

Michigan Hill Owners Association  
Minutes  
BOARD OF DIRECTORS MEETING  
July 16<sup>th</sup>, 2011 at 4:00 p.m.

1. The Board of Directors meeting for MHOA was CONVENED at 4:00 p.m. July 16<sup>th</sup> at Fred and Leslie Depenbrock's house, 609 Glacier Peak View. Board members present were Fred Depenbrock, Diana Johnson, Sallie Baker, Patrick Strong, and Jerry Clinton.

Members attending were: Dennis Sherman, Steve Johnson, Leslie Depenbrock, Dave Hazelett, Tom Clinton, Carol and Walt Schmuz, Jamin and Jill Ramirez, Andy and Traci Bailey, LoRetta Hubert, Terry O'Neill and Mary Ratigan.

2. It was established that we had a QUORUM since all board members were present. The agenda for the meeting was handed out to all those attending. The agenda was approved as presented.

3. APPROVAL OF MINUTES:

The minutes for the Annual Membership Meeting on June 4, 2011 were submitted for approval. Fred asked that his last name "Depenbrock" be corrected in two places. Patrick Strong moved that we accept the minutes as corrected. Diana Johnson seconded the motion. The motion passed. Sallie Baker said she will make sure that the corrected minutes get posted on our website. (Note: We have since learned that the Annual Membership Meeting notes need to be approved by the membership at the 2012 Annual Meeting, so we will add the word "draft" to our posting on the internet.)

The minutes for the MHOA Board of Directors meeting on June 21<sup>st</sup> were submitted for approval. Fred suggested that the word "remaining" be added to the terms for Patrick Strong and Sallie Baker. Patrick Strong moved that we accept the minutes as corrected. Diana Johnson seconded it. The motion passed.

4. OPEN FORUM:

Loretta Hubert brought up the matter of the need to get a check authorization card signed by several of the officers. There was a discussion of the process. LoRetta agreed to get the check authorization card to Fred. The minutes of the June 21<sup>st</sup> 2011 Board of Directors meeting will be taken to the bank so that officers can be verified. It was suggested that Fred Depenbrock, Diana Johnson and Jerry Clinton be added to the check authorization card.

Terry O'Neill brought up the need for the MHOA Board to be familiar with and to comply with the Colorado Common Interest Ownership Act (CCIOA). He mentioned that in his February, 2011 letter to the President of the previous MHOA Board, he had pointed out numerous ways in which our association was out of compliance with the law.

5. OFFICER'S REPORTS:

President: Fred Depenbrock said that he saw the need to prioritize three items as being of importance for the Board:

--Water usage, including documentation of wells, violations, and water augmentation management  
--Road maintenance- on-going, expensive, and very high priority to the membership  
--Organizational review. Fred said that he found in his research of MHOA's official documents that there were many instances where they are outdated and/or out of compliance with CCIOA and thus the importance of bringing our articles of incorporation, covenants, and by-laws into compliance and reflecting the present situation in the life of the MHOA community.

Vice-President: Diana Johnson referred to Traci Bailey for a summary of ACC issues. Traci reported that one owner has submitted a plan to build a garage and several owner's have brought their properties into "compliance". Traci is working on compliance letters, building permit notices or refusals, shed or trailer removal notices, one instance where there is a lack of a building permit, and one inquiry about building a "greener" home on vacant land. All records of letters and permits are kept in ACC files in Traci's possession.

Secretary: Sallie Baker reported on a major step in improved communication since a group e-mail was sent out to all MHOA members telling of the Clean-up Day, Luncheon, and Board Meeting on July 16<sup>th</sup>. She thanked Traci and Andy Bailey for lending a hand with their computer expertise. She also reported on a meeting held on July 6<sup>th</sup> with four other concerned homeowner's to survey the Colorado Common Interest Ownership Act (Article 33.3) Present were Dave Hazlett, Carol Schmuz, Terry O'Neill, Gerry Dean, and Sallie Baker.

Treasurer: Patrick Strong reported that he and Loretta Hubert have begun to compile the information necessary for a review of the books Incompliance with a motion to review the books from 2008 to the present that was passed by the MHOA Board at the June 21, 2011 meeting. Patrick reported that there are about twenty unpaid dues for 2011, and that we will have to adjust the late fees from what is contained in the Bylaws to be in compliance with C.C.I.O.A. Patrick said that a monthly Treasurer's Report is not here today, but will be sent to the Board by e-mail from LoRetta Hubert.

At Large: Jerry Clinton reported that some information has been passed over to her having to do with roads, but that she believes that much more information is needed to get a plan in place. Jerry will invite outside experts to be part of a committee to advise her on the best way to move forward in managing the roads.

**6. REVIEW OF WATER ISSUES FOR MICHIGAN HILLS OWNER'S ASSOCIATION:** Dennis Sherman said that Steve Johnson will forward all necessary paperwork he may have concerning the augmentation pond to the Board.

**7. RECOMMENDATION FOR REVIEW & REVISION OF ARTICLES OF INCORPORATION, COVENANTS, BY-LAWS TO COMPLY WITH ARTICLE 33.3 COLORADO COMMON INTEREST OWNERSHIP ACT:**  
Sallie Baker made a motion that we form a committee to study the Colorado Common Interest Ownership Act and rewrite the articles of incorporation, covenants, and by-laws,

and guidelines to be in compliance with CCIOA by the next annual meeting in June of 2012. Jerry Clinton seconded it. Extensive discussion by Board members and Association members ensued, which largely affirmed both the importance and the difficulty of achieving this goal. Committee members suggested were Sallie Baker, chair; Carol Schmuz, Jerry Dean; Diana Johnson; Dave Hazelett; and Mark Matulik. The motion passed unanimously.

8. ADJOURNMENT to Executive Session: The meeting was adjourned at 5:55 p.m.

#### 9. EXECUTIVE SESSION

This portion of the Board meeting was closed to all but the Board members and the Owners of Lot 124. The session was conducted as a closed session because of the likelihood of the revelation of sensitive private matters of the lot owners. After a review of the dues payment history of the owners from 2007 to the present and a summary of the late fees imposed previously, Treasurer Patrick Strong showed a comparison of the dues payments received and dues and late fees that would be permissible under the CCIOA provisions. This presentation showed that the amount the owners had paid was within one dollar of what would be permissible under CCIOA.

Patrick moved that amounts shown to have been paid by the lot owners be considered by the Board to meet their obligation for past dues and late fees to the present. The motion was seconded by Jerry Clinton. Discussion was held on this motion and its implications of prior Board's actions for collections of the prior late fees imposed. The lot owners were asked if they were willing to accept this resolution of the matter, and they said they were.

The motion was called for voice vote. There appeared to be unanimous approval, with no "no" votes or abstentions. The motion was declared to have passed.

Discussion was held of whether there should be any further action regarding possible attorney fees to cover the collection process instituted by the previous board. The consensus was that any attorney fees that were deemed legitimate would be paid, so no further action was needed by the Board.

10. ADJOURNMENT of Meeting: It was moved, seconded and passed that the Board meeting be adjourned. The time was 6:35 P.M.