

**Orchard Villa Townhomes Homeowners Association Minutes**  
**Board of Directors**  
**Wednesday, February 11, 2009 – Grand County Public Library**

Board members present: Marc Thomas, Connie Baty, Chris Ensworth and Mike Stringham. Kendra Perkins was absent. Homeowners in attendance: JoAnn Simbeck, Chairwoman of the Landscape Committee.

Marc Thomas moved and Connie Baty seconded a motion to approve the January 13, 2009 minutes as presented. The motion passed unanimously.

Treasurer Connie Baty reported the Association had \$31,882.74 as of February 10, 2009 in its checking account and about \$4,100 in bills were pending payment. The Association had a reserve balance in CD's in the amount of \$32,884. Mike Stringham made a motion to approve the bills presented and Chris Ensworth seconded the motion. The motion passed unanimously. Marc Thomas reported the Association could earn 0.6 percent on renewing its CD for three months. The Board decided to roll a \$12,000 CD up for renewal into a savings account so the money would be available to aid cash flow through the Reserve Projects and return the funds to the Reserve in the fall.

Marc Thomas told the Board that Kendra Perkins had informed him she was resigning her position from the Board, due to family issues. The Board will post a notice of the Board vacancy and solicit volunteers who are willing to fill the position until the Annual meeting. The 3-year position will be open for election at the October 2009 Annual meeting.

JoAnn Simbeck, Chairwoman of the Landscape Committee reported the committee had met with Michael Harper, an arborist with 40 years experience in Moab. He had toured the common area with Vicki Fugit. He found seven mulberry trees which he recommend be removed, because they are a very rapidly growing tree, with invasive root systems that damage concrete and are a greater problem than cottonwoods. He also recommended removing a Mountain Ash that has bores and a Cedar that is too close to the stucco at 453 Alberta Ct. She said the committee was enthusiastic about keeping the wood chips from trees removed on 400 North.

Chris Ensworth made a motion to hire JMS Tree service to chip the woodpiles on the lot at 400 North and North Hale Ave and to pile the chips by the fence line, for an estimate of two hours at \$85 per hour. Mike Stringham seconded the motion. The motion passed unanimously. In order to prevent future damage to the buildings or fencerow, Marc Thomas made a motion to follow the Landscape Committee's recommendation to remove two cottonwoods behind Building 14, two mulberries between Building 13 and 14, and the corkscrew willows behind 642 W Hale and 660 W. Hale. The bid to remove the trees was awarded to JMS Tree service in the amount of \$450. Mike Stringham seconded the motion. The motion passed unanimously. No action will be taken until Marc Thomas and Mike Stringham meet with affected homeowners and explain the necessity of the trees removal.

Chris Ensworth told the Board there is a new complication in repairing three of the courtyard privacy walls. She said they had begun to lean and would need to be taken down and rebuilt, or an attempt made to shore up and strengthen the footing. She said the estimates to rebuild the walls were \$2,180 each plus the cost to re-stucco them would be an additional \$900-\$1200 each. The estimated cost to brace them, dig out the footers, and pour more concrete to shore them up was estimated at \$1,130 each, with a warning that this repair may not work. Marc Thomas made a motion to award a bid to Straightline Contracting to perform the footer repair at 636 W. Hale and if it was successful to proceed with the same repair at 654 W Hale and 580 W Hale. Straightline Contracting was also authorized to replace two squares of sidewalk at 530 W Hale and by the W. Hale fire hydrant, as well as a third square on North Hale.

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These slabs have settled and are a tripping hazard. The cost is \$100 per 4x4 square. Mike Stringham seconded the motion and it passed unanimously.

The Board awarded the bid to repair stucco on the buildings and paint the gates in phase one to Mike Newman Painting Contractor. The bid to repair stucco on 51 units is \$6,375. The bid includes patching impact holes and cable penetrations on all buildings. The price to paint 50 gates is \$7,500.

The Board unanimously agreed to award the bid for sprinkler maintenance for the season to Terri Ann Tibbetts.

Mike Stringham made a motion and Chris Ensworth seconded it to levy \$25 fines each against two homeowners who have failed to provide proof of insurance to the Association. They will be sent enforcement letters notifying them of the penalty unless they rectify the situation. The motion passed unanimously.

A motion to approve a bylaw amendment granting the Board the power to hold executive sessions for confidential and legal matters was made by Marc Thomas and seconded by Chris Ensworth. The motion passed unanimously.

Mike Stringham made a motion, seconded by Connie Baty to retain Christopher McAnany of Dufford, Waldeck, Milburn and Krohn, as the Association's attorney. He will be asked to review the Association's governing documents and ensure they are consistent with current state and federal law. He will represent the Association's interests in any bankruptcy or foreclosure proceedings affecting properties in the Association and collect debts owed to the association that are 90 days past due. The motion passed unanimously.

Mike Stringham will work on developing a plan to contact homeowners in an emergency. He will also work on guidelines for the Association's architectural standards.

The meeting was adjourned.