

The Orchard Homeowners Association, Annual HOA Meeting

Meeting Minutes

Date: November 19th 2009
Board Members: Aaron Bazar, Dan Wade, Kathryn Gault, Dan Knauss, Melanie Sealy, Russ Sealy
Subject: Annual Meeting

- I. Meeting Called to Order at 7:04 p.m. by Aaron
- II. Presentation of Agenda Items
- III. Past Meeting Minutes:
 - Approval of Meeting Minutes: Minutes from past meetings were approved by affirmation.
- IV. Open Forum:
 - Speeding in the neighborhood was discussed. Speeding of visitors and particular residents continues to be a problem. All residents are reminded that driving slowly through the neighborhood is expected. A particular resident who drives a black SUV continues to ignore other residents' attempts to get her to slow down. Names and vehicle descriptions will be included in the minutes if there continues to be problems. 303-371-kops is the number to call if speeding is observed.
 - A question about recycling services was addressed. Homeowners are reminded that recycling can be cancelled at any time and is voluntary.
 - A request was made to Aaron Bazar to paint the new vent covers on his roof.
 - Roofing and construction signs were requested to be removed from yards.
 - There was a general flagpole discussion. The board can set policy on flagpole requirements.
 - Update on street condition and other miscellaneous items in and near the neighborhood along with a general discussion: Kathryn described that the county has sealed cracks on the neighborhood streets, trees along Flora have been trimmed and removed by the county, the railroad track repair did not last - that property is annexed by Wheatridge and Kathryn is trying to get repairs accomplished by Wheatridge. There was discussion that some road repairs need to be re-done, for example, there is a hole in front of Ron Blair's house. It was suggested that residents ensure they are not watering the street in order to minimize need for repair. Mowing along Flora is the county's responsibility. It was asked if that should be done by the HOA and the general consensus was no. The county needs to be reminded about maintaining that area. Kathryn volunteered to contact the county starting at the county commissioner level. There was a suggestion to volunteer to clear weeds along fence at Flora for next summer with three weekend meeting times.
 - Update on Fastracks: Fastracks has received final Federal Transit Administration approval to complete line to Ward Road.
- V. Greg Miller Motions:
 - Greg Miller put forth several motions to make changes to covenants to comply with Colorado Revised Statutes as follows:
 1. The Orchard Homeowners will comply with CRS 38.33.3-106.5. Regarding display of American Flag, the HOA can set standards.
 2. HOA covenants will be modified to comply with all provisions of CRS 38-33.3-106.7 regarding unreasonable restrictions on energy efficiency measures. Energy efficient measures cannot be prohibited
 3. HOA covenants will be amended to add one of the three options to comply with CRS 38-33.3-124 regarding alternate dispute resolution procedures
 4. The HOA will add covenants language that brings the association into compliance with CRS 38-33.3-118 regarding proper notice of meeting notice requirements.
 5. HOA will amend covenants to establish and publish procedures regarding fines for covenant violations by homeowners in accordance with CRS 38-33.3-209.5

6. HOA will amend covenants to comply with CRS 38-33.3-308 regarding proper notice to the homeowners regarding HOA meetings, including a minimum of one meeting per year
 7. Motion to amend the covenants regarding the perimeter fence: proposed three options from the independent fence committee.
- A discussion began with Aaron requesting input on what to do next. It was asked if we want to vote on a process. The motions as presented were not seconded. Greg Miller moved to form a voluntary committee to address motions. Motion was seconded by Bill Brown. Motion passed with no objections

VI. Common area

- The Board recommends removal of the existing berms and retaining walls in the common area. .
- There was a broad discussion of the flood plain and the common area.
- Aaron presented results of discussion with Steven Williams, Associate Planner for Jefferson County who confirmed the design and changes that are allowed to the detention pond area. The internal berms are not a part of the original design and the railroad ties are not sufficient for the intended use. Trees below the 100-year water surface elevation must be removed. New trees can be planted above the 100-year water surface elevation. The capacity of the detention pond cannot be negatively impacted. We are not allowed to place anything in the area that requires a permit from Planning and Zoning. We may place items in the area as long as they do not affect the adequate capacity of the detention pond.
- Reference from multiple homeowners describes the original plat contradicting with a need for 100 year flood plain for the common area.
- There was disagreement as to whether maintenance is needed.
- Further clarification of requirements will be pursued

VII. Treasurer's Report and Budget

- Funds were recovered on foreclosed home and expenses
- \$10,400 were received on insurance claims for fence damage and repair.
- More was spent during the year than was budgeted for legal expenses
- Money remains in the budget for landscape maintenance with projected expenses to remove three trees
- Trash - accepted a 3% increase
- Insurance - increase the same as previous year
- Motion by Bill Brown to remove (D) - common area repair for \$7000 and approve budget. Motion seconded by Tom Tiffany.
 - Discussion: A question was asked regarding the \$3000 set aside two years ago. This has become part of the annual grounds budget. Question regarding how many mowings are done each year and what is budgeted. It was suggested that more mowings be done and that weed spraying be increased. Question regarding the costs for tree removal, spraying, and mowing. The cost for tree removal is approximately \$700, spraying costs \$68 per time, and mowing costs contribute to the budgeted \$2100. Question about fence repair. Aaron described the legal opinion regarding the HOA responsibility for fence maintenance. He presented the idea of a reserve fund to ultimately pay for a new perimeter fence. There were opinions presented by homeowners as to whether the perimeter fence is a benefit to all homeowners. Greg Miller presents that his motion was not seconded.
 - Vote on motion to approve 2010 budget (without item D and without reserve fund). Motion passed with 3 negative votes
- Motion to approve \$20,000 for fence reserve by Lou Hamm. Motion was seconded.
 - Discussion: broad discussion regarding whether the fence needs to be replaced.
 - Vote on motion to approve \$20,000 for fence reserve. Motion failed, 12 votes yea, 12 votes nay.

VIII. Returning to Greg Miller's motion regarding perimeter fence. Motion to approve the solicitation of volunteers to take the three options regarding HOA covenant changes regarding the perimeter fence to all 53 homeowners. Motion seconded. No discussion. Vote: 13 votes yea, 6 votes nay

IX. Meeting adjourned

Respectfully Submitted
Dan Knauss
Secretary