

**SMTOA Board of Directors Meeting Minutes  
September 15, 2009, 4 P.M.**

**I. Call To Order**

**Present:** President Phil Book, Vice President Frank Chuba, Treasurer Al Schwecke, Bill Roche, Bob Haubrich, Dale Meeseey, Secretary Bob Dyster, Roger Browne

**II. ByLaws and Declarations Document Review By Ms Lauren Holmes, OCRH, Attorneys At Law**

Ms Holmes briefed the results of the SMTOA governing documents review; some key results are noted below.

--- An item from part one of the review is the Budget Ratification process. SMTOA needs an annual meeting to approve the budget. Reference is item 4 in the OCRH report. SMTOA will need to schedule a meeting of the membership to satisfy this requirement.

--- Limited Common Elements were reviewed. There is a lot of “condo-type” language throughout our documents. The suggestion is for a surveyor to determine/define the “lot” as following either the foundation or the roof. SMTOA should also be specific in stating owner or Association responsibility for maintenance and repair.

--- A question was posed about SMTOA having/needing an “encroachment” easement.

--- Limiting rental properties in SMTOA was discussed. In order to be successful, we would need to get buy-in from the owners (a previous survey of owners failed to gather support). If we were to be successful in implementing this provision, we could provide a “grandfather” clause to allow for hardships caused to current owners renting their units. The suggestion, if we wish to pursue this provision, is to again survey the community.

Part two of the briefing involved was discussing our options for updating our governing documents (amendments and restatements). OCRH can do a limited update as we requested---the cost TBD and would be based on an hourly rate. The estimated cost for a complete update is \$6500 minus 50% of what we have already paid up to this point in the process, plus costs for any supplemental work such as Member meeting support, legal research if necessary, and ballot preparation.

The ORCH briefing concluded at 5:45. There are numerous review items and suggestions or options provided for SMTOA consideration. A copy of the OCRH review is available to any Association Member upon written request. Normal SMTOA Board meeting process resumed at that time.

### **III. Approval of Previous Meeting Minutes (July 21, 2009)**

Minutes from previous meeting were reviewed. Bob Haubrich motioned for approval, Phil Book seconded and they were approved by unanimous vote.

### **IV. Property Manager's Report**

One owner is in the legal collections phase (Unit 12) subsequent to foreclosure sale of the property. Phil Book asked who is responsible for paying the remainder owed to the Association for unpaid dues and legal fees. Kerry replied that the previous owner is responsible for the amount owed, which is shown in the Z&R September Meeting packet as an Aged Receivable.

Kerry briefed the need to complete the paperwork for HB 1359 compliance. Bob Dyster motioned for approval and Al Schwecke seconded the motion. The motion was approved by a vote of 4-1. The required form was signed by the President and Secretary to complete the business item.

### **V. Treasurer's Report**

There was a question about Escrow Account 11 regarding the current \$24K amount given in the Z&R Balance Sheet; both Phil and Al believe the amount should be \$20K since \$4,000 has been received as Return of Principle. Kerry will investigate with Z&R accounting and report back.

The new \$20K CD from First National Bank of Monument and due 12/09/10 is currently residing in Al's home safe.

A \$25K CD from First National Bank is coming due 10/02/09. This will be combined with other uncommitted funds and invested in another CD and/or Federal National Mortgage Association instrument. Al will massage—perhaps all of it to Fanny Mae.

Al stated that with being under spent at this point in the budget cycle, we have enough cash to fund the OCRH governing documents update proposal.

## **VI. President's Report**

Phil briefed that we have a proposal to do stucco work on 2 buildings. Phil motioned to accept the submitted bid for \$2,200 and proceed with the work. Bob Haubrich seconded the motion and it was unanimously approved by vote.

There was discussion on establishing a SMTOA-wide systematic stucco repair cycle comprised of 4-5 buildings being worked on each year. Phil Book motioned for approval and Bob Haubrich seconded the motion. The motion passed by unanimous vote.

Phil brought up the subject of a systematic cleaning and adjustment of all gutters throughout SMTOA. Phil made the motion to approve and Bob seconded the motion. The motion was approved by unanimous vote.

Phil asked about the requirement in the Declarations regarding at least 3 members being on the ACC. Phil asked Bob how many members were on the ACC at the present time. Bob responded that he was the only member and would solicit two volunteers to meet the requirement.

The meeting was adjourned shortly after 6:30 PM due to the expiration of the contractual 1.5-hour time limit and another commitment by Kerry. Because of the time devoted to the ORCH briefing, several agenda items were not addressed; one of the more important being the continuing and expensive attempt to collect the aged receivable from the former owner of unit 12. The next meeting will be in November 2009---the date and time TBD. We need to schedule a Budget Ratification meeting as well during November.

Bob Dyster  
SMTOA Secretary