

## Minutes

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

The executive board meeting was held at Holy Love Lutheran Church,  
4210 South Chambers Road  
Aurora, CO 80014  
September 21, 2010  
**6:30 PM – 8:30 PM**

Guests: Wallace Dunn, Karen Lacy, David Brisk, David Raemer

1. Meeting called to order: 6:40 p.m. Board members present: Ron Costa, Jeremiah Banigan, Elaine Lay, Todd McMahon, Alan Engels, Tricia Roush
2. Open Members' Forum: Speed issue in inner circle area (Nassau & Memphis) – what's the policy on speed bumps? City will not install them and will not allow us to. What if a child gets killed by speeding cars – who is liable? The driver will be held liable. The HOA is not liable – it is a city street. You can ask the city to bring out the radar sign. Can purchase a “walking man” sign and put it out. Get as many neighbors to call the PAR officer as you can. This Thursday the Aurora Police Chief will be at the Neighborhood Watch meeting here at Holy Love at 7:00pm.
3. Approval of Minutes – Fix typos (names spelled wrong). Alan moved to accept with changes discussed, Todd seconded, all approved.
4. Review of Financial Matters – Current balance 8748.91 (doesn't include money from ProDisposal or money for signs). Balance of 10768.87 includes those. Detailed the Barcelona Wall spruce up costs separately. Library legal fees are expenses for meeting with Bob Hoban. Everything balances. Alan is working on getting a reconciliation done, but still having problems with QuickBooks. Elaine moved to accept, Jeremiah seconded. Elaine asked what the unbudgeted expenses listed on summary page. Alan explained that things like QuickBooks problems that we have had, the letters for the Barcelona walls were all non-budgeted expenses. All approved.
5. Committee Reports (Welcome, Labor Day, others)

Welcome committee - Jeremiah's wife offered to bake stuff. Todd has Folders we can use.

Labor Day event – nothing planned this year

6. Unfinished Business
  - a. Clean-Up Hampden/Chambers Ironwood Earthcare – Motion and Approval – The truck used to pull bushes from Ironwood Earthcare is out of commission, so they can't help with the removal of dead bushes. Street closures on Hampden and Chambers have been scheduled. It is estimated that the cost of closing the streets will be about twice what it cost to close Chambers for the last cleanup. One bobcat and one chainsaw temporarily reserved – estimate \$500. Ironwood Earthcare will donate mulch and place it at the Mission Viejo Library. The plan is to only take out large junipers that are dead. There will be two roll-offs at \$300 from ProDisposal, by the fire station. Have asked 50 people to help. Need more garbage cans. On Chambers about 10-15 people will help finish the properties that need mulch, and extra weeding at Nassau and Chambers, and a couple of dead trees. Will have about 15 people on Hampden. Rich Ferris said he would drive the bobcat, and Dave Raemer volunteered too. Don't know about snacks. Closing both streets will be about \$300, based on previous closings. \$100 for supplies and snacks. Elaine moves to amend last month's motion to spend \$1300 on the September 25 clean-up, not using Ironwood Earthcare, using rented bobcats and chainsaw. Trish seconded. Todd suggested only removing the 100% dead bushes, not the ones that are only partially dead. Don't take out any trees – the city should do that. Get a waiver form from the volunteers. Asked Elaine to mark bushes with an X that are definitely dead, maybe some other mark for bushes that are only partially dead and maybe just trim them back. Alan has a concern with the scale and how hard the volunteers work. We don't want to push the volunteers too hard – get done what we can, but don't ask for people to do more than they can. He suggests we itemize food and drinks separately. Elaine says most people don't work all day. Todd wondered if we have safety equipment for volunteers like reflective vests – especially for people in bobcats. Itemize the safety vests as a separate

motion. Todd amended the motion to add \$100 to cover food and refreshments, up to \$1400, Alan seconded. All approved. Alan moves to set aside \$200 for 4 safety vests for the cleanup and other events. Ron Seconded. All in favor.

