

**MARINA PARK  
BOARD MEETING  
JUNE 13, 2008**

**MINUTES**

1. **Call to Order.** The meeting was called to order at 3:05 p.m. by President Rich Rutledge
2. **Affirmation of Attendance and Quorum.**
  - A. Board members in attendance were Rich Rutledge and Ron Melgren (via conference call).  
  
Other owners in attendance (arrived later in meeting) were the owners of B9, Jeremiah Floyd and Lance Haeberle.  
  
A quorum was established.
  - B. Representing Mountain Managers were Eric Gill, Susan Witkowski, and Judy Freese (via conference call).
3. **Approval of Minutes from the 4/18/08 Board Meeting.** A motion was made, seconded, and passed to approve the minutes as written.

Before proceeding with the agenda, the Bernier/Bosma letter was discussed. Rich had spoken with Michael Bosma and noted that Michael Bosma had a problem with the "narrowness of the language" used in the letter that was approved by the attorney. Rich recommended a change to the wording but Ron felt it might give them too much latitude if there are future claims. Ron wanted to make sure that the association retained the right to go back to the developer/builder if further issues were noted. He mentioned the fact that shingles, asphalt, etc. were not addressed as far as adequate funding to the HOA. Eric noted that painting had been singled out as "urgent" because it needed to be addressed immediately. Rich believes his revised wording will cover these contingencies and it was pointed out that all warrantees would still be in effect. Items such as asphalt and concrete should last 20 years and it was felt the Association would not stand much of a chance on collecting any additional funds. Both Bosma and Bernier own units at Marina Park and will therefore not be exempt from future funding of the Association. Rich stated that the HOA does not want to get into a legal hassle for funds (this would be the next step). A motion was made, seconded, and passed to amend the letter to Bernier/Bosma with Rich's suggested wording. The change will be made and e-mailed out today with a request for immediate payment.

It was also noted that Bernier/Bosma are in arrears on dues payments and penalty schedules/interest were discussed. Ron felt that this had been addressed in previous minutes, however, the 4/18/08 minutes simply state that late fees and interest can be charged on delinquent dues – no penalty schedule was listed in the minutes. After checking the Declaration, a motion was made, seconded, and passed to assess a \$50 per month late fee along with 1.5% interest on delinquent accounts effective at 30 days past due. This will be retroactive to 4/18/08.

Term limits for Board members were brought up and Mountain Managers will check the by-laws. (It was subsequently found that, "At the first annual meeting of the Association after the Period of Declarant Control, the terms of the initial members of the Executive Board elected by the Owners shall be staggered so that one member shall be elected to serve a one (1) year term, and the remainder shall be elected to serve two (2) year terms. At the expiration of the initial term of office for each respective member of the Executive Board, his successor shall be elected to serve a term of two (2) years." At the 8/10/07 Annual meeting, Rich and Zeke were elected for 2 year terms and Ron for a one year term. Therefore, at the next annual meeting there will be one vacancy (Ron's) for a two year term. Board members may be re-elected to the Board after their term expires.)

4. **Repair and Maintenance Report.** Eric reviewed the report and noted that items over \$250.00 were included on the report.

- A. Two re-built pumps for the boiler had been on order. They are now done and at the complex.
- B. A cover was purchased for the hot tub.
- C. C building had roof snow removal due to an ice dam. Not all ice could be removed due to the possibility of damaging the lower roofs. A lot of ice melt was put down.
- D. Drywall and painting were done in unit C14 as a result of roof leaks.

It was noted that the Association may have to look at budgeting for roof snow removal in the future to prevent a similar occurrence. Eric noted that there are snow fences on the asphalt roof and heat tape in the gutters (not on the roof). There are many odd angles and the ice dam that formed this past winter went 8' back up the roof. This is very unusual as ice dams generally go up only about 3'. This is why roof heat tape is put up on the first 3' of the roof. Ice dams and any damage that results is an HOA responsibility. With the high insurance deductible, would it be better to spend \$500 for roof heat tape in order to avoid another ice dam insurance claim? Eric explained that the problem has only occurred once in 4 years. It might be better to plan for regular roof shoveling if there is another heavy snow year. Roof snow removal will be added to the budget – this will be discussed at the regular budget meeting in the fall. Before the meeting, Eric will look at the roofs and see if another 2' of heat tape above the snow fence could work.

5. **Financial Report.** Eric reviewed the March financials and noted the major areas where the Association was over budget. Utilities were over budget by \$9,643 and will be discussed further under Old Business. Repair and Maintenance was over budget by \$2,300 and snow removal was over by \$1,505. Grounds were under budget by \$775 but most of the grounds expense won't take place until the summer months.

Insurance reimbursement numbers don't quite match up – this is in the Association's favor.

Overall, the HOA was over budget \$31,655 year-to-date (\$16,000 without the insurance claims).

