

Northgate Condominium Association

Board of Directors Meeting Minutes

March 4, 2008 6:00pm-8:00pm

1. Call to Order and Roll Call

The meeting was called to order. Board Members Mark Bloomfield, Tom Precella, Jason Gray, Helen Frey and Carrie Haverfield were present. Property Manager Dave Martindale was present.

2. Establish A Quorum

A quorum was established.

3. Approval of Minutes of the Previous Meeting

Tom moved to approve the minutes from October. Carrie seconded. The minutes from October were approved.

4. Owners and Residents Forum

No owners or residents were present at the meeting.

5. Approval of Financials

Dave explained that the negative net operations amount of 4432.68 was largely due to insurance and snow removal, which will be offset by the months in which money is not spent on those items.

Dave indicated that the signatures on the signatures cards for the Mile High CDs did not have current signatures, and that he would bring in signature cards to the next meeting to be updated.

Dave suggested that the CDs in the reserve accounts be renewed in such a way that we would have 2 one year CDs, each expiring 6 months apart, to maintain a reasonable amount of liquidity, but still take advantage of higher rates from longer term CDs. The Board agreed that the funds from CD #597 would be combined with the funds from CD #598, at its maturity, and a 1 year CD would be purchased, so that it would reach maturity 6 months from the maturity of CD #599. Helen moved to approve this measure, Mark seconded, and the measure was approved unanimously.

Mark moved to approve the financials through January 2008. Jason seconded. The financials were approved.

6. Old Business

Mark asked that the board members consider what would be needed to present siding replacement options to homeowners.

7. New Business

Dave shared with us a memo received by him from an attorney explaining that we may not create regulations that would conflict with the declarations. This would include prohibiting either owners or renters from having dogs in their units, as they are specifically allowed in the declarations. Below is an excerpt of the memo from the attorney:

Although the Board has authority to adopt rules and regulations, the rules cannot conflict with the language of the Declaration. Article Six, Section 6.3 provides that animals, *including dogs*, may be kept within the project. Section 6.3 does not distinguish between an Owner or a tenant keeping the pet. Adopting a rule that is contrary to Section 6.3 would be unenforceable. To prohibit tenants from keeping pets, the Association would have to amend the Declaration to provide this restriction.

In addition, a rule that treats tenants differently than Owners may not be enforceable for other reasons. A court will scrutinize a rule for fairness, reasonableness, whether it's contrary to the declaration, etc. Although tenants are not a protected class, what is the reasoning behind treating them differently? Are tenant dog problems worse than Owner dog problems, and is there documentation or some history establishing this? And is the Association taking any enforcement steps against the Owner for his or her tenant's dog? If not, then why not?

Bottom line, it's not a good idea to treat tenants differently via rule, and it cannot be done if the rule is contrary to the Declaration. The Association will have to amend the Declaration to prevent tenants from keeping dogs.

The board had further discussion on the matter of dealing with dog refuse and barking. The point was raised that Colorado Security would respond promptly to document the situation. Tom mentioned that he had used them several times effectively. The suggestion was made that residents be educated via a letter or newsletter that they have this as an option. Also the board directed Dave to get bids from the current cleaner, and from several other dog waste removal companies.

The board asked Dave to contact our cleaners and let them know that they don't appear to be cleaning up all the trash in the area, specifically cigarette butts and miscellaneous trash.

Dave also presented a proposal provided by Dugan's Integrity Services to replace the dumpster enclosures. The board had discussion concerning this, including options for relocating or redesigning them. Jason offered to do some research on 'what is out there' before we make a decision on how to design them or get any more bids.

Dave presented Divine Gardens Landscaping's proposal for 2008 services. The board had the following questions to be asked before approving the proposal.

- Does the 960/month include the major, spring, and fall cleanup?
- To which geographical areas does this specifically apply? Areas in question are: the median in the middle of 34th St, the area south of O'neal, including the basketball court and volleyball court, the area adjacent to Helen's patio, and the area along the west edge of the property which has limited access.
- Clarify within items H. and N...are materials included in the monthly price?
- What is specifically included in spring and fall cleanup?

Dave also gave us Divine Garden's proposal for adding pressure reducing valves to the sprinkler system.

The board indicated that it was very pleased with the quality of Majid's work. The board also indicated that they would like to see some more detail in materials pricing. This would include seeing a retail price, along with a reasonable mark up for time required to order/acquire parts. Dave suggested we try to meet with Majid this Saturday to clarify the above items, and that he would try to coordinate such a meeting.

Carrie asked if we could get the exterior walkway light outside unit 21 checked.

The Board discussed writing a newsletter to be distributed this spring, which Helen agreed to write.

8. Adjournment of Meeting

Meeting was adjourned. The next meeting is to be held, April 1st, 2008 at 6pm, at Carrie's place (#21).

