

Hidden Creek HOA Board Meeting Minutes

Thursday, May 21, 2020 3:00 MT

I. Call to Order 3:04pm Leanne Miller

II. Establishment of Quorum

Board Members:

Carri Moentmann

Leanne Miller

Michael Bradley

Dan Mitrovich

Guy Rawson *(3:05pm)

*Guy no longer on the call at 5:00pm

Homeowners:

Lisa Graveline

Brad Graveline

Judy Sampaio

David Knecht

Alan Agle

Michael Masterson

All Seasons HOA Management (ASHM):

Carissa Nosack

Mike Williams

Garrick Malin

Gina Covino

III. Owner Comments

Summit County Hearing:

Brad Graveline attended the last county public hearing and made a report to the Board and owners. It was explained that as Hidden Creek is in a Mixed Use Development area and the Canyons is only about 30% built out, there will continue to be ongoing development and potential efforts which will possibly have negative impact on our community.

Prior to the meeting he reached out to Robert Rosing (the HOA's former attorney) to find out what he would charge to monitor Summit County Council Meetings to alert the Board and owners to issues that may affect Hidden Creek. The quoted fee for this service was \$200 per month. Brad is happy to attend meetings and speak on behalf of the community once meetings have been identified and deemed important to Hidden Creek.

"I think this modest expenditure is well worth the cost. In recent years, developers have proposed:

1. Building a snow cat shed above the Georgetown's;
2. Building a welcome center and parking lot between Hidden Creek and hole 16 of the Canyons Golf Course (EWD-4); and
3. Demolishing the staircase leading to the Cabriolet from Canyons Resort Drive.

Any of these actions would have had a substantial negative impact on our quality of life, property values, and, for those who rent their properties, rental income.

While it is possible for any homeowner to receive alerts for meetings, the notices are difficult to decipher. Unless we have a resident with a real estate law background who is willing to take on this task, I think there is a high likelihood we will miss issues that impact our neighborhood. And, once the Council makes a decision, it likely would be very difficult to try to unwind it.

Many of us probably assume there will not be development adjacent to our houses, because the land has remained open for the last 40 years and/or the parcel seems too small to be developed. However, as development continues in the lower Canyons area, there will be increasing pressure to develop the land adjacent to Hidden Creek. There is a strong chance a developer would prefer to build a recycling center, power station, water facility, golf maintenance shed or similar structure on land near Hidden Creek rather than adjacent to a brand-new fancy condo building or high-end hotel.

I would hate to see any of us return to our homes here after some time away and find out that ground has been broken on a new snow cat shed that we knew nothing about.

To me, a modest expenditure of \$200 per month (possibly less) strongly outweighs the potential negative impact on our property values and quality of life”.

Michael Bradley commented that he has reached out to Ray Milner about notices being sent direct to the HOA Board. There was previously a process in place, but he had not responded yet with how to get it set up again. He also spoke to Terry Lang, the president at Red Pine who confirmed there was a way to get access to the County information online. It would be great to take action as a group of neighbors, but deciphering the information is still difficult. Michael Bradley was concerned about incurring legal fees before knowing what it is we are trying to fight.

Brad again commented that Notice is not typically given in a way that is helpful, they just meet legal requirements. In the case of this meeting, zoning changes were being proposed that would open the door for new development uses even though no development is actually being proposed. This zoning change could have “slipped by” and the consequences may not have been realized until months or years later. By way of example, if the cabriolet stairs had been lost or a snow cat was shining in your windows ever night this would have been catastrophic.

The zoning designation change is still up for review. The county council could have decided to pass at the last meeting. Brad felt in all likelihood it would have been approved if there wasn't someone there making comments and asking questions. So the council takes the comments and discussion under advisement and these can be long processes.

Carri Moentmann commented when she provided legal services to a city experiencing extensive zoning much of the zoning changes were driven by developers and passed very quickly. Concurring that the concern is very legitimate as once cities/counties pass zoning changes it is unlikely that they can be undone and it will be too late to take action. If no one speaks up at meetings, councils just pass these changes.