- b. Updates on neighborhood events (Music in the Park, Barcelona Spruce Up) – Information – Music in the Park: successful, but poorly attended. Only about 40 people were there. Two raffles were held and tickets to performances were given away. It sounded great. It was wise that we didn't have a Labor Day event – it would have been low turnout.
- c. Barcelona Spruce Up happened last weekend, Todd did most of the work. A lot of trimming was needed and painting. He rented a spray painter from Home Depot. And last Thursday, Dave Raemer put in the letters. Holy Love caretakers really appreciated the work. One of the people from the shopping center liked it too.
- d. Tax Reorganization Update – information – talked to Jim a couple of days ago and have a copy of the 501(c)4 form to fill out. Todd asked everyone to look over the form to see what else we can add. Jim will also help out with legal issues with the library as regards to tax issues. Alan asked if we need a committee to fill out the form. Alan and Todd are the primary responsible parties. Ron is interested in helping fill it out.
- e. Library Mediation – Information – the mediation is October 4<sup>th</sup> in Arapahoe County, only the board and our attorney and the legal defense from the city will be there. We will provide results to the community as we have them. We are prepared to go to court if we cannot find a satisfactory resolution. Plan on arriving at 1:00pm.

## 7. New Business

- a. New Board Policies for outside Contracts for Services and Reimbursements – Motion and Approval – Todd drafted these based on other HOA's. Todd made a motion to accept both policies – policy for service contracts for bids, and expenditures. Jeremiah seconded. Alan clarified the Expenditures policy – meals for executive meetings or office supplies would not need to go through this. But, something like the Barcelona wall, and there were added expenses, those would need to go through this policy. If something budgeted goes over the amount (because of taxes or small charges), we wouldn't have to use this policy. Alan would like to modify it. Add an "item 3" – Any amount in excess of budgeted amount due to taxes, or gas, or other miscellaneous expenses would fall under the \$200 rule. Ron seconded. Use the Reimbursement Form to be reimbursed. This is good to track our money, especially as we move to the 501(c)4, so that we can know how we spend our money. For the "Service Contract" policy we had discussion over "payment terms and remedies for default or breach" – what would those look like for a contract like Ironwood Earthcare? They would fall under "Proposal for Work" and wouldn't have to have those, as that would be under \$5000. Definitely need legal standing if someone breaches contract. What would the ideal sample contract look like? These two policies will help us avoid pitfalls and helps us as we go in the 501(c)4 direction. Alan seconded the amended motion. All approved.
- b. Covenant Violation, 4123 S. Naples Way, Need for Further Action – Motion and Approval – 2 boats and a camper. The next step is legal action. Todd moved to have a letter sent by Bob Hoban for \$100. Alan seconded. Ron, Jeremiah, Todd, Alan and Tricia in favor, Elaine opposed.
- c. Covenant Violation, 4183 S. Naples Way, Need for Further Action – Motion and Approval – boat has been moved to the street and is now a city issue. The association will call Access Aurora.
- d. Covenant Violation, 4091 S. Nucla Way, 1<sup>st</sup> Report of Violation – Motion and Approval - Todd moved to send a friendly letter – Alan seconded. Ron suggested they extend their fence to hide their boat. Alan seconded. Ron, Jeremiah, Todd, Alan and Tricia in favor, Elaine opposed.
- e. Covenant Violation, 3817 S. Ouray Way, 1<sup>st</sup> Report of Violation – Motion and Approval – this looks like the garage has been repaired, no action taken.

Anyone can enforce the covenants – every individual in MV can. We don't have an architectural committee to inspect for violations, or give prior approval for covenants. The board policy requires people beyond the board to report violation to the board, then the board will review the violation and send out a "friendly" letter asking the violator to correct the problem. If it is a city code violation, you should contact Access Aurora. One concern is that

people are doing their very best to keep their property up, what's one little trailer? However, we need to start somewhere.

- f. Covenant Violations Legal Proposal Bids from Winzenburg, Leff, Purvis & Payne, LLP. or Robert T. Hoban (Hoban and Feola) – Motion and Approval – The board looked at the price listing from Winzenburg, Leff, Purvis & Payne, LLP for handling covenant violations, and the pricing seemed a little on the high side. Bob Hoban said he could do work for us on this on an item by item basis, but didn't give us a price. We decided to go with Bob Hoban's firm and offer and see if he would help us with the letter to 4123 S. Naples Way for \$100.
  - g. Buckley Right-of-way Fence Down Alternative Solution for Pillars, Purchase of Slump Block – Motion and Approval – City is asking us what to do about it as there is not enough slump block to fix the pillar. Todd moves to do a formed concrete pillar as done at Quincy and S. Nucla Street. Trish second. All approved.
8. City of Aurora Project Plan Reviews  

Rezone 13901 E. Quincy Ave. from B1 to B2. (Behind Denver Mattress Co). We have no position.
  9. Announcements/End of Regular Meeting
  10. Meeting adjourned at: 9:10