

Polo Run Recreation Association
Board of Directors Meeting
June 3, 2009 7:00p.m.

Call to Order by the president: Paul Howald

Board members present: P. Howald, P. Hallowell, A. Van Hall, S. Tichota

Guests and homeowners present who signed in: E. Johnson, J. Kirschheimer, J. Neal, R. Damm, W. Oliva, Bill & Nancy Haas, B. Dow, K. Dingman, S. Morganson, J. Knight, D. Chilton, D. Wood

Review and Approval of April 2009 Board Minutes:

Reviewed and moved to approve, Andre Van Hall, second, Sally Tichota
All voted in favor

Financial Report and Delinquencies: Earl Johnson, Western State Management

There are no delinquencies. Earl will send April financials to William Oliva by email for posting on the website, and May financials by email to the Board for review and email approval before posting on website.

Old Business:

Website Update: Paul said we are ready to shut down the account. But the email list needs to be preserved. William Oliva is to send a mass mail to community to provide the list to all residents.

Landscape Status: Andre will be sure all invoices are to Earl. Everything seems to be within budget (\$3500.00). 95% of the work has been done. Andre praised the work of Jeff Elliott and his crew. He said Jeff was with his people working the whole time. People agreed it hasn't looked this good for a long time. Karma Dingman and Nancy Haas were mentioned as also helping on the committee with Jeff.

Pool Up-date: Earl said that the toilet in the Men's bathroom was replaced. Hot water heater is also fixed. Any possible leaking of the Pool is being monitored by Alligator Service Co. The question about a broken light will be addressed by Earl.

ARC Insurance: Andre stated ARC members are not now insured under Association insurance policy, but he raised the question that if they were appointed by the Board could they be covered? Paul explained that the Board has no authority under its covenants and organization docs to appoint the ARC as a committee, and that the Board/Association's job is to manage the recreational property per the second set of covenants. Becky Dow said that Paul was right, and Board has no legal power to appoint the ARC as a committee. John Neal agreed with Becky's assessment. A general comment was offered that this is another

reason why a committee should be formed to deal with changing/merging the Covenants and By-laws. This could become a method to cover the ARC under the current insurance policy. Jim Kirschheimer voiced his opinion that he did not want the ARC to be subject in any way to control or oversight by the Board. He feels that the Board has not been supportive of the ARC in the last couple years, and mentioned the ARC's problems with John Becker's fence and trailer as an example, saying that the Board has not helped the ARC solve this. Paul asked when had the ARC ever asked the Board to get involved in this? Jim said he mentioned it to Andre. Paul replied that Andre never brought this to the Board's attention so you can't fault the Board if it does not know of a problem. Jim went on to say that the ARC usually works well with the Board, but relations have not been positive this year. Paul agreed that there have been problems with certain ARC members this year, but if no one, including homeowners, asks the Board for help, we can't fix something we don't know about. Andre asked Jim if he was worried that there was no insurance coverage for the ARC. Jim replied that he does not lose sleep over it, but suggested that maybe a separate insurance policy could be purchased for the ARC. Paul agreed and said that this annual cost needs to be determined and then homeowners need to buy it? It was decided to involve the Homeowners at the annual meeting to discuss the ARC insurance question. Sally asked for Earl to get whatever information would be needed. But then Nancy Haas suggested that a committee needs to look into this. John Neal throughout the idea that if there is an indemnity of the ARC by the Homeowners, then the ARC can't be sued. Becky Dow said she liked this indemnity idea rather than paying for insurance. The following people volunteered to be on a committee to look into this matter: Andre van Hall as the Board rep, Jim Kirschheimer, Karma Dingman, William Oliva, and Becky Dow. They are to meet, find answers and give recommendations at the Annual meeting so the Community can vote on the matter.

ARC and Green Law Recommendations: Paul asked Jim Kirschheimer what had been done about coming up with these recommendations. Jim said he knew nothing about it. Paul said it is all that information he mailed to Jim back in Jan 09 and which was also given to Nancy van Hall at the last meeting (June 09). Earl Johnson then reviewed the problem for everyone. Paul stated that once the ARC came up with recommendations that the Board would consider endorsing them.