General Comments:

Lisa Graveline inquired into whether the community was going to send out a Newsletter? Leanne said that “yes” they were. Lisa requested the Newsletter provide future HOA meeting dates and asked whether there was somewhere on the owner portal where the dates could also be posted. Noting the importance especially since the meeting minutes are a month in being posted.

Lisa also had questions about the new windscreens on the tennis courts. She asked that the windscreens be moved to the middle from the current location at the top of the fencing due to wind issues.

David Knecht inquired about some re-seeding of the common area that had been trenched and disrupted 3-4 years ago between buildings 35-36. He also inquired about options to cover unsightly utility boxes in this same area. Mike Williams said the hydroseeding is being coordinated. Leanne Miller explained that utility boxes are located in protected easements and throughout the Hidden Creek community. Carissa Hossack described the use of faux landscape rocks that could possibly be placed over the utility box. Research can be done into possible covering options and permissions from utility companies. This topic will be best addressed with a comprehensive community landscape plan so that all areas are treated equally when the HOA has the funds. Carri Moentmann pointed out that due to the lack of HOA funds realistically the community will not be able to proceed with any comprehensive landscape plan in the foreseeable future and any research should be put on hold for a later date.

Leanne reminded owners that posting maintenance requests or questions on Buildium is the best way to get them addressed. Gina Covino can be emailed for directions on how to access and post requests. gcovino@allseasonshoa.com

David Knecht also mentioned his letter to the Board about 6 weeks ago, the immediate response he received from ASHM and the personal phone calls he received from Carri Moentmann and an ARC member. He expressed his disappointment and discouragement in not receiving a formal response direct from the Board and President, Leanne Miller. Gina stated she believed that she miscommunicated the expectation and that she apologized. Michael Bradley spoke up and apologized, saying that he spoke to Carri Moentmann about her call and the letter and thought that the concerns had been addressed. Apology was accepted.

IV. April 2020 Meeting Minutes (5 minutes)

Leanne appreciated Carri’s efforts and the quality of the meeting minutes.

Motion by Dan to approve, 2nd by Michael. All in favor, motion carries.

V. Financials

1. March and April

Garrick Malin sent out a summary to the Board members. Leanne asked if there was anything in particular that Garrick wanted to call attention to. Dan Mitrovich had requested that instead of repeating through the P&L statement and Balance Sheet that Garrick report on the Capital projects and the updated capital projections.

- Asphalt is \$46K over initial estimates capped at \$206K.
- Mountain Regional Water's contractor, JRock has requested that the retaining wall be complete prior to their project beginning, so those funds have been moved from 2021 budget to 2020. Bid is \$47,600 which is \$13K under budget (originally budgeted \$60K).
- Tennis windscreens were actually \$2000 under budget.
- We had projected to spend \$313,300 for 2020 capital budget but that is anticipated to increase to \$404,900 with an increase of \$91,600 as a result of moving projects from 2021 to 2020. The net change between the two years' capital budgets is anticipated to be \$31,600 increase over budget. To clarify, the overage of funds is for the asphalt to coordinate cost savings with the Mountain Regional Water Project.

Leanne asked if the HOA had the cash funds in our accounts to cover the 2020 projects.

