

2015 HAMILTON CREEK HOMEOWNERS ANNUAL MEETING
JUNE 27,2015
SILVERTHORNE LIBRARY

Meeting was called to order by Ruth Carroll, President, at 10:18 AM. There were 86 people present representing 54 properties, and 8 properties represented by Proxies for a total of 62 properties represented at the meeting.

Ruth Carroll introduced the board members, Luise Bruno, Hugo Rutherford, Mary Seidel, and Marc Schlesinger.

Ruth Carroll introduced new homeowners who were present. Marc and Judy Schoch, and Eric and Ann Beshore. Merika Rutherford, chair of the Welcome Committee gave a report as to other new homeowners over the prior year and the makeup of Welcome baskets given out.

Minutes: Minutes of the 2014 Annual Meeting were approved.

President's Report: Ruth Carroll presented her report. She updated the owners on the activities of the Board and the HOA over the prior year. She stated the main goals of the HOA (homeowners association) and its Board is to maintain the safety of the community. The Board works with the Hamilton Creek Metro District Board and other agencies as needed to assure this. The HOA also wants to maintain the quality of life and homes in the community. The HOA Board continues to try to maintain our low dues and to be financially responsible. Reported that 43 people attended the Annual Cleanup Day on June 20, 2015. Hugo Rutherford and Bill Ferris directed the activities of the day. A large amount of downed and dead trees were hauled to the road for pickup and chipping. Trees were transplanted to the north curve of Lakeview Circle, road edges were cleaned up and front entrance was cleaned up. She thanked the Bonner's for hosting the post clean up lunch. June 18, 2016 will be the next cleanup day. In 2015 the County will provide the chipping and the Metro District will not have to pay for it. Chipping will occur from August 3-7 and September 21-25.

She discussed a community walkthrough regarding wildfire prevention with the fire district to evaluate for fire protection. Summit County has the highest wilderness land to home interface in the state according to a realtor brochure.

Ruth Carroll discussed the publication consent form which had been sent out with the annual meeting notice and present at the meeting. The purpose of the consent form is to allow the development of a homeowner's electronic directory for limited distribution to the HOA Board, the Metro District Board, and to homeowners on request. There would be no distribution outside of the community or for non-community related events or purposes. Bob Gilson discussed the possibility of adding owners' pictures in front of properties for the directory.

She mentioned the plan to place signs at both entrances to Hamilton Creek stating there is no hunting access via Hamilton Creek properties.

Ruth gave a statement regarding an ongoing lawsuit between one of homeowner's and the HOA. No specifics regarding the plaintiff was mentioned. The Board was of the opinion there was no basis for the suit, and were working with legal counsel towards that end and were hoping for a favorable outcome.

She informed the homeowners to review the Parking Rules and Regulations, posted on the HOA website. The HOA Board will be continue to enforce these. Also, there is no parking on County roads, and the roads within Hamilton Creek are designated as Summit County roads.

She noted the difference in the duties of the HOA Board and the Metro District Board and the responsibilities of each. The HOA has limited annual income of only \$6000, with annual dues for the 120 lots being maintained at \$50/year/lot. This has not changed since 1986. The main expenditures of the HOA each year are for Cleanup Day luncheon, Annual Meeting costs and luncheon, D&O insurance, stationary and postage, and website maintenance. The Metro District maintains the common spaces of Hamilton Creek for the HOA, who owns the lands. The Metro District also maintains the roads and the water supply and quality of water for the community and provides for every three year septic tank pumping and inspections of the lots. The Metro District is a quasi-governmental organization and has specific rules and regulations it must operate under. 84 per cent of the Metro Districts funds come from property taxes.

John Rutherford asked how the funds are used between the Metro District and HOA. Chuck Harris answered this for the Metro District and did bring with him financial statement for the Metro District. The HOA Board can look at Metro District documents and seek clarifications. Bob Pietrzyk is reviewing the Metro District financials as an independent person and as a property owner.

Another question was asked regarding skateboarders using Hamilton Creek streets. There have been conflicting responses on whether this is legal or not to do so. No definite answer was given, but it may be legal if they follow the same rules automobile drivers and bicyclists must follow.

Hans Peter Spuhler presented Bonnie and John who were long term renters of his lockoff apartment and were taking an active role in the community.

Treasurer's Report: Hugo Rutherford, Treasurer, presented the report. He went over the annual profit and loss statements. He noted that the HOA can and does assess late fees on nonpayment of HOA dues by the due date. Also, the HOA can place a lien on properties in the community for nonpayment. Expenses in 2014-2015 fiscal year were \$3000 less than the previous year. The HOA had a balance \$1500 greater in FY 2014-2015 over FY 2013-2014.