Otero Fence Status: Andre reported that John Neal and Richard Damm had been able to get Split Rail Fence Co to hold the old pricing of \$43 plf. John said this includes gates, tear down of old fence and would apply to whatever number of homeowners wanted to be included. Split Rail is the only TREX supplier in Denver. John said there are 9 homeowners on the north who want to proceed and 7 on the south. Paul asked who the south ones were? John answered Wimmers, Nudleman, Antle, Dockery, Dow, Cook and Fiorini. Those who have not agreed so far are Cesare, Gilliands, Howald, Browns. It was pointed out that the Board's position from last meeting was that if all of the homeowners agreed, that the Board would pay to erect TREX for the pool and parking lot. Becky Dow asked

if the Board would pay for that small portion of wood fence that abutted the brick monument sign on her property? Paul said yes that seemed fair and it was probably only a short section. Dow said that the ARC approved TREX even though some Homeowners are not in agreement. Paul asked Jim Kirschheimer what the ARC's position was. Jim answered that the ARC collected individual homeowner applications for TREX but had not approved them. The ARC said that all of the fence along Otero needed to be changed to TREX, and that some of wood and some of TREX was not acceptable. John Neal stated that since the ARC had not given an answer within the required 30 days that they (the north Otero homeowners) now felt that they could move forward with TREX. Jim confirmed that the ARC had defaulted on giving an answer within 30 days. It was suggested that a collection could be taken to help those Homeowners that couldn't afford to do TREX, or who had already replaced their fence (meaning Gilliards). There seemed to be no support for this idea. Richard Damm questioned why TREX would not work for everyone. Not liking the product was mentioned and the fact that one Homeowner had already replaced his fence with wood. John Neal said that the Otero group would most likely move ahead without all homeowners being in agreement. Paul pointed out again that the covenants required 100% agreement for any new fence to be erected along Otero, unless it was just being replaced with the same style wood.

Covenant Redrafting Committee: Paul pointed out that the committee formed at the last meeting did not start and would not be doing any work for the annual meeting.

Treasurer Replacement Candidates: Paul said there were two new candidates....John Neal and Liz Metz, and asked if there were any others. No one came forward. Jim Kirschheimer made statements that he felt that Becky Dow was not properly considered last time, and tried to get the Board to revisit their decision. He questioned Pam Hallowell about why she voted as she did. Nancy Haas told Jim he was being unfair to Pam and Paul said that the Board was not going to re-vote on Dow. Earl Johnson stated that this Treasurer position will expire as will a couple other Board positions and all have to be voted on at the Annual Meeting. There was then a discussion concerning what the qualifications were for Board Members. It was finally determined that Board members are all volunteers and though it's helpful to have knowledge for certain positions, it wasn't a prerequisite. This seemed to be the confusion about whether Dow was qualified or not for the position before. Andre then nominated John Neal and Sally gave a second to this. Richard Damm insisted that the second candidate be placed on the floor and then the Board could vote for who they wanted. Paul agreed to this procedure and Pam nominated Liz Metz with Paul giving a second. Sally Tichota then offered discussion that since the Otero Fence issue seemed to now be resolved, that it did not really matter who filled this Treasurer position. Andre agreed. Paul stated that he favored Liz Metz since she was an interior homeowner not living along Otero, and that we already had two Board members living along Otero. A vote was then taken with Sally and Andre voting in favor of

John Neal and Pam and Paul voted in favor of Liz Metz. Paul pointed out that the by-laws state that the Secretary can assume the Board position of Treasurer in the interim and therefore this vacant position will now be voted on at the Annual Meeting. As a final comment, Karma Dingman began talking about Polo Run being subject to the covenants of Highlands 460. Becky Dow and Paul confirmed that this was not the case, as we were the 6th filing and named Polo Run with our own set of documents.

Garage Sale/Dumpster/Doc Shredding: Nancy Haas was commended for doing a great job advertising the Community Garage Sale held on June 6th. Earl was instructed to order the dumpster which was to be placed on the street in front of the Pool, for the week-end of June 13th. Earl will look into cost of a Document Shredder and the cost to each Homeowner who chooses to participate. Nancy Haas wonders if we have a need for this service. Information will be passed on to the Community when it is ready.

Other Old Business: Nothing else was brought forth.

New Business:

Doug Holmes Dog Walking Issue: In response to Doug's concern, the Board will send another email to the Community reminding them to be a responsible dog owner and pick up after their dogs. It was, however, pointed out that we have many outsiders entering our neighborhood with dogs who may not be cleaning up after their pets.

Doug Holmes Flyers/Solicitation Problem: The Board pointed out that we are not an HOA and this is not a problem we can legally address. The Board has no power to solve this problem. It was also suggested that each Homeowner could try to speak to those violating our "no solicitation" signs. It was suggested that Doug may wish to work with the City Council to obtain an ordinance solution, but the Board could not obtain legal advise for him to use with the City, as this would not be something the Board could seek without paying for the service and the Community would have to be in agreement to do this.

Other New Business: The Pool's iron fence still needs to be painted. Earl has one bid for \$1250.00 and is seeking another. The ARC is to choose a paint color within 30 days and advise the Board. Currently it is Powder Blue. No other new business was presented.

Meeting was called for adjournment by Paul, second by Pam. Meeting adjourned.

The next Board meeting will be at 7:00p.m. at Paul Howald's on Wednesday, August 5th.