- Garrick answered that he did look at the cash on the balance sheet and said "yes we have the cash, but it will be tight". Leanne commented that "then maybe we should be looking to reduce in some other areas?" Garrick answered "yes, this definitely something that could be considered". Michael Bradley asked Dan Mitrovich if the money that had been budgeted for renovation of the clubhouse was still available funds? If so, would this cover the amount or would we still have overages? Dan deferred to Garrick to look at this and advise. Carissa jumped in and explained that between the cash reserves and the reserve fund accrual of \$213,600 there will be enough funds for 2020. Garrick reviewed and agreed with Carissa.
- There are a couple of capital projects that management thinks could come in under budget (Carissa gave water valve replacement, painting and pond dredging as examples).
- (46-48m – Carri, ask me a question about this. This is ALL projections. I'd like to circle back around with a more complete answer to the Board. You have about \$310K in cash and will accrue \$213K=\$523K. We will spend less than the \$406 because we are cutting out a roof and will not spend a lot painting. This ONLY leaves you with about \$117K total funds to work with for 2021 (some of this is operating funds), which IMO means only roofing while you accrue the \$213K unless you increase HOA dues or propose a Special Assessment. Now that the Board has made it through capital project approval – we need to shift our focus to your lack of funding! There is NO money for the insulation issue that we discuss later in the meeting. There is NO money left to spend!)

VI. Maintenance Report (20 minutes)

1. Remodel/Modification Report

- 8B – in progress and close to completion
- 13B2 – in progress and close to completion
- 14A2 – V2 FINE, window replacement completed
- 16B1 – pending exterior paint of dryer vent
- 16B1 – V1 WARNING, interior remodel unapproved
- *Mike took pictures in Jan. and it didn't look like any plumbing or electrical was done that would affect another unit, but he did put a dryer vent out the back and it does need to be painted. Fine was issued for not following proper procedures)
- 20B – pending paint on decking and weather
- 17A2 – completed, passed county inspection
- 24A – pending exterior paint on gas line
- 25B – window replacement, completed
- 25D – concrete extension, pending spring
- 25D – pending paint on conduit
- 26B – waiting for County electrical inspection
- 32A – Interior remodel, in progress
- *Owner was notified of new front door standard.
- 38A – Pending start date
- 34B – Interior remodel, in progress
- 34B – V1 WARNING, Mini-split, did not follow the approved application.
- *V1 Warning letter was sent to bring property back to original condition. Owner sent a proposal to the BOD to consider. BOD will discuss in closed meeting.
- 35B – in progress
- 38A – interior/exterior remodel, pending a start date

Mike and Carissa have started to communicate with the building department in a proactive attempt to better understand the County process and rules in order to avoid conflicts with the HOA.

The HOA is making an effort to be clearer in the details of the owner approval letters so that expectations are clear on what is approved and what is not for owners, HOA and also the County.

2. Completed/In Progress/Parking Report

Completed

1. Trees sprayed by Altitude per contract
2. Morgan Asphalt contract approved by the BOD/signed
3. Gutter and down spout cleaning (replacing damaged down spouts as needed)
4. Installed 2 tennis court 8ft wind screens HC logo by spray painted by template. Mike stated there was reduction in overall cost by ordering the 8ft instead of the 10ft and using

a template for the logo (\$3300 vs \$1000) *The wind screens will be moved down for the wind and centered on the court.

5. Tennis courts blown out and nets installed
6. Installed 2 Mutt Mitt dispensers on garbage enclosures in the Townhome areas
7. Pond aerator repaired and installed
8. Fixed roof leak on 36C
9. Changed amenities code
10. Drained and sanitized the pool, lines, and added new filter housing and filter for hot tub. The sand should be replaced every 5 years and the pool drained every 4 years.
11. Replaced aging handicap sign
12. Cleared fallen tree behind 35C
13. Replaced missing dryer vent screen on 2B
14. Installed more security measures on tennis court gate
15. Pressure washed pool deck area
16. Vole treatment by Beeline. *Vole traps can be made by ASHM and placed.
17. Personal deck report
18. Routine Daily Maintenance:
 - a. Sanitize laundry room
 - b. Parking Patrol
 - There have been oversize vehicles parking in the lots. Parking has not been an issue due to stay at home orders. We have issued 12 warnings this month and no one was towed.
 - c. Clean pond drain
 - d. Cleaning around garbage enclosures

Question: Are oversized vehicles allowed to park in private drives?

Rules & Regulations: Oversize vehicles should not be parked on Property.
ASHM has been enforcing in parking lots but not in front of garages.