Delinquencies: Outside of Bernier/Bosma only one unit is delinquent and the owner generally pays after receiving a phone call. It was noted that when late fees and interest are added he may be more inclined to pay on time.

The balance in the checking account was a negative \$15,668.08 and the money market account balance was \$5,023.73.

At this time Jermiah and Lance arrived at the meeting. A brief update on the Bernier/Bosma situation was given followed by a brief discussion. Lance noted that they had not had great results getting their punch list of items completed - it has taken 11 months. He also pointed out that poor quality materials had been used on items such as flooring. It was again explained that warranty items are not exempt from future claims against the builder. With the slow response time from the builder, it was asked that if necessary could the HOA go ahead with any warranty repairs and then bill AGR. This is not recommended since it is more difficult to collect funds.

6. **Old Business.**

- A. Bernier/Bosma (discussed earlier in the meeting).
- B. Utility Bill Study. Eric had prepared a study of utility usage based on 5 months of X-cell billings. He explained the format and noted that the first 3 months (January, February, and March) included 4 accounts and April and May had 6 accounts. He explained that Mountain Managers had just recently picked up the billings for A and B previously paid by AGR. It was noted that C and D billings seemed to be close to the same every month while A and B were much higher and account for a huge amount of the total utility bills. Eric noted that the pool was fired up in March and the ice melt systems were shut down following the April Board meeting. It was hoped that this would give a clear picture of what utility costs were for each entity. There have not been enough billing cycles yet to determine actual costs. There were X-cel discrepancies prior to Mountain Managers assuming property management duties and questions were raised as to whether or not an official energy audit was needed to make sure everything is being billed correctly. It was resolved to have an electrician look at everything and ascertain just what is being billed for each building. The utility bills for A and B are 2 to 3 times higher than C and D. Eric will continue to keep an eye on utility bills and will keep the current study going.

- C. Unit B12 has sold and will close in July. It appears the unit is being rented out by the new owner until it closes. This is a deed restricted unit and questions were raised about who can own/rent the unit. Eric explained that the units are for Summit County residents and technically are for people who work in Frisco. For one reason or another (transfer of job, etc.) the owner may no longer work in Frisco and can rent the unit as long as the tenant is a Summit County resident working 30 hours per week in Summit County. The new owner has asked when the pool will be open. It was originally planned to have it open for the 4<sup>th</sup> of July weekend. Since more concrete data is needed on the pool expense, it was decided to have the pool open from the 4<sup>th</sup> of July weekend through Labor Day (the pool will be fired up prior to the 4<sup>th</sup> in order to get it up to temperature). By the September meeting, we should have power bills through August and this will give the Association a good idea of what it costs to run the pool and also to simply maintain it at 50 degrees (not open). If the cost is high the HOA may consider draining the pool and not maintaining it at all. When complete utility information is available, owners will be informed and other options may be considered (i.e. doing away with the pool and just going with new hot tubs).
- D. Dog waste was brought up. People do not pick up when it snows and this doesn't show up until the spring thaw. Owners are asked to get out and pick up dog waste that was "left" over the winter. Jeremiah and Lance had received a letter about not picking up after their dog. They stressed that they always pick up after their dog (and others) and asked that if there is another complaint to please give them a call.
- E. Landscaping: The HOA is operating from a deficit position. The Board had already approved \$2,000 of landscaping to be done by Jeremiah contingent on the availability of funds. A motion was made, seconded, and passed for Rich and Jeremiah to select landscaping areas and spend up to \$1,000. Where to start the landscaping project was discussed. A question was raised as to whether the area where the benches are located is actually Marina Park property or the Town's (Eric will check on this).

7. **New Business**

The Architectural Review Committee (Board) reviewed several requests:

- A. Jeremiah did a planter box for the patio on B7. It is outside but not connected to the railing (looks great). Jeremiah stated this is not in any danger of falling and does not constitute a hazard. The Board agreed.
- B. Unit B9 (Jeremiah and Lance) has dark window coverings. It was explained that total light blockage is needed to allow for sleeping during the day (works at night). \$8,000 worth of window coverings had already been installed prior to the Rules and Regulations going into effect. The Rules and Regulations currently mandate 2" wood blinds with any other window covering needing ARC approval. The Board granted an exception to the window covering rule.

- C. Hat shop sign was approved. Board will notify owner.
8. **Schedule Next Board Meeting** will be on September 12, 2008, 3:00 p.m. at Mountain Managers.
9. **Adjournment**. There being no further business, the meeting was adjourned at 4:45 p.m.

Following adjournment discussion took place on the Association's financial position. Eric will do an assessment of where the Association stands within the next 30 days. A dues increase may be necessary if the utility bills prove to be correct.

Signed:

Reviewed – OK to distribute

6-19-08

---

Rich Rutledge, President

Date

---

Judy Freese, Recording Secretary

Date