At this point Jay Harlan asked a question regarding Robert Polich and the situation within and the alleged charges. He would not wait for the Metro District Report to seek an answer, finding it suspicious no mention of it to this point. He was informed this is a Metro District issue and not an HOA issue. Tom Hand, Metro District President, did answer. He stated the charges had been filed, but the Summit County Sheriff had asked this not be broadcast. The State's Attorney has not issued an arrest warrant as of the date of the meeting.

Architectural Committee and Covenant Compliance Committee: Nada Harris, committee member, presented the report. In the last year the Worrell home was completed. Also, the first phase of the O'Brien residence extensive interior remodel was completed. The Schultz/Beauprez residence had completed exterior renovations. In progress at the time of the meeting were: Schmeiser's residence, Brown's interior remodel, and Tutweiler/Hinshaw exterior and

interior remodel and landscaping. The Hibri residence is in early planning stages and may begin construction in 2016.

Election of Board Members: There are two positions on the HOA Board up for election. Ruth Carroll's and Luise Bruno's terms are up. The two were renominated. Bob Gilson moved for closure of the nominations. Hugo Rutherford seconded the motion. The two were reelected by unanimous consent.

Metro District Board Report: Tom Hand, Metro District President gave the report. He introduced the rest of the Board members: Ann Beauprez, Jacques Delorimer, Bill Ferris, Chuck Harris. He introduced Kelly Baldwin, the new Metro District bookkeeper, and Tom Oberheide, the Metro District Administrator. They were brought on after the February 20, 2015, executive session of the Metro District Board. Also, present was Matt Willits, the Water District Manager. New contact and mailing information for the District was sent with the 1st quarter water bills. He asked that we note the changes and direct payments accordingly. He thanked the Schlesingers for consenting to a land transfer so that the Metro District had the land for placement of the underground tanks required by the new water treatment plant.

Tom gave a report on the Robert Polich dismissal and subsequent investigations after finding out on Thanksgiving Day 2014 of the embezzlement of funds by him from The Enclave and Mountain View Plaza. Steps were taken immediately to rescind Mr. Polich's access to funds and addition of second name to the Metro District accounts. He discussed that the Metro District had had clean audits since the beginning of Hamilton Creek. A Forensic audit on the water plant construction was done since finding out about the embezzlement.

There was a meeting with Mr. Polich, who admitted to taking of the money from the Enclave and Mountain Plaza in 2008 and was paying it back. Bob Polich assured them he did not take any money from Hamilton Creek.

On December 5, 2014, a memo went out from the HC Metro District Board to homeowners. At an emergency meeting of the Metro District Board it was decided that as of January 31, 2015, Robert Polich would be dismissed as Metro District administrator. On December 9, 2014, a second memo to the homeowners went out. Deb Polich had set up a new corporation, NP Systems and did help out for awhile during the transition. On February 3, 2015 electronic financials were delivered to the Metro District from NP Systems.

Chuck Harris began an extensive review of these from 2000-2015. He has found that a large amount of money was not accounted for. Charges against Robert Polich were then filed. The case has been discussed with Mark Richmond, attorney. The Metro Board's primary consideration is getting the money back. Bill Ferris is trying to recover some or all from the insurance company, but as of the meeting only \$5000 would be returned by the insurance company. Mr. Polich was not bonded or insured.

Tom Hand assured that there is no financial problem paying back the holders of the water plant bonds.

Tom Oberheide gave a report. The septic tank inspections were almost done, and that 2 septic fields are being replaced. Lakeview Circle has areas with complete asphalt failure evolving into fixing drainage and surface. Helton has continued to do the snow removal and did not charge

the District for April 2015. Hugo Rutherford and Bob Bruno are doing weed spraying along the roads instead of hiring someone to do it. The District water quality report has been sent out. Pin hole leaks have been found in the pipes of another home. This brings the total number of homes with these leaks to 9. A gut feeling is that well water from prior to the original water plant in 2003 was the culprit, but there is no definite proof. It is still being investigated. If you develop a leak save a piece of the pipe and the water. Notify Tom Oberheide so he can investigate. Pin hole leaks have been seen in other locations in county as well, but not an uncommon issue.

Eddie O'Brien gave an update on the Real Estate situation and Silverthorne town developments over the prior year.

A presentation by Michelle Cowardin, Division of Parks and Wildlife, was given regarding an update on the stretch of Highway 9 between Green Mountain Reservoir and Kremmling being redone to install two animal overpasses and 5 underpasses. Hopefully, this will reduce the number of wildlife deaths in that area.

No other business came before the meeting and it was adjourned at 12:43 P.M.