Carri and Leanne commented that enforcement of oversize vehicles as well as parking in non-marked parking stalls should be strongly enforced.

*ASHM will increase enforcement especially as construction work increases.

In Progress

1. One more wind screen for the tennis courts
 2. Replacement of a memorial tree on Aspen Dr. once PC Nursery has available
 3. Repair light and damaged tile in pool
 4. Replace pool filter
- *Pool opening will depend on County recommendations.
5. Recycle signage being printed
 6. Homeowners modifications/violations
 7. Preparing plan for retaining wall/ MRW line/asphalt replacement/pond dredge/electrical conduit install project with Michael Clay at JRock
 8. Personal deck improvement

Another memorial tree will be planted in memory of Donna Van Buren.

3. Stairs & Landing warranty

Ash and Dust provides a 1-year warranty on workmanship, wood and brackets. The paint was applied according to manufacturer's specifications, with additional measures by A&D building temporary bridges for access to allow for the recommended curing time. The areas with traffic will need regular maintenance every year to protect the wood from the traffic and especially the salt use. There is no paint product that will hold up to the salt and ski boot traffic. This was just part of going with the wood option versus the metal that was also considered.

Touch-up painting of the stairs and landings can be done yearly within the allotted maintenance hours. Extra paint will be onsite for this regular maintenance.

4. Personal Deck Report

ASHM reported that upon inspection there were no board or railing repairs needed on the inventory of personal decks this year, so peeling paint was how personal decks were evaluated. A rating of 1-5 based on peeling paint on personal decks has been documented in a spreadsheet and this will be how records will be kept going forward.

All Owners who have personal decks were notified of the new paint standard but only those requiring painting should be required to make changes this season.

Personal decks with a rating of 2 and above will be notified to paint their personal decks by August 31st, 2020. Special personal circumstances to delay can be dealt with as requested on decks rated 2. Carri is willing to talk to owners with concerns on an individual basis if needed. Motion to approve by Carri, 2nd by Michael. All in favor, Dan, Guy. Leanne abstains.

VII. Governance

1. Ratify Email Decisions – Motion to approve ratification of Doggie bag stations on Willow Creek and Aspen Drive by Michael, 2nd by Guy. All in favor, motion carries.

2. Report on Summit County Public Hearing

Owners can go to the County website to requests notices for specific meetings. The Board encourages those who are interested to sign up.

Leanne suggested an email be sent to owners to know if they support legal expenditures in this area, noting we have only heard from a small number of owners that they want this type of service. Leanne stated that spending \$200 a month would only be the “tip of the iceberg” as we do not have this kind of money in our operating budget. It was noted that the response from homeowners was based on an email sent by Brad Graveline to only those owners for which he had email information.

Carri Moentmann brought up the importance of a Homeowner Directory for access by homeowners. This method could be used for owners to be able to reach out, notify and share information throughout the community. It was also noted that the expense and

merit of a survey was also undesirable.

*ASHM can send an email that provides directions on how owners can “opt in” to share their contact information in the HOA portal. A committee could also be formed, but there is considerable risk of missing important details or meetings. Brad Graveline agreed that he would be happy to help but agrees there is a significant amount of risk and doesn’t think he would be comfortable taking on the responsibility of being knowledgeable about each month’s meetings. He is willing to serve on committee and doesn’t think we should view \$200 a month as a “tip of the iceberg”. At the point something was identified by legal counsel, homeowners could act individually or as a group to act or even retain counsel.

An attorney to monitor notices would report to management who would then notify the Board and homeowners regarding potential issues/concerns. At that point efforts would then be taken on by interested homeowners. A fee cap agreement could be drafted to keep costs minimal.

Current legal counsel Andrew Blonquist or a paralegal could provide the services for about an hour a month but there is no way upfront to know if that will be sufficient. Brad Graveline has a hard estimate for \$200/month from Robert Rosing because he is likely abreast on issues in Park City. Brad will email the details to the Board. Brad is also willing to draft an engagement letter.

