes, yet. Alan requests to approve \$1000 to be set aside to pay state and federal taxes. Todd seconded; all approved.
- c. Barcelona Wall Spruce Project Update – Information – this coming Saturday. Paint has been purchased. \$288 has been spent on paint (allocated \$400), rollers, paint trays, etc. Dave Raemer prepared a proposal, for \$450 to install the sign. He is licensed contractor, and has liability insurance. Todd moves to accept his proposal. Trish Seconded; all approved. The paint we chosen is 2 toned, and would be hard to match if it got damaged. Todd move to change the color to "rust texture semi-gloss." (The fittings will be rust-proof.

We do have to have the sign painted.) Ron seconded, all approved. Carol Tobiasson asked if we can have him put hooks in for lights.

- d. Weed Killer on Right of Ways – Information, Motion and Approval – First issues is who will do it? There are liability issues for who does the spraying. We need to get a concentrate – they make 50 gallons for \$120. Whoever sprays needs gloves, respirator mask, etc. Can we get a waiver? Attorney present says they don't mean anything. Todd moves \$240 (original). Trish amended to say ask Home Depot for spray. Alan amended to add gloves, respirator mask, goggles, and sprayer. Jeremiah seconded with amendments. All approved with amendments.
- e. Library Issue Updates, Political Update – General Information – Todd – article in paper about the Arapahoe Library District didn't think they could absorb the Aurora libraries in to their system, or even just Mission Viejo. We still are having conversations with Arapahoe Library district. State of Colorado had a workshop on how to create a library district. Four Mission Viejo residents attended. There is a lot of work to start a new library district. It would be outside of Arapahoe Library District and Aurora. Contact Todd if you'd like to help – he can get you in touch with those who went. It wouldn't be until 2012 to get on the ballot. It isn't very organized at this point. We've requested mediation on the court case. We are waiting to hear on a court appointed mediator. Another court date sometime after June 1<sup>st</sup>. If we don't get mediation, we will go to full court. Two weekends ago the library building was vandalized (spray painting, rocks were thrown at the library and at a house). Within a day or so, a petition from the public works department to occupy the space. Bob Broom gave the approval for it to happen.

#### 10. New Business

- a. Covenant Violations – Motion and Approval – a resident has asked us to contact 2 properties that have recreational vehicles (boats, campers, etc.) to remove the vehicles. Addresses provided: 4183 S Naples, 4123 S Naples. Todd moves to send letters, Alan seconded. Ron asked if it is city code. Nope, it's HOA covenant violations. All approved.
- b. Elementary End of Year, Garage Sale Events – Information - PTCO contacted us – June 4 is end of year Elementary picnic. PTCO has invited us to have information tables, etc. Just no food. Want to split \$750 with us. Jeremiah moved, Todd 2<sup>nd</sup>. Todd wants us to know if we would be liable on the bouncy things. Can the school really do it? Other Cherry Creek schools have said no bouncy things. Alan has no problem donating money to support activities for the PTCO. Can we donate directly the Assets Community Liaison rather than this event? (They do civic things with the kids, and the kids get recognition for the projects they do.) This program does improve the community. The elementary school is a big part of this community. Todd amends to donate directly, \$400, Jeremiah seconded. All approved.
- c. Music in the park – set up for June 19<sup>th</sup> at 6:00pm Los Ninos park. Todd will be out of town. We do have a permit. Who will represent the HOA? Jeremiah will be there.
- d. Garage sale June 25-26. We will have signs up. Will post a notice on Craigslist.
- e. HOA meeting signs need to be addressed.
- f. Newsletter articles from outside organizations, Trade Items on Web Site, Newcomers Welcome – Motion and Approval – we offer classified in the newsletter, and they are discounted for Mission Viejo residents. Discussion – freecycle and craigslist meet this need for free classified ads. Do we want to allow articles from people/organizations outside mission Viejo? Alan moves that we do not accept, Ron seconds. All approve. Alan moves no Newcomers Welcome article in the news letter; Todd Seconded; all approved.

#### 11. City of Aurora Project Plan Reviews – None.

#### 12. Announcements/End of Regular Meeting – Todd is out end of July, so someone will need to run that meeting. Happy Birthday Jeremiah.

13. Meeting moved to adjourn at 9:00 – all approved.

**Closed Door Executive Session:**

Motion made to set aside \$1500 look into making us into 501(c)4. Seconded. All approved.

Motion made to set aside \$500 to pay for an appraiser to help us, and then another \$1000 out of settlement contingency funds if we go to court. Seconded. All approved.