All information should be gathered for the Board to consider via email, including cost and qualifications of attorneys, for the purposes of monitoring of Summit County Notices to protect Hidden Creek.

3. Amendment to Articles of Incorporation

Purpose: Formally change the name of the association from Park West Condominiums to Hidden Creek at the Canyons to simplify and keep business registration current.

Michael motions to approve name change as described in the Amendment to the Articles of Incorporation, 2nd by Dan. Leanne (Y), Guy (noted Guy no longer on call at 1hr 45min). Carri abstains. Motion carries.

4. Rules & Regulations Update: door standards

An application was submitted to ARC for a door change and during ARC discussion it was recommended that standard for doors be corrected/updated. [The details on changes are listed in the Board packets.](#) There would be just one front door option and it would have a top light (no grids) and the utility door would be a matching solid door (no glass). The standard would be reduced from the current two front door options down to one door. Private deck or patio doors that are not sliders are full light and match the existing style of doors.

Motion to approve by Carri, 2nd by Leanne. All in favor, motion carries.

5. ARC

To help expedite, ARC is trying to make approval information more detailed and clearer for the Board to review and for ASHM in monitoring the work.

7A – Pending revisions to be sent back to ARC for another review before recommendation to BOD.

25D – held in obedience

38A – action no longer needed

34B – to be discussed in executive session

6. 2020 Capital Projects – MRW project coordination

a. Retaining wall

Engineering has already been completed and paid for through Black Dog.

JRock has been helpful in obtaining a second bid as they feel the retaining wall should be completed prior to the asphalt work. Both bids follow the Scope of Work approved by the Board, are based off of the engineering report and include warranty information on workmanship for 1 year. Mike recommends that Perez be used, not only because they are slightly less, but because they can easily coordinate with JRock the sequencing of projects (this excavator will be doing the pond excavation for JRock).

*Leanne mentioned that at the bottom of the stairway from Lakeview parking to Cedar Lane there is an area that is back pitched and drains poorly (and freezes in the winter) and requests that it be addressed during the paving project. The concrete can be cut out and paved to resolve the issue.

Dan motioned to approve Perez retaining wall as detailed for \$45,050.00, 2nd by Michael. All in favor, motion carries.

*ROUGH project timeline: June 22nd for retaining wall to begin and finish prior to July 4th. JRock to begin foundation of pump station building July 6th with substantial pipeline completion by July 24th. Asphalt paving to begin the end of July and into August.

b. Roofing/Insulation:

Only one of the companies would separate the insulation from the roofing on the bids after initial request and upon follow up request. Kimball roofing is a throw away bid and does not make sense. After doing research and talking to all four roofing contractors, Mike does not believe that the plywood backed insulation is the best option. Yes, it will insulate, but not very efficiently compared to the cost.

Hale and Hansen both say that drilling holes and spraying in the insulation is not good because leaving the old batts in will cause uneven insulating problems, again not creating efficiency. Bottom line, old insulation needs to be removed in the cathedral ceilings.

Hansen has experience with cutting swaths of sheetrock on the interior at 4-5-foot intervals will allow the batt insulation to be removed. This allows them to blow the insulation from underneath to get good solid insulation coverage.

Based off of his research, Mike recommends treating the insulation and re-roofing separately and

1) recommends adopting a standard that any remodel application address insulating the entire roofing area including any attics and cathedral ceiling areas (so far everyone that Mike talks to about remodels he makes this suggestion and the owners agree it is a high priority)

2) Look to address insulation on roofs with a history of ice dams directly with the homeowners and

3) Have the Board come up with a fiscal plan to address insulation costs.

Unfortunately, it is extremely expensive to insulate from the roof. It may be a little less expensive to do from the inside and may be more effective, but will still require additional steps with demolition and finish work.

Carri commented that she understands the batts need to be removed either way but questions if they can be done at the same time the roofers are removing the shingles and replacing any necessary sheeting. Can the sheeting be removed, the old batts removed and the new insulation blown in?

Some sheeting will need to be replaced during the re-roofing, but pulling up all of the sheeting is not necessary. It is an approach that could be taken but will be more expensive. Coordinating this approach is risky as the entire roofing would be removed and exposed while waiting to be insulated.

Discussion continued on pros and cons of the two different methods. Dan commented that the blocking between the roof joists and the frequency of them needs to be determined and that it seems that going from the exterior might be better because electrical and lighting could be in the way. Dan also agrees putting some type of standard in place and putting some of the burden for cost back on the owners during remodeling would be a good idea.

Leanne said that in the past they had removed the insulation successfully from the exterior while re-roofing to re-insulate. A possible solution would be test both methods to determine which way is best. If discussion continues it will delay roofing projects another month. No one concurred with this approach.

Carri again commented that figuring out who is paying for insulation is still a big item to consider. Mike said that with budget constraints for 4 roofs this year there are not enough funds to consider fixing the insulation and the potential liability for a roofer in removing the decking to do insulation is huge. An exposed roof is a huge liability and roofers typically start drying in a roof as soon as they have torn off one side and before they complete others so that there is no risk of rain

exposure.

Mike recommends that the Board proceed with a roofing contractor so that they can be scheduled for this year and then figure out the insulation issue separately. Alta Vista Roofing did a great job last year and they are still offering the best pricing. The Alta Vista pricing separates out the costs for foam board insulation that will require vents, flashing and roof to wall connection changes, which is part of why the cost is so high. All of the contractors, roofing and insulating, agreed that insulation from the exterior is not as efficient. Mike reports going from the exterior is the most expensive and the least effective.

The only cost we have for insulation are the price per sqft. The costs for cutting sheetrock, removing batts, blowing in insulation, and then the sheetrock patching, texturing and painting are unknown and could be just as expensive, but the insulation efficiency will be much greater.

Mike will call Hale and Hansen insulation to find out more specific information for timing for inside versus outside application and which is best. This information can be sent via email for Board review and ratification. Each building will be different and costs will vary. Carri is willing to allow access to her unit for bidding purposes and contact individual homeowners to discuss the needs.

Michael motions to lock in scheduling for 3 roofs (32, 37 and 38 to finish the Townhomes) with Alta Vista with a delayed installation for the fall while we work to solve the insulation issue (and consider a possible 4th roof depending on budget and on insulation results), 2nd by Dan. All in favor, motion carries.

Carri asked if there was going to be an executive session to discuss violations immediately following the meeting? Leanne stated it will be scheduled and she would email the Board of possible dates.

Carri asked for the ratification of the paint colors that were recommended by ARC in September 2019 and a voted on by the Board in the September 2019 meeting. There was a vote by the Board of 3 yes (Lisa, Shana and Patsy) and 2 needing extra time (Dan and Leanne). Subsequently, Leanne emailed her yes vote and there is no record of Dan ever voting. Leanne included the door color Griffin in the approved revised door standard earlier in the meeting; however the Quiver Tan for the standard building color is not on record as the standard building color.

Carri commented that a lot of work by ARC went into choosing the two colors and they were selected and recommended together. Color samples were included in the Board Packet and photos of an actual building painted.

Carissa provided further context, stating there were two similar colors being considered one being slightly darker and they were painted on the shed by the

pool last summer. Everyone had the opportunity to view and weighed in. To her knowledge everyone said that they liked Quiver Tan best and agreed that going forward it would be best for the community to have all the exteriors of the buildings painted one color for continuity. Carissa said no one voiced any objections and this was just a formality to clear things up with a vote.

Carri motions to approve paint colors Quiver Tan and Griffin. No second. Tabled for next month.

VII. Hidden Creek Meetings

1. June 18, 2020 3:00pm, MST
2. Regular Meeting Schedule: Third Thursday of month at 3:00pm, MST

IX. Adjourn 5:54pm motion by Dan, all in favor.